INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION

for

1495 WINCHESTER BOULEVARD
MIXED USE DEVELOPMENT
File Nos.: PDC18-005 & PD18-003

CITY OF SAN JOSE
CALIFORNIA

January 2020

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSE, CALIFORNIA

Project Name: 1495 Winchester Blvd. Mixed Use Development **File No.:** PDC18-005 and PD18-003

Description: Planned Development Rezoning and Planned Development Permit to allow demolition of an existing commercial building and construction of 46 multi-family residential units and approximately 4,996 square feet of ground floor commercial/retail space in a four-story building. The proposed building would be approximately 69,890 square feet in size. Parking would be provided in a parking garage accessed from Cadillac Drive. Maximum building height would be approximately 53 feet (to top of parapet). A courtyard area is proposed on the second floor for the residential component.

Location: 1495 Winchester Boulevard. **Assessor's Parcel No.:** 305-02-001 **Council District:** 1

Applicant Contact Information: ADL 9, LLC, 655 Castro Street, Suite 8, Mountain View, California 94041 (ATTN: Rob Dowling); (650) 963-9173.

The City has performed an environmental review of the project. The environmental review examines the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level. The project site is not present on any list pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **January 28, 2020 and ends February 17, 2020.**

The Draft ND, Initial Study, and reference documents are available online at: www.sanjoseca.gov/negativedeclarations. The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San José Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact Thai-Chau Le at (408) 535-5658, or by e-mail at Thai-Chau.Le@sanjoseca.gov.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

1/24/20
Date

Deputy

Circulation period: **January 28, 2020 to February 17, 2020.**

MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: 1495 Winchester Blvd. Mixed Use Development

PROJECT FILE NUMBER: PDC18-005 and PD18-003

PROJECT DESCRIPTION: Planned Development Rezoning and Planned Development Permit to allow demolition of an existing commercial building and construction of 46 multi-family residential units and approximately 4,996 square feet of ground floor commercial/retail space in a four-story building. The proposed building would be approximately 69,890 square feet in size. Parking would be provided in a parking garage accessed from Cadillac Drive. Maximum building height would be approximately 53 feet (to top of parapet). A courtyard area is proposed on the second floor for the residential component.

PROJECT LOCATION: 1495 Winchester Boulevard.

ASSESSORS PARCEL NO.: 305-02-001 **COUNCIL DISTRICT:** 1

APPLICANT CONTACT INFORMATION: ADL 9, LLC, 655 Castro Street, Suite 8, Mountain View, California 94041 (ATTN: Rob Dowling); (650) 963-9173.

FINDING

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

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

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

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

C. AIR QUALITY.

Impact AIR-1: Construction activities associated with the proposed project indicate that the maximum excess residential cancer risk would be 35.8 in one million for an infant exposure, which exceeds the BAAQMD significance threshold of 10.0 in one million.

MM AQ-1: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall prepare a construction operations plan that includes specifications of the equipment to be used during construction. The plan shall demonstrate that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 85 percent reduction in diesel particulate matter (DPM) exhaust emissions or more. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below:

- Mobile diesel-powered off-road equipment, larger than 25 horsepower and operating on the site for more than two days continuously (or 20 hours in total) shall meet, at a minimum, one of the following:
    - Engines meeting United States EPA particulate matter emissions standards for Tier 3 engines equipped with CARB-certified Level 3 Diesel Particulate Filters (or equivalent);
    - Equipment that meets U.S. EPA Tier 4 standards for particulate matter (or equivalent);
    - Use of alternatively-fueled equipment (i.e., non-diesel) would meet this requirement; or
    - Other measures may be the use of added exhaust devices; or a combination of measures, provided that these measures are demonstrated to reduce community risk impacts to less than significant.
- The construction operations plan shall be submitted to the Director of the City of San Jose Department of Planning, Building, and Code Enforcement or Director's designee for review and approval.

D. BIOLOGICAL RESOURCES.

Impact BIO-1: Tree removal or construction activities could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment of special status nesting birds.

MM BIO-1: 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 31st (inclusive).

If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive and as amended), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist 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 31st, inclusive). During this survey,

the
ornithologist/biologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist/biologist, 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.

Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee.

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

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

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

H. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: Historic agricultural activities on the project site may have impacted subsurface soil with pesticide residuals, which could be released during excavation and construction activities for the project.

MM HAZ-1: The project applicant shall retain a qualified professional to take shallow soil samples and determine if contaminants from previous agricultural operations occur at concentrations above established construction worker and residential environmental screening levels for pesticides and pesticide-based metals (arsenic and lead). Once the soil sampling analysis is complete, a report of the findings shall be provided to the Director of the City of San José Department of Planning, Building, and Code Enforcement or the Director's designee and the Municipal Compliance Officer of the City of San José Environmental Services Department for review prior to issuance of any grading permits.

If pesticide contaminated soils are found in concentrations above regulatory environmental screening levels for construction worker safety and/or residential standards, a Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent shall be prepared by a qualified hazardous materials consultant. The plan shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future residents and visitors. The applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health (or Department of Toxic Substances Control)

under their Voluntary Cleanup Program. The SMP, RAP, or equivalent and evidence of regulatory oversight shall be provided to the Director of the City of San José Planning, Building, and Code Enforcement or the Director's designee, and the Environmental Compliance Officer in the City of San José's Environmental Services Department prior to issuance of any grading permits.

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

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

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

L. **NOISE.**

Impact NOI-1: Noise from rooftop mechanical noise equipment could exceed 55 dBA DNL at noise-sensitive land uses in the immediate project vicinity, which represents a potentially significant impact.

MM NOI-1.1: Prior to the issuance of any building permit, the project applicant shall ensure all mechanical equipment is selected and designed to reduce impacts on surrounding uses to meet the City's requirements. The project applicant shall retain a qualified acoustical consultant to review mechanical noise as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise levels to comply with the City's 55 dBA DNL noise limit at the shared property line. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/installation of noise barriers such as enclosures and parapet walls to block the line-of-sight between the noise source and the nearest receptors. A detailed acoustical study shall be prepared during final building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary noise controls that are included in the design to meet the City's requirements. The study shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee prior to issuance of any building permit.

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

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

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

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

Q. **TRIBAL CULTURAL RESOURCES** - The project would not have a significant impact on this resource, therefore no mitigation is required.

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

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

T. **MANDATORY FINDINGS OF SIGNIFICANCE**

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

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday February 17, 2020** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

2. Submit written comments regarding the information and analysis in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

1/24/20
Date

Deputy

Thai-Chau Le
Environmental Project Manager

Circulation period: January 28, 2020 to February 17, 2020.

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C. Historical Evaluation
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E. Noise/Vibration Assessment
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Chapter 1. Background Information

PROJECT DATA

1. **Project Title**: 1495 Winchester Boulevard Mixed Use Development

2. **Lead Agency Name and Address:** City of San José Planning, Building and Code Enforcement, 200 E. Santa Clara Street, San José, CA 95113

3. **Project Proponent:** ADL 9, LLC, 655 Castro Street, Suite 8, Mountain View, California 94041. Contact: Rob Dowling (650) 963-9173.

4. **Project Location:** The project is located on approximately 0.50 gross acres at 1495 Winchester Boulevard. The site is currently occupied by a commercial building that would be demolished.

   Assessor's Parcel Numbers (APNs): 305-02-001 City Council District: 1

5. **Project Description Summary:** The project consists of the demolition of an existing commercial building to allow for the construction of 46 apartments and approximately 4,996 square feet of ground floor/retail space in a four-story building with a sub-grade parking garage accessed from Cadillac Drive. The garage would provide 72 parking spaces.

6. **Envision 2040 San José General Plan Designation**: *Urban Residential* (Winchester Boulevard Urban Village)

7. **Zoning Designation**: CP – Commercial Pedestrian

8. **Habitat Conservation Plan Designations**:
   Area 4: Urban Development Equal to or Greater than 2 Acres Covered
   Land Cover: Urban-Suburban
   Land Cover Fee Zone: Urban Areas (No Land Cover Fee)

9. **Surrounding Land Uses**:
   - North: Commercial
   - South: Cadillac Drive, Commercial
   - East: Residential
   - West: Winchester Boulevard, Commercial, Residential

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Chapter 2. Project Description

PROJECT LOCATION

The project is proposed within the City limits of San José, in Santa Clara County (refer to Figure 1). The site is located on Assessor's Parcel Number (APN) 305-02-001 (refer to Figure 2). The project is proposed on an approximately 0.50 gross acre site located at 1495 Winchester Boulevard, on the corner of Winchester Boulevard and Cadillac Drive. The project site is currently occupied by a single-story commercial building that would be demolished as part of this project. An aerial photograph of the project site and surrounding area is presented in Figure 3.

The project site is located within the boundaries of the Winchester Boulevard Urban Village Plan, adopted by the City Council on August 8, 2017. This Urban Village extends along Winchester Boulevard from Interstate 280 south to Impala Drive. The Urban Village Plan is a policy document guiding future growth in the Winchester Urban Village and establishes a framework to further the transition of the Urban Village into a more vibrant mixed-use and pedestrian-oriented community that supports a safe environment for all modes of travel, a thriving commercial corridor, and public gathering places.

PROJECT DESCRIPTION

The project is the application for a Planned Development Rezoning and Planned Development Permit to allow demolition of an existing commercial building and construction of 46 multi-family residential units and approximately 4,996 square feet of ground floor commercial/retail space in a four-story building. The proposed building would be approximately 69,890 square feet in size. Parking would be provided in a parking garage accessed from Cadillac Drive. Maximum building height would be approximately 53 feet (to top of parapet). A courtyard area is proposed on the second floor for the residential component.

A site plan for the project is presented in Figure 4 and the proposed floor plans are illustrated in Figure 5A to 5G. Elevations of the proposed building are provided in Figure 6A and 6B.

Parking and Access. Vehicular access to the development would be provided from Cadillac Drive via one access point to the proposed on-site parking garage. The garage access point would provide one inbound and one outbound lane. The parking garage would provide 72 on-site parking spaces in one ground level and two basement levels. The ground floor level of the garage would provide 22 retail designated parking spaces and access to a spiral ramp serving the two below grade parking levels. The basement levels would provide 50 parking stalls and storage for 48 bicycles. In addition, bicycle racks for 14 bikes are proposed on the ground level to accommodate commercial patrons.

Lighting. Outdoor lighting would be provided for site identification and security purposes. All outdoor exterior lighting will conform to the City Council's Outdoor Lighting Policy (4-3) and Interim Lighting Policy Broad Spectrum Lighting (LED) for Private Development.

Utilities. The project includes the provision of services and utilities to serve the project, including water, storm drainage, wastewater, and solid waste. A stormwater control plan is proposed that directs runoff to a media filter and flow-through planters prior to flowing into the City's storm drainage system, as shown in Figure 7.

Grading. Development of the project would involve the excavation of 12,500 cubic yards of cut, primarily for the basement levels of the proposed garage.[1] This material would require export from the site.

Public Improvements. The project includes reconstruction of existing frontage along Winchester Boulevard, including widening the sidewalk, replacing the curb/gutter, and providing a Santa Clara Valley Transportation Authority (VTA) bus stop replacement. The project also proposes improvements along the existing frontage of Cadillac Drive, including replacing curb/gutter and attached sidewalk with tree wells and installation of new utilities connections.

Landscaping and Tree Removal. A landscape plan has been prepared for the project that shows maintaining the trees along the frontage of Winchester Boulevard and Cadillac Drive, and landscaping within the courtyard area on the second floor (see Figure 8). The project proposes to remove seven existing trees on the site and replace them in accordance with the City's requirements.

PROJECT SCHEDULE

The project is scheduled to start construction in early to mid-2020 and complete construction within approximately 19 months.

PROJECT OBJECTIVES

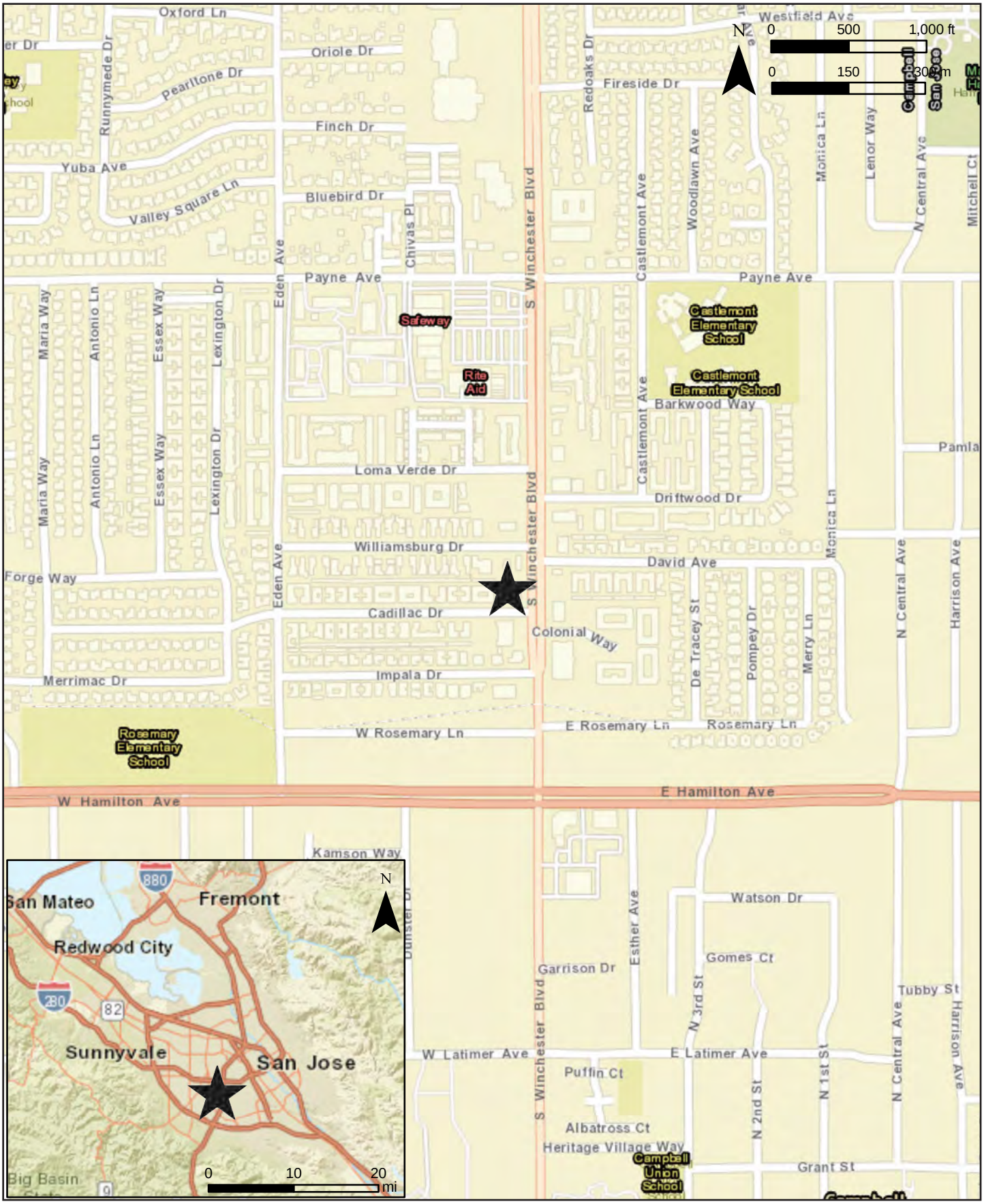
The objective of the project is to provide residential and retail uses to meet the current market demand for such uses within the San José area. The project would implement the objectives of the Envision San José 2040 General Plan (General Plan) and the Winchester Boulevard Urban Village Plan by replacing an existing commercial use with new ground-floor commercial space and new residential uses that would help revitalize this commercial corridor.

PROJECT APPROVALS

The project will require the following approvals:

- Planned Development Rezoning
- Planned Development Permit
- Building Clearances: Demolition Permit, Building Permit
- Public Works Clearances: Grading Permit

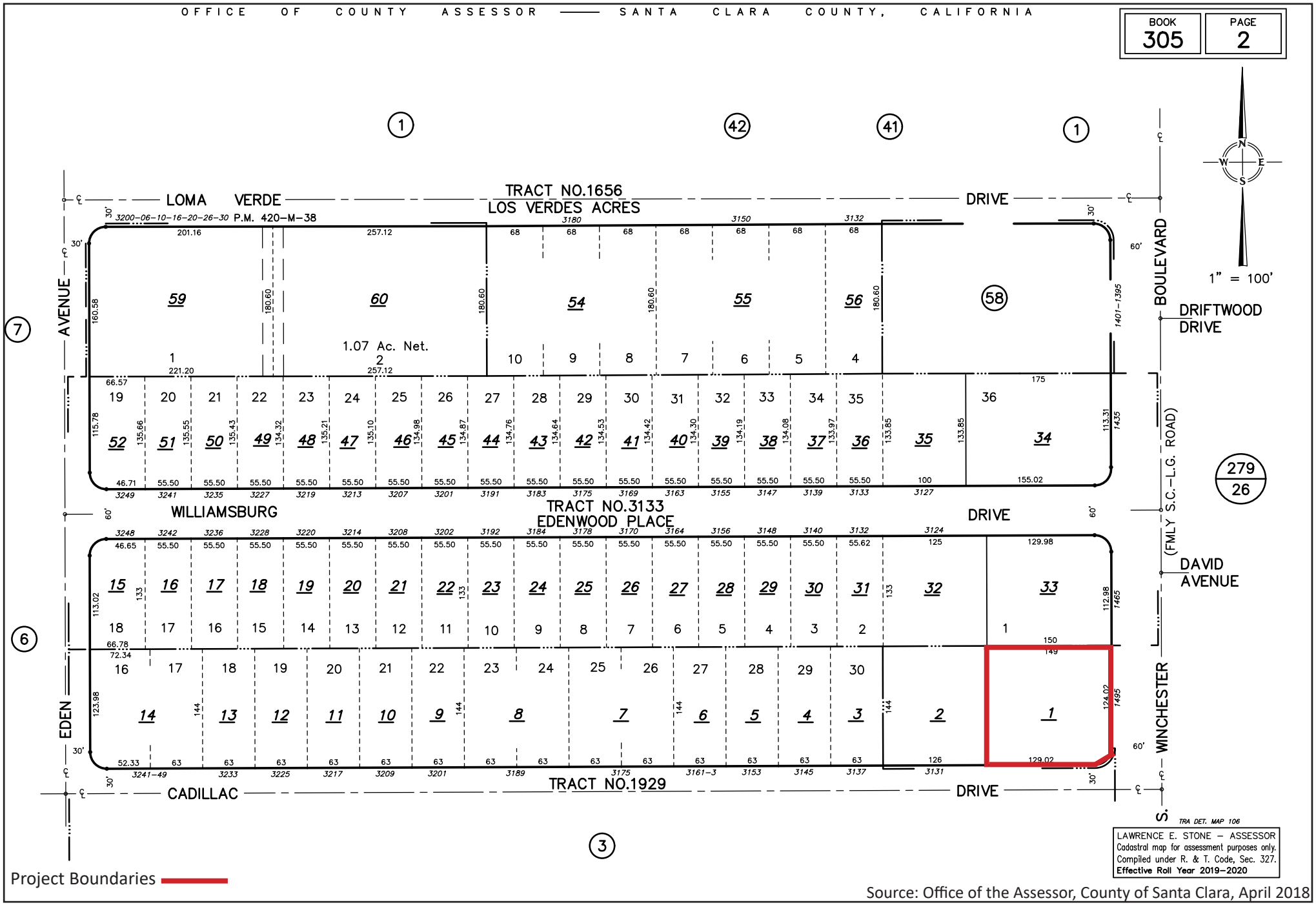
[1] Based on Grading, Drainage & Utility Plan, JMH Weiss, May 24, 2019.



Location Map

1495 Winchester Boulevard
Initial Study

Figure
1



Project Boundaries

Source: Office of the Assessor, County of Santa Clara, April 2018

APN Map

1495 Winchester Boulevard
Initial Study

Figure
2

Aerial Map

1495 Winchester Boulevard
Initial Study

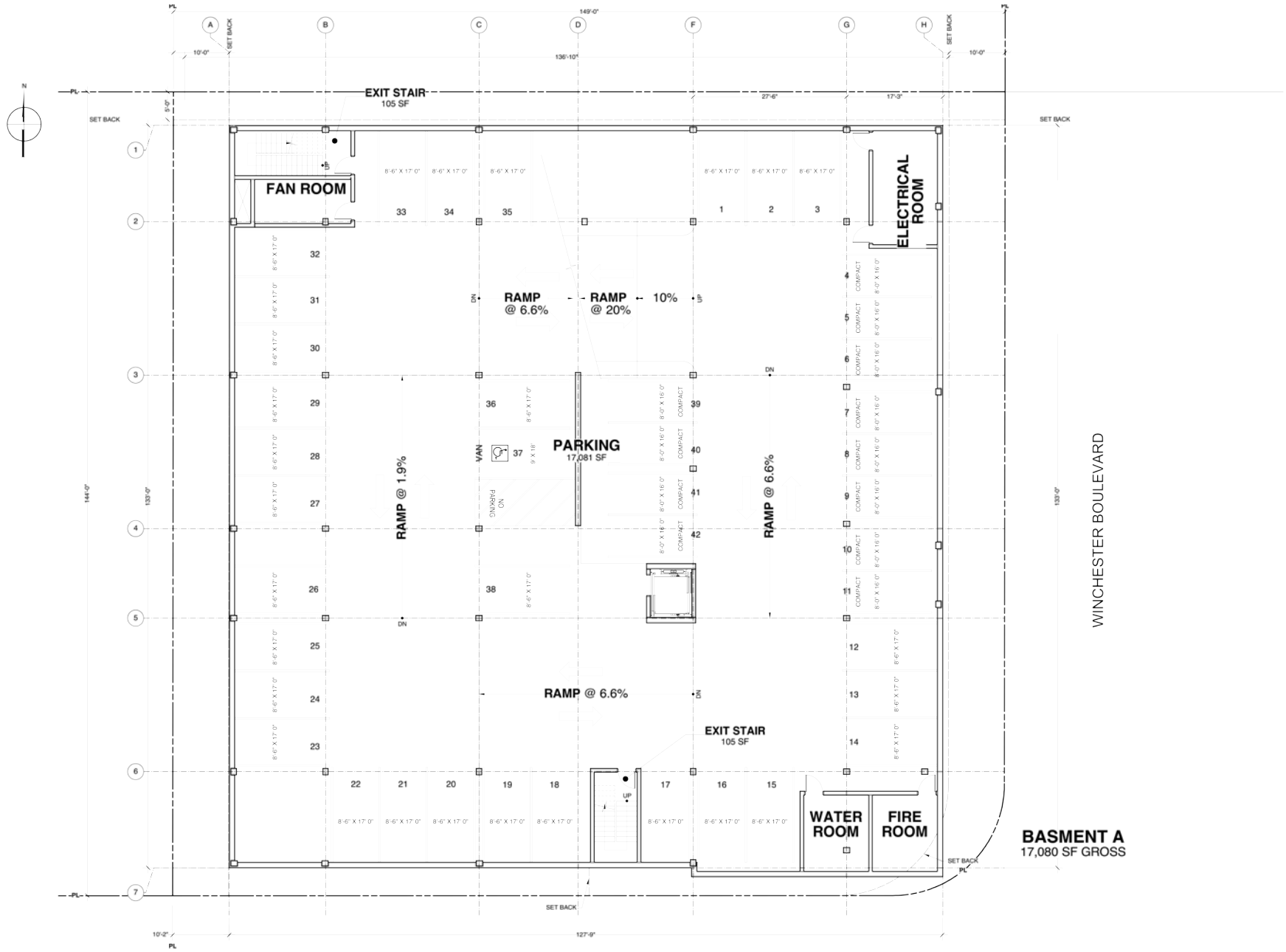
Figure
3

Source: BDE Architecture, May 2019 (Revised)

Site Plan

1495 Winchester Boulevard
Initial Study

Figure
4

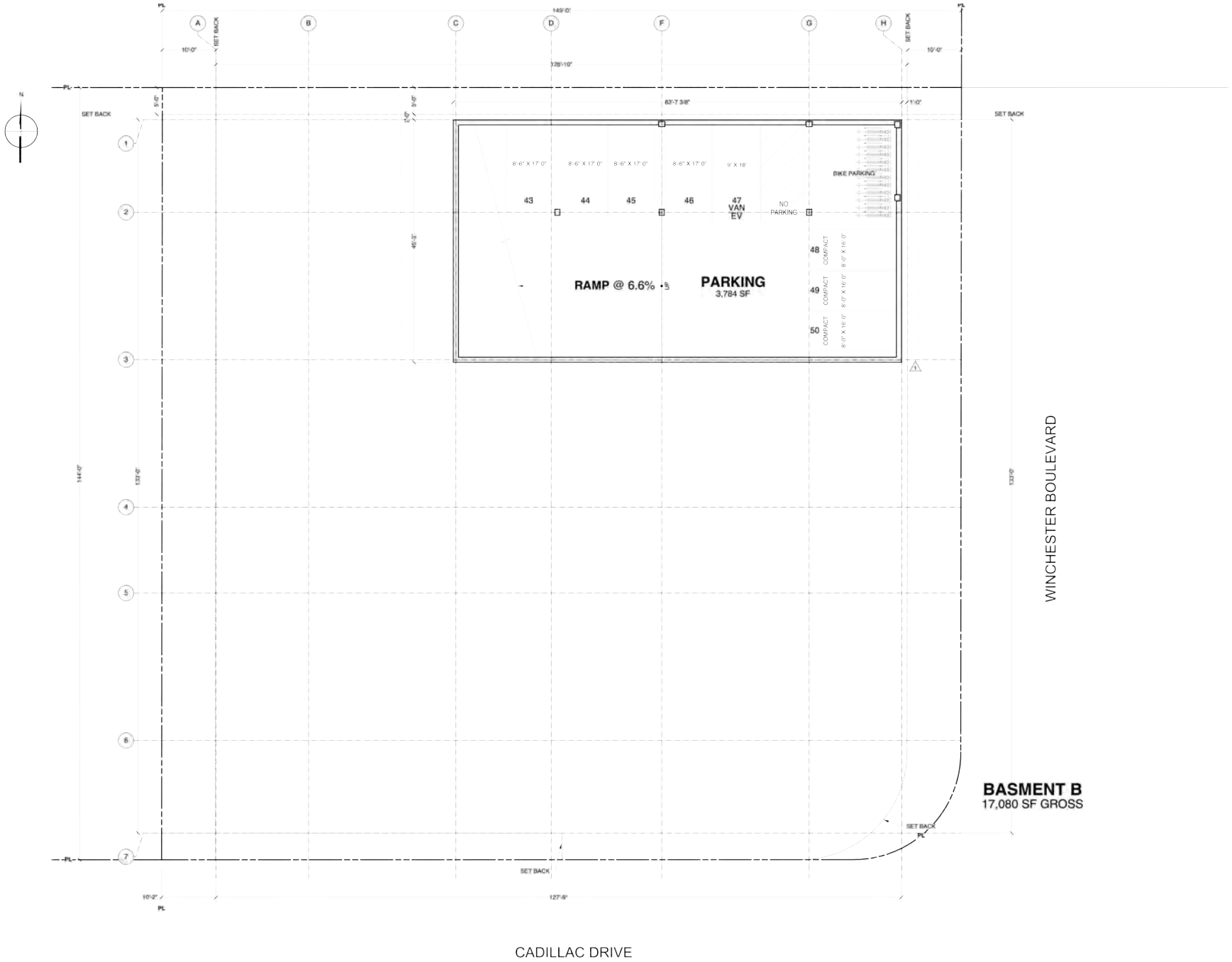


Source: BDE Architecture, May 2019 (Revised)

Floor Plan - Basement A

1495 Winchester Boulevard
Initial Study

Figure
5A

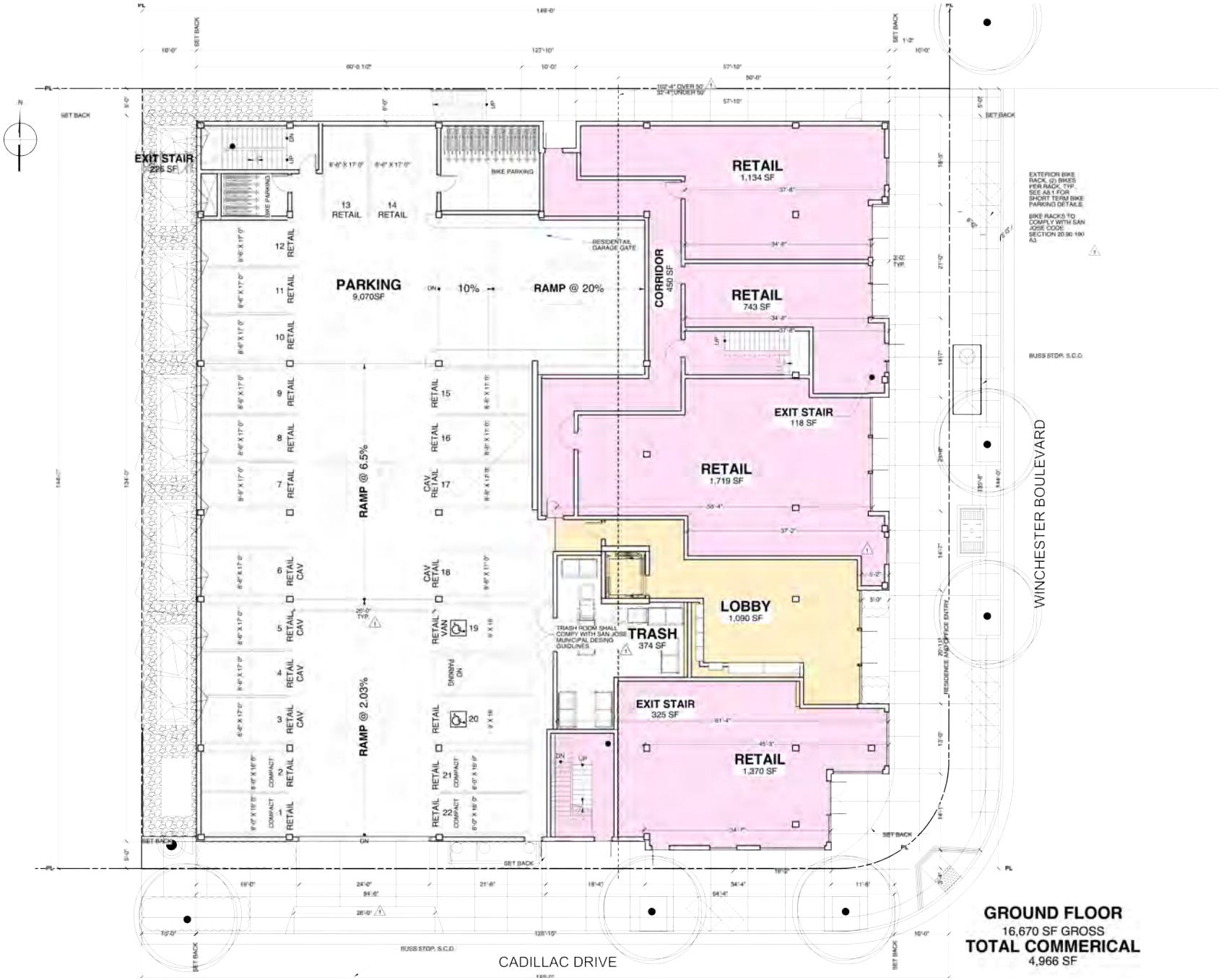


Source: BDE Architecture, May 2019 (Revised)

Floor Plan - Basement B

1495 Winchester Boulevard
Initial Study

Figure
5B



Source: BDE Architecture, May 2019 (Revised)

Floor Plan - Level 1

1495 Winchester Boulevard
Initial Study

Figure
5C

Source: BDE Architecture, May 2019 (Revised)

Floor Plan - Level 2

1495 Winchester Boulevard
Initial Study

Figure
5D

Source: BDE Architecture, May 2019 (Revised)

Floor Plan - Level 3

1495 Winchester Boulevard
Initial Study

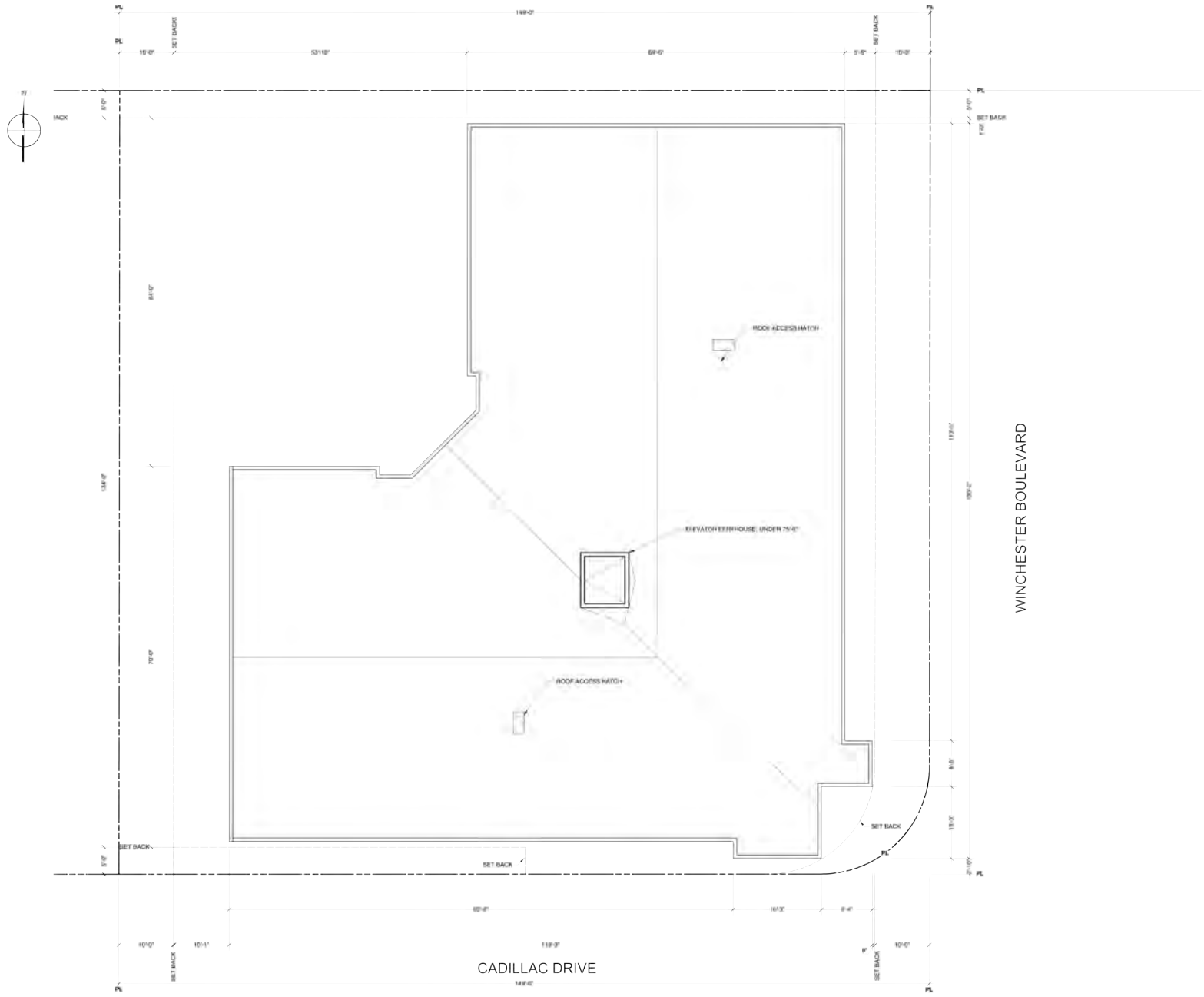
Figure
5E

Source: BDE Architecture, May 2019 (Revised)

Floor Plan - Level 4

1495 Winchester Boulevard
Initial Study

Figure
5F



Source: BDE Architecture, May 2019 (Revised)

Floor Plan - Roof

1495 Winchester Boulevard
Initial Study

Figure
5G

EAST ELEVATION 1

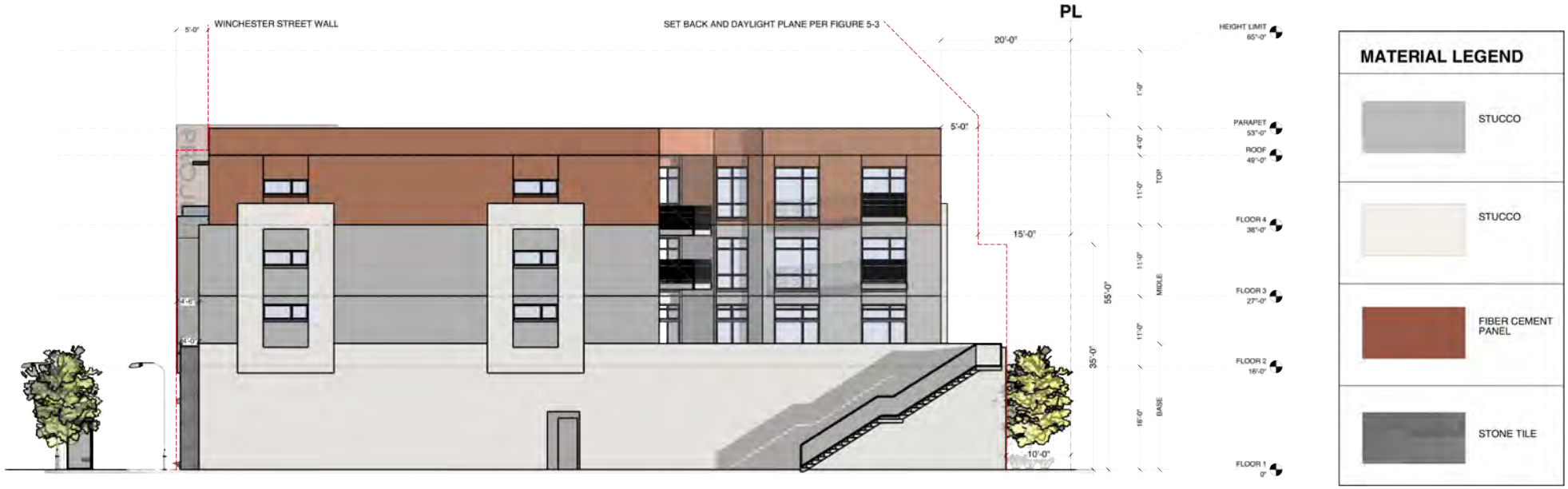
SOUTH ELEVATION 2

Source: BDE Architecture, May 2019 (Revised)

Elevations - Eastern and Southern Views

1495 Winchester Boulevard
Initial Study

Figure
6A



NORTH ELEVATION 1

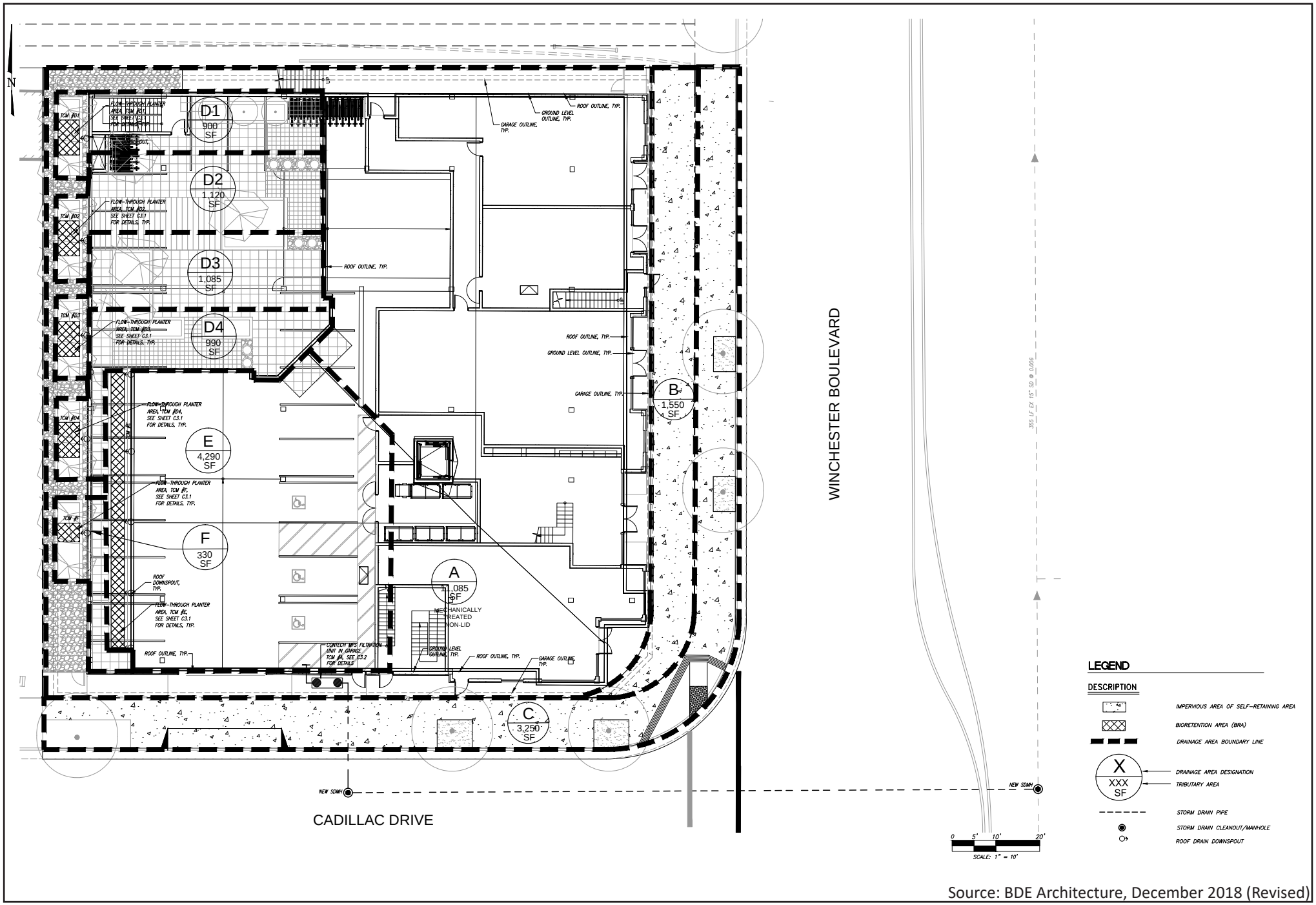
WEST ELEVATION 2

Source: BDE Architecture, May 2019 (Revised)

Elevations - Northern and Western Views

1495 Winchester Boulevard
Initial Study

Figure
6B



Source: BDE Architecture, December 2018 (Revised)

Stormwater Management Plan

1495 Winchester Boulevard
Initial Study

Figure
7

Source: BDE Architecture, Decemeber 2018 (Revised)

Landscape Plan

1495 Winchester Boulevard
Initial Study

Figure
8

Photo #1: Northwestern facing view of project site from Winchester Boulevard.

Photo #2: North facing view of project site from Cadillac Drive.

Photo #3: West facing view of the project site from Winchester Boulevard.

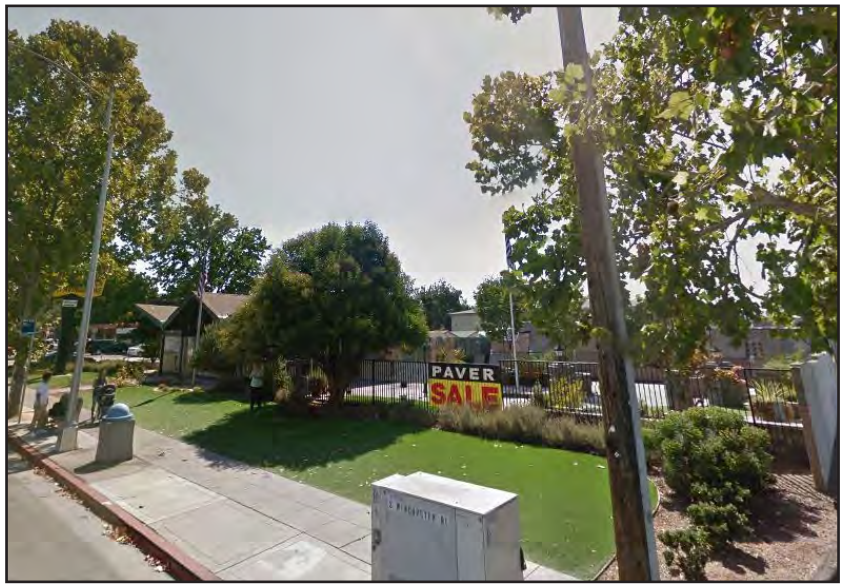


Photo #4: Southwestern facing view of project site from Winchester Boulevard.

Source: Google Earth, April 2018

Site Photos

1495 Winchester Boulevard
Initial Study

Figure
9

Chapter 3. Environmental Evaluation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

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

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

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

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

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

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

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

9. The explanation of each issue should identify:

a) The significance criteria or threshold, if any, used to evaluate each question; and

b) The mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL SETTING AND IMPACTS

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

Important Note to the Reader:

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

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

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

A. AESTHETICS

Environmental Setting

The project site is located on a developed parcel within an urbanized area of San José. The property is currently occupied by a commercial/retail building and is located along a commercial corridor associated with Winchester Boulevard. The project site is surrounded by the following uses:

- North: Commercial
- South: Cadillac Drive, Commercial
- East: Residential
- West: Winchester Boulevard, Commercial, Residential

Photographs of the property are presented in Figure 9, and an aerial of the project area is provided in Figure 3. As shown in the photos, the project site is currently occupied by a commercial building, which would be demolished to accommodate the proposed mixed-use development.

Regulatory Framework

State Scenic Highways Program

The State Scenic Highways Program is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The project site is not located near any scenic highways.

Outdoor Lighting Policy (City Council Policy 4-3)

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

General Plan

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

Envision San José 2040 Relevant Aesthetic Policies	
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-1.13	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.

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

City's Scenic Corridors Diagram

The City's General Plan defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The designation of a scenic route applies to routes affording especially aesthetically pleasing views. The project property is not located along any scenic corridors per the City's Scenic Corridors Diagram.

Winchester Boulevard Urban Village Plan

The Winchester Boulevard Urban Village Plan identifies urban design goals, standards, and guidelines intended to promote pedestrian activity in selected areas and ensure that higher-intensity village development is compatible with and supports the many existing neighborhoods both within and near the Village. In general, the urban design framework focuses on the Village's character and livability. Specific guidelines are identified regarding architectural elements including elevation design, building materials, and setbacks.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1.	AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:					
a)	Have a substantial adverse effect on a scenic vista?			X		1, 2, 3
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X		1, 2
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X		1, 2, 3, 4
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The City's General Plan states that the San José contains many scenic resources that include the broad sweep of the Santa Clara Valley, the hills and mountains that frame the Valley floor, the baylands, and the urban skyline itself, particularly high-rise development. The project site is located in an urbanized location in western San José. The development of a new four-story building would not impact scenic vistas since no scenic vistas are observable from the project vicinity due to existing, obstructing topography and buildings.

b) **Less Than Significant Impact**. The project site is not located within a state-designated scenic route or City-designated scenic corridor. In addition, no rock outcroppings occur on the project site, and the project would not impact historic buildings, since the existing building on the site does not appear to qualify for federal, state or local listing, as described in *E. Cultural Resources*. The project is proposing to remove seven existing trees on the site. However, the trees would be replaced in accordance with the City's Tree Replacement Ratio requirements as described in *D. Biological Resources*. Any street tree removal and replacement would be conducted in consultation with the City's Department of Transportation.

c) **Less Than Significant Impact**. The project would alter the existing visual character of the site and its immediate surroundings by introducing a new four-story building onto a site that is currently occupied by a one-story commercial building and storage yard in an urbanized area. Proposed building elevations are presented in Figure 6A-6B. The general architectural design of the proposed building is modern. The proposed maximum building height is approximately 53 feet. Landscaping is proposed along the site perimeter and within the 2nd level courtyard as shown in Figure 8.

Consistent with Winchester Boulevard Urban Village Plan policies, photo simulations were prepared for the project from three key viewpoints, as shown in Figure 10. These viewpoints are from northbound and southbound on Winchester Boulevard, and eastward along Cadillac Drive adjacent to the nearby residential uses. A comparison of the immediate viewshed under existing and project conditions are provided in Figure 11A-11C. As shown in the figure, the project would alter the existing public views of the site from Winchester Boulevard and Cadillac Drive. Other public views would be more distant and less noticeable. The project site is located within the Winchester Urban Village Plan and is generally consistent with height and development standards in the Plan as presented in Table 1 below.

Table 1
Consistency with Winchester Urban Village Design Standards

Design Standard	Required	Project Consistency
Front Setback, Non-residential Ground Floor Use	0-10 feet (along Winchester Blvd.)	Consistent at 10 feet.
Sidewalks	20 feet along Winchester Road 12-15 foot fronting all other streets.	Consistent at 20 feet along Winchester and 15 feet on Cadillac.
Street Side Setback	0-10 feet (along Cadillac Road)	Consistent at 10 feet.
Side Setback	• 0 feet • Where adjacent to residential neighborhood and urban residential land use designation, step down elevation per Figure 5-3.	Consistent at 5 feet along the commercial property (gas station) to the north. Adjacent to existing gas station with an urban residential designation; therefore, elevation steps down as shown in north elevation.
Rear Setback	• Minimum 10 ft. (along residential use) • Where adjacent to residential neighborhood and urban residential land use designation, step down elevation per Figure 5-3.	Consistent at 10 feet setback against the residential to the west. Adjacent to residential use with an urban residential designation; therefore, elevation steps down as shown in south elevation.
Street wall along Winchester	The fifth story and above must be stepped back a minimum of 5 feet from the ground level façade	The proposed structure is four-stories and is consistent with the minimum step back requirement.
Building Height	53 feet (4-stories typical)	Consistent at maximum height of 65 feet.
Ceiling Height	Minimum of 15 feet and preferably 18 to 20 feet	Consistent at 16 feet.
Depth of Ground Floor Commercial	50 feet minimum and preferably 60 feet	Consistent at 58 feet.
Whole Building Design	All buildings shall contain the three traditional parts of a building: a base, a mid section, and a top. While a tower (typically above eight stories) may not have a distinct top feature, the building design shall distinguish the pedestrian-oriented base portion from the massing above.	Consistent as shown in elevations.

Source: BDE Architecture, January 2019

Viewpoints Map

1495 Winchester Boulevard
Initial Study

Figure
10

Photo Simulation 1a: Existing view from Winchester Boulevard looking south-west toward the project site.

Photo Simulation 1b: Simulated view from Winchester Boulevard looking south-west showing proposed project.

Source: BDE Architecture, June 2019

Photo Simulation - View 1

1495 Winchester Boulevard
Initial Study

Figure
11A

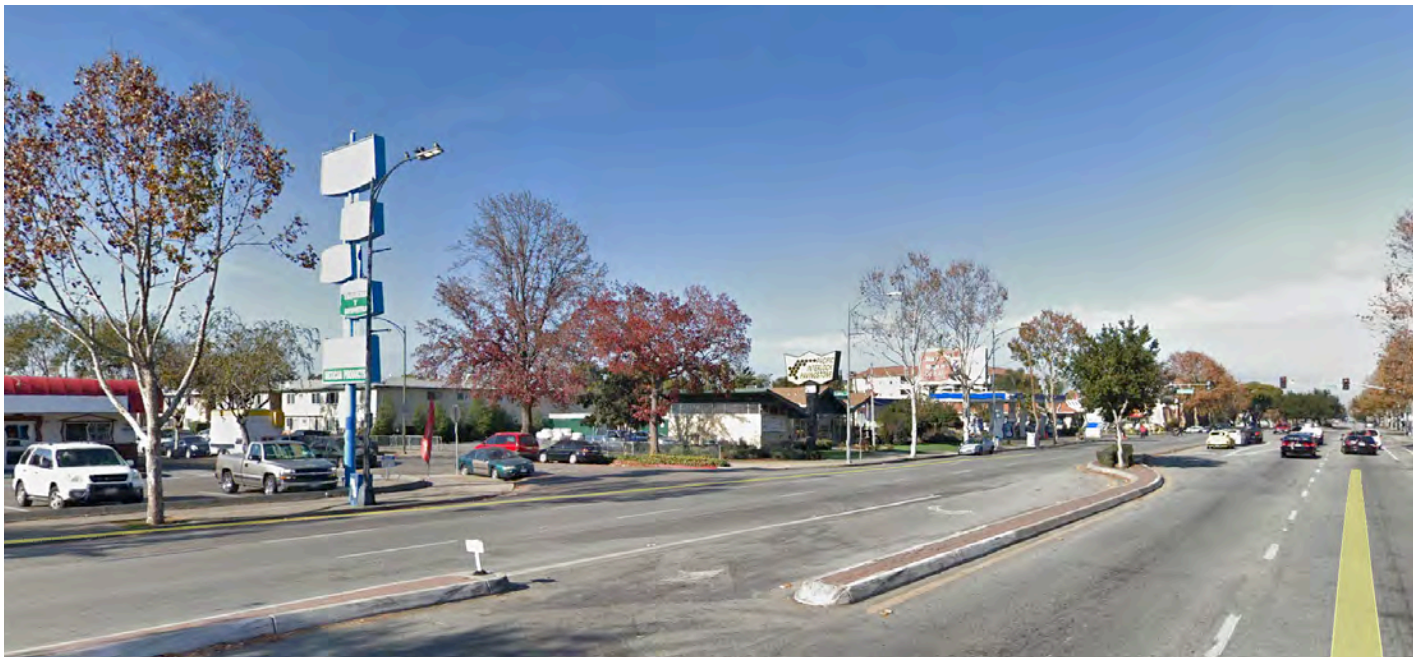


Photo Simulation 2a: Existing view from Winchester Boulevard looking north-west toward the project site.

Photo Simulation 2b: Simulated view from Winchester Boulevard looking north-west showing proposed project.

Source: BDE Architecture, June 2019

Photo Simulation - View 2

1495 Winchester Boulevard
Initial Study

Figure
11B

Photo Simulation 3a: Existing view from Cadillac Drive looking north-east toward the project site.

Photo Simulation 3b: Simulated view from Cadillac Drive looking north-east showing proposed project.

Source: BDE Architecture, June 2019

Photo Simulation - View 3

1495 Winchester Boulevard
Initial Study

Figure
11C

As shown in Table 1, the project is generally consistent with the applicable Urban Village design standards. During the development review process, design review is conducted to determine conformance to applicable City design guidelines and the design standards of the Winchester Urban Village Plan to ensure the scale and mass are compatible with surrounding development. By adhering to these standards, the project would not substantially degrade the existing visual character or quality of the site and its surroundings within this urbanized area.

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

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

B. AGRICULTURAL AND FOREST RESOURCES

Environmental Setting

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

Regulatory Framework

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

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

General Plan

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

Envision San José 2040 Relevant Agricultural Resources Policies	
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: • 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.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
2. AGRICULTURAL AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	5
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	2
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X	2
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X	2
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	2, 5

Explanation

a) **No Impact**. The project site is an infill property and designated as Urban and Built-Up Land on the Important Farmlands Map for Santa Clara County and does not contain any prime farmland, unique farmland, or farmland of statewide importance. The project would not affect agricultural land.

b) **No Impact**. The project site is an infill property and is not zoned for agricultural use and does not contain lands under Williamson Act contract; therefore, no conflicts with agricultural uses would occur.

c) **No Impact**. The project would not impact forest resources since the site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

d) **No Impact**. See c) above. No other changes to the environment would occur from the project that would result in the loss of forest land or conversion of forest land to non-forest uses.

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

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

C. AIR QUALITY

An air quality assessment was prepared for the project by Illingworth & Rodkin, Inc. (June 18, 2019). This report is contained in Appendix A.

Environmental Setting

The project is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_X), particulate matter (PM_{10}), sulfur dioxide (SO_2), and lead (Pb). Secondary criteria pollutants include ozone (O_3), and fine particulate matter ($PM_{2.5}$).

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

Air Pollutants of Concern

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO_X). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increased coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic Air Contaminants

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

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

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

Sensitive Receptors

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. Land uses such as schools and hospitals are considered more sensitive than the general public to poor air quality because of an increased susceptibility to respiratory distress within the populations associated with these uses. The closest sensitive receptors to the project site are residences in apartments adjacent to the western site boundary. Additional residences are located east and west of the site at farther distances. There is also daycare directly northwest of the project site. The proposed residential uses are also considered sensitive receptors.

Regulatory Framework

United States Environmental Protection Agency

The United States Environmental Protection Agency (U.S. EPA) administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. The U.S. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and judged for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The U.S. EPA has classified the region as a nonattainment area for the 8-hour O_3 standard and the 24-hour $PM_{2.5}$ standard. The Bay Area has met the CO standards for over a decade and is classified as an attainment area by the U.S. EPA. The U.S. EPA has deemed the region as attainment/unclassified for all other air pollutants, which include PM_{10}. At the State level, the Bay Area is considered nonattainment for ozone, PM_{10} and $PM_{2.5}$.

Bay Area Air Quality Management District

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

In effort to attain and maintain federal and state ambient air quality standards, the BAAQMD establishes thresholds of significance for construction and operational period emissions for criteria pollutants and their precursors, which are summarized in Table 2 in the impact discussion below.

2017 Bay Area Clean Air Plan

The BAAQMD, along with other regional agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), develops plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

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

General Plan

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

Envision San José 2040 Relevant Air Quality Policies	
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.

Envision San José 2040 Relevant Air Quality Policies	
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 CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?			X		2, 5, 6, 7
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X		2, 5, 6, 7
c) Expose sensitive receptors to substantial pollutant concentrations?		X			2, 5, 6, 7
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X		2, 5, 7

Explanation

BAAQMD Thresholds

The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the San Francisco Bay Area Air Basin (SFBAAB). The applicable thresholds are presented below in Table 2.

Table 2 BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operational Thresholds**	
	Average Daily Emissions (lbs./day)	**Average Daily Emissions (lbs./day)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG, NO_x, $PM_{2.5}$ (exhaust)	54	54	10
PM_{10} (exhaust)	82	82	15
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust ($PM_{2.5}$, PM_{10})	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for Sources within 1,000 Feet of Project			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or Acute Hazard Index	1.0	1.0	
Incremental annual average $PM_{2.5}$	0.3 µg/m^3	0.3 µg/m^3	
Health Risks and Hazards for Sensitive Receptors (Cumulative from All Sources within 1,000-Foot Zone of Influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	100 per 1 million		
Chronic Hazard Index	10.0		
Annual Average $PM_{2.5}$	0.8 µg/m^3		
Greenhouse Gas Emissions (Land Use Projects)			
GHG Annual Emissions	1,100 metric tons or 4.6 metric tons per service population		
Notes: ROG = reactive organic gases, NOx = nitrogen oxides, PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, and $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less; GHG = greenhouse gas; ppm = parts per million; µg/m^3 = micrograms per cubic meter			

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

Table 3 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Transportation Measures		
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The project would include bicycle parking consistent with City's Zoning Ordinance standards. The project is consistent with this measure.
Energy Control Measures		
Decrease Electricity Demand	Work with local governments to adopt additional energy efficiency	The project would be required to comply with Building Energy

Table 3 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
	policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	Efficiency Standards (Title 24), which would help reduce energy consumption. The project would also be required to comply with the City's Green Building Policy (Council Policy 8-13), which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
Building Control Measures		
Green Buildings	Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would be required to comply with CALGreen and the City's Green Building Policy (Council Policy 8-13) and the most recent California Building Code which would increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
Water Control Measures		
Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would be required to adhere to State and local polices to conserve water. Therefore, the project is consistent with this control measure.

As summarized in the "Project Consistency" column of Table 3, the project would not conflict with the 2017 CAP's goal to attain air quality standards and would not result in exceedances of BAAQMD 2017 thresholds for criteria air pollutants as described in b) below. Therefore, the project would have a less than significant impact on clean air planning efforts.

b) **Less Than Significant Impact**. The San Francisco Bay Area Air Basin is considered a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM_{10} under the California Clean Air Act. The area has attained both State and federal ambient air quality standards for carbon monoxide.

The air quality assessment for the project (Appendix A) used the California Emissions Estimator Model (CalEEMod) Version 2016.3.2 to estimate air pollutant emissions from

construction and operation of the project at buildout. The project land use types and size and anticipated construction schedule and activities were entered into CalEEMod. The land uses were 46 dwelling units entered as "Apartment Mid Rise," 4,996 square feet entered as "Strip Mall," and 68 spaces as "Enclosed Parking with Elevator."[2] In addition, to estimate construction emissions, 1,300 square feet of existing building demolition, 14,120 cubic yards of export for the grading phase,[3] and 34 one-way pavement hauling truck trips during demolition were entered into the model.

Operational Emissions

Operational air emissions from the project would be generated primarily from vehicles driven by future residents, employees, and customers. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from these types of uses. CalEEMod was used to estimate emissions from operation of the proposed project at build-out. Inputs for this modeling scenario included project components along with the trip rate generation rates used in the Traffic Impact Analysis (traffic analysis) contained in Appendix F. The results of the modeling are presented in Table 4. As shown in Table 4, operational emissions would not exceed the BAAQMD significance thresholds, representing a less than significant impact.

Table 4
Operational Emissions

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
2021 Project Operational Emissions (*tons/year*)	0.3 tons	0.4 tons	0.3 tons	0.1 tons
2021 Existing Use Emissions (*tons/year*)	<0.1 tons	<0.1 tons	<0.1 tons	<0.1 tons
Net Annual Emissions (*tons/year*)	0.3 tons	0.3 tons	0.3 tons	0.1 tons
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	***No***	***No***	***No***	***No***
Net Annual Emissions (*lbs/day*)	1.5 lbs.	1.9 lbs.	1.4 lbs.	0.4 lbs.
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	***No***	***No***	***No***	***No***
Notes: Assumes 365-day operation				

Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below State and federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the standard. The highest measured level over any 8-hour averaging period during the last 3 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 less than the

[2] The updated project now proposes 72 parking stalls. This small increase does not make a measurable difference in the level of emissions and does not affect the analysis (Illingworth & Rodkin, 2019).
[3] The latest project plans show 12,500 cubic yards of cut, which is a decrease of 1,620 cubic yards, and would slightly reduce emissions but would not change the conclusions of the air quality analysis (Illingworth & Rodkin, 2019).

BAAQMD screening criteria and, thus, would not cause a violation of an ambient air quality standard or have a considerable contribution to cumulative violations of these standards.[4]

Construction Period Emissions

CalEEMod provided annual emissions for construction for both on-site and off-site construction activities. On-site activities consist primarily of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. A construction build-out scenario, including equipment list and schedule, was based on CalEEMod defaults for a project of this type and size. The air quality assessment assumed a construction period of 12 months for exterior work.

Table 5 shows average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. As indicated in Table 5, the predicted construction period emissions would not exceed the BAAQMD significance thresholds.

Table 5
Construction Period Emissions

Scenario	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total construction emissions (tons)	0.6 tons	2.2 tons	0.1 tons	0.1 tons
Average daily emissions (pounds)[1]	4.6 lbs./day	17.9 lbs./day	0.8 lbs./day	0.8 lbs./day
BAAQMD Thresholds (pounds per day)	*54* lbs./day	*54* lbs./day	*82* lbs./day	*54* lbs./day
Exceed Threshold?	**No**	**No**	**No**	**No**

Notes:
Modeling assumed 246 workdays and exterior construction over a period of 12 months. Average daily emissions were computed by dividing the total construction emissions by the number of construction days.
Assumes 1,300 square feet of existing building demolition, 14,120 cubic yards of export for the grading phase, and 34 one-way pavement hauling truck trips during demolition.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soil. 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.

Although construction period emissions would not exceed the BAAQMD significance thresholds, the BAAQMD CEQA Air Quality Guidelines require implementation of best management practices (BMPs), and the City of San José includes these BMPs as standard permit conditions for all construction projects in the City. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below as standard permit conditions would further minimize the less than significant emissions associated with grading and construction activities.

[4] For a land-use project type, 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.

Standard Permit Conditions

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted at the site with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

In addition to the BAAQMD-recommended BMPs listed above as standard permit conditions, implementation of mitigation MM AQ-1 below would include construction equipment exhaust control measures to reduce construction particulate matter impacts. As the project would not result in emissions that exceed the BAAQMD thresholds, it would not contribute substantially to existing or projected violations of air quality standards.

c) **Less Than Significant Impact with Mitigation Incorporated.** For the purposes of CEQA, project impacts related to increased community risk occur either by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project area. The project does not involve the introduction of any new substantial sources of TACs. The retail use would generate some delivery vehicles to/from the site, which does not represent a significant generator of TACs. The project would also generate TACs during construction activities.

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to

contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose health risks for sensitive receptors such as nearby residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$.

A health risk assessment of the project construction activities was conducted to evaluate potential health effects on nearby residences from emissions of diesel particulate matter (DPM) and $PM_{2.5}$. The closest sensitive receptors to the project site are residences in apartments adjacent to the western site boundary. Additional residences are located east and west of the site, at farther distances. There is also daycare directly northwest of the project site.

Construction activity is anticipated to include grading and site preparation, trenching, building construction, and paving. Construction period emissions were modeled using the California Emissions Estimator Model, Version 2016.3.2 (CalEEMod). A buildout construction schedule, including equipment usage assumptions, was developed based on information provided by the project applicant and CalEEMod default values for a project of this type and size. The proposed project land uses input into CalEEMod were 46 dwelling units entered as "Apartment Mid Rise," 4,996 square feet entered as "Strip Mall," and 68 spaces as "Enclosed Parking with Elevator." In addition, 1,300 square feet of existing building demolition, 14,120 cubic yards of export for the grading phase, and 34 one-way pavement hauling truck trips during demolition were entered into the model.

The maximum DPM and $PM_{2.5}$ concentrations from project construction occurred at a residential receptor at the second-floor level (4.5 meters) of an apartment building adjacent to the western project boundary. The maximum-modeled DPM and $PM_{2.5}$ concentrations from project construction at a daycare receptor occurred in the area closest to the project site, in the southeast portion of the daycare site. These receptors are considered the maximally exposed individuals (MEI) for a residence and a school receptor, as shown in Figure 12.

Cancer Risk. Results of the health risk assessment indicate that the maximum excess residential cancer risk would be 35.8 in one million for an infant exposure and 0.6 in one million for an adult exposure. The maximum increased daycare child cancer risk would be 3.9 in one million. The maximum residential excess cancer risk would be above the BAAQMD significance threshold of 10.0 in one million.

Predicted Annual $PM_{2.5}$ Concentration. The maximum-modeled annual $PM_{2.5}$ concentrations, which are based on combined exhaust and fugitive dust emissions, were 0.26 micrograms per cubic meter ($\mu g/m^3$) at the residential MEI and was 0.19 $\mu g/m^3$ at the daycare MEI. These maximum annual $PM_{2.5}$ concentration at both the residential and daycare MEIs would be below the BAAQMD significance threshold of greater than 0.3 $\mu g/m^3$.

Non-Cancer Hazards. The maximum modeled annual DPM concentration (i.e., from construction exhaust) for the project was 0.218 $\mu g/m^3$ at the residential MEI and 0.1 $\mu g/m^3$ at the daycare MEI. The maximum computed Hazard Index (HI) for the project based on these DPM concentrations were 0.04 at the residential MEI and 0.02 at the daycare MEI. Both of these concentrations would not exceed the BAAQMD significance criterion of an HI greater than 1.0.

Source: Illingworth & Rodkin, July 2018

Location of Off-Site Sensitive Receptors

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Figure
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<u>Impact AQ-1</u>: Construction activities associated with the proposed project indicate that the maximum excess residential cancer risk would be 35.8 in one million for an infant exposure, which exceeds the BAAQMD significance threshold of 10.0 in one million.

Mitigation Measures

MM AQ-1 Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall prepare a construction operations plan that includes specifications of the equipment to be used during construction. The plan shall demonstrate that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 85 percent reduction in diesel particulate matter (DPM) exhaust emissions or more. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below:

- Mobile diesel-powered off-road equipment, larger than 25 horsepower and operating on the site for more than two days continuously (or 20 hours in total) shall meet, at a minimum, one of the following:
    - Engines meeting United States EPA particulate matter emissions standards for Tier 3 engines equipped with CARB-certified Level 3 Diesel Particulate Filters (or equivalent);
    - Equipment that meets U.S. EPA Tier 4 standards for particulate matter (or equivalent);
    - Use of alternatively-fueled equipment (i.e., non-diesel) would meet this requirement; or
    - Other measures may be the use of added exhaust devices; or a combination of measures, provided that these measures are demonstrated to reduce community risk impacts to less than significant.

The construction operations plan shall be submitted to the Director of the City of San Jose Department of Planning, Building, and Code Enforcement or Director's designee for review and approval.

Construction of the project would have a significant impact with respect to community risk, since maximum residential cancer risk is above the single-source threshold of 10.0 per million for cancer risk. However, the project will be required to implement the BAAQMD BMPs and mitigation MM AQ-1. Implementation of these measures would reduce fugitive dust emissions by over 60 percent and reduce on-site diesel exhaust emissions by 85 percent, respectively. This would reduce the residential infant cancer risk proportionally, such that the mitigated risk at the residential receptor would be less than 4.8 in one million and the maximum annual $PM_{2.5}$ concentration would be reduced to less than 0.04 $\mu g/m^3$, which is below the BAAQMD

significance thresholds. After implementation of these measures, the project would have a less than significant impact with respect to community risk caused by construction activities.

Cumulative Impact on Construction MEI

The cumulative impacts of TAC emissions from construction of the project, the stationary source, and traffic on S. Winchester Boulevard and Hamilton Avenue on the construction MEI are summarized in Table 6. The construction MEI is represented by the residential MEI identified above. As shown in Table 6, the sum of impacts from combined sources at the construction MEI would not exceed the cumulative threshold for cancer risk of 100 cases per million. The cumulative impact, therefore, would be less than significant.

Table 6
Impacts from Combined Sources at Construction MEI

Source	Maximum Cancer Risk (per million)	$PM_{2.5}$ Concentration ($\mu g/m^3$)	Hazard Index
Project Construction			
Unmitigated	**35.8(infant)**	0.26	0.04
Mitigated	4.8 (infant)	0.04	<0.01
S. Winchester Blvd (north-south) at 150 feet west, 25,135 ADT	3.7	0.11	<0.01
Hamilton Ave (east-west) at 1,000 feet north, 24,125 ADT	1.2	0.03	<0.01
Plant #G10703 (Gas Station) at 75 feet southwest	6.7	0.00	<0.01
Combined Sources			
Unmitigated	47.4	0.40	<0.07
Mitigated	16.4	0.18	<0.04
BBAAQMD Threshold – Combined Sources	***100***	***0.8***	***10.0***

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

Non-CEQA Effects

In December 2015, the California Supreme Court issued an opinion in the California Building Industry Association vs. Bay Area Air Quality Management District (CBIA vs. BAAQMD) case that CEQA is primarily concerned with the impacts of a project on the environment, not the effects of the existing environment on a project. In light of this ruling, the effect of existing air pollutants from off-site sources on new sensitive receptors introduced by the project would not be considered an impact under CEQA. However, General Plan Policy MS-11.1 requires completion of air quality modeling for new sensitive land uses located near sources of pollution

and the identification of project design measures to avoid significant risks to future residents and users of the project.

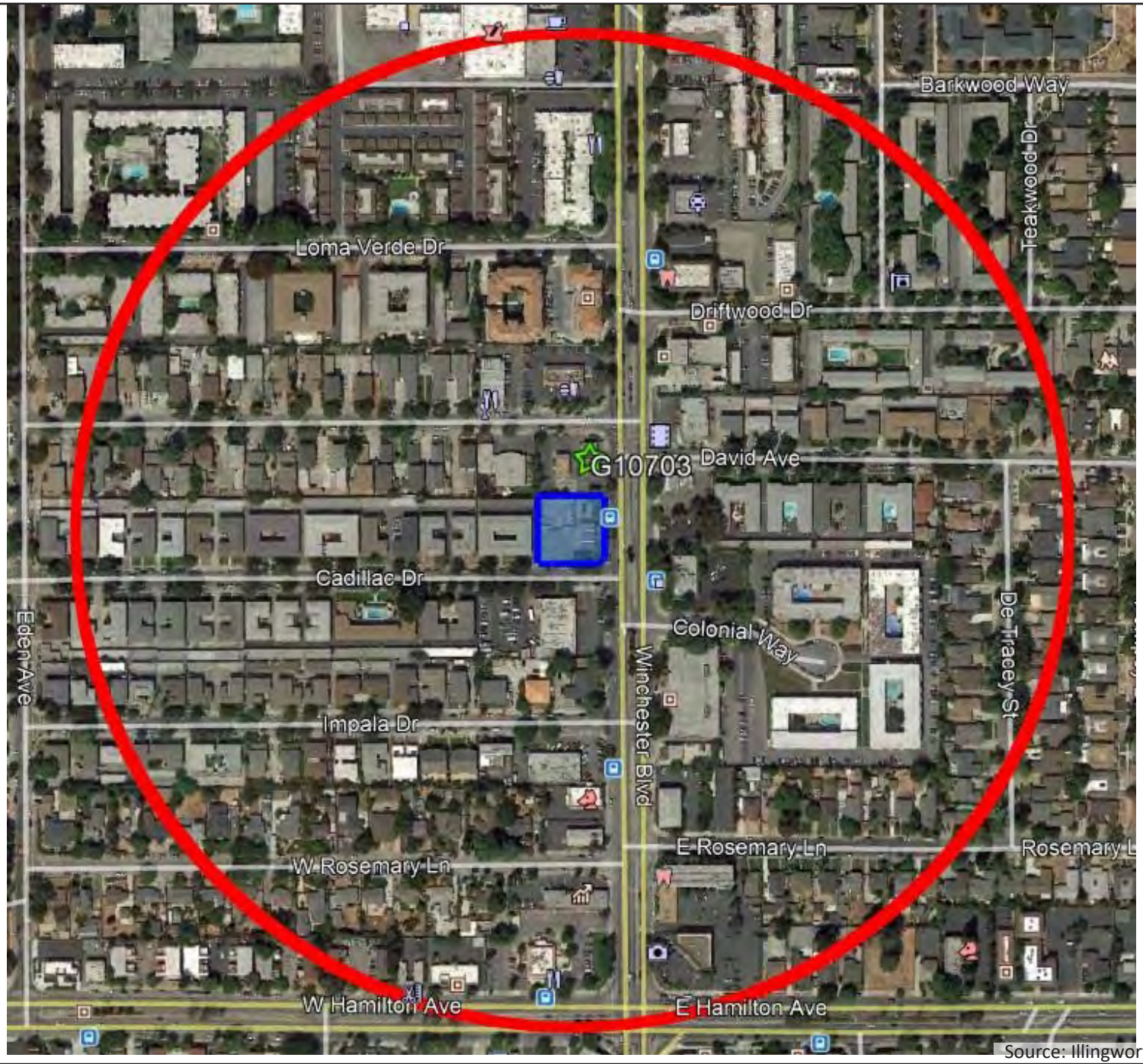
The project proposes new sensitive receptors (residential occupants) in the proximity of nearby potential TAC sources. Though not a CEQA issue, the effect of existing TAC sources on future project receptors was conducted to comply with the 2017 CAP goal of reducing TAC exposure and protecting public health as well as the City's General Plan Policy MS-11.1. The project proposes a mixed-use development of residential and commercial uses. These types of uses would not generate a substantial source of localized TACs.

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a project site (see Figure 13). These sources can include freeways or highways, busy surface streets, and stationary sources identified by BAAQMD. Traffic on high volume roadways is a source of TAC emissions that may adversely affect sensitive receptors in close proximity to the roadway. A review of the project area indicates that traffic on S. Winchester Boulevard and Hamilton Avenue would exceed 10,000 vehicles per day.

The average daily traffic (ADT) on these streets were estimated based on the average of peak AM and PM traffic volumes from the project's traffic analysis. Using the BAAQMD Roadway Screening Analysis Calculator for Santa Clara County, S. Winchester Boulevard was evaluated as a north-south directional roadway with the project site approximately 22 feet west of the roadway edge and Hamilton Avenue was evaluated as an east-west directional roadway with the project site approximately 940 feet north of the roadway. The cancer risk and annual average $PM_{2.5}$ estimated from these roadways at the nearest project site sensitive receptors on the second level above ground (see Table 6). The cancer risks and annual $PM_{2.5}$ concentrations associated with these roadways would be lower than the BAAQMD significance thresholds of greater than 10.0 in one million and the 0.3 $\mu g/m^3$.

Permitted stationary sources of air pollution near the project site were identified using BAAQMD's Stationary Source Risk & Hazard Analysis Tool, which identified stationary source #G10703, a Mobil gas station located adjacent to the project site to the north. The emissions from this gas station were computed based on an assumed projected annual throughput of gasoline (i.e., 5 million gallons – typical for a high-volume gas station of this size). Emissions of benzene, toluene, and xylenes which are TACs were computed based on the most recent emission factors developed by CARB.

The closest sensitive receptors to gas station #G10703 would be the residents on the second level of the project site located approximately 20 feet south of the gas station. The cancer risk at the closest receptor location was found to be 6.5 in a million, which would be below the BAAQMD's threshold. The non-cancer risk (HI) due to the emissions from the gasoline dispensing facility would be less than 0.03.



Source: Illingworth & Rodkin, July 2018

Location of Nearby TAC and $PM_{2.5}$ Sources

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Figure
13

Cumulative Community Risk at Project Site

Community risk impacts from single and combined sources upon the project site are reported in Table 7. As shown in this table, single and combined TAC sources within 1,000 feet of the project site would not exceed the BAAQMD cumulative risk thresholds. However, the cancer risk and annual $PM_{2.5}$ concentration from S. Winchester Boulevard would exceed the BAAQMD thresholds.

Table 7
Community Risk Impact to New Project Residences

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
S. Winchester Blvd (north-south) at 32 feet west, 25,135 ADT	**10.4**	**0.31**	<0.03
Hamilton Ave (east-west) at 940 feet north, 24,125 ADT	1.3	0.03	<0.03
Plant #G10703 (Gas Station) at 50 feet south	6.5	--	0.03
Cumulative Total	*18.2*	*0.34*	*<0.09*
BAAQMD Single-Source Threshold	***>10.0***	***>0.3***	***>1.0***
Exceeds Threshold?	***Yes***	***Yes***	*No*
BAAQMD Cumulative Source Threshold	***>100***	***>0.8***	***>10.0***
Exceeds Threshold?	*No*	*No*	*No*

Standard Permit Condition

The project shall include the following measures to minimize long-term annual $PM_{2.5}$ exposure for new residential occupants:

- Install air filtration in the proposed building. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this ventilation system, whether mechanical or passive, all fresh air circulated into the dwelling units shall be filtered, as described above.

- As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required.

- Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

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

D. BIOLOGICAL RESOURCES

An arborist report was prepared for the project site by Michael P. Young of Urban Tree Management (January 21, 2019). This report is contained in Appendix B.

Environmental Setting

The project site is located within an urbanized area of San José. The property is occupied by a commercial building, pavement, and storage yard. The site contains some landscaping and 13 trees, six of which are street trees. The site is currently developed and surrounded by residential and commercial properties.

Regulatory Framework

City of San José Tree Ordinance

The City of San José's Municipal Code includes tree protection measures (Municipal Code Title 13, Chapters 13.28 [Street Trees, Hedges and Shrubs] and 13.32 [Tree Removal Controls]) that regulate the removal of trees. An "ordinance-sized tree" on private property is defined as any tree having a main stem or trunk, 12 inches in diameter (38 inches or more in circumference) at a height measured 54 inches (4.5 feet) above ground. For multi-trunk trees, the circumference is measured as the sum of the circumferences of all trunks at 54 inches above grade. On single-family or duplex lots, a permit is required to remove ordinance-sized trees, even if they are unhealthy or dead. On multi-family, commercial, or industrial lots, a permit is required to remove a tree of any size. The Code defines a "heritage tree" as any tree that because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the City Council to have a special significance to the community. Pruning or removing a heritage tree is illegal without first consulting the City Arborist and obtaining a permit. Finally, street trees are those that are located in the public right-of-way between the curb and sidewalk. A permit is required before pruning or removing a street tree.

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

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

- Area 4: Urban Development Equal to or Greater than 2 Acres Covered
- Land Cover: Urban-Suburban
- Land Cover Fee Zone: Urban Areas (No Land Cover Fee) and Fee Zone C (Small Vacant Sites Under 10 Acres)

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

General Plan

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

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

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
4. BIOLOGICAL RESOURCES. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			1, 2
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X		1, 2
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X		1, 2
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X			1, 2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 2, 8
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X		1, 2, 9, 10

Explanation

a) **Less Than Significant with Mitigation Incorporated**. Mature trees within or directly adjacent to the project site may provide nesting habitat for migratory birds, including raptors (birds of prey). Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Fish and Game Code Sections 3503 and 3503.5. These species could be disturbed during tree removals and construction activities.

Impact BIO-1: Tree removal or construction activities could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment of special status nesting birds.

Mitigation Measures

MM BIO-1 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 31st (inclusive).

If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive and as amended), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist 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 31st, inclusive). During this survey, the ornithologist/biologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist/biologist, 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.

Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee.

With implementation of the identified mitigation measures, the project's impact to nesting birds and raptors would be less than significant.

b) **Less Than Significant Impact**. The nearest waterway is San Tomas Aquino Creek, located about 0.6 mile west of the project boundary. Additionally, the project is located on a developed, infill site and neither contains, nor is it in close proximity to, any sensitive natural communities as identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

c) **Less Than Significant Impact**. The project is located on a disturbed infill site and does not propose the direct removal, filling, or hydrological interruption to wetland resources. The project site does not contain, nor is it in close proximity to, any state or federally protected wetland resources.

d) **Less Than Significant Impact with Mitigation Incorporated**. The project is proposed on a developed, infill site surrounded by urban uses and is not expected to provide adequate habitat for any native resident or wildlife species. However, tree removal or other construction

activities could potentially disrupt nesting raptors or other migratory birds. With the implementation of MM BIO-1, the proposed project would reduce this potential impact to a less than significant level. Therefore, the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) **Less Than Significant Impact**. An arborist study was completed for the project site that included a survey of trees on the project site (see Appendix B). A description of the trees by type, size, and general condition is provided below in Table 8. A total of eight trees surveyed exceed 12 inches in diameter at 54 inches (4.5 feet) above ground and are considered ordinance-sized trees. There are no designated heritage trees on or adjacent to the project site.

Table 8
Trees Survey Results

No.	Species	Scientific Name	Trunk Diameter (in.)	Condition	Proposed Action
1	Gingko	*Gingko biloba*	1	Fair	Retain
2	**Liquid ambar**	***Liquidambar styraciflua***	**25**	**Fair-Good**	**Retain**
3	**Liquid ambar**	***Liquidambar styraciflua***	**17**	**Fair-Good**	**Retain**
4	**Sycamore**	***Platanus x acerifolia***	**12**	**Good**	**Retain**
5	**Sycamore**	***Platanus x acerifolia***	**15**	**Good**	**Retain**
6	**Sycamore**	***Platanus x acerifolia***	**15**	**Good**	**Retain**
7	Japanese Maple	*Acer japonica*	3	Fair-Poor	Remove
8	**Privet shrub**	***Ligustrum***	**2, 2, 3, 3, 4, 7**	**Fair**	**Remove**
9	Peach	*Prunus persica*	1, 1	Good	Remove
10	**Loquat**	***Eriobotrya japonica***	**2, 4, 5, 5**	**Fair**	**Remove**
11	Crape Myrtle	*Lagerstroemia*	3	Fair	Remove
12	Crape Myrtle	*Lagerstroemia*	3	Fair	Remove
13	**Privet shrub**	***Ligustrum***	**9, 13**	**Fair**	**Remove**

Ordinance Trees Shown in **Bold.**
Trees #1-6 are City street trees.

The project would remove seven trees. Of these, three exceed 12 inches in diameter measured at 54 inches (4.5 feet) above ground (38 inches in circumference) and are subject to the City's Tree Ordinance.

The City requires replacement of all removed trees in accordance with established tree replacement ratios, as outlined below. As a part of the development approval, the project would implement the following standard permit conditions to mitigate for impacts to trees. The project, therefore, would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Standard Permit Conditions

- Any tree to be removed will be replaced with new trees in accordance with the City's Tree Replacement Ratios, as set forth below.

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

*Native trees are those that are naturally inherent to the Santa Clara Valley. These species include, but are not limited to, California Bay Laurel, Aptos Blue Redwood, Valley Oak, California Buckeye, Box Elder, Western Sycamore, and Red Willow.
x:x = tree replacement to tree loss ratio
A 38-inch tree equals 12.1 inches in diameter.
A 24-inch box tree = two 15-gallon trees

In the event that a project site does not have sufficient area to accommodate the required tree replacement, one or more of the following may 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 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.

- Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of grading permit(s), in accordance to the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

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

Furthermore, the arborist report recommended the implementation of tree protection measures for the remaining trees on-site. The following standard permit condition generally outlines these measures.

Standard Permit Conditions

<u>Pre-Construction and Demolition Treatments</u>

- A pre-demolition meeting with a certified arborist ("site arborist") shall be required to discuss monitoring schedule, as recommended by the site arborist, in addition to applicable logistics to ensure tree protection.

- The site arborist shall review all future project submittals including grading, utility, drainage, irrigation, and landscape plans. The consulting arborist shall assist with:

a. Establishing a Tree Protection Zone around each tree to be preserved. For design purposes, the Tree Protection Zone shall be either the existing masonry wall separating the two properties. No grading, excavation, construction or storage of materials shall occur within that zone.

b. Verify the location and tag numbers of the trees proposed for preservation. Include trunk locations and tag numbers on all plans.

c. Route underground services including utilities, sub-drains, water or sewer around the Tree Protection Zone. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be employed where necessary to minimize root injury.

- Trees to be preserved will require pruning to clean the crown and to provide clearance. All pruning shall be completed by a Certified Arborist or Tree Worker and adhere to the latest editions of the American National Standards for tree work (Z133 and A300).

- Use only herbicides safe for use around trees and labeled for that use, even below pavement.

- Design irrigation systems so that no trenching will occur within the Tree Protection Zone.

<u>Tree Protection During Construction</u>

- Prior to beginning work, contractors working in the vicinity of trees to be preserved are required to meet with the consulting arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.

- Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the site arborist.

- If injury should occur to any tree during construction, it should be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.

- Any additional tree pruning needed for clearance during construction must be performed by a site arborist and not by construction personnel.

- Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw, with the consultation of the site arborist.

With implementation of these standard permit conditions, the project would comply with the local policies or ordinances protecting biological resources, resulting in a less than significant impact.

f) **Less Than Significant Impact**. The project is located within the Santa Clara Valley HCP plan area and is considered a Covered Activity. The project is located on land designated by the HCP as Urban-Suburban. The nitrogen deposition fee applies to all projects that create new vehicle trips. A Nitrogen Deposition Fee will be required for each new vehicle trip generated by the project. Fees are required at time of development. The project would implement the following standard permit condition in accordance with the HCP.

Standard Permit Condition

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

With implementation of these standard permit conditions, the project would comply with the HCP resulting in a less than significant impact.

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

E. CULTURAL RESOURCES

The following discussion is based on a historic evaluation prepared for the property by Archives & Architecture (February 15, 2018), and is contained in Appendix C.

Environmental Setting

The project site is not located in an archaeologically sensitive area, and the potential for archaeological deposits on this infill project site is considered low.[5]

Historic Resources

The property, consisting of one parcel, is not listed on the San José Historic Resources Inventory, nor has it been evaluated as a part of any local historic resource survey conducted by the City of San José or any other agency that has been filed with the State Office of Historic Preservation. However, the existing building on the site was constructed in 1965 and is over 50 years in age. Therefore, a historic evaluation was prepared for the project site (Appendix C) which analyzed the structure on the project site, as follows:

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

The DPR 523 forms (dated February 15, 2018), document the historical and architectural aspects of the property. The property was annexed to the City of San José in 1956 and the initial building permit was issued to Mister Donut, Inc. in late 1965. The property was first occupied by a Mister Donut franchise in early 1966, which was in operation for around four years at this site.

Based on the State of California Department of Parks and Recreation (DPR) 523 forms prepared by a qualified architectural historian, the project site does not appear to qualify for listing on the California Register of Historical Resources or the National Register of Historic Places, and the building does not appear to be eligible for San José City Landmark designation when considered under the qualitative criteria of the City's Historic Preservation Ordinance. The evaluation performed per the City of San José rating system determined that the building appeared to be eligible for listing on the San José Historic Resources Inventory as a Structure of Merit. Because the building on the property does not appear to qualify for the California Register or as a City Landmark, demolition would not have an adverse effect on historic resources under CEQA.

The monument sign associated with the building lacks some original elements and is not distinctive as it exists today, and therefore does not qualify for listing on the historic inventory. In addition, the block on which the property is located has not been identified as a potential historic district or conservation area.

[5] City of San José, *2040 Envision San José General Plan Final Environmental Impact Report*, September 16, 2011.

Regulatory Framework

Federal

National Register of Historic Places

The National Register of Historic Places (National Register or NRHP) is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering, and culture, at the local, State, and national level. 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. A resource is considered eligible for the National Register if the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

1. are associated with events that have made a significant contribution to the broad pattern of our history; or

2. are associated with the lives of persons significant to our past; or

3. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. yielded, or may be likely to yield, information important in prehistory or history.

State

California Environmental Quality Act (CEQA) and California Register of Historical Resources

CEQA requires regulatory compliance for projects involving historic resources throughout the State. Under CEQA, public agencies must consider the effects of their actions on historic resources (Public Resources Code, Section 21084.1). The CEQA Guidelines define a significant resource as any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (California Register) [see Public Resources Code, Section 21084.1 and CEQA Guidelines Section 15064.5 (a) and (b)].

The California Register of Historical Resources was created to identify resources deemed worthy of preservation and was modeled closely after the National Register of Historic Places. The criteria are nearly identical to those of the National Register, which includes resources of local, State, and regional and/or national levels of significance. Under California Code of Regulation Section 4852(b) and Public Resources Code Section 5024.1, an historical resource generally must be greater than 50 years old and must be significant at the local, State, or national level under one or more of the following four criteria:

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.

2. It is associated with the lives of persons important to local, California, or national history.

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual, or possesses high artistic values.

4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks register or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the California Register and are presumed to be historical resources for the purposes of CEQA unless a preponderance of evidence indicates otherwise (Public Resources Code, Section 5024.1g; California Code of Regulations, Title 14, Section 4850).

California Code of Regulations Section 4852(c) addresses the issue of "integrity," which is necessary for eligibility for the California Register. Integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." Section 4852(c) provides that historical resources eligible for listing in the California Register must meet one of the criteria for significance defined by 4852(b)(1 through 4), and retain enough of their historic character of appearance to be recognizable as historical resources and to convey the reasons for their significance. The Graves House was found in the historic evaluation to be eligible for the California Register of Historical Resources under Criterion 1 (Events) and Criterion 3 (Design and Construction).

Native American Heritage Commission

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

California Assembly Bill 52

California Assembly Bill (AB) 52 went into effect on July 1, 2015 and establishes a new category of CEQA resources for "tribal cultural resources" (Public Resources Code §21074). The intent of AB 52 is to provide a process and scope that clarifies California tribal government's involvement in the CEQA process, including specific requirements and timing for lead agencies to consult with tribes on avoiding or mitigating impacts to tribal cultural resources. AB 52 also creates a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to tribal cultural resources to the extent feasible. The City of San José sent notification letters to a list of Native American contacts provided by the NAHC in compliance with AB 52.

Archaeological Resources and Human Remains

Archaeological sites are protected by policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and identifies appropriate measures for the treatment and disposition of human remains and grave-related items.

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

Local

General Plan

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

Envision San José 2040 Relevant Cultural Resource Policies	
Policy LU-13.22	Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.
Policy LU-14.4	Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

a) **Less Than Significant Impact**. The results of the historic evaluation indicate that the existing building on the project site does not appear to qualify for listing on the California Register of Historical Resources or the San José City Landmark designation when considered under the qualitative criteria of the City's Historic Preservation Ordinance. However, it appears that the existing building is eligible for listing on the San José Historic Resources Inventory as a Structure of Merit.

The block on which the property is located has not been identified as a potential historic district or conservation area. The commercial area near the subject property is diverse in both building type, use, and architecture.

The property is not historically significant according to the minimum requirements for listing on the California Register of Historical Resources or as a San José City Landmark. Because the building on the property does not appear to qualify for the California Register or as a City Landmark, demolition would not have an adverse effect on historic resources under CEQA.

However, consistent with General Plan Goal LU-14 that is the policy to preserve and enhance historic structures of lesser significance (i.e., Structures of Merit, Identified Structures, and particularly Historic Conservation Areas), the project would comply with the following standard permit condition.

Standard Permit Conditions

- Relocation or Salvage. Prior to issuance of any demolition permit, the project applicant shall offer for relocation buildings that are listed or eligible as a Structure of Merit. The advertisement shall include a photograph of the structure, contact information for the project applicant, and contact information for the City's Historic Preservation Officer. The project applicant shall provide evidence to the City's Historic Preservation Officer that the structure has been advertised for relocation in a newspaper of general circulation, posted on a website, and posted on the sites for a period of no less than 30 days. If an entity or individual is interested in relocating the building to a new site, the costs and liability of the relocation will be borne entirely by that entity/individual.

  If relocation is not successful, the project applicant shall advertise the structure for salvage in a newspaper of general circulation (for three days). The project applicant shall provide evidence of the advertisement to the City's Historic Preservation Officer, prior to issuance of any demolition permit.

- Documentation. If relocation is not successful, prior to issuance of any demolition permit, the Structure of Merit shall be photo-documented to an archival level utilizing 35 mm photography and consisting of selected black and white views of the building to the following standards:

  - *Cover sheet* - The documentation shall include a cover sheet identifying the photographer, providing the address of building, common or historic name of the building, date of construction, date of photographs, and photograph descriptions.

  - *Camera* - A 35mm camera.

  - *Lenses* - No soft focus lenses. Lenses may include normal focal length, wide angle and telephoto.

  - *Filters* – Photographer's choice. Use of a pola screen is encouraged.

  - *Film* - Must use black and white film; tri-X, Plus-X, or T-Max film is recommended.

  - *View* - Perspective view-front and other elevations. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure with aesthetic considerations necessary, but secondary.

  - *Lighting* - Sunlight is usually preferred for exteriors, especially of the front facade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs.

  - *Technical* - All areas of the photograph must be in sharp focus.

The project shall coordinate the submission of the photo-documentation, including the original prints and negatives, to History San José. Digital photos may be provided as a supplement to the above photo-documentation, but not in place of it. Digital photography shall be recorded on a CD and submitted with the above documentation. The above shall be accompanied by a transmittal stating that the documentation is submitted as a standard measure to address the loss of the historic resource, which shall be named and the address stated, in coordination with the City's Historic Preservation Officer.

b) **Less Than Significant Impact**. The project site is not located in an archaeologically sensitive area based on citywide archeological investigations completed for the 2040 General Plan EIR; therefore, the potential for prehistoric and historic archaeological deposits on the project site is considered low. However, while it is unlikely to encounter prehistoric or historic archaeological deposits during the development of this project, the project will conform to the following standard permit conditions to further avoid impacts associated with accidental discovery of buried archaeological resources during construction.

Standard Permit Conditions

- In the event that prehistoric or historic archaeological resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped and the Director of Planning, Building and Code Enforcement shall be notified. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and 2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. If the finds do not meet the definition of a historical or archaeological resource, no further study or protection is necessary prior to project implementation. If the find(s) meet the definition of a historical or archaeological resource, then it should be avoided during project activities. Project personnel shall not collect or move any cultural materials. Fill soils that may be used for construction purposes shall not contain archaeological materials. A report of findings documenting any data recovery during monitoring shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee and the Historic Preservation Officer of the Department of Planning, Building and Code Enforcement prior to issuance of building permits.

- If human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonable suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of the City of San José Department of Planning, Building and Code Enforcement or the Director's designee 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 most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission;

    - The descendant identified fails to make a recommendation; or

    - The landowner or his authorized representative rejects the recommendation of the descendant or the mediation by the NAHC fails to provide measures acceptable to the landowner.

c) **Less Than Significant Impact**. Though unlikely, human remains may be encountered during construction activities. Standard permit conditions are identified in b) above to avoid impacts associated with disturbance to human remains.

d) 1, 2 **Less Than Significant Impact**. Tribal cultural resources consider the value of a resource to tribal cultural tradition, heritage, and identity, in order to establish potential mitigation and to recognize that California Native American tribes have expertise concerning their tribal history and practices. No tribal cultural resources have been listed or determined eligible for listing in the California Register or a local register of historical resources.

Assembly Bill (AB) 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. Notification was conducted by the City with applicable Santa Clara County tribal representatives identified by the NAHC in compliance with AB 52.

At the time of preparation of this Initial Study, no Native American tribes that are or have been traditionally culturally affiliated with the project vicinity have requested notification from the City of San José except for projects within the Coyote Valley (approximately 22 miles southeast of the site) or in downtown San José (approximately five miles northeast of the site). Due to the distance of the project site from Coyote Valley and the Downtown Core, the project would not have a significant impact on tribal cultural resources.

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

F. ENERGY

Environmental Setting

Pacific Gas and Electric Company (PG&E) is San José's energy utility provider, furnishing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2017, natural gas facilities provided 20 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 27 percent; hydroelectric operations provided 18 percent; renewable energy facilities including solar, geothermal, and biomass provided 33 percent; and two percent was unspecified.[6]

Regulatory Framework

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

California Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill (SB) 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, Executive Order S-14-08 was signed into law and requires that retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. As described previously, PG&E's (the electricity provider to the project site) 2015 electricity mix was 30 percent renewable.

In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 for retail sellers and publicly owned utilities, requires them to procure 50 percent of the State's electricity from renewable sources by 2030.

California Building Codes

At the State level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years; the 2013 standards became effective July 1, 2014. The 2016 Title 24 updates will be published on or before July 1, 2016 and will go into effect on January 1, 2017.[7] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[8]

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[6] PG&E, Delivering low-emission energy. Accessed September 19, 2018. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page

[7] California Building Standards Commission. California Building Standards Code (California Code of Regulations, Title 24). Accessed September 20, 2018. http:/www.bsc.ca.gov/Codes.aspx.

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

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

Council Policy 6-32 Private Sector Green Building Policy

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED),[9] GreenPoint,[10] or Build-It-Green checklist as part of their development permit applications. Council Policy 6-32 Private Sector Green Building Policy, adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San Jose. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown below in Table 9.

Table 9
Private Sector Green Building Policy Applicable Projects

Applicable Project Minimum Green Building Rating	Minimum Green Building Rating
Commercial/Industrial – Tier 1 (Less than 25,000 square feet)	LEED Applicable New Construction Checklist
Commercial/Industrial – Tier 2 (25,000 square feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified

Source: City of San José. Private Sector Green Building Policy: Policy Number 6-32. October 7, 2008. Accessed September 19, 2018. https://www.sanjoseca.gov/DocumentCenter/Home/View/363

General Plan

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

Envision San José 2040 Relevant Energy Resource Policies	
Policy MS-1.6	Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.
Policy MS-2.1	Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources
Policy MS-2.4	Promote energy efficient construction industry practices.

[9] Created by the U.S. Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.
[10] Created by Build It Green, GreenPoint is a certification system that assigns points for green building measures based on a 381-point scale for multi-family developments and 341-point scale for single-family developments.

Envision San José 2040 Relevant Energy Resource Policies	
Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
6. ENERGY. Would the project:					
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X		1, 2, 7
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X		1, 2

Explanation

a) **Less Than Significant Impact**. Energy use consumed by the proposed project was estimated in the Air Quality Assessment prepared by Illingworth & Rodkin (July 27, 2018). This included natural gas and electricity consumption for the proposed mixed-use development. A discussion of the project's effect on energy use is presented below.

Operational Impacts

Operation of the proposed building would consume energy (in the form of electricity and natural gas) primarily for building heating and cooling, lighting, cooking, and water heating. Table 10 summarizes the estimated energy use of the proposed project.

Table 10
Estimated Annual Energy Use of Proposed Project

Proposed Project	Electricity Use (kWh)	Natural Gas Use (kBtu)
Mixed-Use Development	189,904	397,415

Source: Illingworth & Rodkin, *1495 S. Winchester Boulevard Air Quality Assessment*, Attachment 2, Tables 5.2 and 5.3, June 18, 2019.

However, the energy use increase is likely overstated because the estimates for energy use do not take into account the efficiency measures incorporated into the project. In addition, the project would be built to the 2016 California Building Code standards and Title 24 energy efficiency standards (or subsequently adopted standards during the two-year construction term), and CALGreen code, which includes insulation and design provisions to minimize wasteful energy consumption, thereby improving the efficiency of the overall project. Although the project does not include on-site renewable energy resources, the it would be built to LEED Checklist standards consistent with San José Council Policy 6-32.

The project would result in an increase in traffic to and from the site of approximately 330 total daily traffic trips (Appendix F). The total annual VMT for the project is approximately 1,324,950 miles, assuming that the average trip length in Santa Clara County is 11 miles.[11] Using the U.S. EPA's estimated average fuel economy of 23.2 miles per gallon (mpg), the project would result in the consumption of approximately 57,110 gallons of gasoline per year.[12] [13] In addition, the project is in close proximity to major transit services and is served by VTA Bus Route 60 (refer to *Section Q. Transportation*). Therefore, implementation of the proposed project would not result in a substantial increase on transportation-related energy use.

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

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

[11] Association of Bay Area Governments. April 2017. *Plan Bay Area 2040 Draft Environmental Impact Report*. Table 2.1-6.
[12] U.S. EPA. Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles, 2014.
[13] 330 daily trips = 120,450 yearly trips (11 miles) = 1,324,950 annual VMT/23.2 mpg = 57,110 gallons of gas/year

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

Construction Impacts

The anticipated construction schedule assumes that the project would be built out over a period of approximately 19 months. The project would require demolition, site preparation, grading, trenching, site construction, paving and architectural coating. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., excavation, and grading), and the actual construction of the building. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. The construction energy use has not been determined at this time.

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

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

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

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

G. GEOLOGY AND SOILS

Environmental Setting

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

The Santa Clara Valley is located between the active San Andreas Fault to the west, and the active Hayward and Calaveras faults to the east. Surface fault rupture tends to occur along existing fault traces. The California Geological Survey (formerly Division of Mines and Geology) has produced maps showing Alquist-Priolo Earthquake Fault Zones along faults that pose a potential surface faulting hazard. No Alquist-Priolo zones are mapped in the vicinity of the project.[14] In addition, the Santa Clara County Geologic Hazard Zones Map does not identify any fault or other geologic hazard zones in the project area.[15]

The project property is an essentially flat lot with an elevation of approximately 177 feet above mean sea level (U.S. Geological Survey, San Jose Quadrangle, California, 1978). Regionally, the topographic slope is to the north, towards San Francisco Bay. The project site is currently occupied by a one-story commercial building that would be demolished as part of the project.

Regulatory Framework

California Building Code

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

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions; and
- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

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

[14] California Geological Service, Earthquake Zones of Required Investigation Los Gatos Quadrangle, 2002.
[15] Santa Clara County, Santa Clara County Geologic Hazard Zones, 2012.

General Plan

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

Envision San José 2040 Relevant Geology and Soil Policies	
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans prior to issuance of grading permits by the Director of Public Works.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
7.	GEOLOGY AND SOILS. Would the project:					
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	1, 2
ii)	Strong seismic ground shaking?			X		1, 2
iii)	Seismic-related ground failure, including liquefaction?			X		1, 2
iv)	Landslides?				X	1, 2
b)	Result in substantial soil erosion or the loss of topsoil?			X		1, 2
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		1, 2
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X		1, 2
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X	1, 2
f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		1, 2

Explanation

ai) **No Impact**. The site is not located within a State of California Earthquake Fault Hazard Zone and no known active faults cross the site. The risk of ground rupture within the site is considered low. The project site is not mapped within an Alquist-Priolo Earthquake Fault Zone. Furthermore, the project will be designed and developed in accordance with the California Building Code guidelines to avoid or minimize potential direct or indirect damage from seismic shaking on the project site as described below.

aii) **Less Than Significant Impact**. Due to its location in a seismically active region, the proposed building and associated structures would likely be subject to strong seismic ground shaking during their design life in the event of a major earthquake on any of the region's active faults. This could pose a risk to proposed structures and infrastructure. Seismic impacts will be minimized by implementation of standard engineering and construction techniques in

compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4.

aiii) **Less Than Significant Impact**. As described above, the project site may be subject to strong ground shaking in the event of a major earthquake. A geotechnical analysis would be required prior to construction to identify potential geotechnical hazards and provide recommendations to minimize these hazards. The project will be designed and constructed in accordance with a design-level geotechnical investigation as a standard permit condition.

Standard Permit Condition

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

aiv) **No Impact**. The project site has no appreciable vertical relief and would not be subject to landslides. See also aiii) above.

b) **Less Than Significant Impact**. Development of the project would require grading that could result in a temporary increase in erosion. The project will implement the standard measures identified in *Section I. Hydrology and Water Quality* section of this Initial Study to minimize erosion.

c) **Less Than Significant Impact**. The project may contain soil and geologic hazards that could result in lateral spreading, subsidence, or liquefaction, which could damage proposed structures. Impacts associated with these soil and geotechnical hazards would be minimized by applying appropriate engineering and construction techniques. A geotechnical analysis would be prepared to provide recommendations to minimize these hazards as described in aiii) above. This would reduce any potentially significant geotechnical impacts to a less than significant level.

d) **Less Than Significant Impact**. The project may contain expansive soils, which could damage proposed structures on the site. Impacts associated with expansive soils or other soil hazards would be minimized by applying appropriate engineering and construction techniques. A geotechnical analysis would be prepared to provide recommendations to minimize these hazards as described in the standard permit condition for aiii) above. This would reduce any potentially significant direct or indirect geotechnical impacts to a less than significant level.

e) **No Impact**. The project does not include any septic systems. The proposed project will tie into the City's existing sanitary sewer system.

f) **Less Than Significant Impact**. The project site is located in an area mapped as "high sensitivity at depth" in the 2040 General Plan EIR.[16] The project proposes excavation for a parking garage and could potentially disturb paleontological resources. Consistent with General Plan Policy ER-10.3, the following standard permit condition would be implemented by the project to avoid or minimize impacts to paleontological resources during construction. No other unique geological features are found on this developed infill site.

Standard Permit Condition

- If vertebrate fossils are discovered during construction, the Director of Planning, Building and Code Enforcement shall be notified and all work on the site shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project proponent will be responsible for implementing the recommendations of the paleontological monitor, and a final report documenting the implementation of the treatment program shall be provided to Director of Planning, Building and Code Enforcement or the Director's designee and the Historic Preservation Office of the Department of Planning, Building and Code Enforcement.

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

[16] Figure 3.11-1 "Paleontologic Sensitivity of City of San Jose Geologic Units," from the *Draft Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan*, June 2011.

H. GREENHOUSE GAS EMISSIONS

An air quality assessment was prepared for the project by Illingworth & Rodkin, Inc. (June 18, 2019), which provided greenhouse gas emissions analysis. This report is contained in Appendix A.

Environmental Setting

Various gases in the earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

Regulatory Framework

State

Assembly Bill 32 – California Global Warming Solutions Act

Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, codifies the State of California's GHG emissions target by directing CARB to reduce the state's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, the CARB, the California Energy Commission (CEC), the California Public Utilities Commission (CPUC), and the Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.[17]

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

As directed by AB 32, CARB has also approved a statewide GHG emissions limit. On December 6, 2007, CARB staff resolved an amount of 427 MMT of CO_2e as the total statewide GHG 1990 emissions level and 2020 emissions limit. The limit is a cumulative statewide limit, not a sector-or facility-specific limit. CARB updated the future 2020 BAU annual emissions forecast, in light of the economic

[17] Note that Assembly Bill (AB) 197 was adopted in September 2016 to provide more legislative oversight of CARB.

downturn, to 545 MMT of CO2e. Two GHG emissions reduction measures currently enacted that were not previously included in the 2008 Scoping Plan baseline inventory were included, further reducing the baseline inventory to 507 MMT of CO_2e. Thus, an estimated reduction of 80 MMT of CO_2e is necessary to reduce statewide emissions to meet the AB 32 target by 2020.

Senate Bill 1368

Senate Bill (SB) 1368 is the companion bill of AB 32 and was signed by Governor Schwarzenegger in September 2006. SB 1368 required the CPUC to establish a greenhouse gas emission performance standard. Therefore, on January 25, 2007, the CPUC adopted an interim GHG Emissions Performance Standard in an effort to help mitigate climate change. The Emissions Performance Standard is a facility-based emissions standard requiring that all new long-term commitments for baseload generation to serve California consumers be with power plants that have emissions no greater than a combined cycle gas turbine plant. That level is established at 1,100 pounds of CO_2 per megawatt-hour. "New long-term commitment" refers to new plant investments (new construction), new or renewal contracts with a term of five years or more, or major investments by the utility in its existing baseload power plants. In addition, the CEC established a similar standard for local publicly owned utilities that cannot exceed the greenhouse gas emission rate from a baseload combined-cycle natural gas fired plant. On July 29, 2007, the Office of Administrative Law disapproved the CEC's proposed Greenhouse Gases Emission Performance Standard rulemaking action and subsequently, the CEC revised the proposed regulations. SB 1368 further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the CPUC and CEC.

Senate Bill 375 – California's Regional Transportation and Land Use Planning Efforts

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

Local

City of San José Municipal Code

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

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

Council Policy 6-32 Private Sector Green Building Policy

In October 2008, the City adopted the Private Sector Green Building Policy (6-32), which identifies baseline green building standards for new private construction and provides a framework for the implementation of these standards. This Policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards.

City of San José Greenhouse Gas Reduction Strategy

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and standards for "qualified plans" as set forth by BAAQMD. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy.

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

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies: IP-1, LU-10)

2. Implementation of Green Building Measures (General Plan Goals: MS-1, MS-2, MS-14)

    a. Solar Site Orientation
    b. Site Design
    c. Architectural Design
    d. Construction Techniques
    e. Consistency with the City Green Building Ordinance and Policies
    f. Consistency with GHG Reduction Strategy Policies: MS-1.1, MS0-1.2, MC-2.3, MS-2.11, and MS-14.4.

3. Pedestrian/Bicycle Site Design Measures

    a. Consistency with Zoning Ordinance
    b. Consistency with GHG Reduction Strategy Policies: CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7.

4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;

5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g., data centers) (General Plan Policy MS-2.8), if applicable;

6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and

7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

Projects that are consistent with the GHG Reduction Strategy would have a less than-significant-impact related to GHG emissions through 2020 and would not conflict with targets in the currently adopted State of California Climate Change Scoping Plan through 2020.The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR as supplemented.

General Plan

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

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

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
8.	GREENHOUSE GAS EMISSIONS. Would the project:					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 5, 7
b)	Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 3, 5, 7

Explanation

a) **Less Than Significant Impact**. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are consistent with the City's GHG Reduction Strategy and considered to have a less than significant impact related to GHG emissions. The project is consistent with the site's General Plan land use designation of *Urban Residential* within the Winchester Urban Village, and thus complies with the City's GHG Reduction Strategy. However, the City's GHG Reduction Strategy only provides coverage for project prior to 2020; therefore, the BAAQMD's GHG thresholds were utilized to analyze the anticipated GHG emissions from the proposed project.

The BAAQMD's CEQA Air Quality Guidelines recommended a GHG threshold of 1,100 metric tons or 4.6 metric tons (MT) per service population (residents + employees) of annual GHG emissions calculated in carbon dioxide equivalent (CO_2e). These thresholds were developed based on meeting the 2020 GHG targets set in the scoping plan that addressed AB 32. However, development of the project would occur beyond 2020, so a threshold that addresses a future target is appropriate. Although BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Substantial Progress" efficiency metric of 2.6 MT CO_2e/year/service population. This is calculated for 2030 based on the GHG reduction goals of EO B-30-15 and take into account the 1990 inventory and the projected 2030 statewide population and employment levels.

Operational Emissions

The CalEEMod model, along with the project vehicle trip generation rates, was used to estimate daily emissions associated with operation of the fully-developed site under the proposed project. As shown in Table 11, annual net emissions resulting from operation of the proposed project are predicted to be 345 MT of CO_2e for the year 2021 and 283 MT of CO_2e for the year 2030. Both the 2021 and the 2030 emissions do not exceed the 2030 "Substantial Progress" threshold of 660 MT of CO_2e/yr. The service population emissions for the year 2021 would be 2.3 and 1.9 for the year 2030, which would not exceed the "Substantial Progress" efficiency metric of 2.6 MT CO_2e/year/service population.

To be considered significant, the project must exceed both the GHG significance threshold in metric tons per year and the service population significance threshold. This project does not exceed either of the significance thresholds. Therefore, the project would have a less than significant impact with regards to GHG emissions.

Table 11
Annual Project GHG Emissions (CO_2e) in Metric Tons

Source Category	Existing in 2021	Proposed Project in 2021	Proposed Project in 2030
Area	<1	2	2
Energy Consumption	5	78	78
Mobile	27	280	218
Solid Waste Generation	1	13	13
Water Usage	<1	6	6
Total	34	379	317
Net New Emissions		345	283
Significance Threshold / Exceed?		**660 / No**	**660 / No**
Service Population Emissions (MT CO2e/year/service population)		2.3	1.9
Significance Threshold / Exceed?			**2.6 / No**

Construction Emissions

GHG emissions associated with construction were computed to be 348 MT of CO_2e for the total construction period. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable.

b) **Less Than Significant Impact**. The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, since the proposed project would not substantially increase GHG emissions as described above. In addition, the project would implement green building strategies consistent with the City's Green Building Policy and Building Code (Municipal Code Title 24), to help minimize GHG emissions. The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, since the proposed project would not substantially increase GHG emissions and is consistent with the City's General Plan land use designation as described above.

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

I. HAZARDS AND HAZARDOUS MATERIALS

A Phase I Environmental Assessment was prepared for the project site by PIERS Environmental Services (June 18, 2018) to determine the potential for hazardous materials contamination on the property. This report is contained in Appendix D.

Environmental Setting

A Phase I Environmental Site Assessment (Phase I Assessment) was prepared for the project site and conducted in conformance with the American Society for Testing and Materials (ASTM) Practice E1527-13. The purpose of the Phase I Assessment is to identify any recognized environmental conditions (RECs). An REC is defined as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The Phase I Assessment included the following tasks: site inspection; review of site history; review of historic aerial photos; review of selected local, state and federal regulatory records (database search); and consultation with the owner.

The project site is currently occupied by a one-story commercial building of approximately 1,297 square feet used for a paving stone outlet (Pacific Interlock Paving Stone). The building was construction circa 1965. Historical investigation using aerial photographs indicates that by 1948, the project site and vicinity were part of an orchard. In a 1960 aerial photograph, the site is partially vacant, and by 1963 completely vacant. The existing building was permitted for construction in 1965 for a Mister Donut restaurant. In 1972, it was converted for use by Sunset Pools and four demonstration pools were constructed. Various pool contractors occupied the property since that time, until in 2013 when the site was redeveloped for the present use.

Results of the database search indicate that the project site is not identified on any databases. A closed leaking underground storage tank (LUST) case is located on the adjacent parcel to the north (i.e., operating Mobil gas station (previously ARCO) at 1465 S. Winchester Boulevard). According to the case closure summary (Santa Clara County Environmental Health, 2004) and a Site Assessment Report (Miller Brooks Environmental, 2004) groundwater at the adjacent site was not encountered to 80 feet below grade and is reported in the vicinity at 125 feet below grade, flowing northwesterly away from the project site. The ARCO gas station received case closure as a “soils only case.” While it is recognized that there is some residual contamination on this adjacent property, it does not appear to have caused significant adverse effects to the project site. Case closure was granted with no detectable concentrations of gasoline and gasoline constituents from depths of six feet to approximately 45.5 feet below grade.

Regulatory Framework

Federal

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress in 1980 and is administered by the U.S. EPA. This law created a tax on the chemical and petroleum industries and 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 waste 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) is a Federal law passed by Congress in 1976 to address the increasing problems from the nation's growing volume of municipal and industrial waste. RCRA creates the framework for the proper management of hazardous and non-hazardous solid waste and is administered by the U.S. EPA. RCRA protects communities and resource conservation by enabling the EPA to develop regulations, guidance, and policies that ensure the safe management and cleanup of solid and hazardous waste, and programs that encourage source reduction and beneficial reuse. The term RCRA is often used interchangeably to refer to the law, regulations, and EPA policy and guidance.

State

California Department of Toxic Substances Control

The California Department of Toxic Substances Control (DTSC) is a State agency that protects State citizens and the environment from exposure to hazardous wastes by enforcing hazardous waste laws and regulations. DTSC enforces action against violators; oversees cleanup of hazardous wastes on contaminated properties; makes decisions on permit applications from companies that want to store, treat or dispose of hazardous waste; and protects consumers against toxic ingredients in everyday products.

California State Water Resources Control Board

The California State Water Resources Control Board (SWB) and its nine regional boards are responsible for preserving, enhancing, and restoring the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses. Through the 1969 Porter-Cologne Act, the State and Regional Water Boards have been entrusted with broad duties and powers to preserve and enhance all beneficial uses of the state's water resources. The San Francisco Bay Regional Water Quality Control Board (RWQCB) is the lead agency responsible for identifying, monitoring and remediating leaking underground storage tanks in the Bay Area. Local

jurisdictions may take the lead agency role as a Local Oversight Program (LOP) entity, implementing State as well as local policies.

Local

General Plan

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

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

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 2, 12
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			1, 2, 12

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?			X		1, 2, 12
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X		1, 2, 12
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X	1, 2
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X		1, 2
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X	1, 2

Explanation

a) **Less Than Significant Impact**. The proposed mixed-use development would not involve the routine transport, use, or disposal of hazardous materials. The facility would use small quantities of miscellaneous household cleaning supplies and other chemicals. These materials would be stored and used in accordance with the manufacturer's specifications.

b) **Less Than Significant Impact with Mitigation Incorporated**. The results of the Phase I Assessment identified former agricultural use on the project site, which may have resulted in pesticide residuals in the onsite soils. Although no soil sampling has been conducted on the project site, the prior agricultural history is a potential concern as pesticides may have been applied to shallow soils, which may persist in the soil today at concentrations above regulatory environmental screening levels for public health and the environment. The Phase I Assessment recommends sampling and analysis of shallow soils for pesticides. Therefore, shallow soil shall be sampled and tested for agricultural pesticides and pesticide-based metals (arsenic and lead) as set forth in the mitigation below.

Impact HAZ-1: Historic agricultural activities on the project site may have impacted subsurface soil with pesticide residuals, which could be released during excavation and construction activities for the project.

Mitigation Measures

MM HAZ-1 The project applicant shall retain a qualified professional to take shallow soil samples and determine if contaminants from previous agricultural operations occur at concentrations above established construction worker and residential environmental screening levels for pesticides and pesticide-based metals (arsenic and lead). Once the soil sampling analysis is complete, a report of the

findings shall be provided to the Director of the City of San José Department of Planning, Building, and Code Enforcement or the Director's designee and the Municipal Compliance Officer of the City of San José Environmental Services Department for review prior to issuance of any grading permits.

If pesticide contaminated soils are found in concentrations above regulatory environmental screening levels for construction worker safety and/or residential standards, a Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent shall be prepared by a qualified hazardous materials consultant. The plan shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future residents and visitors. The applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health (or Department of Toxic Substances Control) under their Voluntary Cleanup Program. The SMP, RAP, or equivalent and evidence of regulatory oversight shall be provided to the Director of the City of San José Planning, Building, and Code Enforcement or the Director's designee, and the Environmental Compliance Officer in the City of San José's Environmental Services Department prior to issuance of any grading permits.

In addition, the existing building to be demolished may contain asbestos containing materials (ACMs) and/or lead-based paint due to its construction in the mid 1960's prior to banning of these materials due to health concerns. Incorporation of standard permit conditions identified below would assure that ACMs or lead-based paint are not released during demolition activities.

Standard Permit Conditions

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.

- All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.

  A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above. Materials containing more than one-percent asbestos are also

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

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

c) **Less Than Significant Impact**. The project site is located within ¼ mile of a school (Rosemary Elementary School to the southwest); however, the proposed mixed-use project would not routinely emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. See also a) above.

d) **Less Than Significant Impact**. The project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., Cortese List).

e) **No Impact**. The project site is located approximately four miles southwest of the Norman Y. Mineta San José International Airport. The project site is not located within an airport land use plan or within two miles of a public airport or public use airport and would not result in a safety hazard or be exposed to excessive noise due to airport operations.

f) **Less Than Significant Impact**. The project would be designed to incorporate all Fire Code requirements. The proposed infill development would not create any barriers to emergency or other vehicle movement in the area. During construction, lane closures may be required on Cadillac Drive or Winchester Boulevard. The applicant proposes to implement a construction management plan to avoid impacts to emergency vehicle movement, which will be reviewed during the building permit phase. Therefore, the project would not impair implementation of, or physically interfere with, the City's Emergency Operations and Evacuation Plans.

g) **No Impact**. The project would not expose people or structures, either directly or indirectly, to risk of loss, injury or death from wildland fires since it is located in a highly urbanized area that is not prone to such events. See also *Section S. Wildfire* of this Initial Study.

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

J. HYDROLOGY AND WATER QUALITY

Environmental Setting

The project property is an essentially flat lot with an elevation of approximately 177 feet above mean sea level. Regionally, the topographic slope is to the north towards San Francisco Bay. The site is currently occupied by a commercial building. Runoff from the site flows into the City's drainage system in Winchester Boulevard.

The project site does not contain any natural drainages or waterways. The nearest waterway is San Tomas Aquino Creek, located about 0.6 miles west of the project boundary. The Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) indicate that the project site is located within Zone D. Zone D is defined as an area of undetermined but possible flood hazard outside the 100-year floodplain. The City does not have any floodplain restrictions for development in Zone D.

Regulatory Framework

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws regulating water quality in California. Requirements established by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Federal

National Flood Insurance Program

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

State

Porter-Cologne Water Quality Act

The Porter-Cologne Act delegates authority to the SWRCB to establish regional water quality control boards. The San Francisco Bay Area RWQCB has authority to use planning, permitting, and enforcement to protect beneficial uses of water resources in the project region. Under the Porter-Cologne Water Quality Control Act (California Water Code Sections 13000-14290), the RWQCB is authorized to regulate the discharge of waste that could affect the quality of the state's waters, including

projects that do not require a federal permit through the USACE. To meet RWQCB 401 Certification standards, all hydrologic issues related to a project must be addressed, including the following:

- Wetlands
- Watershed hydrograph modification
- Proposed creek or riverine related modifications
- Long-term post-construction water quality

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the SWRCB. The CGP requires the installation and maintenance of BMPs to protect water quality until the site is stabilized. The project is not expected to require CGP coverage based on area of land disturbed (0.5 acre).

Statewide Construction General Permit

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

Regional

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Stormwater Permit

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (MRP) to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo. The City of San José is required to operate under the MRP to discharge stormwater from the City's storm drain system to surface waters. The MRP mandates that the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

- Projects that create or replace 10,000 square feet or more of impervious surface.

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

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

Local

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

The City of San José's Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs). This policy also establishes specific design standards for post-construction TCM 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 project site is exempt from the NPDES hydromodification requirements related to preparation of an HMP because it would create or replace less than one acre of impervious surfaces and is located within a catchment area that drains to a hardened channel.

General Plan

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

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

a) **Less Than Significant Impact**. The proposed project is located in an urban environment and operations would not utilize materials that would significantly harm water quality. Furthermore, the project would comply with applicable regulations and laws to ensure proper discharge into the City's stormwater and sanitary infrastructure. Therefore, the proposed project would not violate any water quality standards or waste discharge requirements or degrade surface or groundwater quality, as described below.

b) **Less Than Significant Impact**. The project site is located within the Santa Clara Plan Recharge Area of the Santa Clara Valley Basin where groundwater occurs under unconfined conditions.[18] The site is not, however, located within or adjacent to a SCVWD groundwater recharge facility. The project site is fully developed and not effectively recharging groundwater. The depth of groundwater in the site vicinity is expected to be 125 feet below grade based on the case closure summary from a nearby property (refer to Appendix D). The project proposes two levels of basement parking for the proposed garage, to a depth of approximately 18 feet. The project does not propose any wells or groundwater pumping. Thus, the project would not decrease groundwater supplies or interfere substantially with groundwater recharge (such that the project may impede sustainable groundwater management of the basin), because 1) the project is not located within or adjacent to a groundwater recharge facility, 2) the project is proposed on a fully developed site that is not recharging groundwater, and 3) project construction would not access groundwater beneath the property.

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

<u>Construction Impacts</u>

Prior to the commencement of any clearing, grading, or excavation, the project is required to comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works. The applicant will develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities. This stormwater permit will be administered by the State Water Resources Control Board (SWRCB).

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

[18] Santa Clara Valley Water District. *Groundwater Management.* Accessed December 2019. https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater/groundwater-management.

specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities.

When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction shall be filed with the SWRCB. The NOT shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site.

The project applicant is required comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

1. Restriction of grading to the dry season (April 30 through October 1) or meet City requirements for grading during the rainy season;

2. Utilize on-site sediment control BMPs to retain sediment on the project site;

3. Utilize stabilized construction entrances and/or wash racks;

4. Implement damp street sweeping;

5. Provide temporary cover of disturbed surfaces to help control erosion during construction; and

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

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

Standard Permit Conditions

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.

- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

- Vegetation in disturbed areas shall be replanted as quickly as possible.

- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.

- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Post-Construction Impacts

The project is required to comply with applicable provisions of the following City Policies: City Council Policy 6-29 Post-Construction Urban Runoff Management and City Council Policy 8-14 Post-Construction Hydromodification Management. Furthermore, details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), will be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

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

cii) **Less Than Significant Impact**. The project would not increase the amount of impervious area on the project site compared to existing developed conditions. The project would implement a stormwater control plan to manage runoff from the site (refer to Figure 7). Runoff will be collected in a storm drain system and conveyed a media filter and flow-through planters prior to entering into the City's storm drainage system. New storm drain laterals will be built and connect to the existing storm drainage system in Winchester Boulevard. As a result, the proposed project would have a less than significant impact associated with flooding on- or off-site due to increased surface runoff.

ciii) **Less Than Significant Impact**. The project proposes to connect to the City's existing storm drainage system. The project is not expected to contribute runoff that would exceed the

capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff. See also ci) above.

civ) **Less Than Significant Impact**. The project is located outside the 100-year floodplain, as mapped by FEMA (site is within Flood Zone D), and would not significantly impede or redirect flood flows.

d) **Less Than Significant Impact**. As described above, the project is not located within a 100-year floodplain or flood hazard zone. In addition, the project site is not located in an area subject to significant seiche or tsunami risk. However, the project is identified within Cross Section 8 of the Lenihan (Lexington) Dam Flood Inundation Maps (Santa Clara Valley Water District, April 2016, Sheet 6). This map assumes complete failure with a full reservoir. The actual extent and depth of inundation in the event of a failure would depend on the volume of storage in the reservoir at the time of failure. The risks of failure are reduced by several regulatory inspection programs, and risks to people and property in the inundation area are reduced by local hazard mitigation planning. The California Department of Water Resources (DWR), Division of Safety of Dams is responsible for regular inspection of dams in California. DWR and local agencies (e.g., Santa Clara Valley Water District) are responsible for minimizing the risks of dam failure thus avoiding the release of pollutants due to project inundation.

e) **Less Than Significant Impact**. The project consists of development on an approximately 0.5-acre infill site. As described above, the project would not result in significant water quality or groundwater quality impacts that would conflict or obstruct implementation of a water quality control or sustainable groundwater management plan since, as outlined above, the proposed project would be required to comply with the City of San José Grading Ordinance as well as standard BMPs during construction.

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

K. LAND USE

Environmental Setting

The project site is located on a developed parcel within the City of San José corporate limits. The property is currently occupied by a commercial/retail building and is located along a commercial corridor associated with Winchester Boulevard. The project site is surrounded by the following uses:

- North: Commercial
- South: Cadillac Drive, Commercial
- East: Residential
- West: Winchester Boulevard, Commercial, Residential

The project site is designated *Neighborhood/Community Commercial* in the City's 2040 Envision San José 2040 General Plan Land Use/Transportation Diagram and is currently zoned CP – Commercial Pedestrian. The project proponent is applying for a Planned Development Rezoning and Planned Development Permit allow for the mixed-use development.

Regulatory Framework

Winchester Boulevard Urban Village Plan

The project site is located within the Winchester Boulevard Urban Village Plan, adopted by City Council on August 8, 2017. The Urban Village extends along Winchester Boulevard from Interstate 280 south to Impala Drive. The Urban Village Major Strategy in the Envision San José 2040 General Plan promotes the development of Urban Villages to provide active, walkable, bicycle-friendly, transit-oriented, mixed-use urban settings for new housing and job growth attractive to a variety of people and consistent with the Plan's environmental goals. The Winchester Urban Village Plan is a policy document that establishes the framework to further the transition of the Winchester Urban Village into a more vibrant mixed-use and pedestrian-oriented place that supports and creates a safe environment for all modes of travel, a thriving commercial corridor, and public gathering places.

The project site is designated *Urban Residential* within the Winchester Urban Village land use diagram, which is consistent with the *Neighborhood/Community Commercial* designation in the Envision San José 2040 General Plan. The *Urban Residential* land use designation has a density of 45-95 dwelling units per acre (DU/AC). *Urban Residential* allows for medium density residential development and a broad range of commercial uses, including retail, offices, and private community gathering facilities. Development under this designation would typically be residential, commercial, or mixed uses over parking. All new development under this designation with frontage along Winchester Boulevard must include active ground floor uses.

The currently approved commercial development for the Winchester Urban Village is 18,511 square feet, or approximately 67 jobs (based on the General Plan's assumption of one job for every 300 square feet). The planned housing capacity for the residential portion of the Winchester Boulevard Urban Village is 2,200 new units. The Urban Village Plan supports new mixed-use development that is compatible and integrated with the adjacent neighborhoods with ground floor commercial along

Winchester Boulevard. The southern node around the corner of Payne Avenue and Winchester Boulevard encourages higher intensity mixed-use, walkable development, with ground floor commercial and residential uses above.

General Plan

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

Envision San José 2040 Relevant Land Use Policies	
Major Strategy #5 – Urban Villages	Promote the development of Urban Villages to provide active, walkable, bicycle-friendly, transit-oriented, mixed-use urban settings for new housing and job growth attractive to an innovative workforce and consistent with the Plan's environmental goals.
Policy CD-7.1	Support intensive development and uses within Urban Villages, while ensuring an appropriate interface with lower-intensity development in surrounding areas and the protection of appropriate historic resources.
Policy CD-7.9	Build new residential development within Urban Village areas at a minimum of four stories in height with a step down in height when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation. Individual Urban Village Plans may establish more specific policies or guidelines to ensure compatibility with adjacent single family neighborhoods, and development should be consistent with these policies and guidelines, established in approved Urban Village Plans
Policy VN-1.11	Protect residential neighborhoods from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.
Policy VN1.12	Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods.

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

a) **No Impact**. The project is proposed on a commercial site occupied by an existing business and surrounded on all sides by commercial and residential development. The project would be

compatible with the surrounding residential and commercial land uses and would not physically divide an established community.

b) **Less Than Significant Impact**. The project site is designated *Urban Residential* within the Winchester Boulevard Urban Village Plan, consistent with the *Neighborhood/Community Commercial* designation in the Envision San José 2040 General Plan.

Urban Residential allows for medium density residential development and a broad range of commercial uses, including retail, office, and private community gathering areas. Development under this designation would typically consist of residential, commercial or mixed uses over parking. All new development under this designation with frontage along Winchester Boulevard must include active ground floor uses. The *Urban Residential* designation permits a density of 45-95 dwelling units per acre (du/ac).

The proposed project would conform with the Winchester Urban Village designation. The project has a density of 92 du/ac, is mixed-use commercial with medium density residential, and has ground floor retail. Therefore, the project is consistent with the *Urban Residential* land use designation overall.

Additional discussion of the project's consistency with the transportation goals of the Winchester Urban Village are described further in *Section P. Transportation* of this Initial Study.

The *Neighborhood/Community Commercial* designation in the General Plan supports a broad range of commercial activity, including commercial uses that serve the communities in neighboring areas such as neighborhood serving retail and services and commercial/professional office development. *Neighborhood/Community Commercial* uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation. This designation allows a floor area ratio (FAR) of up to 3.5 and maximum elevation of five stories.

The project includes 4,996 square feet of ground floor commercial/retail space that will serve neighboring areas and provide services and amenities for the local community. For these reasons, the project is consistent with the *Neighborhood/Community Commercial* designation for the site.

The project site is currently zoned CP – Commercial Pedestrian. The project proponent is applying for a Planned Development Rezoning and Planned Development Permit to allow for the mixed-use development.

Based on the above discussion, the proposed mixed-use development would not 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.

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

L. MINERAL RESOURCES

Environmental Setting

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

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

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

Conclusion: The project would have no impact on mineral resources.

M. NOISE & VIBRATION

A noise and vibration assessment has been prepared for the project by Illingworth & Rodkin, Inc. (December 10, 2019), and is contained in Appendix E.

Environmental Setting

Noise Fundamentals

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

Vibration Fundamentals

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

Existing Noise Environment

The project site is located west of Winchester Boulevard and north of Cadillac Drive in a mixed-use area, with residential units to the west, a gas station (Mobil) to the north, and commercial uses to the south. In addition, a daycare center is located to the northwest.

Field noise measurements were conducted at the project site and vicinity beginning Tuesday, February 27, 2018 and concluding on Wednesday, February 28, 2018. The noise monitoring included two long-term noise measurements and three short-term measurements. The locations of the noise measurement locations are presented in Figure 14.

Measurement LT-1 was positioned 25 feet from the centerline of Cadillac Drive and 120 feet west of Winchester Boulevard. The primary noise sources at this location were traffic along Cadillac Drive and Winchester Boulevard and local commercial activities.

Source: Illingworth & Rodkin, Inc., June 2018

Noise Measurement Locations

1495 Winchester Boulevard
Initial Study

Figure
14

A food truck, parked about 35 feet from the LT-1 measurement location, generated a steady noise level of 63 dBA between the hours of about 5:30 PM and 12:00 AM on the evening of Tuesday, February 27, 2018. To confirm the regular operation of the food truck in the vicinity of the site, additional data was acquired from Friday, June 8 to Wednesday, June 13, 2018. Based on the additional data, the food truck was operational and generated a relatively steady noise level of about 60 dBA at the LT-1 location between the hours of approximately 5:00 PM and 1:00 AM on the evening of Friday, June 8, 7:00 PM and 1:00 AM on the evening of Saturday, June 9, 4:00 PM and 12:00 AM on the evening of Sunday, June 10, and 5:30 PM and 12:00 AM on the evening of Tuesday, June 12. Food truck operations are not apparent in the data for Monday, June 11. The day-night average noise level from 1:00 PM on Tuesday February 27, 2018 to 1:00 PM on Wednesday, February 28, 2018 was 67 dBA DNL. The day-night average noise level on June 9 through June 12, 2018 ranged from 67 to 68 dBA DNL on days with food truck operations and was 66 dBA DNL on Monday, June 11, which did not include any apparent food truck related noise. For more information, see Appendix E (specifically, Figure 2 and Appendix A of the Noise and Vibration Assessment).

Measurement LT-2 was positioned on east edge of the project site about 35 feet from the centerline of Winchester Boulevard. The primary noise source at this location was the traffic on Winchester Boulevard. The day-night average noise level from 1:00 PM on Tuesday February 27, 2018 to 1:00 p.m. on Wednesday, February 28, 2018 was 73 dBA DNL.

Short-term measurements were taken to quantify the variation of noise levels throughout the site by comparing the results to noise levels taken by the long-term meters. The short-term measurements help identify noise sources for associated noise levels and are also used to quantify typical daytime conditions for use in the construction noise assessment. The results of the short-term measurements are presented in Table 12.

Table 12
Summary of Short-Term Noise Measurement Data
February 27, 2018

ID	**Location (Start Time)**	**Measured Noise Levels, dBA**				**Calculated DNL, dBA**	**Primary Noise Source**
		L_{10}	L_{50}	L_{90}	L_{eq}		
ST-1	Along the north boundary of the site, near the Mobil gas station and 60 feet west of Winchester Boulevard (1:00 PM to 1:10 PM)	63	55	51	60	63	Traffic on Winchester Boulevard
ST-2	Northwest corner of the site (1:20 PM to 1:30 PM)	54	50	46	51	54	Traffic Winchester Boulevard and Cadillac Drive
ST-3	In front of 3131 Cadillac Drive, 30 feet from centerline of Cadillac Drive (1:40 PM to 1:50 PM)	56	53	51	54	58	Traffic on Cadillac Drive

Regulatory Framework

California Building Code

The California Building Code (CBC) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the 2016 California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). These sections identify the standards, such as Sound Transmission Class ratings,[19] that building materials and assemblies need to be in compliance with based on the noise environment. The Performance method of the Green Building Standards Code (Section 5.507.4.2) states that buildings exposed to noise sources shall be constructed to minimize the interior noise levels, so they do not exceed an hourly equivalent noise level (L_{eq} (1-hr)) of 50 dBA in occupied areas during any hour of operation.

General Plan

The City's General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for various land uses. The General Plan include the following criteria for land use compatibility and acceptable exterior noise levels in the City based on land use types.

EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA)
FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José

Land Use Category	Exterior DNL Value In Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care						
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 Arenas, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
	Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.
	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. (Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.)

[19] Sound Transmission Class (STC) is 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.

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

Envision San José 2040 Relevant Noise and Vibration Policies	
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan. Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan) by limiting noise generation and by requiring use of noise attenuation measures such as 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 uses through noise standards in the City's Municipal Code.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	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

Envision San José 2040 Relevant Noise and Vibration Policies	
	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 the potential for cosmetic damage at buildings of normal conventional construction.

San José Municipal Code

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

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

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
13. NOISE. Would the project result in					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X			14
b) Generation of excessive groundborne vibration or groundborne noise levels?			X		14
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X		14

Explanation

a) **Less Than Significant Impact with Mitigation Incorporated**. The following addresses the temporary and permanent increase in ambient noise levels in the vicinity of the project in excess of applicable standards. The noise and vibration effects associated with the project are described below based on the results of the Noise and Vibration Assessment prepared for the project (see Appendix E).

Operational Noise Impacts

Mechanical Equipment Noise. This analysis is based on the plans provided, which do not include detailed information about the location or types of mechanical equipment. No specifications of the mechanical equipment were available for this analysis. Therefore, the following analysis is based on generic mechanical equipment information and locations for similar type projects that represent a worst-case scenario.

The proposed project would include mechanical equipment, such as heating, ventilation, and air conditioning systems. Information regarding the number, type, and size of the mechanical equipment units to be used in the proposed project was not available at the time of this study. Typically, mixed-use mechanical equipment would be anticipated to generate noise levels in the range of 50 to 60 dBA at a distance of 50 feet from the equipment, depending on the equipment selected. Equipment located inside or in a fully enclosed room with a roof would not be anticipated to be audible at off-site locations.

Under the City's Noise Element and Municipal Codes, noise levels produced by the operation of the mechanical equipment would be limited to 55 dBA DNL at receiving noise-sensitive land uses. The nearest noise-sensitive uses to the project site include residences located about 20 feet to the west. Given the proximity of noise-sensitive uses to the project site and lack of sufficient details about the mechanical equipment, mechanical enclosures, and rooftop

locations, there is the potential for noise from mechanical equipment to exceed 55 dBA DNL at noise-sensitive land uses in the immediate project vicinity. Due to the number of variables inherent in the mechanical equipment needs of the project (number and types of units, size, housing, specs, location, etc.), the impacts of mechanical equipment noise on nearby noise-sensitive uses should be assessed during the final project design stage. Design planning should take into account the noise criteria associated with such equipment and utilize site planning to locate equipment in less noise-sensitive areas. Other controls could include, but shall not be limited to, fan silencers, enclosures, and screen walls.

Impact NSE-1: Noise from rooftop mechanical noise equipment could exceed 55 dBA DNL at noise-sensitive land uses in the immediate project vicinity, which represents a potentially significant impact.

Mitigation Measures

MM NSE-1 Prior to the issuance of any building permit, the project applicant shall ensure all mechanical equipment is selected and designed to reduce impacts on surrounding uses to meet the City's requirements. The project applicant shall retain a qualified acoustical consultant to review mechanical noise as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise levels to comply with the City's 55 dBA DNL noise limit at the shared property line. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/installation of noise barriers such as enclosures and parapet walls to block the line-of-sight between the noise source and the nearest receptors. A detailed acoustical study shall be prepared during final building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary noise controls that are included in the design to meet the City's requirements. The study shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee prior to issuance of any building permit.

With implementation of Mitigation Measure NSE-1, this impact would be less than significant.

Traffic Noise. A significant permanent noise increase would be identified if traffic noise generated by the project would substantially increase noise levels at sensitive receivers in the vicinity. Based on General Plan Policy EC-1.1 and EC-1.2, a substantial increase would occur if: a) the noise level increase is 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater.

Traffic volumes were provided in the January 21, 2019 traffic analysis conducted for the project by Hexagon Transportation Consultants, Inc. A supplemental traffic memo, dated June 24, 2019, was completed to address changes to the proposed project. Since the January 2019 traffic analysis, the project has been revised to eliminate previously proposed 12,700 square feet of office space, reduce proposed retail space from 7,000 to 5,000 square feet, eliminate one level of on-site parking (resulting in a reduction from 109 to 72 spaces), and move residential units from the third to second floor. The June 2019 supplemental traffic memo

reflects a reduction in project-generated trips when compared to the January 2019 analysis due to the reduced intensity of the project.

To determine the effect of project-generated traffic on nearby residences, AM and PM peak hour traffic volumes for the Existing + Project condition were compared to Existing traffic volumes. Traffic volumes were provided in the traffic analysis conducted for the project by Hexagon Transportation Consultants, Inc. (Appendix F). Based on these calculations, project traffic would result in traffic noise increases of 0 to 1 dBA L_{eq} along the roadway network. Day-night average (DNL) noise level increases would be anticipated to be similar. This increase would not typically be noticeable and would be below the 3 dBA and 5 dBA DNL thresholds of significance established in Policy EC-1.2 of the General Plan. Therefore, this represents a less than significant impact.

Construction Noise Impacts

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. 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 receptors. 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.

Construction activities would be carried out in stages. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating. Typical construction noise levels at a distance of 50 feet are shown in Tables 13 and 14. Table 13 shows the average noise level ranges, by construction phase, and Table 14 shows the maximum noise level ranges for different construction equipment. Most demolition and construction noise is within the range of 80 to 90 dBA at a distance of 50 feet from the source.

Table 13
Typical Ranges of Construction Noise Levels at 50 Feet, L_{eq} (dBA)

Source	Domestic Housing		Office Building, Hotel, Hospital, School, Public Works		Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station		Public Works Roads & Highways, Sewers, and Trenches	
	I	II	I	II	I	II	I	II
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78

Table 13 Typical Ranges of Construction Noise Levels at 50 Feet, L_{eq} (dBA)								
Source	**Domestic Housing**		**Office Building, Hotel, Hospital, School, Public Works**		**Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station**		**Public Works Roads & Highways, Sewers, and Trenches**	
	I	**II**	**I**	**II**	**I**	**II**	**I**	**II**
Finishing	88	72	89	75	89	74	84	84

I - All pertinent equipment present at site.
II - Minimum required equipment present at site.
Source: U.S.EPA, Legal Compilation on Noise, Vol. 1, p. 2-104, 1973.

Table 14 Construction Equipment 50-foot Noise Emission Limits		
Equipment Category	**L_{max} Level (dBA)[1,2]**	**Impact/Continuous**
Arc Welder	73	Continuous
Auger Drill Rig	85	Continuous
Backhoe	80	Continuous
Bar Bender	80	Continuous
Boring Jack Power Unit	80	Continuous
Chain Saw	85	Continuous
Compressor[3]	70	Continuous
Compressor (other)	80	Continuous
Concrete Mixer	85	Continuous
Concrete Pump	82	Continuous
Concrete Saw	90	Continuous
Concrete Vibrator	80	Continuous
Crane	85	Continuous
Dozer	85	Continuous
Excavator	85	Continuous
Front End Loader	80	Continuous
Generator	82	Continuous
Generator (25 KVA or less)	70	Continuous
Gradall	85	Continuous
Grader	85	Continuous
Grinder Saw	85	Continuous
Horizontal Boring Hydro Jack	80	Continuous
Hydra Break Ram	90	Impact
Impact Pile Driver	105	Impact
Insitu Soil Sampling Rig	84	Continuous
Jackhammer	85	Impact
Mounted Impact Hammer (hoe ram)	90	Impact
Paver	85	Continuous
Pneumatic Tools	85	Continuous
Pumps	77	Continuous
Rock Drill	85	Continuous
Scraper	85	Continuous
Slurry Trenching Machine	82	Continuous
Soil Mix Drill Rig	80	Continuous
Street Sweeper	80	Continuous
Tractor	84	Continuous

Table 14 Construction Equipment 50-foot Noise Emission Limits		
Equipment Category	**L_{max} Level (dBA)[1,2]**	**Impact/Continuous**
Truck (dump, delivery)	84	Continuous
Vacuum Excavator Truck (vac-truck)	85	Continuous
Vibratory Compactor	80	Continuous
Vibratory Pile Driver	95	Continuous
All other equipment with engines larger than 5 HP	85	Continuous

Notes:
[1] Measured at 50 feet from the construction equipment, with a "slow" (1 sec.) time constant.
[2] Noise limits apply to total noise emitted from equipment and associated components operating at full power while engaged in its intended operation.
[3] Portable Air Compressor rated at 75 cfm or greater and that operates at greater than 50 psi.
Source: Mitigation of Nighttime Construction Noise, Vibrations and Other Nuisances, National Cooperative Highway Research Program, 1999.

Construction of the proposed project would involve demolition of existing structures, earthwork, concrete paving, and framing/completion. Project construction is anticipated to occur over a period of 19 months, including earthwork, concrete, and framing. The noisiest phases of project construction (i.e., earthwork and concrete) would be limited to a period of less than 12 months. Pile driving is not proposed as a method of construction.

Project specific construction equipment was not available at the time of this analysis. As shown in Tables 13 and 14, construction noise levels at a distance of 50 feet are anticipated to range from 81 to 88 dBA L_{eq} with all equipment on-site and from 65 to 83 dBA L_{eq} with the minimum required equipment on-site. Construction noise levels would drop off at a rate of about 6 dBA per doubling of distance. The closest noise sensitive uses surrounding the site include residential buildings located approximately 20 feet west of the proposed building. These residences would be exposed to noise levels exceeding 60 dBA L_{eq} and the ambient noise environment by at least 5 dBA L_{eq} temporarily during construction. Commercial uses in the vicinity would be exposed to construction noise levels exceeding 70 dBA L_{eq} and the ambient noise environment by at least 5 dBA L_{eq} temporarily during construction. Since significant noise-generating activities would last less than 12 months, impacts of temporary construction noise would be considered less than significant.

However, reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction material, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain the quality of life. Construction activities will be conducted in accordance with the provisions of the City's General Plan and the Municipal Code, which limits temporary construction work within 500 feet of residential land uses to between the hours of 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval by the City. In addition, construction is prohibited on weekends at sites located within 500 feet of residential units. Further, as part of the development approval, the project will implement the following standard permit conditions to minimize construction-related noise.

Standard Permit Conditions

- The project applicant shall incorporate the following measures during construction:

  - Limit construction hours to between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

  - Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

  - Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

  - Prohibit unnecessary idling of internal combustion engines.

    Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.

  - Utilize "quiet" air compressors and other stationary noise sources where technology exists.

  - Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

  - Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.

  - If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.

  - Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

With incorporation of the permit conditions above, the temporary construction noise impacts would be less than significant.

b) **Less Than Significant Impact**. Operation of the proposed project would not generate substantial vibration impacts. However, construction of the project may generate vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Construction activities would include demolition of existing structures, site preparation, excavation for below-grade parking, foundation work, paving, and new building framing and finishing. Construction is anticipated to occur over a period of 19 months. Table 15 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet.

Policy EC-2.3 of the City of San José's General Plan sets a construction vibration limit of 0.20 in/sec PPV to minimize damage at buildings of normal conventional construction. A significant impact would occur if buildings adjacent to the proposed construction site were exposed to vibration levels in excess of 0.20 in/sec PPV.

The nearest existing residential structure is located approximately 25 feet west of proposed construction activities. Impact pile driving is not anticipated for this project. Construction equipment is anticipated to include transfer trucks, excavators, concrete pumps, scissor lifts, and Gradalls. Based on the typical vibration levels summarized in Table 15, vibration levels generated by the use of this equipment is not anticipated to generate vibration levels exceeding 0.20 in/sec PPV at a distance of 25 feet or greater. This represents a less than significant impact.

Table 15
Vibration Source Levels for Construction Equipment

Equipment		**PPV at 25 ft. (in/sec)**
Pile Driver (Impact)	upper range	1.158
	typical	0.644
Pile Driver (Sonic)	upper range	0.734
	typical	0.17
Clam shovel drop		0.202
Hydromill (slurry wall)	in soil	0.008
	in rock	0.017
Vibratory Roller		0.210
Hoe Ram		0.089
Large bulldozer		0.089
Caisson drilling		0.089
Loaded trucks		0.076
Jackhammer		0.035
Small bulldozer		0.003

Source: Transit Noise and Vibration Impact Assessment, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, September 2013.

c) **Less Than Significant Impact** The project is not located within the vicinity of a private airstrip or an airport land use plan. The Norman Y. Mineta San José International Airport is located approximately four miles northeast of the site and the project lies outside the 65 dB noise contour for the airport.

Non-CEQA Effects

In December 2015, the California Supreme Court issued an opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District* (CBIA vs. BAAQMD)

case that CEQA is primarily concerned with the impacts of a project on the environment, not the effects of the existing environment on a project. In light of this ruling, the effect of existing ambient noise on future users or residents of the project would not be considered an impact under CEQA. However, General Plan Policy EC-1.1 requires that existing ambient noise levels be analyzed for new residences, hotels, motels, residential care facilities, hospitals, and other institutional facilities, and that noise attenuation be incorporated into the project in order to reduce interior and exterior noise levels to acceptable limits.

The Environmental Leadership Chapter in the Envision San José 2040 General Plan sets forth policies with the goal of minimizing the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies in the City of San José. As provided in General Plan Policy EC-1.1, the City's acceptable exterior noise level objective is 60 dBA DNL or less residential uses and 70 dBA DNL office and commercial uses (Table EC-1). The California Building Code and City's standard for interior noise levels in residences is 45 dBA DNL, and the California Green Building Code limits interior noise levels within new non-residential land uses to an hourly equivalent noise level (L_{eq} (1-hr)) of 50 dBA in occupied areas during any hour of operation.

The project proposes to demolish the existing site structures and construct a four-story mixed-use building. The project building would consist of retail and parking on the ground floor, and outdoor use areas on the second level (2nd floor podium), and residential units on levels 2-4. The eastern façade of the building would face Winchester Boulevard and the south façade would face Cadillac Drive. A common outdoor use area (2nd floor podium) is proposed in the northwest corner of the 2nd floor of the building, well shielded from Winchester Boulevard and Cadillac Drive traffic by the building itself. Private residential decks are proposed on the 3rd and 4th floors overlooking the podium and on the 4th floor overlooking Winchester Boulevard.

Future Exterior Noise Environment. A common outdoor use area is proposed in the northwest corner of the second floor of the building (2nd floor podium). The podium location would be well shielded from adjoining noise sources, including traffic along Cadillac Drive (to the south) and Winchester Boulevard (to the east) and food truck operations on Cadillac Drive. Due to the substantial shielding provided by the project building, the noise level exposure in the podium is calculated to be below 55 dBA DNL and would be considered acceptable with respect to both the City's residential exterior noise level objective of 60 dBA DNL or less and the City's office/commercial exterior noise level objective of 70 dBA DNL or less. The City's exterior noise level objectives are not applicable to balconies and residential stoops and porches facing existing roadways.

Future Interior Noise Environment – Residential. The City of San José requires that interior noise levels be maintained at 45 dBA DNL or less for residences, consistent with the California Building Code. Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. 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 can reduce interior noise levels to acceptable levels by allowing occupants the option of closing the windows to control noise. Where noise levels exceed 65 dBA DNL, forced-air mechanical ventilation systems and sound-rated construction methods

are normally required. Such methods or materials may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound-rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

Residential units are proposed on floors 2 through 4. The exterior noise exposure at residential façades facing north, east, south, and west would be 66, 72, 69, and 55 dBA DNL, respectfully, with the highest noise exposure occurring at the façade facing Winchester Boulevard. Based on preliminary calculations, only units with west facing façades would achieve the 45 dBA DNL interior standard with standard construction and windows in the open or closed position. North and south (Cadillac Drive) facing units would be anticipated to achieve the interior standard with the inclusion of forced-air mechanical ventilation and windows and doors with STC ratings of 28. Unit façades facing Winchester Boulevard to the east would be anticipated to achieve the interior standard with the inclusion of forced-air mechanical ventilation and windows and doors with STC ratings of 28 to 30.

To avoid sleep disturbance, additional interior to exterior noise reduction is recommended to reduce steady state noise levels generated by nighttime food truck operations inside south facing residential units. Based on preliminary calculations, closed windows with STC ratings of 30 would result in interior levels of 35 dBA or less in south facing units during food truck operations. The following standard permit condition would ensure that interior noise levels for proposed residential uses would be minimized to 45 dBA DNL or less:

Standard Permit Condition

- The project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential unit. The project applicant shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

Future Interior Noise Environment – Non-Residential. Noise sensitive non-residential interior uses include retail, a gym, and the building lobby on the first floor. Retail, gym, and lobby façades facing Winchester Boulevard would be exposed to an exterior noise level of about 72 dBA DNL with worst-hour noise levels as high as 72 dBA L_{eq}. North and south facing retail façades would be exposed to exterior noise levels of 66 and 69 dBA DNL/Leq, respectfully. Based on preliminary calculations, standard commercial construction with windows in the closed positions would be sufficient to comply with the Cal Green Code standard of 50 dBA L_{eq} (1-hr) in occupied areas during any hour of operation.

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

N. POPULATION AND HOUSING

Environmental Setting

Based on information from the Department of Finance, the City of San José's population was estimated to be 1,046,079 in January 2017 and had an estimated total of 332,574 housing units, with an average of 3.21 persons per household.[20] ABAG projects that the City's population will reach 1,445,000 with 472,000 households by 2040.

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth). The General Plan EIR concluded that the potential for direct growth inducing impacts from buildout of the General Plan would be minimal because planned growth would consist entirely of development within the City's existing Urban Growth Boundary and Urban Service Area.

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

a) **Less Than Significant Impact**. The development of the 46 residential units could increase the number of residents in the project area by approximately 148 residents based on the Department of Finance data of 3.21 average persons per household for San José. This represents a minor increase in the City's overall population and is consistent with growth planned in the 2040 General Plan. The proposed development is consistent with the project site's General Plan land use designation and, therefore, would not add growth beyond what was anticipated from buildout of the General Plan.

[20] State of California, Department of Finance. "E-5 City/County Population and Housing Estimates for Cities, Counties, and the State— January 1, 2011-2017, with 2010 Benchmark." May 2017. Accessed October 6, 2017. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/

b) **No Impact**. The project consists of the development of mixed-use facility on a commercial infill site that does not contain housing. The project would not displace existing housing or require the construction of replacement housing.

Conclusion: The project would have a less than significant impact on population and housing.

O. PUBLIC SERVICES

Environmental Setting

Fire Protection: Fire protection services are provided to the project site by the San José Fire Department (SJFD). The closest SJFD fire station to the project site is Station 10, located at 710 Leigh Avenue about 1.58 miles from the project.

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

Schools: The project is located within the Campbell Union School District (CUSD). The schools in the CUSD serving the project are as follows: Rosemary Elementary School (K-4), Campbell Middle School (5-8), and Westmont High School (9-12).

Parks: The nearest park is Marijane Hamann Park, a 10.5-acre park located at 2747 Westfield Avenue, about 0.65 miles from the project site.

Libraries: The San José Public Library System consists of one main library and 18 branch libraries. The nearest libraries to the project site are the Bascom Branch, located at 1000 S. Bascom Avenue about two miles to the northeast, and West Valley Branch, located 1243 San Tomas Aquino Road, about two miles from the site to the northwest.

Regulatory Framework

California Government Code Section 65996 (School Facilities)

State law identifies the payment of school impact fees as an acceptable method of offsetting a project's impact on school facilities. In San José, developers can either negotiate directly with the affected school district or make a payment per square foot of multi-family units (prior to the issuance of a building permit) as well as per square foot of new commercial uses. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

San José 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) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO.

General Plan

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

Envision San José 2040 Relevant Public Service Policies	
Policy ES-1.9	Provide all pertinent information on General Plan amendments, rezonings and other development proposals to all affected school districts in a timely manner.
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.
Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects. PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

a) **Less Than Significant Impact**. The project proposes to redevelop the site, which would intensify the use of the site and generate additional occupants in the area. This would result in an incremental increase in the demand for fire protection services. The project site, however, is currently served by the SJFD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJFD from meeting their service goals and would not require the construction of new or expanded fire facilities. In addition, the proposed project would be constructed in accordance with current building and Building and Fire Codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. Therefore, the proposed project would not significantly impact fire protection services or require the construction of new or remodeled facilities.

b) **Less Than Significant Impact**. The project proposes to redevelop the site, which would intensify the use of the site and generate additional occupants in the area. This would result in an incremental increase in the demand for police protection services. The project site, however, is currently served by the SJPD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJPD from meeting their service goals and would not require the construction of new or expanded police facilities. In addition, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety.

Finally, the project applicant will consult with the SJPD during final project design to assure appropriate security measures are incorporated. Therefore, the proposed project would not significantly impact police protection services or require the construction of new or remodeled facilities.

c) **Less Than Significant Impact**. The residential component of the proposed mixed-use development could generate some additional new students. The residential and commercial components of the project would be subject to developer fees to accommodate the incremental demand on school services, including the state-mandated school district impact fee, to compensate for any impacts to school services.

d) **Less Than Significant Impact**. The residential component of the proposed mixed-use development could generate some additional park users. While future residents, employees, and patrons of the site may utilize nearby parks, they are unlikely to place a major physical burden on these facilities. The City's Parkland Dedication Ordinance and Park Impact Ordinance require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. The project would be subject to developer fees to accommodate its incremental demand on park services, resulting in a less than significant impact on park facilities.

e) **Less Than Significant Impact.** The General Plan FEIR concluded that development and redevelopment allowed under the General Plan would be adequately served by existing and planned library facilities. The residential component of the proposed mixed-use development could have an incremental increase in the demand for other public services, including library services.

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

P. RECREATION

Environmental Setting

The City of San José owns and maintains approximately 3,502 acres of parkland, including neighborhood parks, community parks, and regional parks. The City has 51 community centers and over 57 miles of trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The nearest park is Marijane Hamann Park, a 10.5-acre park located at 2747 Westfield Avenue, about 0.65 miles from the project site.

Regulatory Framework

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

General Plan

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

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

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

a), b) **Less Than Significant Impact**. The development of the 46 residential units could increase the number of residents in the project area by approximately 148 residents based on Department of Finance data of 3.21 average persons per household for San José residents. This would incrementally increase the demands on nearby recreational facilities. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. The project would be required to comply with the City's park ordinances, which would offset impacts to park/recreation facilities.

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

Q. TRANSPORTATION

The following discussion is based on a transportation analysis prepared for the project by Hexagon Transportation Consultants (January 21, 2019) and followed up with a memo (June 24, 2019). These reports are contained in Appendix F.

Environmental Setting

The traffic impact analysis conducted for this project was to determine the potential traffic impacts related of the project based on the standards and methodologies set forth by the Cities of San José and Campbell and the Santa Clara Valley Transportation Authority (VTA). The VTA administers the County Congestion Management Program (CMP).

The project site is located within the adopted Winchester Urban Village Plan (August 2017). According to the Envision San José 2040 General Plan, the Urban Village strategy fosters:

- Mixed residential and employment activities attractive to an innovative work force
- Revitalization of underutilized properties that have access to existing infrastructure
- Densities that support transit use, bicycling, and walking
- High-quality urban design

Existing Roadway Network

Regional access to the project site is provided via SR 17 and I-280. Local access is provided by Winchester Boulevard, Moorpark Avenue, Williams Road, Payne Avenue, Hamilton Avenue, San Tomas Expressway, Eden Avenue, and Cadillac Drive. These facilities are shown in Figure 15 and described below.

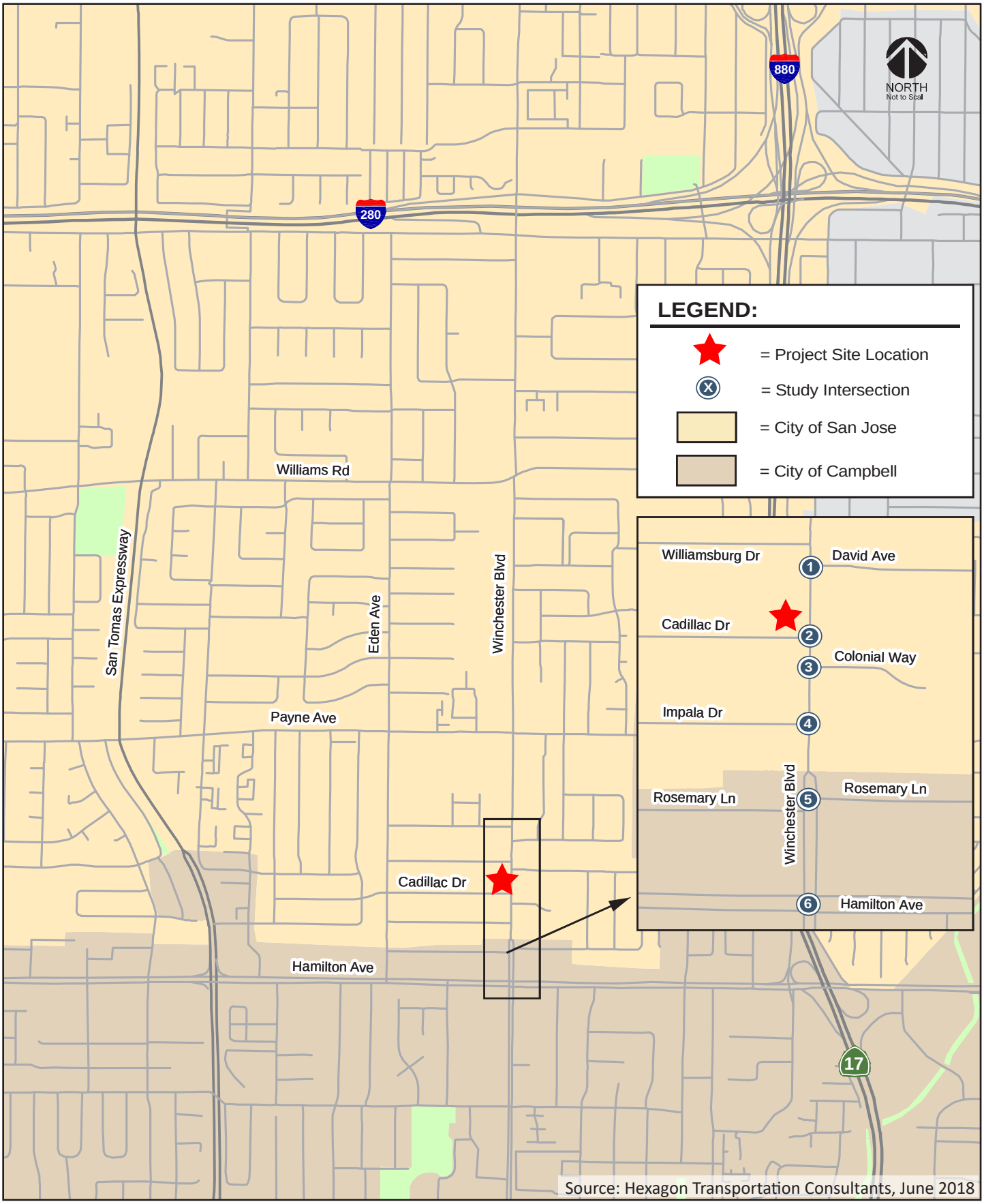
SR 17 is a six-lane freeway in project vicinity. It extends from Santa Cruz to I-280 in San José, at which point it makes a transition to I-880 to Oakland. Access to the site is provided via its interchange with Hamilton Avenue.

I-280 is an eight-lane freeway in the project vicinity. It extends northwest to San Francisco and east to King Road in San José, at which point it makes a transition to I-680 to Oakland. North of I-880, I-280 has high occupancy vehicle (HOV) lanes in both directions. Access to and from northbound I-280 to the site is provided via its interchange with Winchester Boulevard and via SR 17 to Hamilton Avenue.

Winchester Boulevard is a divided six-lane north-south roadway that runs from Los Gatos to Lincoln Street in Santa Clara. Winchester Boulevard provides access to the project site via Cadillac Drive.

Moorpark Avenue is a four-lane east-west roadway that runs from Lawrence Expressway to Bascom Avenue. East of Bascom Avenue, Moorpark Avenue makes a transition into a three-lane one-way roadway to Leigh Avenue. Moorpark Avenue provides access to the project site via Winchester Boulevard.

Williams Road is a two-lane east-west roadway in the vicinity of the project site. It extends east from Moorpark Avenue to South Daniel Way, just east of Winchester Boulevard. Williams Road provides access to the project site via Winchester Boulevard.



Roadway Network & Study Intersections

1495 Winchester Boulevard
Initial Study

Figure
15

Payne Avenue is a two-lane east-west roadway in the project vicinity. It extends east from Saratoga Avenue to Almarida Drive, just east of Winchester Boulevard. Payne Avenue provides access to the project site via Winchester Boulevard.

Hamilton Avenue is a six-lane east-west roadway between Marathon Drive and Leigh Avenue. West of Marathon Drive, Hamilton Avenue narrows to a four-lane roadway and extends west to Campbell Avenue. East of Leigh Avenue, Hamilton Avenue narrows to a four-lane roadway and extends west to Meridian Avenue. Hamilton Avenue provides access to the project site via Winchester Boulevard.

San Tomas Expressway is a north-south expressway that begins at its interchange with US 101 and extends southward through Santa Clara and San José and into Campbell, where it transitions into Camden Avenue at SR 17. San Tomas Expressway provides access to and from the project site via Williams Road, Payne Avenue, and Hamilton Avenue.

Eden Avenue is a two-lane north-south roadway in the project vicinity. It extends north from Hamilton Avenue to Moorpark Avenue. Eden Avenue provides access to the project site via Cadillac Drive.

Cadillac Drive is a two-lane east-west roadway in the project vicinity. It extends west from Winchester Boulevard to Maria Way. Direct access to the project site is provided via a driveway along Cadillac Drive.

Existing Pedestrian, Bicycle and Transit Facilities

Pedestrian Facilities. All of the roadways in the project vicinity have sidewalks on both sides of the street. Controlled crosswalks across Winchester Boulevard are provided near the project site at the signalized intersections of Winchester Boulevard/Williamsburg Drive and Winchester Boulevard/Hamilton Avenue. Overall, the existing network of sidewalks and crosswalks provides good connectivity and provides pedestrians with safe routes to transit services and other points of interest in the area. In addition, there are three pedestrian footbridge crossings over freeways in project area as listed below.

- SR 17 pedestrian footbridge connecting Westfield Avenue and Downing Avenue
- I-280 pedestrian footbridge connecting Moorpark Avenue and Cypress Avenue
- I-280 pedestrian footbridge connecting Moopark Avenue and Tisch Way

Bicycle Facilities. The bicycle facilities in the project area consist of Class II and III bikeways. Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Within the vicinity of the project site, striped bike lanes are located on the following roadway segments.

- Winchester Boulevard, between Hamilton Avenue and Payne Avenue
- Hamilton Avenue, west of SR 17
- Payne Avenue, west of Winchester Boulevard
- Williams Road, west of Baywood Avenue
- Moopark Avenue, west of Thorton Way
- Winchester Boulevard, between Tisch Way and Stevens Creek Boulevard

Class III bikeways are bike routes and only have signs to help guide bicyclists on recommended routes to certain locations. In the project vicinity, the following roadway segments are designated as bike routes.

- Eden Avenue, between Impala Drive and Hamilton Avenue
- Milton Avenue, south of Hamilton Avenue
- Darryl Drive, between Hamilton Avenue and Payne Avenue
- Monroe Street, between Moopark Avenue and Williams Road
- Williams Road, between Baywood Avenue and Daniel Way
- Daniel Way, between Williams Road and Westfield Avenue
- Thorton Way, between Moorpark Avenue and Downing Avenue
- Downing Avenue, east of SR 17

Although none of the residential streets near the project site (i.e., Cadillac Drive and Eden Avenue) provide bike lanes or are designated as bike routes, due to their low traffic volumes, many are conducive to bicycle usage.

Public Transit Services. Existing transit services in the study area are provided by the VTA. The project site is served directly by local bus route 60, which operates along Winchester Boulevard. The southbound and northbound bus stops for route 60 are located on Winchester Boulevard along the project's frontage and near Colonial Way, respectively. Route 60 provides service with 15-20-minute headways during the peak commute periods along Winchester Boulevard.

In addition, light rail transit (LRT) route 902 runs from the Winchester Transit Center in Campbell to Mountain View and operates from 5:00 AM to 12:00 AM with 15-minute headways during the peak commute periods. The closest LRT station is located approximately a mile from the project site at the interchange of SR 17 and Hamilton Avenue.

Regulatory Framework

Final Plan Bay Area 2040

The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted the Final Plan Bay Area 2040 in July 2017. The Final Plan Bay Area 2040 is an updated long-range Regional Transportation Plan and Sustainable Communities Strategy for the nine-county San Francisco Bay Area. This plan focuses on the following strategies:

- Forecasting transportation needs through the year 2040.
- Preserving the character of our diverse communities.
- Adapting to the challenges of future population growth.

This effort grew out of the California Sustainable Communities and Climate Protection Act of 2008 (California Senate Bill 375, Steinberg), which requires each of the state's 18 metropolitan areas – including the Bay Area – to reduce greenhouse gas emissions from cars and light trucks. Plan Bay Area 2040 is a limited and focused update of the region's previous integrated transportation and land use plan, Plan Bay Area, adopted in 2013.

Santa Clara County Congestion Management Program

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

Council Policy 5-3 Transportation Impact Policy

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

I-280/Winchester Boulevard Transportation Development Policy

The project is located within the Winchester Boulevard Urban Village Plan (2017). As part of the Envision San José 2040 General Plan, the City has identified historically underutilized locations within San José that will be developed as "Urban Villages." These urban villages are intended to promote the development of active, walkable, bicycle friendly, transit-oriented, mixed-use urban settings for new housing and job growth.

The I-280/Winchester Boulevard interchange area Transportation Development Policy (TDP), adopted in September 2016, provides for additional capacity in the immediate area of the I-880/Stevens Creek Boulevard and I-280/Winchester Boulevard interchanges. The TDP provides partial funding, via a traffic impact fee imposed on proposed development, for the implementation of a new westbound off-ramp from I-280 to Winchester Boulevard to reduce traffic congestion at the I-880/Stevens Creek and Stevens Creek Boulevard corridors.

General Plan

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

Envision San José 2040 Relevant Transportation Policies	
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.

Envision San José 2040 Relevant Transportation Policies	
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.
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	The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
Policy 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.
Policy CD-3.3	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17. TRANSPORTATION/TRAFFIC. Would the project:					
a) Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X		1, 2, 14
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			X		1, 2, 14
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X		1, 2, 14
d) Result in inadequate emergency access?			X		1, 2, 14

Traffic Analysis Methodology and Existing Conditions

The traffic analysis provided in Appendix F includes an analysis of peak hour traffic conditions for six intersections in the project vicinity (see Figure 15). Four intersections are located in the City of San José and two are within the City of Campbell, as follows.

City of San José Study Intersections:

1. Winchester Boulevard and David Avenue/Williamsburg Drive
2. Winchester Boulevard and Cadillac Drive (unsignalized)
3. Winchester Boulevard and Colonial Way (unsignalized)
4. Winchester Boulevard and Impala Drive (unsignalized)

City of Campbell Study Intersections:

5. Winchester Boulevard and Rosemary Lane (unsignalized)
6. Winchester Boulevard and Hamilton Avenue (CMP Intersection)

The study intersections were analyzed during the weekday AM and PM peak hours. 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. Traffic conditions at the study intersections were evaluated based on level of service (LOS). LOS is a qualitative description of operating conditions ranging from LOS A, free-flow conditions with little or no delay, to LOS F, jammed conditions with excessive delays. The intersections were evaluated under four scenarios: existing, existing plus project, background, and background plus project conditions.

The methodologies used for the traffic analysis are described below.

City of San José Signalized Intersections. The signalized intersection of Winchester Boulevard and David Avenue/Williamsburg Drive is located within the City of San José and subject to the City's LOS standard of D or better. The City of San José LOS methodology is TRAFFIX, which is based on the *2000 Highway Capacity Manual* (HCM) method for signalized intersections. TRAFFIX evaluates signalized intersections operations based on average delay time for all vehicles at the intersection. Since TRAFFIX is also the CMP-designated intersections level of service methodology, City of San José's methodologies employs the CMP default values for the analysis parameters.

CMP Signalized Intersections. The signalized intersection of Winchester Boulevard and Hamilton Avenue is located within the City of Campbell. However, it is a CMP designated intersection and subject to CMP LOS standards. Since TRAFFIX also is the designated level of service methodology for CMP intersections, the CMP study intersections are not analyzed separately. The only difference between the Cities' of San José and Campbell and CMP's analyses is that project impacts are compared against different LOS standards. The CMP level of service standard for signalized intersections is LOS E or better.

Unsignalized Intersections. The City of San José does not have a LOS standard for unsignalized intersections. Therefore, only the signal warrant assessment is required at unsignalized intersections within the City. Unsignalized intersections in the City of Campbell are evaluated based on LOS and signal warrant checks.

Significance Criteria

Significance criteria are used to establish what constitutes an impact. For this analysis, the criteria used to determine significant impacts on signalized intersections are based on City of San José, City of Campbell, and CMP standards.

City of San José. The City of San José definition of significant intersection impacts are set forth below.

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

1. The level of service at the intersection degrades form an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under background plus project conditions, or

2. The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips cause both the critical-movement delay at the intersection to increase by four (4) or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (0.01) or more.

An exception to rule #2 above applies when the addition of project trips reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by 0.01 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

City of Campbell. The project is said to create a significant adverse impact on traffic conditions at an unsignalized intersection in the City of Campbell if for either peak hour:

1. A traffic signal is warranted, and

2. The intersection or a turning movement is projected to operate at LOS F.

A significant impact by City of Campbell standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection levels of operation to background conditions or better.

Explanation

a) **Less Than Significant Impact**. The project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities as described below. The proposed project's compliance with the City's Transportation Analysis Policy (Council Policy 5-1) is addressed in b) below.

The project site is located within the boundaries of the Winchester Boulevard Urban Village Plan (2017) and fronts Winchester Boulevard, which has been designated as a Grand Boulevard by the Envision San José 2040 General Plan. Sites within an Urban Village and located along

a Grand Boulevard must incorporate additional urban design and architectural elements to facilitate pedestrian orientated design and activate the pedestrian public right-of-way.

The General Plan identifies goals and policies that are dedicated to the enhancement of the transportation infrastructure, including public transit and pedestrian/bike facilities as presented in the Regulatory Framework discussion. The transportation policies contained in the General Plan create incentives for non-auto modes of travel while reducing the use of single-occupant automobile travel as generally described below:

- 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.

- Give priority to the funding of multimodal projects to provide the most benefit to all users of the transportation system.

- Encourage the use of non-automobile travel modes to reduce vehicle miles traveled (VMT).

- Consider the impact on the overall transportation system when evaluating the impacts of new developments.

- Increase substantially the proportion of travel modes other than single-occupant vehicles.

The planned improvements discussed below are intended to reduce the identified operational issues on to the roadway system by providing the project site with viable connections to surrounding pedestrian/bike and transit facilities and provide for a balanced transportation system as outlined in the Envision 2040 General Plan goals and policies. However, the full implementation of the improvements is beyond the means of the proposed project given that they may require right-of-way from adjacent properties. The project could be required to make a fair-share contribution towards the cost of the improvements if deemed appropriate by the City, since the identified improvements would be of benefit to the project.

Bicycle and Pedestrian Facility Improvements

The Envision 2040 General Plan identifies the following goals with regards to bicycling and pedestrians:

- Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments.

- Build pedestrian and bicycle improvements at the same time as improvements for vehicular circulation.

- Give priority to pedestrian improvement projects that improve pedestrian safety, improve pedestrian access to and within the Urban Villages and other growth areas.

The San José Bike Plan 2020 indicates that a variety of bicycle facilities are planned in the study area, some of which would benefit the project and adhere to the goals of the Envision 2040 General Plan. Of the planned facilities, the following are relevant to the project.

Class II bike lanes are planned for:

- Winchester Boulevard, between Payne Avenue and Moorpark Avenue
- Cypress Avenue, between Williams Road and Moorpark Avenue

Class III bike routes are planned for:

- Payne Avenue, between Winchester Boulevard and Greenbriar Avenue
- Greenbriar Avenue, between Payne Avenue and Westfield Avenue
- Westfield Avenue, between Greenbriar Avenue and Daniel Way

Transit Facility Improvements

The Envision 2040 General Plan identifies the following goals with regards to public transit:

- Pursue development of BRT, bus, shuttle, and fixed guideway services on designated streets and connections to major destinations.

- Ensure that roadways designated as Grand Boulevards adequately accommodate transit vehicle circulation and transit stops. Prioritize bus mobility along Stevens Creek Boulevard.

Winchester Boulevard between Moorpark Avenue and Impala Drive has been designated as a Grand Boulevard within the Envision 2040 General Plan. Grand Boulevards are intended to serve as major transportation corridors with priority given to public transit. Given that the project fronts Winchester Boulevard, the project shall be required to implement the following Grand Boulevard design principles:

- Provide a minimum 15 feet sidewalk width along its frontage on Winchester

- Minimize driveway cuts to minimize transit delay

- Provide enhanced shelters for transit services

In addition, as a Grand Boulevard it is envisioned that Winchester Boulevard could potentially be included in the VTA BRT system. However, there are no plans at this time for a BRT line on Winchester. The West San Carlos Street/Stevens Creek Boulevard BRT is in only the preliminary stages of its environmental review and there is no identified schedule for its completion.

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

b) **Less Than Significant Impact**. The City of San José Council Policy 5-3 "Transportation Impact Policy" was the adopted threshold for CEQA traffic impacts at the onset of the transportation study for the project. The City has subsequently adopted a Council Policy 5-1 that is based on vehicle miles traveled (VMT) and establishes the current thresholds for transportation impacts under CEQA based on VMT rather than intersection LOS. The policy has pipeline provisions (under the Applicability of the Policy) that state only development projects with a complete application on file with the City on or after the effective date are required to comply with Council Policy 5-1. This project was already on file prior to the Council Policy 5-1's effective date. Therefore, the following analysis addresses the proposed project's compliance with Transportation Impact Policy (Council Policy 5-3), as that was the adopted policy for CEQA compliance at the time of submittal.

The traffic analysis prepared for the project addresses transportation operational issues of the project, and the effects of the project on transportation, access, circulation, and safety elements in the project area. in compliance with the City's Transportation Analysis Handbook (April 2018). The traffic analysis and subsequent memo to address the removal of the office uses are contained in Appendix F.

Project trip estimates were based on trip generation rates obtained from the Institute of Transportation Engineers' (ITE's) *Trip Generation*, Tenth Edition (2017). Reductions were applied for the internalization, or trips made between residential and retail uses (15%), per recommendations in VTA's Transportation Impact Analysis Guidelines, October 2014. In addition, a typical pass-by trip reduction of 25% for retail development within Santa Clara County was applied to the retail component of the proposed project.

Trip generation for the currently proposed project is presented in Table 16. Based on the ITE trip generation rates and credit for existing uses on the project site, it is estimated that the proposed project would generate an additional 330 daily trips, with 20 trips (6 inbound and 14 outbound) occurring during the AM peak hour and 24 trips (16 inbound and 8 outbound) during the PM peak hour.

Results of LOS Evaluation

Table 17 summarizes the intersection LOS analysis. As noted previously, the project has been reduced in intensity since preparation of the LOS evaluation, so the results provided in Table 17 represent a conservative LOS projection. As shown in the table, none of the study intersections would exceed the significance criteria established by the Cities of San José and Campbell. Therefore, there would be a less than significant impact.

Table 16
Trip Generation Estimates

Land Use	ITE Trip Generation Rate	Reduction %	Size	Daily		AM Peak Hour						PM Peak Hour					
							Split		Trips				Split		Trips		
				Rate	Trips	Rate	In	Out	In	Out	Total	Rate	In	Out	In	Out	Total
Proposed Land Uses																	
Residential	221-Multifamily Housing (Mid-Rise)		46 Dwelling Units	5.44	250	0.36	26%	74%	4	13	17	0.44	61%	39%	12	8	20
Housing and retail mixed-use reduction[1]		*15%*			*-28*				*0*	*0*	*0*				*-2*	*-1*	*-3*
Retail	820 – Shopping Center		5,000 Square Feet	37.75	189	0.94	62%	38%	3	2	5	3.81	48%	52%	9	10	19
Housing and retail mixed-use reduction[1]		*15%*			*-28*				*0*	*0*	*0*				*-1*	*-2*	*-3*
Retail pass-by[2]		*25%*			*-4*				*0*	*0*	*0*				*-2*	*-2*	*-4*
Total Proposed Project Trips					**379**				**7**	**15**	**22**				**16**	**13**	**29**
Existing Land Use																	
Commercial[3]	820 – Shopping Center		1,300 Square Feet	37.75	-49	1.54	50%	50%	-1	-1	-2	3.85	0%	100%	0	-5	-5
Net Project Trips (Proposed minus Existing)					**330**				**6**	**14**	**20**				**16**	**8**	**24**

Source: ITE Trip Generation Manual, 10th Edition 2017. (Average rates were used for all land uses)
[1]As prescribed by the VTA Transportation Impact Analysis Guidelines (October 2014), the maximum trip reduction for a mixed-use development project with housing and retail components is equal to 15% off the smaller trip generator.
[2]A 25% PM pass-by reduction is typically applied for retail development within Santa Clara County.
[3]Peak-hour trips for the existing uses were obtained from driveway counts conducted on May 16, 2018. Daily trips were estimated using ITE rates. The existing uses on site close at 4 PM, therefore, the PM peak hour trips only consist of employees leaving the site.

Table 17
Intersection Level of Service Summary

						Existing		Existing Plus Project				Background		Background Plus Project			
Int #	**Intersection**	**Jurisdiction**	**LOS Standard**	**Peak Hour**	**Count Date**	**Delay[1]**	**LOS**	**Delay[1]**	**LOS**	**Incr. In Crit. Delay**	**Incr. In Crit. V/C**	**Delay[1]**	**LOS**	**Delay**	**LOS**	**Incr. In Crit. Delay**	**Incr. IN Crit. V/C**
1	Winchester Boulevard and David Avenue/Williamsburg Drive	San José	D	AM	10/26/18	21.7	C	21.8	C	0.0	0.001	23.8	C	24.1	C	0.1	0.001
				PM	10/26/18	20.1	C	20.4	C	-0.01	0.001	20.5	C	20.8	C	0.6	0.008
5	Winchester Boulevard and Rosemary Lane *(unsignalized)*[2]	Campbell	E	AM	04/24/18	28.3	D	29.0	D	N/A	N/A	12.0	B	12.0	B	N/A	N/A
				PM	04/24/18	41.7	E	43.0	E	N/A	N/A	11.7	B	11.7	B	N/A	N/A
6	Winchester Boulevard and Hamilton Avenue*	CMP	E	AM	04/24/18	40.0	D	40.1	D	0.1	0.003	41.2	D	41.3	D	0.1	0.004
				PM	12/01/16	47.8	D	47.8	D	0.1	0.004	49.4	D	49.5	D	0.2	0.005

* Denotes CMP Intersection
[1] The reported delay and corresponding level of service for signalized intersections represents the average delay for all approaches at the intersection.
The reported delay and corresponding level of service for two-way stop-controlled intersections are based on the stop-controlled approach with the highest delay.
[2] The reported delay and corresponding level of service under background and background plus project conditions reflect right turns only at this intersection due to the Winchester Boulevard Complete Street improvements.

I-280/Winchester Boulevard Transportation Development Policy (TDP)

The I-280/Winchester Boulevard interchange area TDP provides partial funding, via a traffic impact fee imposed on proposed development, for the implementation of a new westbound off-ramp from I-280 to Winchester Boulevard to reduce traffic congestion at the I-880/Stevens Creek and Stevens Creek Boulevard corridors. The traffic fee is based on the estimated trips to be added to the new westbound off-ramp from I-280 to Winchester Boulevard by each individual development. Based on the traffic analysis, it is estimated that the proposed project would result in no more than one peak hour trip to the planned I-280 to Winchester Boulevard ramp, which represents a less than significant impact.

Signal Warrant Analysis

Based on the conclusions of the traffic analysis, peak-hour traffic signal warrant checks indicate that the projected traffic volumes at the unsignalized study intersections would fall below the thresholds that warrant signalization. Therefore, this is a less than significant impact based on the City of Campbell's thresholds.

Freeway Segment Capacity

Per the CMP's technical guidelines, freeway segment LOS analysis must be conducted on all segments where the project is projected to add one percent or more to the segment capacity. Since the project is projected to add significantly less than one percent to any project area freeway segments, the CMP freeway analysis was not required (see Table 8 of the traffic analysis provided in Appendix F). Therefore, the project would result in a less than significant impact.

Effects on Surrounding Residential Streets

The traffic analysis considered the impacts of potential project-generated traffic on the following nearby streets segments:

- Cadillac Drive, between Winchester Boulevard and Eden Avenue.
- Eden Avenue, between Hamilton Avenue and Cadillac Drive
- Eden Avenue, between Cadillac Drive and Payne Avenue

Based on the characteristics of the streets, the traffic count data, and the estimated project traffic, the traffic analysis concluded that the added project trips to each of the studied street segments constitute a four percent (4%) or less increase from the existing volumes, and speeds along Cadillac Drive and Eden Avenue exceed the posted speed by less than 5 mph. Speeds within 5 mph of the posted speed limits are considered reasonable . Therefore, based on the speed surveys, there is no obvious speeding issue along the studied roadway segments, and the posted speed limits are adequate. Refer to the traffic analysis provided in Appendix F for additional detail.

c) **Less Than Significant Impact**. The project would not substantially increase hazards due to a geometric design feature or incompatible uses. Furthermore, based on the speed surveys, an obvious speeding issue along the study roadway segments does not appear to exist and the posted speed limits are adequate. The gate at the podium level accessing the parking garage would remain open during normal business hours and heavy traffic times to avoid queuing in the street. The project is consistent with the General Plan and zoning designations for the site. During the development review process, the vehicle circulation on the project site is reviewed by City staff to assure that access is not hazardous and complies with the City's regulations and policies.

d) **Less Than Significant Impact**. The project proposes to install all fire department access roads, water mains, and hydrants in accordance with the Fire Code and all other applicable standards. Final plans will be reviewed by the City to assure that the project adheres to all Fire Code requirements. During construction, lane closures may be required on Cadillac Drive or Winchester Boulevard. The applicant proposes to implement a construction management plan to avoid impacts to emergency vehicle movement, which will be reviewed during the building permit phase. Therefore, the project would not result in inadequate emergency access.

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

R. UTILITIES AND SERVICE SYSTEMS

Environmental Setting

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

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

Regulatory Framework

Assembly Bill (AB) 939

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

California Green Building Standards Code

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

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

San José Zero Waste Strategic Plan/Green Vision

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

Council Policy 8-13 Green Building Policy

Council Policy 8-13 "Green Building Policy" for private sector new construction encourages building owners, architects, developers, and contractors to incorporate sustainable building goals early in the building design process. This policy establishes baseline green building standards for new private construction projects and provides a framework for the implementation of these standards. The Policy is also intended to enhance the public health, safety, and welfare of the City's residents, workers, and visitors by encouraging design, construction, and maintenance practices that minimize the use and waste of energy, water, and other resources in the City.

General Plan

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

Envision San José 2040 Relevant Utilities and Service System Policies	
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy 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 development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	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.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
18.	UTILITIES AND SERVICE SYSTEMS. Would the project:					
a)	Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X		1, 2
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X		1, 2
c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		1, 2
d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X		1, 2
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The project would incrementally increase demands on utility services. Given the small scale of the project (46 units and approximately 4,996 square feet of retail space), the increase in utility demand is expected to be minor, since it represents a small fraction of the total growth identified in the City's General Plan.

Water service to the site would be supplied by the San Jose Water Company (SJWC), a private entity that obtains water from a variety of groundwater and surface water sources. The project applicant would be required to acquire a "will serve" letter from SJWC to assure adequate water is available to serve the proposed mixed uses.

The City of San José owns and maintains the sanitary sewer drain system in the project area. The project proposes to construct a sanitary sewer lateral that would tie into the City's existing sewer main in Cadillac Drive.

As described in *Section J. Hydrology and Water Quality*, the project would not significantly impact storm drainage facilities. While the project would result in an increase in the amount of impervious surfaces on the site, the resulting increase in runoff from the site would be managed and treated in accordance with City policies, which includes implementation of a stormwater control plan.

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

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

b) **Less Than Significant Impact**. As described above, the project applicant would be required to acquire a "will serve" letter from SJWC to assure adequate water is available to serve the proposed mixed uses from existing entitlements and resources (during normal, dry and multiple dry years).

c) **Less Than Significant Impact**. Wastewater from the City of San José is treated at the RWF. The RWF has the capacity to provide tertiary treatment of up to 167 million gallons of wastewater per day (mgd) but is limited to a 120 mgd dry weather effluent flow by the State and Regional Water Quality Control Boards. Based on the General Plan EIR, the City's average dry weather flow is approximately 69.8 million gallons per day and the City's capacity allocation is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity. Development allowed under the General Plan (which includes the project) would not exceed the City's allocated capacity at the RWF; therefore, development of the project would have a less than significant impact on wastewater treatment capacity.

d) **Less Than Significant Impact**. The project would not generate substantial solid waste that would adversely affect any landfills. The City's General Plan EIR concluded that growth identified in the General Plan would not exceed the capacity of existing landfills serving the City of San José.

Based on CalRecycle estimates, the project would generate approximately 408 pounds per day of solid waste (about 74 tons per year).[21] The increase in solid waste generation from development of the project would be minimized through implementation of the City's Zero Waste Strategic Plan, which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022.[22] The Waste Strategic Plan, in combination with existing regulations and programs, would ensure that full buildout of the General Plan would not result in significant impacts on solid waste generation, disposal capacity, or otherwise impair the attainment of solid waste reduction goals. Furthermore, with the implementation of City policies to reduce waste the project would comply with all federal, state, and local statutes and regulations related to solid waste.

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

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

[21] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed: February 11, 2019. Available at: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates Multi-family residential waste generation was estimated at a rate of 8.6 pounds per unit per day, and retail commercial waste generation was estimated at a rate of 2.5 pounds per 1,000 square feet per day.

[22] Zero Waste Resolution, adopted by San José City Council in October 2007.

S. WILDFIRE

Environmental Setting

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

Regulatory Framework

Public Resources Code 4201 – 4204

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

Government Code 51175 – 51189

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

California Fire Code

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

General Plan

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

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

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

Impacts and Mitigation

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

Explanation

a) **Less Than Significant Impact**. The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. As stated above in *Section J. Hazards and Hazardous Materials*, the project would not create any barriers to emergency or other vehicle movement in the area and final design would incorporate all Fire Code requirements.

b) **Less Than Significant Impact**. The project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors due to the project's urbanized location away from natural areas susceptible to wildfire. The project site is not located within an area of moderate, high, or very high Fire Hazard Severity for the Local Responsibility Area nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility Area.

c) **Less Than Significant Impact**. Due to the project's urbanized location and lack of interface with any natural areas susceptible to wildfire, the project would not require the installation or maintenance of associated fire suppression or related infrastructure.

d) **Less Than Significant Impact**. See above discussion. The project would not expose people or structures to significant wildfire risks given its highly urban location away from natural areas susceptible to wildfire.

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

T. MANDATORY FINDINGS OF SIGNIFICANCE

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

Explanation

a) **Less Than Significant Impact with Mitigation Incorporated**. Based on the analysis provided in this Initial Study, the proposed project would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Mitigation measures and standard permit conditions are identified for potential impacts of the project on special status species (nesting birds) and potential disturbance to buried archaeological resources during construction to reduce these effects to a less than significant level.

b) **Less Than Significant Impact with Mitigation Incorporated**. Based on the analysis provided in this Initial Study, the proposed project would not significantly contribute to cumulative impacts, because the proposed mixed-use development represents an infill project on a small site surrounded by existing urban development and is consistent with General Plan policies. The proposed project would emit criteria air pollutants, TACs, and GHG emissions and contribute to the overall regional and global emissions of such pollutants. By their very nature, GHG emissions are largely a cumulative impact. However, as discussed in *Section C. Air Quality* and *Section H. Greenhouse Gas Emissions*, with implementation of Mitigation Measure AQ-1, the project would have a less than significant impact related to criteria air pollutants, TACs, and GHG emissions.

The project would result in impacts in the following areas: 1) air quality impacts from TAC emissions during construction, 2) potential impacts to nesting birds during construction, 3) hazardous materials impacts from potential release of pesticide residuals in soil, and 4) noise impacts from outdoor mechanical equipment. These impacts would be minimized by implementation of standard permit conditions and mitigation measures and would not significantly contribute to cumulative impacts in the area.

c) **Less Than Significant Impact with Mitigation Incorporated.** Based on the analysis provided in this Initial Study, the proposed project could indirectly cause substantial adverse effects to human beings through exposure to TACs and noise. However, with implementation of standard permit conditions and Mitigation Measures AQ-1 and NSE-1, the proposed project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

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

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Chapter 4. References

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