

# Initial Study

## 259 Meridian Avenue

File No. PDC18-016

Prepared by



In Consultation with



February 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:** 259 Meridian Avenue Residential Mixed-Use Development

**PROJECT FILE NUMBER:** PDC18-016 and PD19-011

**PROJECT DESCRIPTION:** Planned Development Rezoning to rezone the R-2 Two-Family Residential Zoning District and the CO Commercial Office Zoning District to a CP(PD) Planned Development Zoning District and a Planned Development Permit to allow the removal of nine non-ordinance sized trees, the demolition of three existing buildings totaling approximately 19,000 square feet and the construction of a four to seven-story mixed-use building with up to 226 residential units and approximately 1,400 square feet of ground-floor commercial square feet on an approximately 1.3 gross acre site.

**PROJECT LOCATION:** 259 Meridian Avenue.

**ASSESSORS PARCEL NO.:** 274-14-152

**COUNCIL DISTRICT:** 6

**APPLICANT CONTACT INFORMATION:** Jerry Strangis; Strangis Properties; 3546 Steval Place  
San José, CA 95136; (408) 723-2177

**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 would expose infants in proximity to the project site to temporary toxic air contaminant emissions in excess of acceptable thresholds.

**MM AIR-3.1:** The project applicant shall ensure that all mobile diesel-powered off-road equipment

operating on-site for more than two days and larger than 25 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 2 engines that include CARB-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that meets the US EPA Tier 4 standards for particulate matter, or use of equipment that is electrically powered or uses non-diesel fuels would also meet this requirement. Other alternative measures could include providing line power to the site during early phases of construction to minimize the use of portable equipment powered by diesel engines, the use of electric cranes (if feasible), and minimizing diesel generator use to less than 100 hours. If any of these alternative measures are proposed, the project applicant shall include them in the construction operations plans (as stated in MM AIR-3.2) which include specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, or building permits, whichever occur the earliest.

**MM AIR-3.2:** Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall submit a construction operations plan that includes specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest) to the Director or Director's designee OF Planning, Building, and Code Enforcement. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in these mitigation measures.

#### **D. BIOLOGICAL RESOURCES.**

**Impact BIO-1:** Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

**MM BIO-4.1: Avoidance:** The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

**MM BIO-4.2: Nesting Bird Surveys:** If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

**MM BIO-4.3: Buffer Zones:** If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

**MM BIO-4.4: Reporting:** Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director or Director's designee of City of San Jose the Department of Planning, Building and Code Enforcement.

#### **E. CULTURAL RESOURCES.**

**Impact CUL-2:** Excavation of the site could result in the loss of all yet unknown subsurface historic resources on the project site.

**MM CUL-2.1: Preliminary Investigation.** After the asphalt has been removed, but prior to any further ground-disturbing activities including grading, potholing for utilities, and building foundation removal (i.e., any grading permits), a qualified archaeologist who is trained in both local prehistoric and historical archaeology shall complete subsurface exploration at the site, to determine if there are any indications of discrete historic-era subsurface archaeological features. Exploring for historic-era features shall consist of at least one trench mechanically excavated below existing stratigraphic layers to evaluate the potential for Native American and historic-era resources. If any archaeological resources are exposed, these should be briefly documented, tarped for protection, and left in place. The results of the presence/absence exploration, including any treatment recommendations if any, shall be submitted to the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement for review and approval prior to issuance of any grading permit.

Based on the findings of the subsurface testing, an archaeological resources treatment plan as described in MM CUL-2.2 shall be prepared by a qualified archaeologist if necessary.

**MM CUL-2.2: Research Design and Treatment Plan.** If MM CUL-2.1 is applicable, the project applicant shall prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of all ground disturbing activities. The treatment plan shall be prepared and submitted to the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement prior to approval of any grading permit. The treatment plan shall contain, at a minimum:

- Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).
- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
- Detailed field strategy to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.
- Disposition of the artifacts.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc.

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

**MM CUL-2.3: Evaluation.** The project applicant shall notify the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement of any finds during the preliminary field investigation, grading, or other construction activities. Any historic or prehistoric material identified in the project area during the preliminary field investigation and during grading or other construction activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the

Northwest Informative center (NWIC), and/or equivalent.

- 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** – The project would not have a significant impact on this resource, therefore no mitigation is required.
- 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:** Operation of the mechanical equipment and construction noise generated by the proposed project could impact nearby noise-sensitive receptors.

**MM NOI-1.1:** Mechanical equipment selection. Mechanical equipment shall be selected and designed by the project applicant to reduce impacts on surrounding uses to meet the City's 55 dBA DNL noise level requirement at the property line of nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. 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. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as the rooftop away from the northern and eastern edges, where feasible.

**MM NOI-1.2:** Construction Noise Logistics Plan. Prior to the issuance of any grading or demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement prior to the issuance of any grading or demolition permits.

As a part of the noise logistic plan and project, construction activities for the proposed project shall include, but is not limited to, the following best management practices:

- In accordance with Policy EC-1.7 of the City's General Plan, utilize the best available noise suppression devices and techniques during construction activities.
- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday

through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence (San José Municipal Code Section 20.100.450).

- Construct temporary noise barriers, where feasible, to screen mobile and stationary construction equipment. The temporary noise barrier fences provide noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise source and noise-sensitive receptors nearest the project site during all project construction.
- A temporary noise control blanket barrier shall be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- The project applicant shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- 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.
- 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 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.

**Impact NOI-2:** The project would not result in generation of excessive groundborne vibration or groundborne noise levels.

**MM NOI-2.1:** Construction Vibration Monitoring, Treatment, and Reporting Plan. The project applicant shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration-generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall

include, but not be limited to, the following measures:

- The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.
- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted to the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. Phase demolition, earth-moving, and ground impacting operations so as not to occur during the same time period.
- Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of any adjacent building.
- Document conditions at all structures located within 25 feet of construction prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. Specifically:
  - Performance of a photo survey, elevation survey, and crack monitoring survey for each structure of normal construction within 25 feet of any high impact construction activities and/or within 25 feet of other construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity, in regular intervals during construction, and after project completion, and shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures.
- Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approached the limits.
- At a minimum, vibration monitoring shall be conducted during demolition and excavation activities.
- If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

**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**

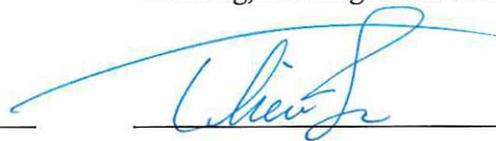
Before 5:00 p.m. on **Thursday March 12, 2020** any person may:

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

2/11/2020

Date



Deputy

Thai-Chau Le  
 Environmental Project Manager

**Circulation period: February 21, 2020 to March 12, 2020.**

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- Appendix A: Air Quality Analysis and Greenhouse Gas Assessment
- Appendix B: Historic Resources Project Assessment
- Appendix C: Phase I Environmental Site Assessment
- Appendix D: Noise and Vibration Assessment
- Appendix E: Transportation Analysis

## **SECTION 1.0 INTRODUCTION AND PURPOSE**

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### **1.1 PURPOSE OF THE INITIAL STUDY**

The City of San José, as the Lead Agency, has prepared this Initial Study for the 259 Meridian Avenue Residential Mixed-Use Development Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The project proposes to demolish the existing medical/dental office complex on the site, remove 10 trees, and construct a seven-story residential podium building containing 241 units and including a two-level parking garage with ground floor commercial uses. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

### **1.2 PUBLIC REVIEW PERIOD**

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

Thai-Chau Le, Project Manager  
City of San José  
Department of Planning, Building and Code Enforcement  
200 E. Santa Clara Street, 3<sup>rd</sup> Floor  
San José, CA 95113  
[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)

### **1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT**

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

### **1.4 NOTICE OF DETERMINATION**

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

## **SECTION 2.0 PROJECT INFORMATION**

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### **2.1 PROJECT TITLE**

259 Meridian Avenue Residential Mixed-Use Development

### **2.2 LEAD AGENCY CONTACT**

Thai-Chau Le, Environmental Project Manager  
City of San José  
Department of Planning, Building and Code Enforcement  
200 E. Santa Clara Street, 3<sup>rd</sup> Floor  
San José, CA 95113  
(408) 535-5658  
[Thai-Chau.Le@sanjoseca.gov](mailto:Thai-Chau.Le@sanjoseca.gov)

### **2.3 PROJECT APPLICANT**

Jerry Strangis  
Strangis Properties  
3546 Steval Place  
San José, CA 95136  
Phone: (408) 723-2177

### **2.4 PROJECT LOCATION**

The project site is located at 259 Meridian Avenue in San José and is surrounded by commercial businesses on the east and south sides, a mini-storage facility on the west side, and single-family residences on the north side. The project location is shown on the following Regional Map, Vicinity Map, and Aerial Photograph with Surrounding Land Uses exhibits (Figures 2.4-1, 2.4-2 and 2.4-3, respectively).

### **2.5 ASSESSOR'S PARCEL NUMBER**

APN: 274-14-152

### **2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT**

The project site has a land use designation of Urban Village in the Envision San José 2040 General Plan, and is located within the West San Carlos Urban Village area. The site has zoning designations of CO Commercial Office District and R-2 Residence District. The front half of the property is zoned CO and the rear half is zoned R-2.

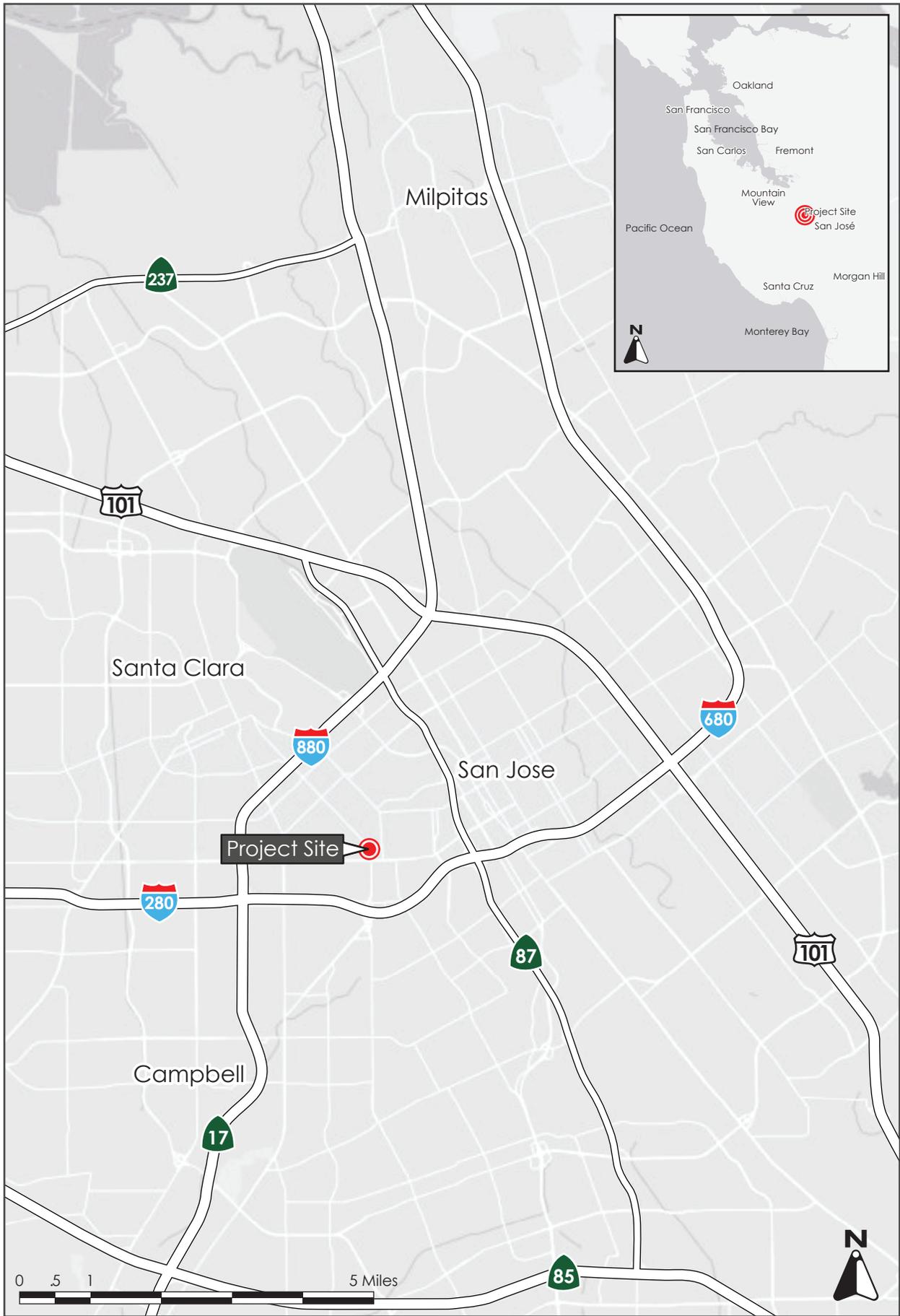
### **2.7 HABITAT PLAN DESIGNATION**

Land Cover Designation:	Urban-Suburban
Development Zone:	Urban Development Equal to or Greater than Two Acres Covered
Fee Zone:	None
Wildlife Survey Zone:	None

## 2.8

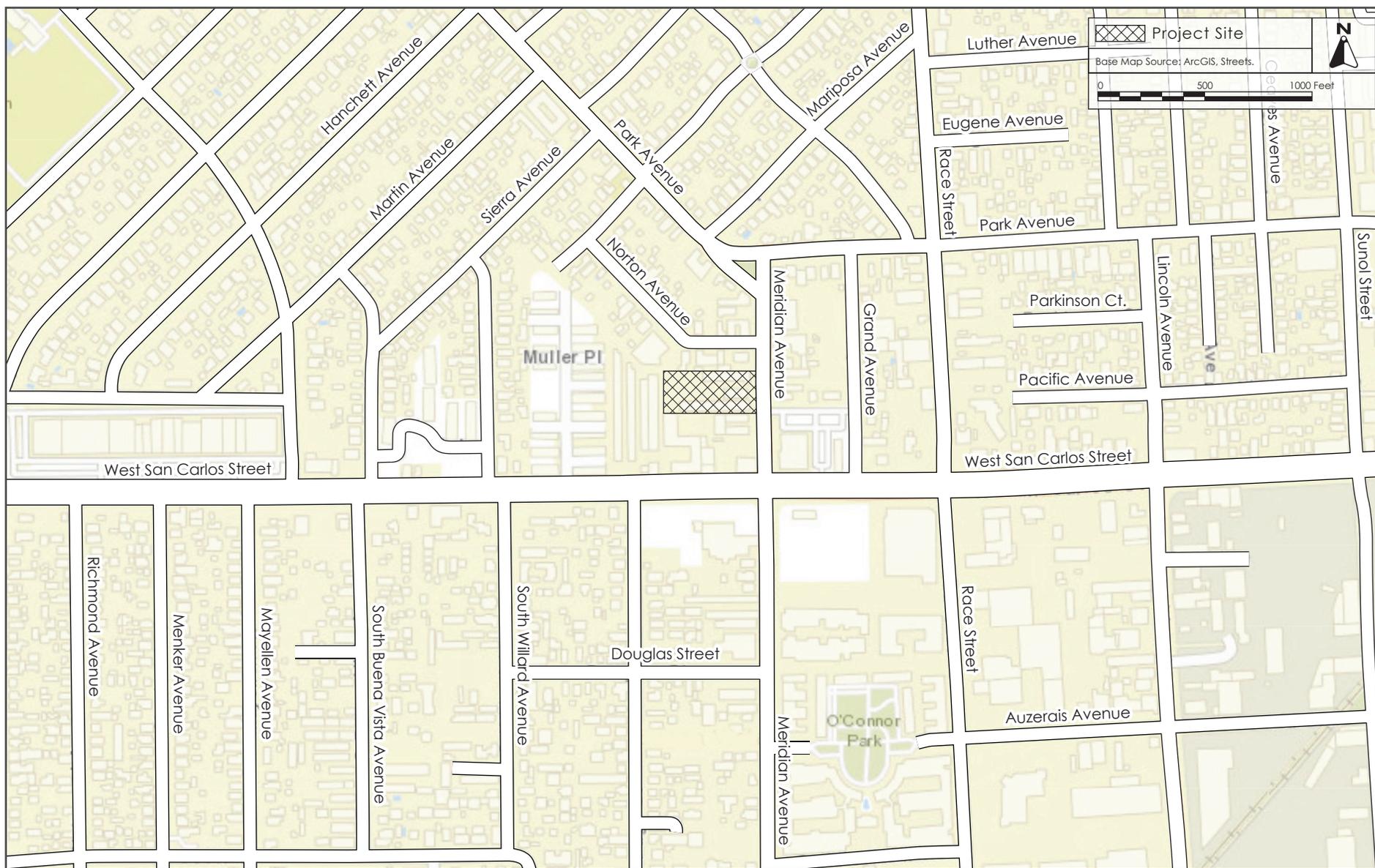
### PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Environmental Clearance
- Planned Development Rezoning
- Planned Development Permit
- Tentative Map
- Tree Removal Permit
- Building Permits
- Public Works Clearance (e.g., grading)



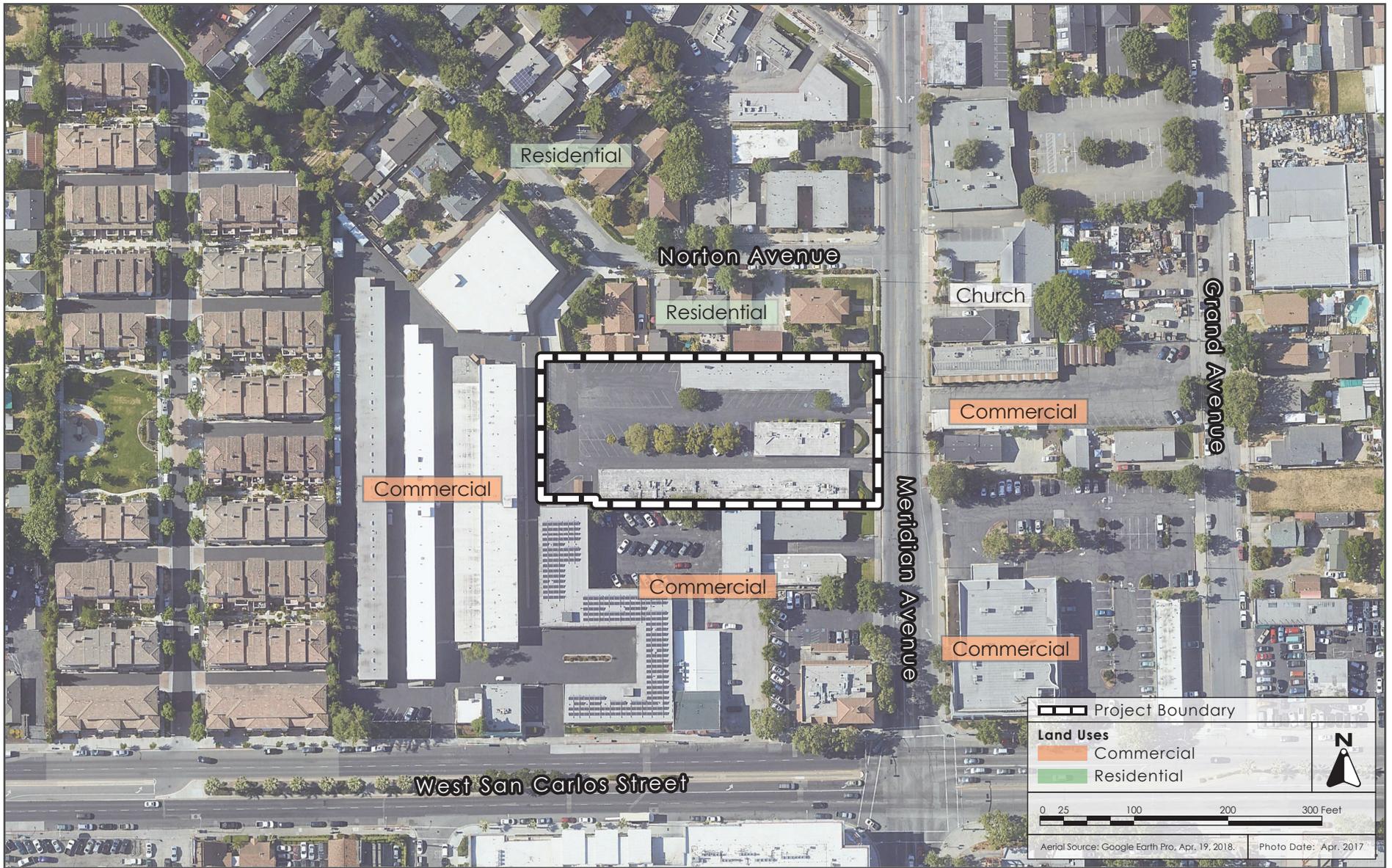
REGIONAL MAP

FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.4-3

## **SECTION 3.0 PROJECT DESCRIPTION**

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### **3.1 PROJECT OVERVIEW**

The project proposes to demolish an existing medical office complex and construct a mixed-use podium building with five levels of residential units above two levels of parking and commercial space.

#### **3.1.1 Existing Setting**

The 1.39-acre site is comprised of a single, rectangular-shaped parcel (Assessor's Parcel Number 274-14-152) located on the west side of Meridian Avenue, approximately 250 feet north of West San Carlos Street in San José. The site is currently occupied by a professional medical office complex consisting of three single-story buildings. Vehicle access to the site is provided via two separate one-way driveways on Meridian Avenue, one for entering and one for exiting. Parking is provided in an open asphalt surface lot that covers the rear portion of the parcel. There is also a driveway providing access to the parking lot on Norton Avenue, north of the site. The site is surrounded by commercial land uses on the east, south and west sides, with single-family residences adjacent to the northern boundary.

#### **3.1.2 Proposed Development**

The proposed project is a vertical mixed-use podium building with up to five levels of residential units above two levels of parking and ground floor commercial space. The ground floor contains a leasing office, restrooms, mail area, lobby, an approximately 2,400 square foot privately-owned and maintained, but publicly-accessible open space, and an approximately 1,400-square foot commercial/retail area. The project proposes a total of 226 units (comprised of approximately 206 studios and 20 two-bedrooms)<sup>1</sup>. The studios will range from approximately 333 square feet to 452 square feet and the two bedroom units will range from approximately 777 square feet to 845 square feet. The maximum height of the building is 85 feet. The seven-story building will step down to four to five stories along the northern side, adjacent to the existing single-family residences.

The building exterior will be stucco with metal columns, and will have metal guardrails and screens at the balconies. Metal grills will be used for screening along the second floor of the parking garage, and the ground floor exteriors will feature aluminum windows and doors and metal awnings. The front of the building along the Meridian Avenue street frontage includes an approximately 2,400-square foot outdoor plaza area that will be privately-owned and maintained, but publicly accessible. Two open courtyard areas are located on the third floor of the building, totaling approximately 10,593 square feet. Courtyard #1 features a raised lawn, a lounge deck with wood decking and lounge chairs, raised concrete planters and concrete deck tiles. Courtyard #2 has an outdoor room with wood decking and patio furniture, raised concrete planters, and a community gathering area. Open space for residential uses is also provided on the ground floor along the site perimeter, totaling

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<sup>1</sup> The current project proposes a total of 226 units, however, it originally proposed 241 units. Subsequent references in this Initial Study documenting 241 units are consistent with technical reports for air quality, greenhouse gas emissions, noise and traffic prepared for the original 241 unit project and reflect a conservative approach to evaluating impacts in these areas.

approximately 14,352 square feet. Private open space is provided by balconies provided for at least 50 percent of the units, and ranging from 40 to 60 square feet per unit.

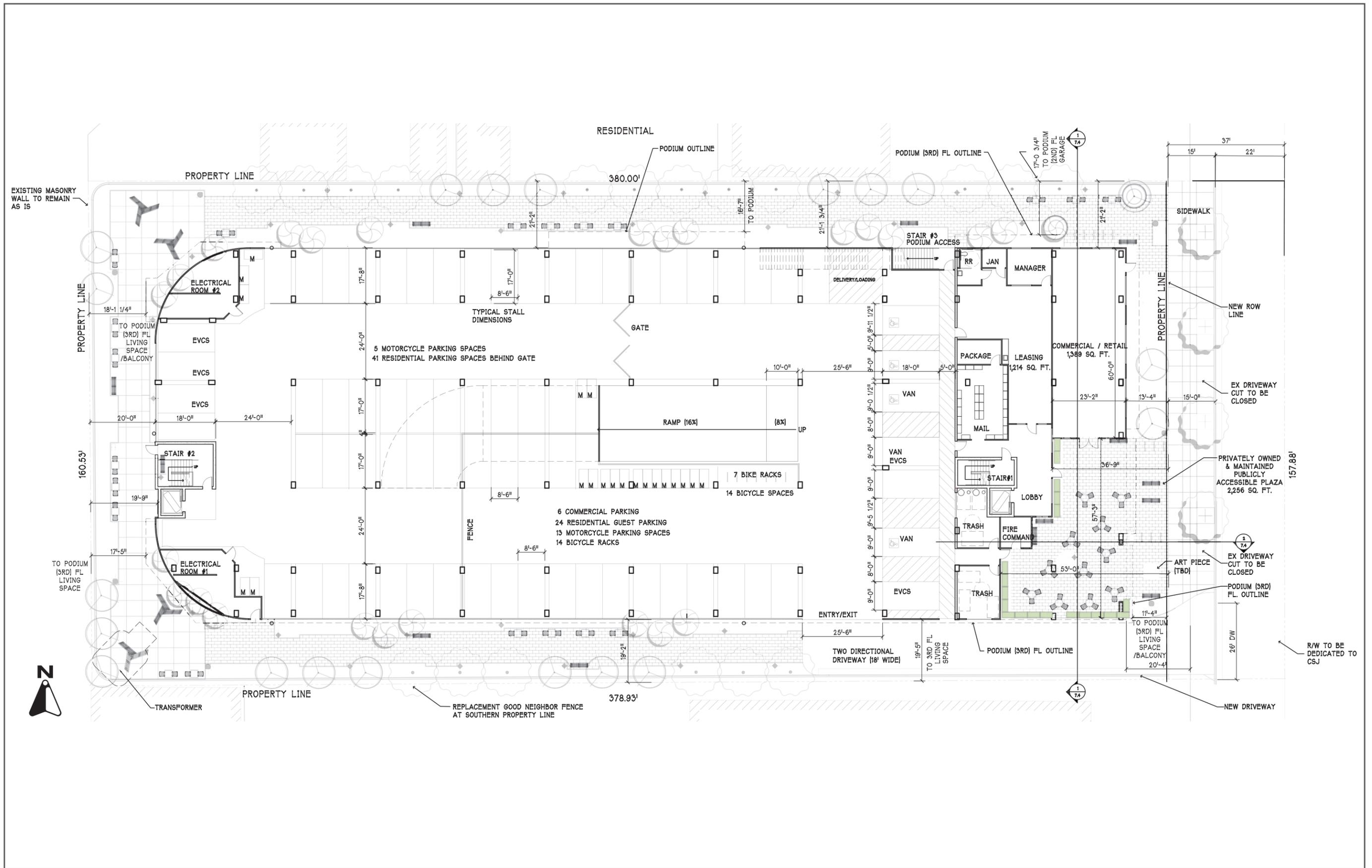
### **3.1.3 Site Access, Parking and Circulation**

The project contains a two-floor parking garage with a total of 163 vehicle parking spaces, 44 motorcycle parking spaces, and 57 long-term bicycle parking spaces (lockers). Additional short-term bicycle parking for 14 bicycles is provided in bike racks located within the garage. Access to the parking garage is provided via a 26-foot wide driveway cut on Meridian Avenue leading to the garage entrance on the south side of the building. A pedestrian path constructed of pervious pavers, ranging from eight to 13 feet wide, wraps around the perimeter of the building from the back of the sidewalk on the north side of the building to the garage entrance on the south side of the building. Fire ladder pads are placed at various locations along the path for fire protection purposes.

### **3.1.4 Landscaping**

Landscaping for the project includes new street trees, groundcover, shrubs, and accent tree plantings along the project frontage on Meridian Avenue. The third floor courtyards will have lawns and groundcover, shrubs, and accent and specimen tree plantings in raised beds. Groundcover, shrubs and trees will also be planted along both sides of the pedestrian path that encircles the building, with taller tree species being used for visual screening along the property lines and in the back corner areas. A new wood fence is proposed along the north and south property lines.

The project's Architectural Site Plan, Elevations, and Conceptual Landscape Plans are shown on the following figures.



ARCHITECTURAL SITE PLAN

FIGURE 3.1-1



Source: LPMD Architects, 11/10/2018.

EAST ELEVATION

FIGURE 3.1-2



Source: LPMD Architects, 11/10/2018.

NORTH ELEVATION

FIGURE 3.1-3



Source: LPMD Architects, 11/10/2018.

SOUTH ELEVATION

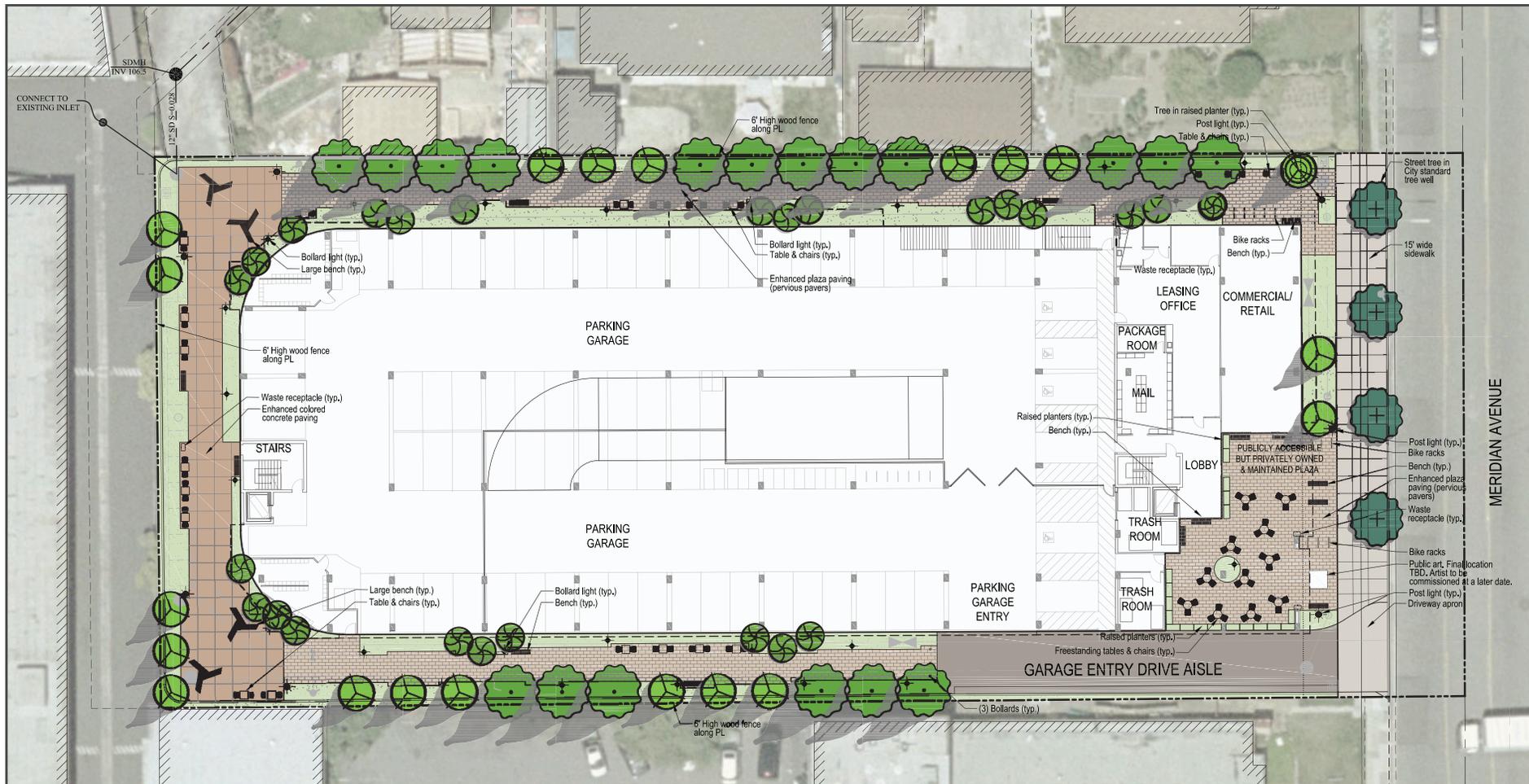
FIGURE 3.1-4



Source: LPMD Architects, 11/10/2018.

WEST ELEVATION

FIGURE 3.1-5

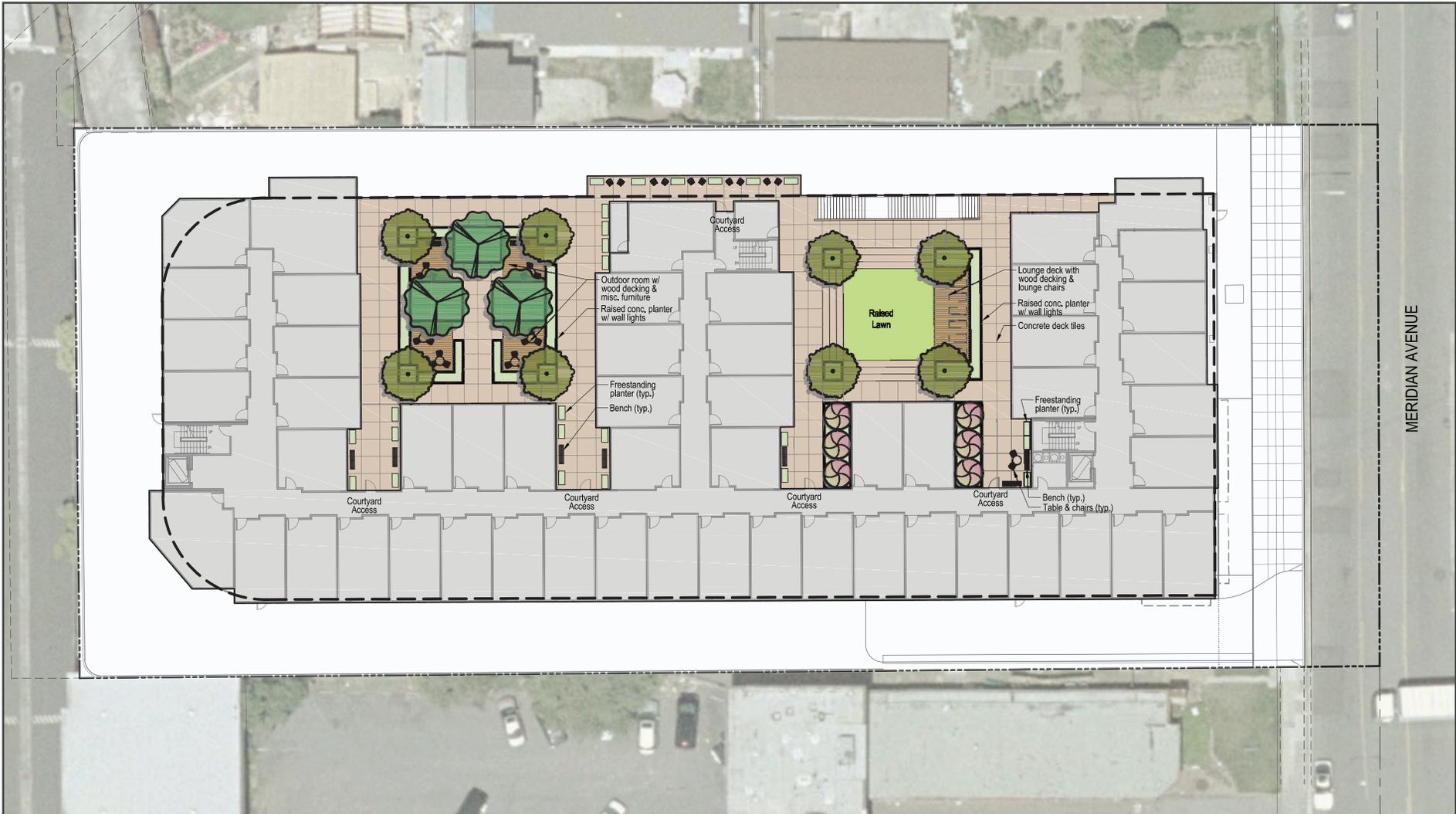


0 10 50 Feet



GROUND FLOOR LANDSCAPE PLAN

FIGURE 3.1-6



Source: LPMD Architects, 4/10/2019.

0 10 50 Feet



THIRD FLOOR LANDSCAPE PLAN

FIGURE 3.1-7

## SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

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

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

### Important Note to the Reader

#### Project Impacts on the Environment

The California Supreme Court in a December 2015 opinion (*California Building Industry Association [CBIA] 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 Envision San José 2040 General Plan currently 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., Environmental Impact Report [EIR] or Initial Study [IS]) 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 will discuss Planning Considerations 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.

#### Updated CEQA Guidelines

On December 28, 2018, the California Natural Resources Agency adopted a comprehensive update to the CEQA Guidelines. This update reflected changes related to analyzing transportation impacts pursuant to Senate Bill 743, updates to the analysis of greenhouse gas emissions, and other textual changes, including the addition of two new sections (Tribal Cultural Resources and Wildfire) and the inclusion of an Energy section in Initial Studies. The checklist questions and analysis throughout this Initial Study reflect the updated CEQA Guidelines.

**4.1 AESTHETICS**  
**4.1.1 Environmental Setting**  
**4.1.1.1 *Regulatory Framework***

**California Scenic Highway Program**

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

Suitability for designation as a State Scenic Highway is based on vividness, intactness, and unity. Caltrans’ California Scenic Highway Mapping System lists one Officially Designated Scenic Highway in Santa Clara County.<sup>2</sup> California State Route 9 is approximately 7.8 miles southwest of the project site, and is not visible from the project site.

**City of San José Council Policy 4-3, Outdoor Lighting on Private Developments**

Adopted March 1, 1983 and revised June 20, 2000, City Council Policy 4-3, Outdoor Lighting on Private Developments, promotes energy-efficient lighting which furthers the goals of the Sustainable City Major Strategy. Policy 4-3 calls for private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Low-pressure sodium lighting is required unless a photometric study is done and the proposed lighting referred to Lick Observatory for review and comment. One of the purposes of this policy is to provide for the continued enjoyment of the night sky and for continuing operation of Lick Observatory, by reducing light pollution and sky glow.

**City of San José General Plan**

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

**Envision San José 2040 General Plan Relevant Aesthetics Policies**

Policy	Description
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage

<sup>2</sup> California Department of Transportation. “California Scenic Highway Mapping System: Santa Clara County.” Accessed May 24, 2018. Available at: [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm).

## Envision San José 2040 General Plan Relevant Aesthetics Policies

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

In addition to applicable General Plan policies, the project would be required to comply with the following City policies and guidelines, as applicable:

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

### 4.1.1.2 *Existing Conditions*

The City of San José is located in the eastern portion of the Santa Clara Valley, between the Santa Cruz Mountains to the west and the Hamilton/Diablo Range to the east. The northern extension of the Santa Cruz Mountains contains peaks of 3,000 feet in elevation, and the Diablo Mountain range reaches a summit elevation of nearly 4,000 feet. These mountain ranges provide a scenic backdrop for the City of San José and the Silicon Valley as a whole, however views of the natural landscape are typically obstructed within the developed urban areas of the city due to the scale of surrounding development (high- and mid-rise residential and commercial buildings).

The project site is currently developed with three single-story medical office buildings and a paved surface parking lot. The buildings were constructed during the 1950s. The site is located along the west side of Meridian Avenue in the middle of the block on a 350-foot deep lot. The surrounding area is urban in nature and contains similar scaled and aged commercial and residential buildings,

with primarily one- and two-story residential and commercial buildings to the north, east and west, and single- and multi-story commercial and residential buildings to the south along the San Carlos Street and Meridian Avenue corridors. Newer, multi-story development located approximately 200 feet south of the site, at the intersection of Meridian Avenue and West San Carlos Street, includes a two and one half-story commercial building and a five-story residential mixed-use building.

Due to the number and size of the buildings surrounding and in the immediate vicinity of the site, there are no views to the distant Santa Cruz Mountains to the west and southwest, or to the Hamilton/Diablo Range to the east from the site. Views of the project site and surrounding area are shown on the following photo exhibits.



1. Viewing south along the Meridian Avenue project frontage.



2. Viewing east from the rear of the middle building on the site.



3. Viewing north across the rear portion of the site toward the northwest corner.



4. Existing medical office buildings - viewing east toward Meridian Avenue from the middle of the site.



5. Viewing west across the rear portion of the site from the middle of the site.



6. View of existing trees and parking lot in the middle of the site.

**4.1.2 Impact Discussion**

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

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

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

The project site is located within a developed urban area, not along any state scenic highway, rural scenic corridor, or City Gateway. Views from the site are limited to the surrounding residential and commercial developments and adjacent streets, due to the flat topography of the area. As previously mentioned, the Santa Cruz Mountains and the Hamilton/Diablo Range mountain ranges provide a scenic backdrop for the City of San José and the Silicon Valley as a whole, however views of the natural landscape are typically obstructed within the developed urban areas of the city due to the scale of surrounding development (high- and mid-rise residential and commercial buildings).

Although existing development limits street-level views of the distant mountain ranges to the Meridian Avenue corridor looking south and the West San Carlos Street corridor looking east and west, the proposed seven-story building could potentially impact views to these areas from existing multi-story buildings in the immediate vicinity of the project site. However, as these views are limited, these views would not be considered scenic vistas and the project would therefore not result in substantial adverse effect on a scenic vista. **(Less Than Significant Impact)**

<sup>3</sup> Public views are those that are experienced from publicly accessible vantage points.

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

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The project site is not located along a state scenic highway and no scenic resources such as heritage trees or rock outcroppings are located on the site. None of the buildings or structures on the site have been designated as historic resources by the City of San José or Santa Clara County.<sup>4,5</sup> **(No Impact)**

---

**Impact AES-3:** The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project, which is located in an urban area, would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

---

The project site is currently developed with a single-story medical office complex and associated parking lot and landscaping. The office buildings on the site were constructed between 1953 and 1957. The project site is developed and located in an urban area with single- and multi-story residential and commercial development with a mixture of architectural styles. The proposed project would alter the visual character of the site and its surroundings by replacing the existing development with a new residential mixed-use structure that is up to seven stories in height. The proposed building would be modern in style, with stucco siding, vinyl windows, and metal railings and screens. The ground floor commercial space would have aluminum windows and doors, metal awnings, and would include a plaza that is open to the street.

The Midtown at Meridian apartment building, which features four stories of apartments over ground floor retail and commercial uses, is similar to the project in terms of scale and uses, and is located approximately 350 feet to the south.

The proposed seven-story building would represent a substantial difference in height from the existing buildings on the site and the adjacent buildings. While the building would dramatically change the visual character of the site itself, it would be consistent with the 85-foot building height limit established for the site in the West San Carlos Street Urban Village Plan, adopted by the City Council on May 8, 2018. There are projects of similar size and scale that have recently been developed or are currently under construction in the vicinity within the Plan area.

To address the compatibility of scale issue with the adjacent neighborhood, the proposed building has been designed to step down from seven stories to five stories along the northern side of the project site, adjacent to the existing single-family residences (also a part of the existing Urban Village). In addition, the proposed building contains a public plaza area, consistent with the intention of the West San Carlos Street Urban Village Plan's floating "P" designation to provide more publicly-accessible

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<sup>4</sup> City of San José. *Historic Resources Inventory*. Accessed May 24, 2018. Available at: <http://www.sanjoseca.gov/DocumentCenter/View/35475>

<sup>5</sup> Santa Clara County. *Heritage Resource Inventory*. Accessed May 24, 2018. Available at: <https://www.sccgov.org/sites/dpd/Programs/HistoricPreservation/Pages/Inventory.aspx>

but privately-maintained open space on small development sites. A floating “P” designation is shown for the project site in the Plan.

The proposed project would be reviewed in accordance with the City’s Residential Design Guidelines during the Planned Development Permit stage as part of the City’s planning and design review processes. As discussed, the project would conform to the height limits of the West San Carlos Street Urban Village Plan, and would be subject to the City’s design guidelines to assure compatibility with neighboring uses. For these reasons, the proposed project would not substantially degrade the existing visual character of the site or its surroundings. **(Less than Significant Impact)**

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

---

The existing uses on the site include limited outdoor lighting (i.e., security and decorative lights on the buildings). The project would install new light fixtures as part of the redevelopment of the site.

The project proposes to replace the existing one-story buildings with up to seven stories of residential mixed-use development. The project would include security lights, parking garage lights, and decorative outdoor lighting. The project would incrementally increase the amount of nighttime lighting on the project site. San José City Council Policy 4-3 calls for private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. All lighting installed by the project would be full-cutoff lighting, designed in conformance with City Council Policy 4-3. Design and construction of the project in conformance with General Plan design and lighting policies would not create a new source of nighttime light that would adversely affect views.

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

## 4.2 AGRICULTURE AND FORESTRY RESOURCES

### 4.2.1 Environmental Setting

#### 4.2.1.1 *Regulatory Framework*

##### State

##### Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.<sup>6</sup>

##### California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.<sup>7</sup>

##### Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.<sup>8</sup> Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.

##### **City of San José General Plan**

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

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<sup>6</sup> California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed June 11, 2019. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

<sup>7</sup> California Department of Conservation. "Williamson Act." <http://www.conservation.ca.gov/dlrp/lca>.

<sup>8</sup> Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

## Envision San José 2040 General Plan Relevant Agricultural Resources Policies

Goal/Policy/Action	Description
Policy LU-12.3	<p>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:</p> <ul style="list-style-type: none"> <li>• Limit residential uses in agricultural areas to those which are incidental to agriculture.</li> <li>• Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights.</li> <li>• Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses.</li> <li>• Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.</li> </ul>
Policy LU-12.4	<p>Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.</p>

### 4.2.1.2 Existing Conditions

The project site is located in a developed, urban area of San José and is surrounded by retail/commercial and residential land uses. The Santa Clara County Important Farmlands 2016 Map designates the project site as “Urban and Built-Up Land.” Urban and Built-up Land is defined as land with at least six structures per 10 acres. Common examples of “Urban and Built-Up Land” are residential, institutional, industrial, commercial, landfills, golf courses, airports, and other utility uses.<sup>9</sup> There are no forest lands on or adjacent to the project site. The site is not currently subject to a Williamson Act contract.

### 4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>9</sup> California Natural Resources Agency. *Santa Clara County Important Farmlands*. 2016.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<hr/> Would the project:				
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

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

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The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. **(No Impact)**

---

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

---

The project site is not under a Williamson Act contract. Therefore, the project will not conflict with existing zoning for an agricultural use or a Williamson Act contract. **(No Impact)**

---

**Impact AG-3:** The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

---

The site has a General Plan designation of Urban Village and is zoned CO Commercial Office and R-2 Residence District. The project site is not zoned, or adjacent to land zoned, for forest land, timberland, or Timberland Production. Therefore, the project would not conflict with existing zoning or require rezoning of forest land or timberland uses. **(No Impact)**

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**Impact AG-4:** The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

---

The project site is in urban area of the City and does not contain and forest land. Therefore, no forest land would be lost as a result of the project. **(No Impact)**

---

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

---

The proposed residential development would occur in an urban area of the City. The project would not result in impacts to agricultural lands or forest lands in the surrounding region. **(No Impact)**

## 4.3 AIR QUALITY

The following discussion is based on an air quality assessment prepared for the proposed project by *Illingworth & Rodkin, Inc.* The report, dated January 16, 2019 and revised June 21, 2019, is attached to this IS as Appendix A.

### 4.3.1 Environmental Setting

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determination of transport and dilution are wind, atmospheric stability, terrain, and, for photochemical pollutants, sunlight. The Bay Area typically has moderate ventilation, frequent inversions that restrict vertical dilution, and terrain that restricts horizontal dilution. These factors give the Bay Area a relatively high atmospheric potential for pollution.

#### 4.3.1.1 *Regulatory Framework*

##### **Federal and State**

##### Air Quality Overview

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

##### Regional and Local Criteria Pollutants

The federal Clean Air Act requires the EPA to set national ambient air quality standards for six common air pollutants (referred to as "criteria pollutants"): particulate matter (PM); ground-level ozone; carbon monoxide; sulfur oxides; nitrogen oxides; and lead. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate.

These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM<sub>10</sub>) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM<sub>2.5</sub>). Elevated concentrations of PM<sub>10</sub> and PM<sub>2.5</sub> 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.

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NOX). 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 increase coughing and chest discomfort.

Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. “Attainment” status for a pollutant means that a given Air District meets the standard set by the EPA and/or CARB. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter (PM<sub>2.5</sub>), nor does it meet state standards for respirable particulate matter (PM<sub>10</sub>). The Bay Area is considered in attainment or unclassified for all other pollutants.

### Toxic Air Contaminants and Fine Particulate Matter (Local Community Risks)

Besides criteria pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air; however, exposure to low concentrations over long periods can result in increased risk of cancer and/or adverse health effects. Fine Particulate Matter (PM<sub>2.5</sub>) is a TAC composed of a mix of substances, such as carbon and metals, compounds such as nitrates, organics, and sulfates, and mixtures such as diesel exhaust and wood smoke. Because of their small size (particles are less than 2.5 micrometers in diameter), PM<sub>2.5</sub> can lodge deeply into the lungs (most susceptible to injury).<sup>10</sup>

According to Bay Area Air Quality Management District (BAAQMD), PM<sub>2.5</sub> is the air pollutant most harmful to the health of Bay Area residents. Common stationary sources of PM<sub>2.5</sub> include gasoline stations, dry cleaners, diesel vehicles, and diesel backup generators. Diesel exhaust, in the form of diesel particulate matter (DPM), is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). 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 the CARB, and are listed as carcinogens either under the State’s Proposition 65 or under the Federal Hazardous Air Pollutants programs.

TACs are primarily regulated through state and local risk management programs. These programs are designed to eliminate, avoid, or minimize the risk of adverse health effects from exposures to TACs. Several of these regulatory programs affect medium and heavy-duty diesel trucks, which represent the bulk of DPM emissions from California highways. To address the issue of diesel emissions in the state, CARB developed the Diesel Risk Reduction Plan (Diesel RRP) to reduce diesel particulate matter emissions. In addition to requiring more stringent emission standards for new on- and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, a significant component of the plan involves application of emission control strategies to existing diesel vehicles and equipment. Many of the measures of the Diesel RRP have been approved and adopted, including the federal on- and non-road diesel engine emission standards for new engines, as well as adoption of regulations for low sulfur fuel in California.

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<sup>10</sup> CARB. “Overview: Diesel Exhaust and Health”. Accessed June 12, 2019.  
<https://www.arb.ca.gov/research/diesel/diesel-health.htm>.

Unlike regional criteria pollutants, local risks associated with TACs are evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold.

## **Regional**

### Bay Area Air Quality Management (BAAQMD)

BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and state air quality laws and regulations.

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the plan describes how the BAAQMD will continue its progress toward attaining all state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities.

The 2017 CAP includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

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

### Sensitive Receptors

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools. For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. Residential locations are assumed to include infants and small children.

## Local

### Envision San José 2040 General Plan

The San José Envision 2040 General Plan includes goals, policies, and actions to reduce exposure of the City’s sensitive population to exposure of air pollution and TACs. The following goals, policies, and actions are applicable to the proposed project:

#### **Envision San José 2040 General Plan Relevant Air Quality Policies**

Goal/Policy/Action	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to State and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region’s Clean Air Plan and State law.
Goal MS-11	Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter
Policy MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.4	Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.
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.
Action MS-11.7	Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.
Action MS-11.8	For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes.
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.

Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's Airborne Toxic Control Measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

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#### **4.3.1.2 Existing Conditions**

Air quality studies generally focus on four criteria pollutants that are most commonly measured and regulated: CO, O<sub>3</sub>, nitrogen dioxide (NO<sub>2</sub>), and PM<sub>10</sub> and PM<sub>2.5</sub>. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level O<sub>3</sub>, state standards for PM<sub>10</sub>, and federal standards for PM<sub>2.5</sub>. The area is in attainment or unclassified for all other pollutants.

#### **Toxic Air Contaminants**

As previously mentioned, besides criteria air pollutants, there is another group of substances found in ambient air referred to as TACs under the California CAA. In California, TACs are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs tend to be localized and are found in relatively low concentrations; however, exposure to low concentrations over long periods can result in adverse chronic health effects.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). Diesel is of particular concern since it can be distributed over large regions, thus leading to widespread public exposure. CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of diesel particulate matter (DPM).

According to the air quality assessment prepared for the project site by *Illingworth & Rodkin*, nearby mobile sources of TACs within 1,000 feet of the project site include the traffic generated by West San Carlos Street, Meridian Avenue, Park Avenue, and Race Street. Roadways are considered a substantial source of TACs if they are found to exceed 10,000 vehicles per day. There are no stationary sources of TACs that have been identified by BAAQMD in the vicinity of the project site.

#### **Sensitive Receptors**

Sensitive receptors are groups of people that are more susceptible to pollutant exposure (i.e., children, the elderly, and people with illnesses). Locations that may contain a high concentration of sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, parks, and places of assembly.

The nearest sensitive receptors to the project site are residences along Norton Avenue, at the site's northern boundary. There are additional single- and multi-family residences surrounding the project site at farther distances. There is also a senior care facility southeast of the project site on Race Street.

### 4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5)				

#### 4.3.2.1 *Significance Thresholds*

The CEQA Guidelines prepared by BAAQMD in 2011 used significance criteria to evaluate the impacts caused by projects. BAAQMD’s adoption of the 2011 thresholds was called into question by a trial court order issued March 5, 2012, in California Building Industry Association v. BAAQMD (Alameda Superior Court Case No. RGI0548693) that determined the adoption of the thresholds was a project under CEQA, but did not address the substantive validity, merits or scientific basis of the thresholds. The California Court of Appeal for the Fifth District reversed the trial court decision and the Court of Appeal’s decision was appealed to 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)] the California Supreme Court 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. The opinion did not negate the BAAQMD thresholds.

The issues in the California Building Industry Association v. BAAQMD lawsuit are not relevant to the scientific basis of BAAQMD’s analysis of what levels of pollutants should be deemed significant. The City has determined that the scientific information in BAAQMD’s proposed thresholds of significance analysis provides substantial evidence to support the thresholds and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin. Therefore, the thresholds and methodologies from BAAQMD’s May 2011, now updated in May 2017, CEQA Air Quality Guidelines are appropriate for use in this analysis to determine whether there would be any project operational impacts in terms of criteria pollutants, toxic air contaminants and odors. The BAAQMD updated CEQA Air Quality Guidelines in 2017 were used in the Illingworth & Rodkin assessment for the project. These thresholds are summarized in Table 4.3-1.

<b>Table 4.3-1: BAAQMD Air Quality Significance Thresholds</b>			
<b>Pollutant</b>	<b>Construction Thresholds</b>	<b>Operational Thresholds</b>	
	<b>Average Daily Emissions (pounds/day)</b>	<b>Average Daily Emissions (pounds/day)</b>	<b>Annual Average Emissions (tons/year)</b>
<b>Criteria Air Pollutants</b>			
ROG	54	54	10
NO <sub>x</sub>	54	54	10
PM <sub>10</sub>	82 (Exhaust)	82	15
PM <sub>2.5</sub>	54 (Exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
<b>Health Risks and Hazards for Single Sources</b>			
Excess Cancer Risk	>10 per one million		
Hazard Index	>1.0		
Incremental annual PM <sub>2.5</sub>	>0.3 µg/m <sup>3</sup>		
<b>Health Risks and Hazards for Combined Sources (Cumulative from all sources within 1,000 foot zone of influence)</b>			
Excess Cancer Risk	>100 per one million		
Hazard Index	>10.0		
Annual Average PM <sub>2.5</sub>	>0.8 µg/m <sup>3</sup>		
Notes: ROG = reactive organic gases, NO <sub>x</sub> = nitrogen oxides, PM <sub>10</sub> = coarse particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, PM <sub>2.5</sub> = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less, µg/m <sup>3</sup> = micrograms per cubic meter, ppm = parts per million.			
Sources: Bay Area Air Quality Management District. <i>CEQA Thresholds Options and Justification Report</i> . 2009. Bay Area Air Quality Management District. <i>CEQA Air Quality Guidelines</i> . May 2017.			

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

Determining consistency with the 2017 CAP involves assessing whether applicable control measures contained in the 2017 CAP are implemented. Implementation of control measures improve air quality and protect public health. The control measures describe 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 TACs 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.

The summary table below details the features of the proposed project that ensure its consistency with the 2017 Clean Air Plan. As indicated in Table 4.3-2 below, the proposed project is a high-density, infill development within one mile of various public transit options. The project would meet California Green Building Standards Code (CALGreen) requirements and incorporate energy efficient fixtures into the project design.

<b>Table 4.3-2: Bay Area 2017 Clean Air Plan Applicable Control Measures</b>		
<b>Control Measures</b>	<b>Description</b>	<b>Project Consistency</b>
<b><i>Transportation Control Measures</i></b>		
Trip Reduction Programs	Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	The project proposes a mixed-use building in an infill, urban location in proximity to three VTA bus routes (23, 63, and 81) and one limited stop bus route (323). Additionally, the project site is located approximately 0.5mile from the Race Street VTA Station and approximately one mile from the San José Diridon Station. The project includes 57 [LT1]bicycle parking spaces to promote automobile-alternative modes of transportation. The project, therefore, is consistent with this measure.
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The project would include 57 bicycle parking spaces. The project area is well equipped with pedestrian facilities, including sidewalks, crosswalks, and pedestrian signals at signalized intersections. The project proposes to widen the existing eight-foot sidewalk located along the project frontage on Meridian Avenue to a width of 15 feet. The project, therefore, is consistent with this measure.
Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	The project proposes a residential and commercial mixed-use development that supports the goals of Plan Bay Area by establishing dense infill development in close proximity to local and regional transit. The project, therefore, is consistent with this measure.
<b><i>Building Control Measures</i></b>		
Green Building	Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would comply with CALGreen. The project, therefore, is consistent with this measure.
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for “cool parking” that promotes the use of cool surface treatments for new parking facilities. Develop and	The project would locate vehicle parking for the residents in parking garages on the first two floors of the proposed building. In addition, the project would plant new landscaping and street trees. These features would reduce the project’s

<b>Table 4.3-2: Bay Area 2017 Clean Air Plan Applicable Control Measures</b>		
<b>Control Measures</b>	<b>Description</b>	<b>Project Consistency</b>
	promote adoption of model building code requirements for new construction or re-roofing/roofing upgrades for commercial and residential multi-family housing.	heat island effect. The project, therefore, is consistent with this measure.
<b><i>Waste Management Control Measures</i></b>		
Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The project shall provide recycling services to project residents as mandated by Assembly Bill 341. Furthermore, the City adopted the Zero Waste Strategic Plan which outlines policies to help the City foster a healthier community and achieve its Climate Smart San Jose goals, including 75 percent diversion by 2013 and zero waste by 2022. The project would also comply with the City's Construction and Demolition Diversion Program during construction which would ensure the at least 75 percent of the construction waste generated by the project is recovered and diverted from landfills. The project, therefore, is consistent with this measure.
<b><i>Water Control Measures</i></b>		
Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would comply with CALGreen and reduce potable indoor water consumption and outdoor water use by including water efficient fixtures and planting drought tolerant non-invasive landscaping. The project, therefore, would be consistent with this measure.
<b><i>Natural and Working Lands Measures</i></b>		
Urban Tree Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	The project would be required to adhere to the City's tree replacement policy. Therefore, the project is consistent with this control measure (refer to Section 4.4, Biological Resources for further discussion).

As indicated in the above table, the project would not obstruct the implementation of the 2017 Clean Air Plan. The nature of the project, as a mixed-use residential and commercial building, and its proximity to regional transit ensures it is consistent with transportation and trip reduction control measures. Additionally, the proposed project would be consistent with energy and conservation measures elucidated in the 2017 Clean Air Plan through its site design and building features. **(Less than Significant Impact)**

**Impact AIR-2:** The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

### Criteria Pollutants

#### Construction Emissions

Construction of the proposed project was assumed to take approximately 15 months. As previously mentioned, CalEEMod was used to estimate emissions from construction, assuming full build-out of the project. CalEEMod was used to determine annual construction emissions based on the provided construction schedule and equipment usage assumptions. Land uses and values input into CalEEMod were 241,000 square feet as “Apartment Mid Rise”, 1,340 square feet as “Strip Mall”, and 162 spaces entered as “Enclosed Parking with Elevator”. In addition, 15,000 square feet of building demolition plus 3,500 square feet of pavement demolition (eight one-way truck trips), and 16 one-way asphalt truck trips during paving were entered into the model. Average daily emissions were computed by dividing the total construction emissions by the number of construction days. Table 4.3-3 below shows the calculated construction period emissions for the proposed project.

<b>Table 4.3-3: Construction Period Emissions</b>				
<b>Scenario</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>PM<sub>10</sub> Exhaust</b>	<b>PM<sub>2.5</sub> Exhaust</b>
Total construction emissions (tons)	2.2 tons	3.9 tons	0.2 tons	0.2 tons
<b>Average daily emissions (pounds/day)<sup>1</sup></b>	<b>13.5 lbs./day</b>	<b>24.1 lbs./day</b>	<b>1.2 lbs./day</b>	<b>0.1 lbs./day</b>
<i>BAAQMD Thresholds (pounds/day)</i>	54 lbs./day	54 lbs./day	82 lbs./day	54 lbs./day
<b>Exceed Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Notes: <sup>1</sup>Assumes 320 workdays.

As exhibited in the table above, construction of the proposed project would not generate criteria air pollutant emissions in exceedance of BAAQMD thresholds. The proposed project would have a less than significant air quality impact from criteria air pollutants emitted during construction. **(Less than Significant Impact)**

#### Operational Emissions

According to the BAAQMD thresholds, a project that generates more than 54 pounds per day (10 tons per year) of ROG (reactive organic gases), NO<sub>x</sub>, or PM<sub>2.5</sub>; or 82 pounds per day (15 tons per year) of PM<sub>10</sub> would be considered to have a significant impact on regional air quality. Operational emissions of criteria pollutants from the proposed project would be generated primarily from autos driven by future residents, employees, and vendors. The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from operation of the proposed project assuming full build-out. For a detailed description of the inputs included in the CalEEMod model run, refer to the air quality and greenhouse gas assessment in Appendix A. Table 4.3-4 below

shows the estimated criteria pollutant emissions generated by the current use of the project site (input as “Medical Office Building” and “Parking Lot” into CalEEMod) and the net change in emissions resulting from implementation of the proposed project.

<b>Table 4.3-4: Operational Emissions</b>				
<b>Scenario</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
2021 Project Operational Emissions ( <i>tons/year</i> )	1.3 tons	0.6 tons	0.4 tons	0.1 tons
2021 Existing Use Emissions ( <i>tons/year</i> )	0.2 tons	0.5 tons	0.4 tons	0.1 tons
Net Annual Emissions ( <i>tons/year</i> )	1.1 tons	0.1 tons	<0.1 tons	<0.1 tons
<i>BAAQMD Thresholds (tons /year)</i>	<i>10 tons</i>	<i>10 tons</i>	<i>15 tons</i>	<i>10 tons</i>
<b><i>Exceed Threshold?</i></b>	<b><i>No</i></b>	<b><i>No</i></b>	<b><i>No</i></b>	<b><i>No</i></b>
2021 Project Operational Emissions ( <i>pounds/day</i> ) <sup>1</sup>	6.0 lbs.	0.6 lbs.	<0.6 lbs.	<0.6 lbs.
<i>BAAQMD Thresholds (pounds/day)</i>	<i>54 lbs.</i>	<i>54 lbs.</i>	<i>82 lbs.</i>	<i>54 lbs.</i>
<b><i>Exceed Threshold?</i></b>	<b><i>No</i></b>	<b><i>No</i></b>	<b><i>No</i></b>	<b><i>No</i></b>

Notes: <sup>1</sup> Assumes 365-day operation.

As shown in the above table, the proposed project would not result in a net increase in operational emissions above BAAQMD thresholds for criteria pollutants. Therefore, the project would have a less than significant impact with respect to operational criteria pollutant emissions. **(Less than Significant Impact)**

### **Carbon Monoxide**

Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. BAAQMD has established screening criteria for localized carbon monoxide impacts that determines a project would have a less than significant impact if:

- 1) The project is consistent with an applicable congestion management program established by the county’s congestion management agency for designated roads or highways, regional transportation plans, and local congestion management agency plans.
- 2) The project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
3. The project would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

According to the traffic impact analysis prepared by *Hexagon* (Appendix E), the proposed project would generate an additional 859 daily vehicle trips, with 65 trips (12 inbound and 53 outbound)

occurring during the AM peak hour and 71 trips (4 inbound and 26 outbound) occurring during the PM peak hour. The roadway with the greatest average number of daily trips that would be affected by the proposed project is West San Carlos Street, with 22,925 average daily trips. The increase in vehicle trips resulting from the proposed project is not sufficient to increase traffic volumes at local intersections to more than 44,000 vehicles per hour; nor would the project increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is limited. Therefore, the proposed project would not result in significant impacts related to carbon monoxide emissions. **(Less than Significant Impact)**

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

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### Construction Dust

The project involves the demolition of three existing buildings, grading, and excavation. While the air quality analysis concluded that the project would not result in an exceedance of construction health risk thresholds (see discussion below), construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM<sub>10</sub> and PM<sub>2.5</sub>. The amount of dust generated would be highly variable, depending on the activity occurring, the duration of the activity, and meteorological conditions. Adjacent land uses could be adversely affected by dust generated during project construction activities. Accordingly, Best Management Practices (BMPs) would be implemented as required by BAAQMD to reduce potential air quality impacts from dust to a less than significant level. The standard dust control measures to be implemented by the proposed project are listed below.

**Standard Permit Conditions:** Implementation of the following measures, recommended by BAAQMD, as standard permit conditions would reduce the air quality and fugitive dust-related impacts associated with grading and new construction to a less than significant level.

1. Water active construction areas at least twice daily or as often as needed to control dust emissions.
2. Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
3. Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
5. Pave new or improved roadways, driveways, and sidewalks as soon as possible.
6. Lay building pads as soon as possible after grading unless seeding or soil binders are used.

7. Replant vegetation in disturbed areas as quickly as possible.
8. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
9. Minimize idling times either by shutting off equipment 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). Provide clear signage for construction workers at all access points.
10. Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
11. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Implementation of the conditions of approval listed above would reduce potential impacts from construction dust to a less than significant level. **(Less than Significant Impact)**

### **Construction Community Risk Assessment**

While construction modeling did not result in a significant impact for criteria pollutants, construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. While the exhaust air pollutant emissions are not expected to contribute substantially to a decline in local or regional air quality conditions, construction exhaust emissions may still pose community health risks for nearby sensitive receptors, including residences adjacent and in proximity to the project site on Norton Avenue and the surrounding neighborhoods. The primary health risk issues associated with construction emissions are cancer risk and exposure to PM<sub>2.5</sub>. Demolition, grading, excavation and construction activities would temporarily increase the amount of TACs emitted in the vicinity of the project site. The proposed project was evaluated for its potential to increase TACs above BAAQMD thresholds for health risk impacts during on-site construction activities.

A health risk assessment also calculated the maximum increased cancer risk at the location of the maximally exposed individual (MEI) using BAAQMD recommended methods. The cancer risk calculations are based on applying the BAAQMD recommended age sensitivity factors to the TAC concentrations. Age sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. Infant and adult exposures were assumed to occur at all residences through the entire construction period. It should be noted that BAAQMD has established different thresholds for evaluating health risk impacts on sensitive receptors for project-level and cumulative scenarios.

CalEEMod was used to calculate total annual PM<sub>10</sub> exhaust emissions (assumed to be DPM) and fugitive PM<sub>2.5</sub> dust emissions for all construction stages. The U.S. EPA AERMOD dispersion model was then used to predict concentrations of DPM and PM<sub>2.5</sub> at sensitive receptors in the vicinity of the project construction area. The maximum exposure of sensitive receptors to concentrations of TACs from project construction was assessed based on BAAQMD health risk thresholds. The maximally

exposed individual (MEI) to construction activities is located at a single-family home five feet north of the project site. The health risk calculation methodology factors in the TAC concentration over the period of exposure, inhalation dose, the TAC cancer potency factor, and an age sensitivity factor to reflect the greater sensitivity of infants and children to cancer causing TACs.

Both project-level and cumulative scenarios were included in the TAC analysis to determine the potential of construction activities to cause, or contribute to, health risks to sensitive receptors within 1,000 feet of the project site. In the cumulative scenario, the contributions of local roadways to TAC concentrations at nearby sensitive receptors was factored in, while the project-level scenario focused exclusively on TAC emissions from project construction.

Table 4.3-5 compares the TAC emissions from project construction to BAAQMD’s single-source thresholds and cumulative source thresholds for lifetime excess cancer risk, HI, and PM<sub>2.5</sub> concentrations. As shown in the table, construction of the project would exceed BAAQMD single-source thresholds for infant cancer risk and PM<sub>2.5</sub> at the residential MEI. This constitutes a significant impact. The proposed project would not exceed cumulative source thresholds when TAC emissions from local roadways are taken into account.

<b>Table 4.3-5: Construction Toxic Air Contaminants</b>				
<b>Source</b>		<b>Maximum Cancer Risk (per million)</b>	<b>PM<sub>2.5</sub> concentration (µg/m<sup>3</sup>)</b>	<b>Hazard Index</b>
Project Construction	Unmitigated	65.7 (infant)	0.57	0.05
	Mitigated	7.4 (infant)	0.11	<0.01
<b>BAAQMD Single-Source Threshold</b>		<b>&gt;10.0</b>	<b>&gt;0.3</b>	<b>&gt;1.0</b>
<b>Significant?</b>	Unmitigated	<b>Yes</b>	<b>Yes</b>	<b>No</b>
	Mitigated	<b>No</b>	<b>No</b>	<b>No</b>
W. San Carlos St (east-west) at 270 feet, 22,925 ADT		2.2	0.06	<0.01
Meridian Ave (north-south) at 30 feet, 17,270 ADT		2.7	0.08	<0.01
Park Ave (east-west) at 430 feet, 14,505 ADT		1.4	0.05	<0.01
Race St (north-south) at 700 feet, 10,540 ADT		0.3	0.01	<0.01
<b>Combined Sources</b>	<i>Unmitigated</i>	72.3 (infant)	0.77	<0.09
	<i>Mitigated</i>	14.0 (infant)	0.31	<0.05
<b>BAAQMD Cumulative Source Threshold</b>		<b>&gt;100</b>	<b>&gt;0.8</b>	<b>&gt;10.0</b>
<b>Significant?</b>	Unmitigated	<b>No</b>	<b>No</b>	<b>No</b>
	Mitigated	<b>No</b>	<b>No</b>	<b>No</b>

**Mitigation Measures:** The proposed project would be required to incorporate the following mitigation measures to reduce project-level impacts related to cancer risk and PM<sub>2.5</sub> exposure on nearby sensitive receptors from TACs emitted during demolition, excavation, grading, and construction activities.

**MM AIR-3.1:** The project applicant shall ensure that all mobile diesel-powered off-road equipment operating on-site for more than two days and larger than 25 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 2 engines that include

CARB-certified Level 3 Diesel Particulate Filters<sup>11</sup> or equivalent. Equipment that meets the US EPA Tier 4 standards for particulate matter, or use of equipment that is electrically powered or uses non-diesel fuels would also meet this requirement. Other alternative measures could include providing line power to the site during early phases of construction to minimize the use of portable equipment powered by diesel engines, the use of electric cranes (if feasible), and minimizing diesel generator use to less than 100 hours. If any of these alternative measures are proposed, the project applicant shall include them in the construction operations plans (as stated in MM AIR-3.2) which include specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, or building permits, whichever occur the earliest.

**MM AIR-3.2:** Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall submit a construction operations plan that includes specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest) to the Director or Director's designee OF Planning, Building, and Code Enforcement. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in these mitigation measures.

Diesel engines that meet U.S. EPA Tier 4 emissions standards for particulate matter are the most effective means for reducing diesel particulate matter and PM<sub>2.5</sub> emissions. The standards combine the best emission control technology in diesel engines to both the combustion and post-combustion (or after treatment) processes and can reduce particulate matter emissions by over 90 percent compared to current average equipment.<sup>12</sup> The standards combine the best emissions control technology in diesel engines to both the combustion and post combustion processes and can reduce particulate matter emissions compared to current average equipment. With mitigation, the computed maximum increased lifetime residential cancer risk from construction, assuming infant exposure, would be 7.4 in one million or less, the maximum annual PM<sub>2.5</sub> concentration would be 0.11 µg/m<sup>3</sup>, and the Hazard Index would be less than 0.01 (refer to Table 4.3-5 above). As a result, impacts would be reduced to less than significant with respect to community risk caused by construction activities. **(Less than Significant with Mitigation Incorporated)**

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<sup>11</sup> See <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>

<sup>12</sup> The Tier 4 interim standards became effective in 2011 and control particulate matter. The Tier 4 final standards became effective in 2014/2015 and meet the final requirements for controlling NO<sub>x</sub>. Please note that these standards affect the manufacturing of new engines and not the sales. Therefore, the penetration of these equipment into construction fleets is hard to predict.

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

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The proposed project is a residential building with ground floor commercial uses. The proposed project would not generate a substantial odor that would cause complaints from surrounding uses. The site is not exposed to any substantial odor sources. Localized odors, mainly resulting from diesel exhaust and construction equipment on-site, would be created during the construction phase of the project. These odors would be temporary and not likely to be noticed beyond the project site's boundaries. The proposed project would, therefore, result in less than significant odor impacts. **(Less than Significant Impact)**

#### **4.3.3 Non-CEQA Effects**

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

The City's 2040 General Plan includes a policy to reduce exposure of new sensitive receptors to hazardous pollutants (Policy MS-11.1). In accordance with this policy, the project was analyzed for its potential to expose future residents of the proposed building to substantial sources of TACs. Based on the risk assessment completed for the project, there are mobile sources of TACs and PM<sub>2.5</sub> emissions within 1,000 feet of the project site such as local roadways. The potential health risk impact to future residents of the project was evaluated in the air quality assessment completed by *Illingworth & Rodkin*, where it was determined whether local roadways generating greater than 10,000 vehicle trips per day would result in the exposure of future residents to TACs in exceedance of BAAQMD single-source and cumulative source thresholds.

##### **4.3.3.1 *Toxic Air Contaminants and Community Risk to On-Site Receptors***

Mobile sources of TACs in the vicinity of the project site include the local roadways of West San Carlos Street, Meridian Avenue, Park Avenue, and Race Street. No stationary sources of TACs (diesel generators, boilers, etc.) were identified by BAAQMD near the project site. The results of the community health risk assessment are shown in Table 4.3-6 below.

<b>Table 4.3-6: Community Risk Impact to New Project Residences</b>			
<b>Source</b>	<b>Cancer Risk (per million)</b>	<b>Annual PM<sub>2.5</sub> (µg/m<sup>3</sup>)</b>	<b>Hazard Index</b>
W. San Carlos St (east-west) at 270 feet, 22,925 ADT	2.9	0.08	<0.01
Meridian Ave (north-south) at 30 feet, 17,270 ADT	6.7	0.20	<0.01
Park Ave (east-west) at 430 feet, 14,505 ADT	1.3	0.05	<0.01
Race St (north-south) at 700 feet, 10,540 ADT	0.4	0.01	<0.01
<b><i>BAAQMD Single-Source Threshold</i></b>	<b><i>&gt;10.0</i></b>	<b><i>&gt;0.3</i></b>	<b><i>&gt;1.0</i></b>
<b><i>Significant?</i></b>	<b><i>No</i></b>	<b><i>No</i></b>	<b><i>No</i></b>
<b><i>Cumulative Total</i></b>	<b><i>11.3</i></b>	<b><i>0.34</i></b>	<b><i>&lt;0.04</i></b>
<b><i>BAAQMD Cumulative Source Threshold</i></b>	<b><i>&gt;100</i></b>	<b><i>&gt;0.8</i></b>	<b><i>&gt;10.0</i></b>
<b><i>Significant?</i></b>	<b><i>No</i></b>	<b><i>No</i></b>	<b><i>No</i></b>

As shown in Table 4.3-6, mobile sources of TACs would not exceed the BAAQMD single-source or cumulative source thresholds for health risk impacts. Therefore, future residents of the proposed project would not be exposed to significant health risks as a result of TACs emitted by nearby roadways, consistent with General Plan Policy MS-11.1.

## **4.4 BIOLOGICAL RESOURCES**

### **4.4.1 Environmental Setting**

#### **4.4.1.1 *Regulatory Framework***

##### **Special-Status Species**

Special-status species include plants or animals that are listed as threatened or endangered under the federal and/or California Endangered Species Act (FESA/CESA), species identified by the California Department of Fish and Wildlife (CDFW) as a California Species of Special Concern, as well as plants identified by the California Native Plant Society (CNPS) as rare, threatened, or endangered. The FESA and CESA protect listed wildlife species from harm or “take,” which can include habitat modification or degradation that directly results in death or injury to a listed wildlife species. The majority of the downtown area is paved, with some small pockets of vegetated or bare ground. Mature native and ornamental trees are scattered throughout the downtown area, particularly along streets and within parking lots. Developed habitats typically support common wildlife species that are tolerant of periodic human disturbance such as rock dove, squirrel, and raccoon.

##### **Migratory Bird Treaty Act**

The federal Migratory Bird Treaty Act (MBTA: 16 USC Section 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, bird nests, and eggs. Construction disturbance during the breeding season could result in a violation of the MBTA such as the incidental loss of fertile eggs or nestlings, or nest abandonment. As stated in the Downtown Strategy 2040 FEIR, native bird species commonly found in developed habitats in San José include the house finch, northern mockingbird, Anna’s hummingbird, and California towhee. San José is also located along the Pacific Flyway for migratory birds.

##### **California Fish and Game Code**

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

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

The Santa Clara Valley Habitat Plan (SCVHP) is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth on approximately 500,000 acres in southern Santa Clara County.<sup>13</sup> The SCVHP is a regional partnership between six local partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the cities of San José, Gilroy, and

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<sup>13</sup> Santa Clara Valley Habitat Agency. *Final Santa Clara Valley Habitat Plan*. August 2012 (adopted October 2013)

Morgan Hill) and two wildlife agencies (the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service).

The SCVHP identifies and preserves land that provides important habitat for endangered and threatened species. The land preservation is both to mitigate for the environmental impacts of planned development, public infrastructure operations, and maintenance activities as well as to enhance the long term viability of endangered species. Species of concern include, but are not limited to, the California tiger salamander, California red-legged frog, western burrowing owl, Bay checkerspot butterfly, and numerous plant species endemic to serpentine grassland and scrub.

The proposed project is located within the SCVHP study area and is designated as Urban-Suburban. Urban-Suburban land comprises areas where natural vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and has a density of one or more structures per 2.5 acres. The project site is not identified as important habitat for endangered and threatened species in the SCVHP. The SCVHP designations pertinent to this project are listed in *Section 2.7, Habitat Plan Designation* of this Initial Study.

#### Nitrogen Deposition Fee

All development within the SCVHP study area is required to pay a nitrogen deposition fee as mitigation for cumulative impacts to serpentine habitat in the SCVHP area. Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the SCVHP area, as well as the host plants that support the Bay checkerspot butterfly. 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. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species onto serpentine habitat and displaces native plant species. The displacement of these native plant species, and subsequent decline of the several federally-listed plant and animal species, including the Bay checkerspot butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County. 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. The impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the number of new vehicle trips that a project is expected to generate. The nitrogen deposition fees collected under the SCVHP for new vehicle trips will be used as mitigation to purchase and manage conservation land for the Bay checkerspot butterfly and other sensitive species.

### **Envision San José 2040 General Plan**

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

## Envision San José 2040 General Plan Relevant Biological Resources Policies

Policy	Description
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
Policy MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: <ol style="list-style-type: none"> <li>1. Avoid conflicts with nearby power lines.</li> <li>2. Avoid potential conflicts between tree roots and developed areas.</li> <li>3. Avoid use of invasive, non-native trees.</li> <li>4. Remove existing invasive, non-native trees.</li> <li>5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.</li> <li>6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.</li> </ol>
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.

### City of San José Tree Removal Ordinance

The City of San José Tree Removal Controls (San José Municipal Code, Sections 13.31.010 to 13.32.100) serve to protect all trees having a trunk that measures 56 inches or more in circumference (18 inches in diameter) at the height of 24 inches above the natural grade of slope. The ordinance protects both native and non-native tree species. A tree removal permit is required from the City of San José for the removal of ordinance-sized trees. On private property, tree removal permits are issued by the Department of Planning, Building and Code Enforcement. Tree removal or

modifications to all trees on public right-of-way (e.g., street trees within a parking strip or the area between the curb and sidewalk) are handled by the Department of Transportation.

#### 4.4.1.2 *Existing Conditions*

##### **Overview of Habitat Found on the Project Site**

The project site is completely developed with a 19,060-square foot medical office complex and surface parking lot. There is landscaping along the building frontages on Meridian Avenue, and several trees within the surface parking lot. The adjacent parcels are developed with commercial and residential buildings and associated surface parking. The closest creek to the site is Los Gatos Creek, located approximately 2/3-mile east of the site

Developed urban areas, such as the project site, are typically low in species diversity. The existing building may, however, provide nesting habitat for avian species like rock pigeons, mourning doves, house sparrows, finches, northern mockingbird, and European starlings. Due to the extent of human disturbance and development on and within the vicinity of the project site, special status plant and animal species are not expected to occur.

Furthermore, the project site is located within the Habitat Plan study area and is designated as *Urban-Suburban* land. *Urban-Suburban* land, as described above. Vegetation found in *Urban-Suburban* land is usually in the form of landscaping, planted street trees, and parklands.

##### **Special Status Species**

Special status species are plants and animals listed under the State and Federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the California Department of Fish and Wildlife. Most special status animal species occurring in the Bay Area use habitats that are not present on the project site. Salt marsh, freshwater marsh, serpentine grassland and riparian habitats are not present on the project site. Since the native vegetation of the area is no longer present on-site, native wildlife species have been supplanted by species that are more compatible with an urbanized area.

##### **Trees**

Trees (both native and non-native) are valuable to the human environment for the benefits they provide, including resistance to global climate change (i.e., carbon dioxide absorption), protection from weather, nesting and foraging habitat for raptors and other migratory birds, and as a visual enhancement to the urban environment.

The existing site is landscaped with shrubs and trees. There are several mature trees located in the parking lot areas and in front of the buildings, including species such as camphor and crape myrtle. All trees planted on the site are non-native to the region. Table 4.4-1 lists these trees and provides their approximate trunk diameters and general conditions. The tree locations are shown on Figure 4.4-1.

<b>Table 4.4-1: Existing Trees</b>			
<i>Tree No.</i>	<i>Species</i>	<i>Approximate Trunk Diameter (inches)</i>	<i>General Condition</i>
1	Camphor	10	Good
2	Crape myrtle	10	Good
3	Crape myrtle	10	Good
4	Camphor	10	Good
5	Camphor	6	Fair
6	Camphor	12	Fair
7	Camphor	12	Good
8	Camphor	12	Good
9	Camphor	12	Fair
10	Camphor	10	Fair
Source: David J. Powers & Associates field reconnaissance on October 8, 2018.			

City policy requires that mature trees removed or proposed for removal be replaced on-site with trees that have, at a minimum, a 24- or 36-inch box. Other standards may apply in cases where particular planting requirements must be met. This includes providing specimen size material for protected trees and installing appropriately sized trees, such as less than or equal to 15 gallons where there are physical limitations.



EXISTING TREE LOCATIONS

FIGURE 4.4-1

4.4.2

**Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**Impact BIO-1:** The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. **(Less than Significant Impact)**

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As previously mentioned, the project site itself is fully developed. The nearest riparian corridor, Los Gatos Creek, is approximately 0.7-mile east of the site. Due to the fact that there are currently no sensitive or natural habitats on the project site, no significant impacts to natural plant communities or special status or endangered species would result from the project. **(Less than Significant Impact)**

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**Impact BIO-2:** The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(Less than Significant Impact)**

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There are no riparian habitats or other sensitive natural communities located on or adjacent to the project site. The nearest riparian corridor, Los Gatos Creek, is approximately 0.7 mile east of the site. Thus, the impact would be less than significant. **(Less than Significant Impact)**

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

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The project site does not contain any state or federally protected wetlands. The proposed project would, therefore, have no impact on wetlands. **(No Impact)**

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

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### **Impacts to Nesting Migratory Birds**

Although the project site is located within an urban environment, the mature trees on-site could provide nesting and/or foraging habitat for migratory birds adapted to urban environments.

Migratory birds, like nesting raptors, are protected under the Migratory Bird Treaty Act and the California Department of Fish and Game Code Sections 3503, 3503.5, and 2800. Construction activities, including equipment noise and tree removal, may result in the loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.

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

**MM BIO-4.1:** Avoidance: The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1<sup>st</sup> through August 31<sup>st</sup> (inclusive).

**MM BIO-4.2:** Nesting Bird Surveys: If it is not possible to schedule demolition and construction between September 1<sup>st</sup> and January 31<sup>st</sup> (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to

the initiation of construction activities during the early part of the breeding season (February 1<sup>st</sup> through April 30<sup>th</sup> inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1<sup>st</sup> through August 31<sup>st</sup> inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

**MM BIO-4.3:** Buffer Zones: If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

**MM BIO-4.4:** Reporting: Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City’s Director or Director’s designee of City of San Jose the Department of Planning, Building and Code Enforcement.

Implementation of mitigation measure **MM BIO-1.1** through **MM BIO-1.4** would reduce potential impacts to candidate, sensitive, and/or special status species to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

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

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The project site is within an urban developed area and there are numerous trees on-site that are part of the urban forest. Within the City of San José, the urban forest as a whole is considered an important biological resource because most mature trees provide some nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. Although the urban forest is not the best environment for native wildlife, trees in the urban forest are often the only or best habitat commonly or locally available. All of the 10 trees on the site will be removed, as part of the project development.

As a condition of approval, trees removed as a result of the project would be required to be replaced in accordance with all applicable laws, policies, or guidelines, including:

- City of San José Tree Protection Ordinance
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

In accordance with City policy, tree replacement would be implemented as shown in Table 4.4-2, below.

<b>Table 4.4-2: City of San José Standard Tree Replacement Ratios</b>				
Circumference of Tree to be Removed <sup>1</sup>	Type of Tree to be Removed <sup>2</sup>			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more <sup>3</sup>	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon

<sup>1</sup> As measured 4.5 feet above ground level  
<sup>2</sup> X:X = tree replacement to tree loss ratio  
<sup>3</sup> Ordinance-sized tree  
Notes: Trees greater than or equal to 38 inches in circumference shall not be removed unless a Tree Removal Permit or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size.  
A 38-inch tree equals 12.1 inches in diameter.  
One 24-inch box tree equals two 15-gallon trees

All ordinance size tree removals will require a permit from the Planning Department.

All ten of the trees onsite would be removed. As mentioned previously, there are no native trees on-site. Based on the replacement ratios shown in Table 4.4-2, the total number of replacement trees required to be planted would be 19 trees. The project currently proposes a total of 67 replacement trees, four of which would be street trees planted within the Meridian Avenue right-of-way. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will 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.
- Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works 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 proposed project would be required to meet the minimum tree replacement standard through a combination of on-site tree plantings and alternative requirements as noted above. Compliance with the City’s tree ordinance would reduce impacts to a less than significant level. **(Less than Significant Impact)**

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

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The project site is located within the SCVHP area, an adopted Habitat Conservation and Natural Community Conservation Plan (NCCP). The project site is designated as Urban – Suburban land cover in the SCVHP and redevelopment of the site is considered a covered activity under the plan and would be subject to all applicable SCVHP fees.

The Urban – Suburban land cover type is not identified as important habitat for endangered and threatened species and the site has no sensitive habitats. Pursuant to the SCVHP, no site specific biological surveys are required, but the project would be required to send the Habitat Plan Coverage Screening Form to the Department of Planning, Building and Code Enforcement at the time of future redevelopment. As previously mentioned, all developments within the City may be required to pay nitrogen deposition fees. Because the proposed project would increase daily traffic, it would be required to pay nitrogen deposition fees, pursuant to the SCVHP.

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

- The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning or Director’s designee of the City of San José Department of Planning, Building, and Code Enforcement (PBCE) for review and shall complete subsequent forms, reports, and/or studies as needed prior to the issuance of grading permits. The Habitat Plan and supporting materials can be viewed at [www.scv-habitatplan.org](http://www.scv-habitatplan.org).

Compliance with the Standard Permit Condition listed above would ensure that the project does not conflict with the provisions of the SCVHP. **(Less than Significant Impact)**

## 4.5 CULTURAL RESOURCES

The discussion of cultural resources in this section is based on the Cultural Resources Literature Search prepared by *Holman & Associates* on July 13, 2018 and a Historic Resources Project Assessment prepared by *Archives & Architecture, LLC* on June 6, 2019. The literature search is on file with the San José Department of Planning, Building and Code Enforcement (PBCE), and the historic report is provided in Appendix B of this Initial Study.

### 4.5.1 Environmental Setting

#### 4.5.1.1 *Regulatory Framework*

##### **Federal**

##### Historic Resources

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

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

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

Second, for a property to qualify under the NRHP’s Criteria for Evaluation, it must also retain “historic integrity of those features necessary to convey its significance.” While a property’s significance relates to its role within a specific historic context, its integrity refers to “a property’s physical features and how they relate to its significance.” To determine if a property retains the physical characteristics corresponding to its historic context, the NRHP has identified seven aspects of integrity: 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

## State

### Historic Resources

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

1. Criterion 1 (Events): It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
2. Criterion 2 (Persons): It is associated with the lives of persons important to local, California, or national history; or
3. Criterion 3 (Architecture): It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or
4. Criterion 4 (Information Potential): It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

### **Envision San José 2040 General Plan**

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

#### **Envision San José 2040 General Plan Relevant Cultural Resources Policies**

Policy	Description
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon 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.

## Envision San José 2040 General Plan Relevant Cultural Resources Policies

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

In addition, Historic Preservation Policies (e.g., LU-13.1 through LU-15) also may apply in the event landmark buildings or districts of historic significance are located within or near new development at the time it is proposed.

### Municipal Code – Historic Preservation Ordinance

#### City of San José Criteria for Local Significance

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

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

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

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

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

- Candidate City Landmark (CCL)
- Structure of Merit (SM) and/or Contributing Structure (CS)
- Non-Significant (NS)/Non-Contributing Structure (NCS)

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

#### **4.5.1.2 Existing Conditions**

##### **Archaeological Resources**

Based on the literature search, there are no known archaeological sites within or adjacent to the project site, and the site is not located within an area of high archaeological sensitivity. No known archaeological resources are located on properties adjacent to the project site.

In this area of San José, native people often settled on lands within 0.5 mile of major creeks and rivers, as well as locations along the edge of historic bay wetlands, near freshwater sources, and near springs. The project site is approximately 0.7 mile from Los Gatos Creek on part of a large valley terrace. Based on its distance from a major waterway, the project site has a low potential for Native American resources including buried deposits.<sup>14</sup>

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

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<sup>14</sup> Holman & Associates. *Archaeological Literature Search Results*. July 13, 2018.

## Historic Resources

The existing medical office complex at 239-259 Meridian Avenue has not been the subject of an individual historical resources survey. The buildings were constructed in the 1950s-1960s and have been used by a succession of medical-related tenants since construction. The following discussion is based on a historical resources report prepared for the project site by *Archives & Architecture, LLC*.

### Historical Context

The project site is located within an area near the community of Burbank that was once owned by Henry Morris Naglee, a prominent early San José resident. Around 1857, Naglee sold 75 acres of his land north of Park Avenue (then called South Street) to the Santa Clara Valley Agricultural Society, who established the first agricultural park and fairgrounds on that land. Meridian Road began at the fairgrounds and became a major route into the city west of the Willows.

In the late 1880s and 1890s, suburban expansion to San José's west brought the O'Connor Sanitarium to a newly connected West San Carlos Street. The district began to develop with industrial uses to serve the horticultural ranches in the western reaches of the valley. Residential subdivision in the project area followed, with two houses built on the project site around 1909 or earlier on a remnant parcel remaining from the Naglee Estate. The community of Burbank became San José's first "streetcar suburb" following residential development of the area.

By the mid-twentieth century, commercial development had begun to replace houses along West San Carlos Street, and the Bethel Church had been built on Meridian Road at the intersection of Norton Avenue to the northeast of the project site. O'Connor Hospital was rebuilt and reopened in 1954 on Forest Avenue; the previous site was redeveloped with a suburban big-box store.

### Development on the Project Site

During the early 1950s, much redevelopment occurred along the stretch of Meridian Road between Park Avenue and Stevens Creek Road. In 1951, Robert Hancock obtained a permit to build a duplex on the large center parcel on the site. In June of 1953, a building contractor, Irvin Herman, and his wife Jeannie acquired the property at the south end of the current site and applied for a permit to build a nine-office building. The office building at 259 Meridian Avenue was expanded to the rear during the mid-1960s, as was the building at 239 Meridian Avenue. Herman and Parenti continued to be identified as the owner of all the built parcels at least into the late 1960s. By the late 1970s the property was owned by Mark LaFrom; members of the LaFrom family continued to own the complex until 2015.

### Architectural and Land Use Context

The design of the 1950s complex of buildings is "modernist" and associated with a form of Modern architecture known as "Googie". Googie architecture is known for its simple use of Modern materials formed into striking, expressive shapes, such as large-scale zigzags, boomerangs, or scallops. The obvious architectural element that is associated with this style is the flared vertical boomerang fixed at the lower front corner of each building. The architectural character of the buildings is typical of the work of architect Donnel Jaekle during this period. Jaekle is one of a number of local architects of

the post-World War II period (Industrialization and Suburbanization 1954-1991) who embraced Modernism in their professional work.

A number of sites along Meridian Road were redeveloped to one-story commercial uses beginning in 1950 and continuing into the early 1960s. Most of the new buildings in the area were designed by the architectural firm of Higgins & Root. Of the 16 or so properties along Meridian Avenue between Park Avenue and West San Carlos Street, around half were built in the 1950s. From what had previously been a mostly suburban residential neighborhood during the first half of the twentieth century, only two residential properties remain. It is not understood what drove the property owners along Meridian Road to redevelop a mostly residential neighborhood to commercial offices. Presently, the area is a diverse mix of building types and land uses. For a summary of surrounding buildings and their building styles/dates, refer to the historical resource assessment in Appendix B.

#### 4.5.2 Impact Discussion

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

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**Impact CUL-1:** The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **(No Impact)**

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The proposed project would demolish the existing on-site buildings, which were the subject of the historic resource assessment prepared for the project. The buildings and the project site were evaluated for their potential eligibility for listing in the California Register of Historical Resources.

Based on the Historic Resources Project Assessment (Appendix B), the buildings on the site do not represent a significant concentration of uses to adequately represent the mid-century pattern of development in the area, and the project site has only a secondary relationship to patterns of medical office development commonly found near larger hospital sites. Because the buildings on the site do not represent significant patterns of development, they would not qualify for the California Register of Historical Resources under Criterion 1.

The buildings and early owners, the firm of Herman and Perenti and the individual business owners were not found to be significant personages after a review of available historical references to their

individual lives. The buildings are not directly associated with any persons known to be historically important and, therefore, do not qualify under Criterion 2.

Post-war development and modern commercial architecture may be eligible for the California Register under Criterion 3 if the architecture is distinctive within one of the many variants of the Modern Movement. Although these buildings are over 50 years old, they represent a modest version of modern architecture with some association with roadside architecture that was popular during the period. The on-site buildings are good examples of mid-century “Googie” design, which was an emerging architectural style of the time, but are not individually significant within this architectural context and would not be considered distinctive examples. The building complex, therefore, does not qualify for the California Register under Criterion 3.

Criterion 4 pertains to the “potential to yield” information; this criterion generally refers to the presence of intact strata from which scientifically valid data and materials can be derived, or the presence of human remains or other information on-site, even in a disturbed state. As discussed under CUL-2, there are no known prehistoric sites or archaeological deposits within or adjacent to the site and mitigation measures are prescribed to account for the potential discovery of historically significant archaeological resources. Therefore, the project would not qualify for the California Register under Criterion 4.

The project site is not listed on the San José Historic Resources Inventory. The *Archives and Architecture* report found that the property falls below the threshold for listing on the Inventory as a Structure of Merit, as the buildings were found to qualify as buildings of “Lesser Significance” based on their 1950s modern design. Additionally, the project site does not appear to meet the necessary requirements to be eligible for designation as a San José City Landmark site.

As discussed above, there are no known historic sites in the project area. The project site and adjacent properties do not appear on any local, state, or federal lists of historically or architecturally significant structures and/or sites, landmarks, or points of interest. The existing buildings are not eligible for listing on the NRHP, CRHR, or City of San José Historic Resources Inventory. Therefore, the proposed project would not have an effect on significant or potentially significant architectural resources. **(No Impact)**

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**Impact CUL-2:** The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.  
**(Less than Significant Impact with Mitigation Incorporated)**

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There are no known archaeological sites within or adjacent to the project site, and the site is not located within an area of high archaeological sensitivity.<sup>15</sup> No known archaeological resources are located on properties adjacent to the project site. The potential for accidental discovery of archaeological materials is considered low due to the historical development of the project footprint and the distance to a major waterway. Although the cultural resources literature review found the project site to have a low potential for prehistoric archaeological resources, it has a high potential for

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<sup>15</sup> City of San José. *Envision San José 2040 General Plan FEIR: City of San José Historic Resources Inventory, Landmarks, Districts, and Architectural and Archaeological Resources*. 2010.

historic-era archaeological resources. The *Holman & Associates* report therefore recommended that subsurface exploration be completed after the asphalt has been removed, but prior to any ground-disturbing activities

**Mitigation and Avoidance Measures:** The following mitigation measures would be implemented during construction to avoid significant impacts to unknown subsurface cultural resources:

**MM CUL-2.1: Preliminary Investigation.** After the asphalt has been removed, but prior to any further ground-disturbing activities including grading, potholing for utilities, and building foundation removal (i.e. grading permits), a qualified archaeologist who is trained in both local prehistoric and historical archaeology shall complete subsurface exploration at the site, to determine if there are any indications of discrete historic-era subsurface archaeological features. Exploring for historic-era features shall consist of at least one trench shall be mechanically excavated below existing stratigraphic layers to evaluate the potential for Native American and historic-era resources. If any archaeological resources are exposed, these should be briefly documented, tarped for protection, and left in place. The results of the presence/absence exploration, including any treatment recommendations if any, shall be submitted to the Director of Planning or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement for review and approval prior to issuance of any grading permit. Based on the findings of the subsurface testing, an archaeological resources treatment plan as described in MM CUL-2.2 shall be prepared by a qualified archaeologist if necessary.

**MM CUL-2.2 Research Design and Treatment Plan.** If MM CUL-2.1 is applicable, the project applicant shall prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of all ground disturbing activities. The treatment plan shall be prepared and submitted to the Director or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement prior to approval of any grading permit. The treatment plan shall contain, at a minimum:

- Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).
- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
- Detailed field strategy to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.

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

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

**MM CUL 2.3:** **Evaluation.** The project proponent shall notify the Director of Planning or Director’s designee of the City of San José Department of Planning, Building, and Code Enforcement of any finds during the preliminary field investigation, grading, or other construction activities. Any historic or prehistoric material identified in the project area during the preliminary field investigation and during grading or other construction activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Informative center (NWIC), and/or equivalent.

With implementation of these measures, impacts to unknown subsurface prehistoric and historic archaeological resources would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

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**Impact CUL-3:** The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact)**

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Although unlikely, it is possible that project construction activities could disturb as-yet undiscovered human remains at the project site. The City has standard permit conditions which ensure that an appropriate process is followed in the event of accidental discovery of human remains during project construction.

**Standard Permit Conditions:** Implementation of the following conditions would reduce impacts to human remains.

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement will be notified, and a qualified archaeologist will examine the find. The archaeologist will 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 resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.

- If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the archaeologist. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery would be submitted to Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement and the Northwest Information Center.
- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.
- If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.
- If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
  - The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
  - The MLD identified fails to make a recommendation; or
  - The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

By following the process set forth in these conditions, the proposed project would not result in a significant impact to human remains. **(Less than Significant Impact)**

## 4.6 ENERGY

The following discussion is based, in part, on the air quality and greenhouse gas assessment prepared for the proposed project by *Illingworth & Rodkin*. The report, dated January 16, 2019, is attached to this IS as Appendix A.

### 4.6.1 Environmental Setting

#### 4.6.1.1 *Regulatory Framework*

##### **Federal**

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

##### **State**

##### Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2008, Executive Order S-14-08 was signed into law requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Pacific Gas and Electric Company (PG&E) is the electricity provider to the project site. PG&E's 2017 electricity mix was 33 percent renewable; thus, they have already met the requirements of Executive Order S-14-08.<sup>16</sup>

##### Building Codes

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2016 Title 24 updates went into effect on January 1, 2017.<sup>17</sup> Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.<sup>18</sup>

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<sup>16</sup> PG&E. "Exploring Clean Energy Solutions". Accessed June 20, 2019. [https://www.pge.com/en\\_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page](https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page).

<sup>17</sup> California Building Standards Commission. "Welcome to the California Building Standards Commission". Accessed June 10, 2019. <http://www.bsc.ca.gov/>.

<sup>18</sup> California Energy Commission (CEC). "2016 Building Energy Efficiency Standards". Accessed June 10, 2019. <http://www.energy.ca.gov/title24/2016standards/index.html>.

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

## Local

### City of San José Green Building Standards

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED)<sup>19</sup>, GreenPoint<sup>20</sup>, or Build It Green checklist with the development proposal. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in Table 4.6-1 below.

<b>Table 4.6-1: Private Sector Green Building Policy Applicable Projects</b>	
<b>Applicable Project*</b>	<b>Minimum Green Building Rating</b>
Commercial/Industrial – Tier 1 (Less than 25,000 Square Feet)	LEED Applicable New Construction Checklist
Commercial/Industrial – Tier 2 (25,000 Square Feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified
<p><b>Notes:</b> *For mixed-use projects – only that component of the project triggering compliance with the policy shall be required to achieve the applicable green building standard.</p> <p><b>Source:</b> City of San José. “Private Sector Green Building.” Accessed: February 19, 2019. Available at: <a href="http://www.sanjoseca.gov/index.aspx?NID=3284">http://www.sanjoseca.gov/index.aspx?NID=3284</a>.</p>	

### Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

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

<sup>19</sup> Created by the non-profit organization United States Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

<sup>20</sup> Created by the California based non-profit organization Build It Green, GreenPoint is a certification system for residential development that assigns points for green building measures based on a 381-point rating scale for multi-family development and 341-point rating scale for single-family developments.

The City’s GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects as part of three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary and could be incorporated as mitigation measures for proposed projects, at the City’s discretion. GHG reduction measures serve the dual purpose of reducing GHG emissions and reducing wasteful and inefficient use of energy in new developments.

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

### **Envision San José 2040 General Plan Relevant Energy Resources Policies**

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

## City of San José Municipal Code

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

## Climate Smart San José

Climate Smart San José, adopted in February 2018, is a plan to reduce air pollution, save water, and create a healthy community. Climate Smart San José focuses on three pillars and nine key strategies to transform San José into a climate smart city that is substantially decarbonized and meeting requirements of Californian climate change laws.

### **4.6.1.2 Existing Conditions**

Total energy usage in California was approximately 7,830 trillion Btu in the year 2017, the most recent year for which this data was available. Out of the 50 states, California is ranked 2<sup>nd</sup> in total energy consumption and 48<sup>th</sup> in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,384 trillion Btu) for residential uses, 19 percent (1,477 trillion Btu) for commercial uses, 24 percent (1,853 trillion Btu) for industrial uses, and 40 percent (3,116 trillion Btu) for transportation.<sup>21</sup> This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

### **Electricity**

Electricity in Santa Clara County in 2018 was consumed primarily by the commercial sector (76 percent), followed by the residential sector consuming 24 percent. In 2018, a total of approximately 16,700 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.<sup>22</sup> San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2018, natural gas facilities provided 15 percent of PG&E's electricity delivered to retail

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<sup>21</sup> United States Energy Information Administration. *State Profile and Energy Estimates, 2016*. Accessed June 10, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

<sup>22</sup> Energy Consumption Data Management System. "Electricity Consumption by County." Accessed February 5, 2020. <http://ecdms.energy.ca.gov/elecbycounty.aspx>

customers; nuclear plants provided 34 percent; hydroelectric operations provided 13 percent; renewable energy facilities including solar, geothermal, and biomass provided 39 percent.<sup>23</sup>

As of February 2019, San José Clean Energy provides over 300,000 residential and commercial electricity customers with carbon-free electricity options at competitive prices, from sources like solar, wind, and hydropower.

### Natural Gas

PG&E provides natural gas services within the City of San José. In 2017, approximately 1.4 percent of California’s natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.<sup>24</sup> In 2018, residential and non-residential customers in California used approximately 12,666 million therms of natural gas.<sup>25</sup>

### Fuel for Motor Vehicles

In 2018, approximately 15.5 billion gallons of gasoline were sold in California.<sup>26</sup> The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2018.<sup>27</sup> Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020.<sup>28,29</sup>

### Energy Use of Existing Development

The electricity and natural gas used by the existing building on-site is estimated below in Table 4.6-2.

<b>Table 4.6-2: Estimated Annual Energy Use of Existing Development<sup>1</sup></b>		
<b>Development</b>	<b>Electricity Use (kWh)</b>	<b>Natural Gas Use (kBtu)</b>
Medical Office Building – 20,000 sf.	356,600	327,400
Parking Lot – 30,000 sf.	10,500	0
<b>Notes:</b> <sup>1</sup> Illingworth & Rodkin, Inc. 259 Meridian Avenue Air Quality and Greenhouse Gas Assessment. June 21, 2019.		

<sup>23</sup> PG&E. “Exploring Clean Energy Solutions”. Accessed June 10, 2019. [https://www.pge.com/en\\_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page](https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page).

<sup>24</sup> California Gas and Electric Utilities. 2018 California Gas Report. Accessed June 10, 2019. [https://www.socalgas.com/regulatory/documents/cgr/2018\\_California\\_Gas\\_Report.pdf](https://www.socalgas.com/regulatory/documents/cgr/2018_California_Gas_Report.pdf)

<sup>25</sup> CEC. “Natural Gas Consumption by County”. Accessed February 5, 2020. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

<sup>26</sup> California Department of Tax and Fee Administration. “Net Taxable Gasoline Gallons.” Accessed February 5, 2020. [http://www.cdtfa.ca.gov/taxes-and-fees/MVF\\_10\\_Year\\_Report.pdf](http://www.cdtfa.ca.gov/taxes-and-fees/MVF_10_Year_Report.pdf).

<sup>27</sup> United States Environmental Protection Agency. “The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975.” March 2019.

<sup>28</sup> United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed February 5, 2020. <http://www.afdc.energy.gov/laws/eisa>.

<sup>29</sup> Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed February 5, 2020. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

As shown in the table above, the existing medical office complex on-site uses approximately 367,100 kWh of electricity per year and 327,400 kBtu of natural gas per year. In addition, vehicular trips to and from the site are estimated to consume 43,735 gallons of gasoline per year.<sup>30</sup>

#### 4.6.2 Impact Discussion

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

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

The proposed project would demolish three existing buildings and a surface parking lot and construct a mixed-use podium building with up to five levels of residential units above two levels of parking and commercial space on the ground level. The project proposes a total of 241 micro-units. Energy consumption during construction and operation of the proposed project is discussed below.

#### Construction

The anticipated construction schedule assumes that the project would be built over a period of approximately 15 months. The project would require demolition, site preparation, grading, trenching, building construction, paving, and building interior. The overall construction schedule and process is designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. The project does, however, include several measures that would improve the efficiency of the construction process. Implementation of the Standard Permit Conditions detailed in *Section 4.3, 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.

Energy is consumed during construction because the use of fuels and building materials are fundamental to construction of new buildings. However, energy would not be wasted or used

<sup>30</sup> 1,088,994 vehicles mile traveled / 24.9 mpg = 43,735 gallons of gasoline

inefficiently by construction equipment and waste from idling would be further reduced with implementation of the Standard Permit Conditions outlined in *Section 4.3, Air Quality*. Therefore, construction of the proposed project would not consume energy in a manner that is wasteful, inefficient, or unnecessary. **(Less than Significant Impact)**

### Operation

The proposed project would use energy through building heating, cooling, and lighting, water use, and vehicle trips to and from the site. The proposed project is a mixed-use residential and commercial building, which places less demand per capita on the grid when compared to single-family housing developments or standalone commercial developments. While the nature of the project as a mixed-use development contributes to a reduction of its overall energy usage, the project would still result in a net increase in energy usage relative to the existing use of the site. Table 4.6-3, below, shows the estimated annual energy use of the proposed development.

<b>Table 4.6-3: Estimated Annual Energy Use of Proposed Development<sup>1</sup></b>		
<b>Development</b>	<b>Electricity Use (kWh)</b>	<b>Natural Gas Use (kBtu)</b>
Apartments Mid Rise – 241 dwelling units	994,932	2,082,110
Enclosed Parking with Elevator – 162 spaces	379,726	0
Strip Mall – 1,340 square feet <sup>2</sup>	14,325	3,176
<b>Notes:</b> <sup>1</sup> Illingworth & Rodkin, Inc. <i>259 Meridian Avenue Air Quality and Greenhouse Gas Assessment</i> . June 21, 2019. <sup>2</sup> Actual project retail square footage total is 1,400 square feet, however, the 60 square foot difference does not substantially affect the resulting calculated electricity and natural gas usage totals.		

The proposed project would generate a gross annual energy demand of 1,388,983 kWh of electricity and 2,085,286 kBtu of natural gas. Vehicle trips generated by the project would result in a gross annual gasoline consumption of 106,735 gallons. Relative to the existing uses of the site, the proposed project would increase annual electricity consumption by approximately 1,032,383 kWh, annual natural gas consumption by approximately 1,757,886 kBtu, and annual gasoline consumption by 63,000 gallons. While energy use would be increased, the proposed project would be required to be designed for energy efficiency and conservation, in accordance with the City’s Green Building Program, Green Vision, and Greenhouse Gas Reduction Strategy. The project would be subject to the Green Building Ordinance, which requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. The project would not result in wasteful, inefficient, or unnecessary energy consumption upon implementation of General Plan policies and existing regulations. **(Less than Significant Impact)**

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**Impact EN-2:** The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(No Impact)**

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The proposed project would be required to comply with various local policies and regulations adopted to improve energy efficiency in new developments and increase utilization of renewable energy sources, including the City’s Green Building Program, Private Sector Green Building Policy, Greenhouse Gas Reduction Strategy, and General Plan energy policies. Implementation of local policies and regulations would ensure the project is compliant with regional and statewide energy

efficiency and renewable energy plans and policies, such as the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan (General Plan Policy MS-14.3), the Model Water Efficient Landscape Ordinance (General Plan Policy MS-3.1), and CALGreen (City of San José Building Code). By adhering to adopted policies and regulations, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(No Impact)**

## **4.7 GEOLOGY AND SOILS**

### **4.7.1 Environmental Setting**

#### **4.7.1.1 *Regulatory Framework***

##### **Alquist-Priolo Earthquake Fault Zoning Act**

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

##### **Seismic Hazards Mapping Act**

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

##### **California Building Code**

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

##### **Paleontological Resources**

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

## Envision San José 2040 General Plan

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

### Envision San José 2040 General Plan Relevant Geology and Soil Policies

Policy	Description
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
Policy EC-4.4	Require all new development to conform to the City of San José’s Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

### City of San José Municipal Code

Title 24 of the San José Municipal Code includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6

Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

#### **4.7.1.2 Existing Conditions**

##### **Regional Geology**

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

##### **Seismicity and Seismic Hazards**

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

The project site is not located within an Alquist-Priolo Special Studies Zone or Santa Clara County Fault Hazard Zone.<sup>31 32</sup> There are no known faults at the project site. Therefore, ground rupture on the site is unlikely.

##### **Liquefaction and Lateral Spreading**

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

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

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<sup>31</sup> California Geological Survey. *Earthquake Zones of Required Investigation – San José West Quadrangle*. February 2, 2002.

<sup>32</sup> Santa Clara County Department of Planning and Development. *Santa Clara County Geologic Hazard Zones*. October 26, 2012.

Landslides

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

**4.7.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
- Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
- Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**Impact GEO-1:** The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. **(Less than Significant Impact)**

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### **Fault Rupture**

The project site is not located within an Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Rupture Hazard Zone; therefore, fault rupture through the site is not anticipated. **(No Impact)**

### **Seismic Ground Shaking**

The project site is located within the seismically active San Francisco Bay region, and during an earthquake, very strong ground shaking could occur at the project site.

In accordance with the City's General Plan and Municipal Code, and to avoid or minimize potential damage from seismic shaking, the proposed development would be built using standard engineering and seismic safety design techniques. The project shall implement the following Standard Permit Condition as a condition of approval for the project.

**Standard Permit Condition:** To avoid or minimize potential damage from seismic shaking, the project shall be built using standard engineering and seismic safety design techniques. Building design and construction at the site will be completed in conformance with the recommendations of a design-level geotechnical investigation. The structural designs for the proposed development must account for repeatable horizontal ground accelerations. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2016 California Building Code Chapter 16, Section 1613, as adopted or updated by the City.

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

### **Landslides**

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

### **Liquefaction**

The project site is located within a State of California Liquefaction Hazard Zone. As described above, the proposed development would be built using standard engineering and seismic safety

design techniques. Implementation of the above Standard Permit Condition, which requires a design-level geotechnical investigation, would ensure that the project would not expose people or structures to substantial adverse effects due to liquefaction. **(Less than Significant Impact)**

### **Lateral Spreading**

Los Gatos Creek is located approximately 0.7 mile east of the site. Considering the relatively flat site grade and the absence of a free face in the site topography, lateral spreading would not be expected to occur on the site. **(No Impact)**

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

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Construction of the proposed project would disturb the ground and expose soils, thereby increasing the potential for wind- or water-related erosion and sedimentation at the site until the completion of construction. The Statewide General Permit for Construction Activities (Construction General Permit), the City's urban runoff policies, and the Municipal Code (which are discussed in Section 4.10 Hydrology and Water Quality of this Initial Study) are the primary means of enforcing erosion control measures. Construction and grading activities would be subject to the requirements of the aforementioned policies and regulations. The project would not, therefore, result in substantial soil erosion or loss of topsoil. **(Less than Significant Impact)**

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**Impact GEO-3:** The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. **(Less than Significant Impact)**

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Refer to the discussion above under GEO-1 for a discussion on landslides, lateral spreading, and liquefaction.

Development of the project site would not change or exacerbate the geologic conditions of the project area. The project site is flat and is not at risk of becoming unstable following the development proposed by the project. Thus, there would be no impact. **(Less than Significant Impact)**

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

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Expansive soils are common in the San Francisco Bay Area, and could reasonably be expected to occur on the project site, as they were encountered during subsurface investigations conducted for development projects in the vicinity of the project site. Expansive soils on the project site could create risks to life or property. However, the proposed project would be designed and constructed in accordance with the standard engineering safety techniques in the California Building Code, as adopted by the City of San Jose, and in conformance with a final design-specific geotechnical report prepared for the project. These standard practices would ensure that the proposed project is designed

and constructed to avoid expansive soil impacts. The site is in a developed area with existing development on and around the site. There are no unusual circumstances in which this project would exacerbate the expansive soil conditions provided the project follows local and state regulations for building safety.

Design and construction of the project in conformance with the standards and practices described above would ensure that expansive soils on-site would not exacerbate risks to life and property. **(Less than Significant Impact)**

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

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The project site is located within an urbanized area of San José, and municipal sanitary sewers are available to dispose of wastewater from the project site. No septic tanks or alternative wastewater disposal system are not proposed as part of this project. Therefore, development of the site would not require septic tanks or alternative wastewater disposal systems and it would not result in impacts to soil capability of supporting this use. **(No Impact)**

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

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Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City of San José is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. The proposed project could potentially disturb undiscovered paleontological resources underlying the project site during excavation, grading and construction activities. The following Standard Permit Conditions would be applied to the proposed project to reduce and avoid impacts to as yet unidentified paleontological resources.

**Standard Permit Conditions:**

- If vertebrate fossils are discovered during construction, all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection, and may also include preparation of a report for publication describing the finds. The project proponent will be responsible for implementing the recommendations of the paleontological monitor.

Implementation of the Standard Permit Conditions discussed above would reduce impacts to paleontological resources to a less than significant level. **(Less than Significant Impact)**

## 4.8 GREENHOUSE GAS EMISSIONS

The discussion in this section is based in part on a greenhouse gas assessment prepared by *Illingworth & Rodkin, Inc.* The report, dated January 16, 2019 and revised June 21, 2019, is attached to this IS as Appendix A.

### 4.8.1 Environmental Setting

Unlike emissions of criteria and toxic air pollutants, which are discussed in *Section 4.3, Air Quality* and have local or regional impacts, emissions of greenhouse gases (GHGs) have a broader, global impact. Global warming associated with the “greenhouse effect” is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth’s atmosphere over time. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors.

#### 4.8.1.1 *Regulatory Framework*

##### **Federal**

##### Clean Air Act

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

##### **State**

##### California Global Warming Solutions Act (Assembly Bill 32)

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

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

In the updated *Climate Change Scoping Plan*, CARB recommends statewide targets of no more than six metric tons (MT) of carbon dioxide equivalent (CO<sub>2</sub>e) per capita (statewide) by 2030 and no more than two MT of CO<sub>2</sub>e per capita by 2050. The statewide per capita targets account for all emissions sectors in the state, statewide population forecasts, and the statewide reductions necessary to achieve the 2030 statewide target under SB 32 and the longer-term state emissions reduction goal of 80 percent below 1990 levels by 2050.

### Senate Bill 375 – Redesigning Communities to Reduce GHGs

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

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

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

## **Regional**

### Bay Area Air Quality Management District

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

The BAAQMD *CEQA Air Quality Guidelines* include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and

background information. The *CEQA Air Quality Guidelines* recommend a GHG threshold of 1,100 MT or 4.6 MT per capita. These thresholds were developed based on meeting the 2020 GHG targets. Development of the project would occur beyond 2020, so a threshold that addresses a future target is appropriate. Although BAAQMD has not yet published a quantified threshold for 2030, the analysis in this section uses a “Substantial Progress” efficiency metric of 2.6 MT of CO<sub>2</sub>e per capita per year and a “bright-line” threshold of 660 MT of CO<sub>2</sub>e per year. Additional details about BAAQMD and calculated thresholds are included in Appendix A.

## City of San José

### General Plan and Greenhouse Gas Reduction Strategy

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

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

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

### **Envision San José 2040 General Plan Relevant Greenhouse Gas Policies**

Policy	Description
Action MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-14.4	Implement the City’s Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy CD-3.2	Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.
Policy CD-5.1	Design areas to promote pedestrian and bicycle movements, to facilitate interaction between community members, and to strengthen the sense of community.

Policy LU-5.4      Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.

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### City of San José Municipal Code

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

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

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance GHG reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

### Climate Smart San José

Climate Smart San José, adopted in February 2018, is a plan to reduce air pollution, save water, and create a healthy community. The plan focuses on three pillars and nine key strategies to transform San José into a climate smart city that is substantially decarbonized and meeting requirements of Californian climate change laws.

#### **4.8.1.2      *Existing Conditions***

The project site is currently occupied by a professional medical office complex consisting of three single-story buildings and paved surface parking. GHG emissions are generated primarily from energy and water used by the existing building and vehicular traffic to and from the project site.

## 4.8.2 Impact Discussion

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

### 4.8.2.1 *BAAQMD Significance Thresholds*

The BAAQMD’s CEQA Air Quality Guidelines do not use quantified thresholds for projects that are in a jurisdiction with a qualified GHG reductions plan (i.e., a Climate Action Plan). The plan has to address emissions associated with the time period in which the project would operate (e.g., beyond year 2020). For quantified emissions, the guidelines recommended a GHG threshold of 1,100 metric tons or 4.6 metric tons (MT) per capita. These thresholds were developed based on meeting the 2020 GHG targets set in the scoping plan that addressed AB 32. 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<sub>2</sub>e/year/service population. This service population threshold is calculated for 2030 based on the GHG reduction goals of EO B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.<sup>33</sup> The project service population efficiency rate is based on the number of future residents and future employees. Assuming 1.5 persons estimated per household for the proposed micro-units, and 2.5 employees per 1,340 square feet of commercial/retail space, the proposed project would result in four future employees and 362 residents. The total future service population at the proposed project site was estimated to be 366 individuals.<sup>34</sup>

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**Impact GHG-1:** The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact)**

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### Construction Emissions

Short-term GHG emissions from the construction phase of the project would primarily consist of on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City of San José nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions; however, BAAQMD recommends quantifying emissions and disclosing that

<sup>33</sup> Association of Environmental Professionals, 2016. *Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*. April 2016.

<sup>34</sup> Estimates based on 241 residential units. Persons per household and employees per square foot are based on rates for similar projects. Strategic Economics. *San José Market Overview and Employment Lands Analysis*. January 20, 2016.

GHG emissions would occur during construction. The GHG assessment prepared for the proposed project by *Illingworth & Rodkin, Inc.* calculated emissions associated with project construction to be 654 MT of CO<sub>2</sub>e for the total construction period (15 months).

BAAQMD recommends the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable, including, but not limited to: using local building materials of at least 10 percent and recycling or reusing at least 50 percent of construction waste or demolition materials. Because construction of the project would be temporary and would not result in a permanent increase in emissions, the project would not result in a significant GHG impact from construction emissions. **(Less than Significant Impact)**

### Operational Emissions

Long-term operational emissions generated by the project would be primarily attributable to vehicular traffic to and from the project site, energy and water usage, and solid waste disposal. CalEEMod was used to estimate the daily emissions associated with operation of the fully-developed site as proposed by the project. For a detailed description of the methodology used to calculate operational GHG emissions of the project, refer to the air quality and greenhouse assessment in Appendix A. Table 4.8-1 below shows the annual project GHG emissions in MT CO<sub>2</sub>e/year/service population.

<b>Table 4.8-1: Annual Project GHG Emissions (CO<sub>2</sub>e) in Metric Tons</b>				
<b>Source Category</b>	<b>Existing</b>		<b>Proposed Project</b>	
	<b>2021</b>	<b>2030</b>	<b>2021</b>	<b>2030</b>
Area	<1	<1	13	13
Energy Consumption	66	66	296	296
Mobile	412	321	383*	298*
Solid Waste Generation	109	109	56	56
Water Usage	5	5	26	26
Total (MT CO <sub>2</sub> e/yr)	592	501	774	689
<i>Net New Emissions (MT CO<sub>2</sub>e/yr)</i>			182	188
<b>Significance Threshold</b>			<b>660 MT CO<sub>2</sub>e/yr</b>	
<i>Service Population Emissions (MT CO<sub>2</sub>e/year/service population)</i>			2.1**	1.9**
<b>Significance Threshold</b>			<b>2.6 in 2030</b>	
<b>Significant (exceed both)?</b>			No	No
* [LT3][m4] Adjusted mobile emissions to account for project VMT				
** Service population based on 362 residents plus 4 commercial workers				

To be considered significant, the project must exceed both the GHG significance threshold in metric tons per year and the service population significance threshold. The proposed project does not exceed either threshold. Therefore, the project would have a less-than-significant impact regarding GHG emissions. **(Less than Significant Impact)**

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**Impact GHG-2:** The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

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

The City of San José’s GHG Reduction Strategy is the primary benchmark used for assessing whether the proposed project will contribute significantly to GHGs in the region. The GHG Reduction Strategy was developed in accordance with the BAAQMD CEQA Guidelines, and in accordance with CEQA Guidelines Section 15183.5, where GHG Reduction Plans are specifically addressed. As mentioned above, projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2020 and would not conflict with targets in the *Climate Change Scoping Plan* through 2020. While the construction and operation of this project would not be completed prior to 2020, in this interim, the project would comply with the mandatory measures and voluntary measures required by the City would ensure its consistency with the City’s GHG Reduction Strategy.

The proposed project involves the demolition of three existing buildings and the construction of an up to seven-story building with 241 residential micro-units and approximately 1,400 square feet of commercial space on the ground floor. It is expected that the proposed project would contribute marginally to regional GHG emissions, both through construction and operational emissions. Consistency with the Land Use/Transportation Diagram in the General Plan (General Plan Goals/Policies IP-1, LU-10), along with conformance to the City’s Green Building Measures (General Plan Goals MS-1, MS-14) would ensure that the project is in compliance with the City’s GHG Reduction Strategy. The GHG Reduction Strategy lists mandatory criteria that development projects must satisfy in order to be consistent with City goals and policies. The criteria applicable to the proposed project are listed below.

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10);
2. Implementation of Green Building Measures (General Plan Goals MS-1, MS-14)
  - a. Solar site orientation
  - b. Site design
  - c. Architectural design
  - d. Construction techniques
  - e. Consistency with City Green Building Ordinances and Policies
  - f. Consistency with GHG Reduction Strategy Policies MS-1.1, MS-1.2, MS-2.3, MS-2.11, and MS-14.4;
3. Pedestrian/Bicycle Site Design Measures
  - a. Consistency with Zoning Ordinance
  - b. Consistency with GHG Reduction Strategy Policies CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.18, TR-3.3, and TR-6.7;
4. Salvage building materials and architectural elements from historic structures to be demolished to allow reuse (General Plan Policy LU-16.4), if applicable;

5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g., data centers; General Plan Policy MS-2.8), if applicable;
6. Preparation and implementation of the Transportation Demand Management Program at large employers (General Plan Policy TR-7.1), if applicable; and
7. Limits on drive-through and vehicle serving uses, if applicable. All new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow (General Plan Policy LU-3.6)

The proposed use of the project site is consistent with the current land use designation and zoning district (see *Section 4.11, Land Use and Planning*). This would satisfy Criteria 1 listed above. The proposed project would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and the California Green Building Standards Code. The project would be designed to achieve minimum LEED certification in compliance with Policy 6-32. By implementing green building measures, the project would satisfy Criteria 2. The proposed project would include bicycle parking spaces in alignment with City policies and would support pedestrian use of the surrounding area by providing residential opportunities in close proximity to a variety of services and amenities. The proposed project would not alter or inhibit pedestrian or bicycle circulation patterns in the surrounding areas; the project proposes to widen the existing sidewalk at the Meridian Avenue frontage to facilitate pedestrian access to and from the site. This would satisfy Criteria 3 listed above. Criteria 4 through 7 are inapplicable to the proposed project because the site does not contain historic structures, the project does not propose an energy-intensive use, and the project site would not be occupied by large employers.

The General Plan FEIR (as amended) concluded that the City's projected GHG emissions would be below the threshold to meet Statewide 2020 goals under the current land use and development assumptions. The proposed project is consistent with the GHG Reduction Strategy goals and policies intended to reduce GHG emissions; therefore, the project would meet statewide greenhouse gas reduction goals through 2020. **(Less than Significant Impact)**

#### **Association of Bay Area Governments Final Plan Bay Area 2040**

ABAG's Plan Bay Area is the RTP/SCS for the San Francisco Bay Area. Plan Bay Area establishes GHG emissions goals for automobiles and light-duty trucks, a potent source of GHG emissions attributable to land use development. As previously described, ABAG was tasked by CARB to achieve a seven percent per capita reduction in mobile-source GHG emissions compared to 2005 vehicle emissions by 2020 and a 15 percent per capita reduction by 2035. Plan Bay Area 2013-2040 establishes an overall mechanism to achieve these GHG targets for the project region consistent with both the target date of AB 32 (2020) and the post-2020 GHG reduction goals of SB 32. CARB has confirmed the project region will achieve its GHG reduction targets by implementing Plan Bay Area (CARB 2014).

Plan Bay Area identifies 200 "Priority Development Areas," which are areas focused for growth and development. Priority Development Areas (PDA) are defined by the Plan as existing neighborhoods that are served by public transit and have been identified as appropriate for additional, compact development. The project site is located in a PDA in the vicinity of local and regional transit connections. Furthermore, the project is a modernization of land uses within a built environment

(infill development), resulting in an increase of land use densification on the project site. The project would increase density in the vicinity over current conditions. Increased density, measured in terms of persons, jobs, or dwelling units per unit area, reduces emissions associated with transportation as it reduces the distance people travel for work or services and provides a foundation for the implementation of other strategies such as enhanced transit services.

For these reasons, the project is consistent with Plan Bay Area and it can be assumed that regional mobile emissions will decrease in line with the goals of Plan Bay Area with implementation of the proposed project. Implementing ABAG's RTP/SCS will greatly reduce the regional GHG emissions from transportation, and the proposed project will not obstruct the achievement of Plan Bay Area's emission reduction targets. **(Less than Significant Impact)**

### **Climate Smart San José**

Climate Smart San José has been adopted by the City with the purpose of creating a more sustainable, connected, and economically inclusive City. Climate Smart San José is aligned with General Plan growth patterns and General Plan policies which prioritize automobile-alternative transportation modes, encourage denser development, and ensure energy-efficient features are included in new buildings.

As discussed in Section 4.6, Energy, the project would be subject to the Green Building Policy, which requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. Furthermore, the proposed project is an infill development which would densify the use of the site and bring new jobs to an already developed area. For these reasons, the project is consistent with the City's climate action goals as set forth in Climate Smart San José. **(Less than Significant Impact)**

## 4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment prepared for the project site by *Phase-1 Environmental Service*. The report, dated February 26, 2019, is included in this Initial Study as Appendix C.

### 4.9.1 Environmental Setting

#### 4.9.1.1 *Regulatory Framework*

##### **Hazardous Materials Overview**

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Key federal regulations and polices related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the USEPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies including the Santa Clara County Department of Environmental Health (SCCDEH) have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

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

##### **Comprehensive Environmental Response, Compensation, and Liability Act**

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

##### **Resource Conservation and Recovery Act**

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

## **Department of Toxic Substances Control and Regional Water Quality Control Board**

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

### **Cortese List (Government Code Section 65962.5)**

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

### **Federal Aviation Regulations, Part 77**

Federal Aviation Regulations, Part 77, “Objects Affecting Navigable Airspace” (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport’s runways. For the project site, FAR Part 77 would require any proposed structure higher than approximately 45 feet above ground to be submitted to the FAA for airspace safety review. As the project proposes a maximum building height of 85 feet, airspace safety review by the FAA is required.

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

The Norman Y. Mineta San José International Airport is located approximately 1.8 miles from the project site. Development within the Airport Influence Area (AIA) can be subject to hazards from aircraft and also pose hazards to aircraft travelling to and from the airport. The AIA is a composite of areas surrounding the airport that are affected by noise, height and safety considerations. These hazards are addressed in federal and State regulations as well as in land use regulations and policies in the Airport Comprehensive Land Use Plan (CLUP). The project site is not located within the AIA nor the safety zones designated by the CLUP.

### **Envision San José 2040 General Plan**

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

## Envision San José 2040 Relevant Hazardous Materials Policies

Policy/Goal/Action	Description
Policy EC-6.6	Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
Action EC-6.8	The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.
Action EC-6.9	Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials by June 2011. The City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects.
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, State and federal laws, regulations, guidelines and standards.
Policy EC-7.4	In redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with State and federal laws and regulations.
Policy EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Policy EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

Policy TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
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#### **4.9.1.2      *Existing Conditions***

The following discussion is based, in part, on a Phase I Environmental Site Assessment (ESA) prepared by *Phase-I Environmental Services*. A copy of the report, dated February 26, 2019, is included as Appendix C to this Initial Study.

### **On-Site Sources of Contamination**

#### Hazardous Materials Storage, Use and Disposal

The project site is developed with a medical office complex and paved parking lot. There are no hazardous materials storage areas, or other indications of the use or storage of hazardous materials on the site. The site has been occupied by residential and commercial/office uses since at least the early 1900s, with no history of agricultural, industrial, or automobile-related uses.

The site inspection conducted as part of the ESA included all accessible areas of the property. In consideration of patient and doctor privacy, the interiors of the medical/dental/chiropractic offices were not inspected. The ESA determined that no hazardous materials were observed on the property. Environmental records reviewed showed that there have been at least 18 small quantity generators of hazardous wastes on the property since 1993, most of which have been dentist offices. Medical and dental office operations typically involve the use and disposal of small quantities of hazardous materials and wastes which are of low environmental risk. The site investigation found no evidence of illegal or improper storage or disposal of hazardous waste or other chemicals at the property.

There were no above-ground storage tanks observed on the property, and no evidence of current or past underground storage tanks was observed. No significant surficial oil staining was observed in the paved parking lot or drive areas, and there was no soil staining or chemically distressed vegetation noted in any of the planter or bare soil areas on the property. The ESA also reported no evidence of current or past wells on the property, and no significant subsurface contaminant pathways.

#### Regulatory Agency Records and Database Review

The subject property is listed on the GENERATOR, HAZMAT and HAZNET databases, with records showing that the companies and individuals listed generated and/or disposed of various hazardous dental and medical wastes from the early 1990's through 2018. Most of the listings are inactive accounts that were prior tenants. Wastes included photochemicals (X-ray related), oils, and other medical or dental related materials. There were no significant violations or incidents of environmental concern contained in the files. The one non-medical account was for storage of lead-acid batteries for T-Mobile's onsite cell phone support system.

## Lead-Based Paint and Asbestos-Containing Building Materials

The existing buildings were constructed between 1953 and 1957. Structures built prior to 1978 likely contain lead-based paint and friable asbestos. Given the age of the existing buildings, it is reasonable to assume that the building contains lead-based paint and asbestos.

### **Off-Site Sources of Contamination**

#### Regulatory Agency Records and Database Review

The CSL (Potential Contaminant or Clean-up Sites) list contains 51 listings within a mile of the property, representing an estimated 33 actual cases. One of these cases is also on the SUPERFUND list, and two are CORRACT (Corrective Action) list cases. The closest case that is still open is a former dry cleaner site located approximately 800 feet to the northeast of the property. This is a new case involving PCE in soil vapor, and possibly groundwater, although the groundwater affect has not been effectively studied as yet. Groundwater gradient flow direction in this area is to the north, which puts this case down-gradient from the property. As such, this case would not be determined to be of significant environmental risk or liability to the property. The next closest open CSL case is on a site located approximately 2,100 feet to the south, and is a soils-only case of no significant environmental risk or liability to the property. The next closest open CSL case is another dry cleaner located approximately 2,130 feet to the northeast. The contamination plume is migrating to the northeast, which is down-gradient to the property. This case, therefore, does not impose a significant risk or liability to the property. All of the remaining CSL case sites are listed as Closed or No Further Action cases, are significantly down- or cross-gradient from the property, have confined area contaminants, are historic or low-priority cases, or are at too great a distance to be of significant risk or environmental liability to the property.

There are 39 LUST (Leaking Underground Storage Tank) listings within one mile of the property, representing approximately 21 actual cases. The closest still-open case is located approximately 1,788 feet to the east of the property. This site has contaminants that have been determined to be in the immediate vicinity of the site, but is not of significant environmental risk or liability to the property. All of the remaining LUST cases are listed as Closed or No Further Action, and are of no significant environmental concern or liability to the property.

There are seven TSD (Treatment, Storage, and Disposal) facility listings, representing five actual sites, within one mile of the property. Although there were violations described in files for some of these facilities, none were considered significant, and each was corrected, and the facilities brought back into regulatory compliance. These facilities are of no significant environmental liability or concern to the property.

There are 14 additional HAZMAT (Hazardous Materials Storage and Incident Records) listings within 1/4-mile, 70 additional HAZNET listings within 1/8-mile, and 9 additional GENERATOR listings within 1/8-mile of the property that have either disposed of hazardous wastes or materials in the past, continue to do so today, or currently generate hazardous wastes in their operations. Many of these are in an "Inactive" status. *Phase-1 Environmental Services* found violations in the records, however, no significant violations were found that were not corrected, and the facilities brought back into compliance. These sites are not of significant environmental concern or liability to the property.

Based on the results of the environmental database review, *Phase-1 Environmental Services* determined that there are no sites in the surrounding areas of the project site that pose a current significant environmental liability or risk to the project site.

#### 4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>Would the project:</b>				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**Impact HAZ-1:** The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

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The proposed project is a mixed-use development with mostly residential units and commercial space on the ground floor. The operation of the proposed project would likely include the on-site use and storage of cleaning supplies and maintenance chemicals in small quantities. The small quantities of

cleaning supplies and maintenance chemicals used on-site would not post a risk to adjacent land uses. The project would not create a significant hazard to the public or environment from the use, transport, or storage of these chemicals. **(Less than Significant Impact)**

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

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### **Asbestos-Containing Materials and Lead-Based Paint**

The buildings on-site were constructed prior to 1978 and likely have materials that include asbestos-containing materials (ACMs) and/or lead-based paint. The project proposes to demolish the existing buildings on-site which could release asbestos particles and expose construction workers and nearby residents to harmful levels of asbestos. As a result, an asbestos survey must be conducted under the National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines. The project would be required to remove all potentially friable ACMs prior to building demolition that may disturb the ACMs.

If lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. The project would be required to follow the requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulation (CCR) 1532.1 during demolition activities; these requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it would be removed prior to demolition. It is assumed that such paint would become separated from the building components during demolition activities and must be managed and disposed of as a separate waste stream. Any debris or soil containing lead paint or coating must be disposed of at landfills that are permitted to accept such waste.

The project is required to conform to the following regulatory programs and to implement the following standard permit conditions to reduce impacts due to potential ACMs and lead-based paint:

**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 buildings to determine the presence of asbestos-containing materials and/or lead-based paint.

- 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.

Conformance with regulatory requirements and the standard permit conditions above would result in a less than significant impact from ACMs and lead-based paint. **(Less than Significant Impact)**

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**Impact HAZ-3:** The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(No Impact)**

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The project site is not located within 0.25 mile of any school. The nearest schools to the site are Herbert Hoover Middle School and Lincoln High School, located 0.8 mile and 1.0 mile north of the site, respectively. **(No Impact)**

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**Impact HAZ-4:** The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. **(No Impact)**

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The project site does not appear on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. There is no history of hazardous material spills, leaking underground or above ground storage tanks, or other releases of hazardous materials on the site. The project would therefore not create a significant hazard to the public or the environment.

As described in Section 4.9.1.2, above, there are numerous environmental database listings for hazardous materials sites within one mile of the project site. None of the sites listed would be considered to pose a significant environmental liability or risk to the project site, however. **(No Impact)**

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**Impact HAZ-5:** The project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(No Impact)**

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The project site is not located within the boundaries of the Norman Y. Mineta San José International Airport Comprehensive Land Use Plan. It is not in the vicinity of a private airstrip. The nearest airport is approximately 1.8 miles north of the site. No airport safety-related impact would result from implementation of the project. **(No Impact)**

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**Impact HAZ-6:** The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(No Impact)**

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Redeveloping the site for use as a residential and commercial mixed-use development would not physically interfere with an adopted emergency response or evacuation plan. **(No Impact)**

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

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The project site is located within a developed area of San José that is not subject to wildland fires. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. **(No Impact)**

## **4.10 HYDROLOGY AND WATER QUALITY**

### **4.10.1 Regulatory Framework**

#### **4.10.1.1 *Federal and State Laws and Regulations***

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the USEPA and the State Water Resources Control Board have been developed to fulfill the requirements of this legislation. USEPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by water quality control boards, which for the San José area is the San Francisco Bay Regional Water Quality Control Board (RWQCB). The RWQCB is also tasked with preparation and revision of a regional Water Quality Control Plan, also known as the Basin Plan. The Basin Plan identifies beneficial uses, which the Regional Board has specifically designated for local aquifers, streams, marshes, rivers, and the Bay, as well as the water quality objectives, and criteria that must be met to protect these uses. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to control water quality and protect beneficial uses.

Under Section 303(d) of the 1972 Clean Water Act, States are required to identify impaired surface water bodies and develop total maximum daily loads (TMDLs) for contaminants of concern. The TMDL is the quantity of pollutant that can be safely assimilated by a water body without violating water quality standards. Listing of a water body as impaired does not necessarily suggest that the water body cannot support the beneficial uses; rather, the intent is to identify the water body as requiring future development of a TMDL to maintain water quality and reduce the potential for future water quality degradation. The Guadalupe River watershed, which includes Los Gatos Creek, is listed by the USEPA as an impaired water body for mercury and diazinon.

#### **NPDES General Permit for Construction Activity**

The State Water Resources Control Board (SWRCB) has implemented a NPDES General Construction Permit for the State of California. Projects that disturb one (1) or more acres of soil or disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit – Order 2009-0009-DWQ). Construction activity subject to this permit includes clearing, grading, and ground disturbances such as stockpiling or excavation. In order to obtain coverage under the Construction General Permit, a Notice of Intent (NOI) must be filed with the RWQCB, and Stormwater Pollution Prevention Plan (SWPPP) must be developed by a certified Qualified SWPPP Developer (QSD) prior to commencement of construction.

Once grading begins, the SWPPP must be kept on-site and updated as needed while construction progresses. The SWPPP details the site-specific Best Management Practices (BMPs) to control erosion and sedimentation and maintain water quality during the construction phase. The SWPPP also contains a summary of the structural and non-structural BMPs to be implemented during the post-construction period, pursuant to the stormwater control practices and procedures encouraged by the City of San José and the RWQCB.

## **Municipal Regional Stormwater Permit (MRP) / C.3 Requirements**

The City of San José is required to operate under an NPDES permit to discharge stormwater from the City's storm drain system to surface waters. The Municipal Regional Permit (MRP), adopted by the San Francisco Bay Regional Water Quality Control Board in 2015 (Order No. R2-2015-0049) covers 76 Bay Area municipalities and county agencies as co-permittees, including the City of San José.

The MRP mandates that the co-permittees use their planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control and Treatment measures be 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; and
- Special Land Use Categories that create or replace 5,000 square feet or more of impervious surface.

The MRP requires regulated projects to incorporate Low Impact Development (LID) practices, which are intended to reduce runoff and mimic a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source. LID employs principles such as preserving and recreating natural landscape features and minimizing imperviousness to create functional and appealing site drainage that treats stormwater as a resource, rather than a waste product. Practices used to adhere to these LID principles include measures such as rain barrels and cisterns, green roofs, permeable pavement, preserving undeveloped open space, and biotreatment through rain gardens, bioretention units, bioswales, and planter/tree boxes. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

### **4.10.1.2 City Policies and Municipal Code Requirements**

The City of San José has adopted policies and ordinances regarding urban runoff and water quality. Specific requirements are summarized below.

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

The City of San José's Policy No. 6-29 requires all new and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs) to the maximum extent practicable. This policy is designed to implement Provision C.3 of the MRP and includes specific design standards for post-construction TCMs 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 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). Projects that create or replace less than one

acre of impervious surface or are located in subwatersheds greater than or equal to 65 percent impervious are not required to include hydromodification controls under this policy.

The proposed project is exempt from hydromodification control requirements under Policy 8-14 due to its location within watershed that is greater than 65percent impervious.

**Envision San José 2040 General Plan**

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

**Envision San José 2040 Relevant Hydrology and Water Quality Policies**

Policy	Description
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City’s Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
Policy EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City’s Municipal NPDES Permit to reduce urban runoff from project sites.

**4.10.1.3 Existing Conditions**

**Storm Drainage**

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site are part of a network of lines that ultimately

discharge to the Guadalupe River, which is located approximately 1.5 miles northeast of the site. The Guadalupe River flows north, carrying the effluent from the storm drains into San Francisco Bay, which is located approximately 10 miles north of the site. There is no overland release of stormwater directly into any water body from the project site.

Currently, the project site is developed with a medical office complex. Approximately 95 percent of the site is covered with impervious surfaces. The site is served by an existing 12-inch storm drain line located within a 10-foot easement at the back of the property, which connects to an 18-inch line in Yosemite Avenue, approximately 600 feet northwest of the site.

### **Groundwater**

The project site is developed and is approximately 95 percent covered with impervious surfaces. It is not located within a designated groundwater recharge zone.

### **Flooding**

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRMs; Map 06085C0233H), the project site is located in Zone D – areas in which flood hazards are undetermined, but possible.<sup>35</sup>

### **Dam Failure**

Based on the Santa Clara Valley Water District dam failure inundation hazard maps, the project site is within the Lexington Dam failure inundation hazard zone, but not within the Anderson Dam failure inundation hazard zone.<sup>36</sup>

### **Seiches, Tsunamis, and Mudflows**

There are no landlocked bodies of water near the project site that would affect the site in the event of seiche. There are no bodies of water near the project site that would affect the site in the event of a tsunami. The project area is flat and there are no mountains in proximity that would affect the site in the event of a mudflow.

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<sup>35</sup> Federal Emergency Management Agency. *Flood Insurance Rate Map. Map Number 06085C0233H*. May 18, 2009. Accessed May 2, 2018.

<http://fema.maps.arcgis.com/home/webmap/viewer.html?webmap=cbe088e7c8704464aa0fc34eb99e7f30&extent=-121.98473452661187,37.34627891245006,-121.94319247338814,37.357536678808614>.

<sup>36</sup> Santa Clara Valley Water District. *Lenihan (Lexington) Dam Flood Inundation Maps, Leroy Anderson Dam Flood Inundation Maps*. April 2016.

**4.10.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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**Construction Impacts**

Implementation of the proposed project would involve excavation and grading activities at the project site. Ground-disturbing activities related to construction would temporarily increase the amount of debris on-site and grading activities could increase erosion and sedimentation that could be carried by runoff into the San Francisco Bay. The project site is 1.28 acres in size and would

therefore be required to obtain coverage under the Construction General Permit. Under the requirements of the Construction General Permit, an NOI must be filed with the RWQCB, and a SWPPP must be developed by a certified QSD prior to the commencement of construction on the project.

All development projects in the City are required to comply with the City's Grading Ordinance whether or not the project is required to obtain a NPDES General Permit. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 15<sup>th</sup> to April 15<sup>th</sup>), the project shall submit to the Director of Public Works an Erosion Control Plan detailing BMPs that shall prevent the discharge of stormwater pollutants.

Pursuant to the Construction General Permit and City requirements, the following Standard Permit Conditions have been included in the project as a condition of project approval to reduce potential construction-related water quality impacts:

**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 would be suspended during periods of high winds.
- All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
- All trucks hauling soil, sand, and other loose materials would be covered and all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers).
- Vegetation in disturbed areas would be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system may also be installed 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.

Because construction of the proposed project would include the specific measures and actions identified above, the project would have a less than significant construction-related water quality impact. **(Less than Significant Impact)**

## Post-Construction Impacts

Under existing conditions, the project site is approximately 95 percent covered with impervious surfaces (approximately 52,810 square feet). Upon completion of the proposed development, impervious surfaces on-site would decrease by approximately 24 percent. Construction of the project would result in the creation of more than 10,000 square feet of impervious surface area and would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the MRP.

The MRP requires that post-construction stormwater runoff be treated using numerically sized Low Impact Development treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. The subject project meets the Special Projects criteria for Category C (Transit-Oriented Development – Priority Development Area), and is eligible for LID credits. The Stormwater Control Plan prepared for the project proposes the use of non-LID measures (media filter, hydrodynamic separator, and a subsurface detention and infiltration system) as allowed under Category C to treat all of the project runoff on-site. Source control measures proposed include beneficial landscaping, the use of water efficient irrigation systems, pavement sweeping, catch basin cleaning, and storm drain labeling.

With implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's regulatory policies pertaining to stormwater runoff, the proposed project would have a less than significant water quality impact. **(Less than Significant Impact)**

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

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The project site is not located within a designated groundwater recharge zone.<sup>37</sup> The proposed project site contains approximately 95 percent impervious surface area (driveways, walkways and building roofs). Because the proposed project would result in a decrease of impervious area on the site (by 24 percent), it would not substantially affect groundwater recharge. **(Less than Significant Impact)**

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**Impact HYD-3:** The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Less than Significant Impact)**

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<sup>37</sup> Santa Clara Valley Water District. *Groundwater Management Plan*. November 2016.

The existing and proposed square footages of pervious and impervious surfaces are shown on Table 4.10-1 below.

<b>Table 4.10-1: Approximate Pervious and Impervious Surfaces On-Site</b>						
<b>Site Surface</b>	<b>Existing/Pre-Construction (sf)</b>	<b>%</b>	<b>Project/Post Construction (sf)</b>	<b>%</b>	<b>Difference (sf)</b>	<b>%</b>
<b>Impervious</b>						
Roof Area(s)	19,060	34	37,030	67	+17,970	+33
Parking	30,910	56	0	0	-30,910	-56
Patios, Paths, etc.	2,840	5	2,420	4	-420	-1
<i>Subtotal</i>	<i>52,810</i>	<i>95</i>	<i>39,450</i>	<i>71</i>		
<b>Pervious</b>						
Dirt, Pavement, and Landscaping	2,730	5	6,640	12	+900	+7
Pervious Paving	0	0	8,360	15	+8,360	+15
<i>Subtotal</i>	<i>2,730</i>	<i>5</i>	<i>15,000</i>	<i>27</i>		
<b>Total</b>	<b>55,540</b>	<b>100</b>	<b>54,450</b>	<b>100</b>		

Under existing conditions, the site is 95 percent covered with impervious surfaces (approximately 52,810 square feet). Under project conditions, the impervious surfaces would decrease by approximately 20 percent, which would result in a decrease in stormwater runoff. Although the project would also increase pervious surfaces on-site due to landscaping and pervious paving, implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway. As a result, the project would not substantially increase erosion or siltation, increase flood hazards, or exceed the capacity of the existing stormwater system. **(Less than Significant Impact)**

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**Impact HYD-4:** The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

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Due to the location of the project site, the project would not be subject to inundation by seiche or tsunami. In addition, the project area is flat and there are no mountains in close proximity. As a result, development of the project site would not cause mudflows that would impact adjacent properties. The project is located within the Lexington dam failure inundation zone. The potential for dam failure is reduced by several regulatory inspection programs, and the risk to people and property, if dam failure were to occur, is reduced by local hazard mitigation planning. Therefore, the project would not risk the release of pollutants due to project inundation due to any of the natural or man-made hazards discussed above. **(Less than Significant Impact)**

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**Impact HYD-5:** The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(No Impact)**

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The SCVWD prepared a Groundwater Management Plan (GMP) for the Santa Clara and Llagas subbasins in 2016, describing its comprehensive groundwater management framework including objectives and strategies, programs and activities to support those objectives, and outcome measures to gauge performance. The GMP is the guiding document for how the SCVWD will ensure groundwater basins within its jurisdiction are managed sustainably. The Santa Clara subbasin has not been identified as a groundwater basin in a state of overdraft.

The project site is not located within, or adjacent to, a SCVWD groundwater recharge pond or facility.<sup>38</sup> Implementation of the proposed project would not interfere with actions set forth by the SCVWD in its GMP regarding groundwater recharge, transport of groundwater, and/or groundwater quality. Therefore, the proposed project would not preclude the implementation of the GMP. **(No Impact)**

#### **4.10.3      Non-CEQA Effects**

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

Based on the FEMA FIRM, the project site is outside the 100-year floodplain. As a result, the proposed project would not redirect flows or expose people or structures to significant flood hazards.

As mentioned in *Section 4.10.1.3*, the project site is located within the Lexington dam failure inundation zone. The California Division of Safety of Dams (DSOD) is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. As part of its comprehensive dam safety program, the SCVWD routinely monitors and studies the condition of each of its 10 dams, including Lexington. With the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury or death. As a result, future occupants of the site would not be exposed to flooding hazards.

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<sup>38</sup> SCVWD. 2016 *Groundwater Management Plan*. Figure 1-3. 2016.

## 4.11 LAND USE AND PLANNING

### 4.11.1 Environmental Setting

#### 4.11.1.1 *Regulatory Framework*

#### **Envision San José 2040 General Plan Policies**

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The proposed project would be subject to the land use policies of the City’s General Plan, including the following:

#### **Envision San José 2040 Relevant Land Use Policies**

Policies/Strategies	Description
Major Strategy #3 – Focused Growth	Strategically focus new growth into areas of San José that will enable the achievement of City goals for economic growth, fiscal sustainability and environmental stewardship and support the development of new, attractive urban neighborhoods. A Major Strategy of the Envision General Plan is to focus new growth capacity in specifically identified “Growth Areas,” while the majority of the City is not planned for additional growth or intensification.
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-1.5	Encourage incorporation of publicly accessible spaces, such as plazas or squares, into new and existing commercial and mixed-use developments.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-2.10	Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in Growth Areas.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Policy 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 LU-9.2 Facilitate the development of complete neighborhoods by allowing appropriate commercial uses within or adjacent to residential and mixed-use neighborhoods.
- Policy LU-9.4 Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.
- Policy LU-9.5 Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.
- Policy LU-9.7 Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the Envision General Plan Land Use / Transportation Diagram.
- Policy TR-14.2 Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
- Policy FS-3.6 Through the land use entitlement process, approve new development projects, including mixed-use residential development, that conform to the completed Urban Village Plan or which provide job capacity above the amount identified in the Urban Village Plan for the subject property.

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### **West San Carlos Urban Village Plan**

The West San Carlos Urban Village encompasses 129 acres along West San Carlos Street from Sunol Street to State Route (SR) 17 in the City of San José. The Urban Village connects the major commercial centers of Downtown San José, Diridon Transit Center, and Santana Row/Valley Fair Mall. The Santa Clara Valley Transportation Authority (VTA) is planning High-Intensity Urban Transit service along the West San Carlos/Stevens Creek Corridor, connecting Downtown San José and San José State University with Cupertino and De Anza Community College. Given its location and access to transit, the Urban Village is anticipated to experience significant new development in the coming years.

The project site is located within the Mixed-Use Residential Character Area of the West San Carlos Urban Village. The area is currently developed with commercial uses, including strip mall retail, single-story retail, and used car sales lots. Under the Urban Village Plan, the area would be developed with three- to six-story commercial and mixed-use buildings. The Urban Village Plan encourages ground-floor commercial with upper level office and/or residential uses.

The project site has a land use designation of Urban Village. The Urban Village classification is intended for a wide variety of commercial, residential, institutional, and other land uses. Urban Village uses should be pedestrian-oriented, with ground-floor commercial uses fronting San Carlos Street. In the Mixed-Use Residential Character Area, Urban Village uses shall have a density of 55 to 250 dwelling units per acre (du/ac) and a lot size of at least 0.5 acre.

**4.11.1.2 Existing Conditions**

The project site is located on the west side of Meridian Avenue, approximately 250 feet north of West San Carlos Street. Surrounding land uses include commercial businesses on the east and south sides, a mini-storage facility on the west side, and single-family residences on the north side. The project is not located within the Airport Influence Area for the Norman Y. Mineta San José International Airport.

The project site consists of one property, 259 Meridian Avenue (APN 274-14-152). The front (eastern) half of the property is zoned CO Commercial Office and the rear (western) half of the property is zoned R-2 Two-Family Residence. The project site is currently developed with a medical office complex consisting of three single-story buildings and surface parking.

**4.11.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

---

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

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Examples of projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. The project, which proposes to construct a mixed-use residential and commercial development under the existing Urban Village land use designation, would not include construction of dividing infrastructure.

The project site is located in a neighborhood with existing commercial and residential development. The site and adjacent properties are designated Urban Village in the West San Carlos Urban Village Plan. Because of the similar existing and planned uses in the neighborhood, implementation of the project would not physically divide an established community. **(Less than Significant Impact)**

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

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As proposed, the project would demolish the existing medical office buildings and construct an up to seven-story, 241-micro-unit residential building. Residential units would be located on the third

through seventh floors of the building. A parking garage would be located on the first and second floors of the building. The project would include an approximately 1,400-square foot commercial/retail area on the ground floor. The project would have approximately 27,000 square feet of recreation and open space.

### **General Plan**

Development of Urban Villages is identified as one of twelve Major Strategies in the Envision San José 2040 General Plan. The General Plan established Urban Villages to direct new job and housing growth to walkable, bicycle-friendly areas with access to public transit and existing infrastructure. The West San Carlos Urban Village is designed to take advantage of the redevelopment potential for existing, underutilized commercial sites. Consistent with Major Strategy #5 (Urban Villages), the proposed project would replace an existing single-story medical office complex with high-density, mixed-use residential and commercial development. The proposed building would be pedestrian-oriented and consistent with the urban design character of the Urban Village.

The project would be consistent with the site's existing land use designation of Urban Village, which allows densities up to 250 du/ac to accommodate high-density housing growth. In accordance with Policy CD-4.9, the proposed development would provide residential and commercial uses at a density and scale that is complementary to existing and planned uses in the area. The project would facilitate the development of a complete neighborhood (Policy LU-9.2) through the addition of mixed-use residential and commercial development. As a dense mixed-use project in an urban area, the project would be consistent with General Plan policies adopted for the purpose of increasing transit ridership (Policy CD-2.10), reducing vehicle miles traveled (Policy TR-1.1), and accommodating alternative modes of transportation (Policy TR-3.3). For these reasons, the proposed project would be consistent with General Plan policies adopted to mitigate or prevent environmental impacts. **(Less than Significant Impact)**

### **Urban Village Plan**

The project site's Urban Village land use designation is intended for commercial, residential, institutional, and other land uses that are pedestrian-oriented and have a density of 55 to 250 du/ac and a lot size of at least 0.5 acre. The project's proposed 241 micro residential units on a 1.28-acre site, a density of 188 du/ac, is consistent with the West San Carlos Urban Village Plan Policy LU-2.1. The project would be pedestrian-oriented, with commercial uses facing the street, as outlined in the Urban Village Plan Policy LU-2.2. The project includes mixed uses (Policy LU-3.1) and does not propose surface parking (Policy LU-2.3). The project would be consistent with the land use goals and policies outlined in the West San Carlos Urban Village Plan. **(Less than Significant Impact)**

### **Municipal Code**

The front half of the property is zoned CO Commercial Office District and the rear half of the property is zoned R-2 Two-Family Residence District. The existing zoning designations do not allow development of multi-family housing. As a result, the project proposes a planned development (PD) rezoning. As established in the City of San José Municipal Code, every PD district is combined with an alternative base zoning district. Under the proposed project, the site would be zoned R-M(PD), with a base district of R-M Residence District. The proposed rezoning would allow for mixed-use

residential development with a density envisioned and consistent with the Envision San José 2040 General Plan and West San Carlos Urban Village Plan. **(Less than Significant Impact)**

**4.12 MINERAL RESOURCES**

**4.12.1 Environmental Setting**

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources. The project site is not located in an area containing known mineral resources.

The State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 (SMARA) has designated an area of Communications Hill in Central San José, bounded by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as a regional source of construction aggregate materials. Other than the Communications Hills area, San José does not have mineral deposits subject to SMARA.

**4.12.2 Impact Discussion**

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

**Impact MIN-1:** The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

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

**Impact MIN-2:** The project would not 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. **(No Impact)**

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

## 4.13 NOISE

The discussion in this section is based in part on the Noise and Vibration Assessment prepared by *Illingworth & Rodkin, Inc.* on December 5, 2018. This report is included in this Initial Study as Appendix D.

### 4.13.1 Environmental Setting

#### 4.13.1.1 *Overview*

#### **Fundamentals of Noise**

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

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

#### **Fundamentals of Vibration**

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

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

#### 4.13.1.2 *Regulatory Framework*

### **Envision San José 2040 General Plan**

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The following policies are specific to noise and vibration and are applicable to the proposed project. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.13-1.

### **Envision San José 2040 Relevant Noise Policies**

Policies	Description
Policy EC-1.1	<p>Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, State and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:</p> <p><u>Interior Noise Levels</u></p> <ul style="list-style-type: none"> <li>The City’s standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected <i>Envision General Plan</i> traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.</li> </ul> <p><u>Exterior Noise Levels</u></p> <ul style="list-style-type: none"> <li>The City’s acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses [refer to Table EC-1 in the General Plan or Table 3.12-1 in this Initial Study]. The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below: <ul style="list-style-type: none"> <li>For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.</li> </ul> </li> </ul>
Policy EC-1.2	<p>Minimize the noise impacts of new development on land uses sensitive to increased noise levels [Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 3.12-1 in this Initial Study] by limiting noise generation and by requiring use of noise attenuation</p>

measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

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

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

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

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

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

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

Policy EC-2.3 Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous 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 continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 25 feet of any buildings, and within 100 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 100 feet may be reduced to 50 feet where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

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**Table 4.13-1: General Plan Land Use Compatibility Guidelines**

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

Notes: <sup>1</sup>Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

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

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

**Unacceptable:**  
 New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

**City of San José Municipal Code**

The Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.<sup>39</sup>

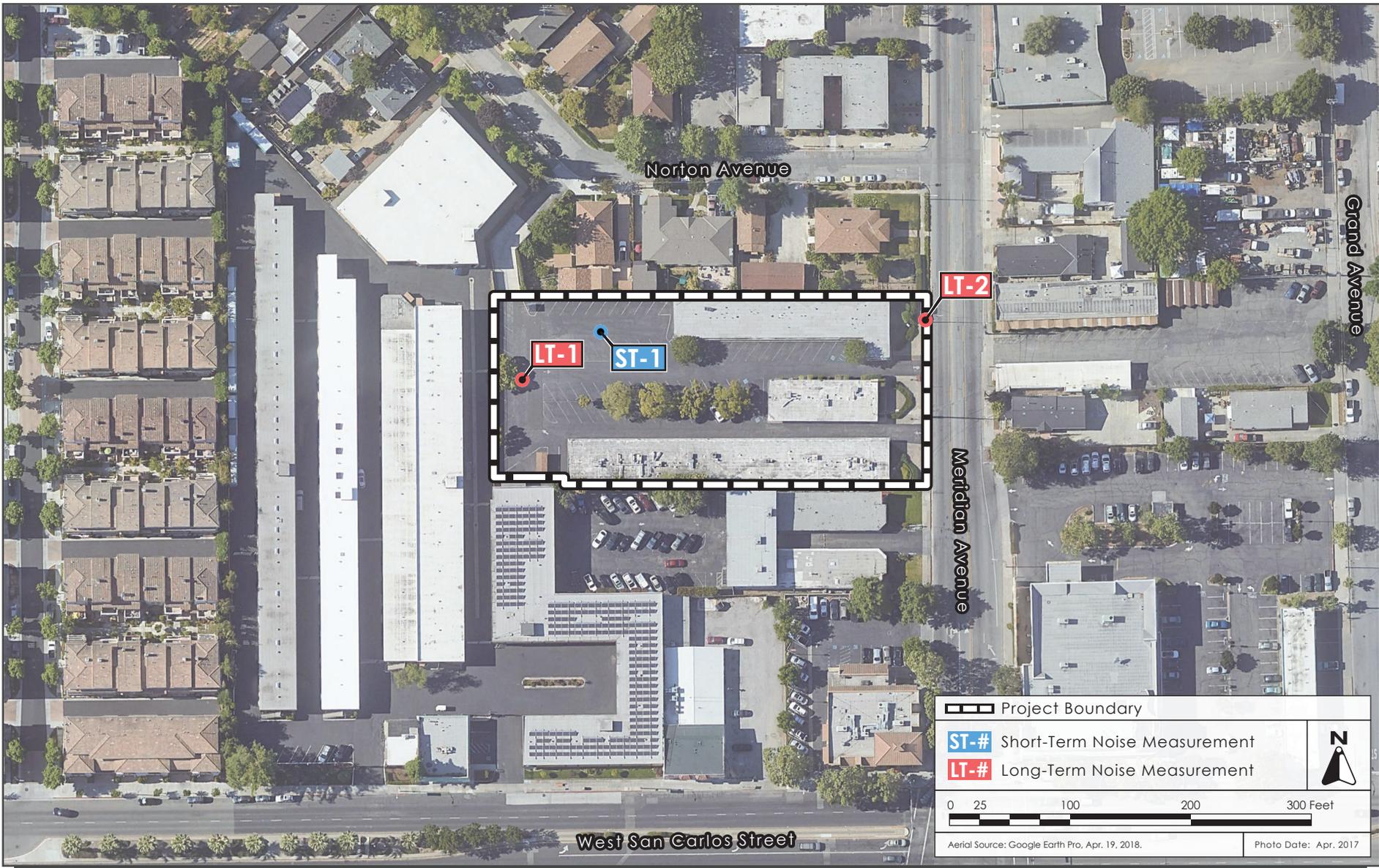
The Zoning Ordinance limits noise levels to 55 dBA L<sub>eq</sub> at any residential property line and 60 dBA L<sub>eq</sub> at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval. The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

**4.13.1.3 Existing Conditions**

The project site is located at 259 Meridian Avenue in San José. The site is surrounded by commercial uses and single-family residences. Commercial buildings consisting of local businesses and offices are located to the west, south, and east of the site. To the north, four single-family residences border the site. The project site is approximately 1.8 miles from Norman Y. Mineta San José International Airport. San Carlos Street and Meridian Avenue are the project site’s two major noise sources.

<sup>39</sup> The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

Two long-term and one short-term noise measurements were taken in April and May 2018 to determine the existing ambient noise level on and around the project site. Long-term noise measurement LT-1 was made along the western boundary of the site. This location was selected to quantify noise levels near the closest residential receptors. Hourly average noise levels at this location typically ranged from 48 to 59 dBA Leq during the day and from 41 to 58 dBA Leq at night. Noise measurement LT-2 was made along the eastern boundary of the site, approximately 25 feet from the centerline of Meridian Avenue. This location was selected to quantify noise levels due to traffic along Meridian Avenue. Hourly average noise levels at this location typically ranged from 63 to 69 dBA Leq during the day and from 50 to 65 dBA Leq at night. The day-night average noise level ranged from 68 to 69 dBA DNL at LT-2 location. The noise measurement locations are shown on the following page in Figure 4.13-1. The daily trends of the noise measurement locations are further detailed in Appendix C.



NOISE MEASUREMENT LOCATIONS

FIGURE 4.13-1

**4.13.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Significance Criteria**

Appendix G of the CEQA Guidelines states that a project would normally be considered to result in a significant impact if noise levels conflict with adopted environmental standards or plans, if the project would expose persons to or generate excessive groundborne vibration levels, or if noise levels generated by the project would substantially increase existing noise levels on a permanent or temporary basis. For the purposes of this analysis, the following criteria were used to quantitatively evaluate noise and vibration impacts resulting from the project:

- A significant noise impact would be identified if the project would generate a substantial temporary or permanent noise level increase over ambient noise levels at existing noise-sensitive receptors surrounding the project site and that would exceed applicable noise standards presented in the following *Envision San José 2040 General Plan* policies at existing noise-sensitive receptors surrounding the project site.

**EC-1.2.** Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

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

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

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

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

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

- A significant vibration impact would be identified if project construction of the project would generate excessive vibration levels surrounding receptors, and that would exceed applicable noise standards presented in the following Envision San José 2040 General Plan policy at existing noise-sensitive receptors surrounding the project site.

**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.

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

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#### 4.13.2.1 *Operational Noise*

##### **Mechanical Equipment**

High-density residential buildings typically require various mechanical equipment, such as air conditioners, exhaust fans, and air handling equipment for ventilation of the buildings. The site plan indicates utility and electrical rooms located within the ground-floor parking structure; however, the type of equipment expected in these rooms was not available. Typically, mechanical equipment, such

as air conditioning units, are located on the rooftops of buildings, but at the time the Noise and Vibration Assessment was completed, the roof plans were unavailable.

The nearest noise-sensitive uses to the project site include single-family residences to the north as well as to the northeast, across Meridian Avenue. The City's Noise Element requires noise produced by operation of mechanical equipment to be limited to 55 dBA DNL at receiving noise-sensitive land uses. Noise levels from the project's mechanical equipment could exceed the City's threshold at nearby noise-sensitive uses.

**Mitigation Measures:** The project would implement the following measure to minimize the impacts of mechanical equipment noise.

**MM NOI-1.1:**        Mechanical equipment selection: Mechanical equipment shall be selected and designed by the project applicant to reduce impacts on surrounding uses to meet the City's 55 dBA DNL noise level requirement at the property line of nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. 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. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as the rooftop away from the northern and eastern edges, where feasible.

With implementation of MM NOI-1.1, mechanical equipment installed by the proposed project would not generate noise in excess of the standards defined in the City's Noise Element. **(Less than Significant Impact with Mitigation Measures Incorporated)**

### **Project-Generated Traffic Noise**

According to the City's General Plan, a significant permanent noise increase would occur if the project would increase noise levels at noise-sensitive receptors by three dBA DNL or more where ambient noise levels exceed the "normally acceptable" noise level standard. Where ambient noise levels are at or below the "normally acceptable" noise level standard, noise level increases of five dBA DNL or more would be considered significant. The City's General Plan defines the "normally acceptable" outdoor noise level standard to be 60 dBA DNL for residential land uses and 70 dBA DNL for commercial land uses.

Existing ambient levels, based on the measurements made in the project vicinity, exceed 60 dBA DNL along Meridian Avenue. The project is a mixed-use building with ground floor commercial space. The operational noise source would be vehicles traveling to and from the site. Therefore, a significant impact would occur if operational noise of the project (i.e. vehicle trips) would permanently increase ambient noise levels by three dBA DNL.

Based upon the analysis in the Noise and Vibration Assessment, the traffic noise increase resulting from project traffic volumes would be one dBA DNL or less.<sup>40</sup> This was determined based on a review of the traffic volumes contained in the Envision San José 2040 General Plan EIR, which indicated that there would not be a measurable increase in traffic noise along Meridian Avenue and a one dBA DNL increase along San Carlos Street. The project's contribution to existing and projected traffic volumes, and subsequent noise increases, would be minimal. Furthermore, garage access is provided near the entry driveway on Meridian Avenue. Vehicles circulating throughout the parking garage would be enclosed and would not generate a substantial increase in noise levels in the area. The proposed project would not result in a permanent noise increase of three dBA DNL or more due to noise generated by project traffic. **(Less than Significant Impact)**

### **Residential Noise Impacts**

The proposed project includes two third-floor residential outdoor use courtyards. Both of these courtyards would be surrounded by the building along the southern, eastern, and western sides and would be open to the north. The residential courtyards would provide amenity spaces for future residents of the project and would be predominantly shielded from surrounding uses. A substantial increase in noise would not occur a result of future residents using the courtyard areas for recreational purposes.

The project also includes a common open space area on the first floor at the southeast corner of the site and along the site perimeter. The first floor open space area would be open to the public and would front on Meridian Avenue. Use of the public open space on the first floor would not substantially increase noise levels experienced by sensitive receptors in the area; residences along Norton Avenue would be shielded by the proposed building. The open space areas along the site perimeter would be shielded from adjacent residential uses by a six-foot high wood fence. Use of these open space areas for recreational purposes would not substantially increase noise levels in the area. **(Less than Significant Impact)**

#### **4.13.2.2 Construction Noise**

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

The City's General Plan requires all construction operations within the City to use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code allowable hours, which are between the hours of 7:00 AM and 7:00 PM Monday through Friday when construction occurs within 500 feet of a residential land use. Further, the City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise-generating

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<sup>40</sup> Hexagon Transportation Consultants. *259 Meridian Avenue Mixed-Use Development Transportation Analysis*. July 9, 2019.

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

Noise thresholds for temporary construction are not provided in the City's General Plan or Municipal Code. Temporary construction would be annoying to surrounding land uses if the ambient noise environment increased by at least five dBA  $L_{eq}$  for an extended period of time. The temporary construction noise impact would be considered significant if project construction activities exceeded 60 dBA  $L_{eq}$  at nearby residences or exceeded 70 dBA  $L_{eq}$  at nearby commercial land uses and exceeded the ambient noise environment by five dBA  $L_{eq}$  or more for a period longer than 12 months.

Construction noise levels would exceed 60 dBA  $L_{eq}$  at the existing residential land use for the duration of construction and would exceed 70 dBA  $L_{eq}$  at the existing commercial uses. Further, ambient noise levels at the surrounding land uses would potentially be exceeded by five dBA  $L_{eq}$  or more throughout construction. Since project construction would last for a period of more than 12 months and the project site is within 500 feet of existing residences and 200 feet of existing commercial uses, the City's General Plan would consider this temporary construction impact to be significant and would require a noise logistic plan pursuant to Policy EC-1.7.

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

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

**MM NOI-1.2:**      Construction Noise Logistics Plan: Prior to the issuance of any grading or demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning or Director's designee of the Department of Planning, Building, and Code Enforcement prior to the issuance of any grading or demolition permits.

As a part of the noise logistic plan and project, construction activities for the proposed project shall include, but is not limited to, the following best management practices:

- In accordance with Policy EC-1.7 of the City's General Plan, utilize the best available noise suppression devices and techniques during construction activities.

- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence (San José Municipal Code Section 20.100.450).
- Construct temporary noise barriers, where feasible, to screen mobile and stationary construction equipment. The temporary noise barrier fences provide noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise source and noise-sensitive receptors nearest the project site during all project construction.
- A temporary noise control blanket barrier shall be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- The project applicant shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

- 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.
- 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 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.

Implementation of MM NOI-1.2 would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With the inclusion of these measures, and recognizing that noise and vibration generated by construction activities would occur over a temporary period, the temporary increase in ambient noise levels would be less than significant. **(Less than Significant Impact with Mitigation Measures Incorporated)**

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

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### Operation

Operation of the proposed project would not create substantial groundborne vibration. The project would include truck loading activities such as garbage collection. All truck loading activities would occur along Meridian Avenue. While these activities could create minor increases in vibration, the project is not anticipated to have activities that would create substantial groundborne vibration or groundborne noise.

### Construction Vibration

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

Table 4.13-2 below presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment may generate substantial vibration in the immediate vicinity. Vibration levels would vary depending on soil conditions, construction methods, and equipment used.

Table 4.13-2: Vibration Source Levels for Construction Equipment			
Equipment		PPV at 25 ft. (in/sec)	Approximate L <sub>v</sub> at 25 ft. (VdB)
Clam shovel drop		0.202	94
Hydromill (slurry wall)	in soil	0.008	66
	in rock	0.017	75
Vibratory Roller		0.210	94
Hoe Ram		0.089	87
Large bulldozer		0.089	87
Caisson drilling		0.089	87
Loaded trucks		0.076	86
Jackhammer		0.035	79
Small bulldozer		0.003	58

Source: Transit Noise and Vibration Impact Assessment, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, May 2006.

Policy EC-2.3 of the City of San José General Plan limits vibration levels during demolition and construction to 0.08 inch per second peak particle velocity for sensitive historic structures. A vibration limit of 0.20 inch per second PPV is used to minimize the potential for cosmetic damage at buildings of normal conventional construction. With no known historical buildings in the vicinity of the project site, a significant impact would occur if nearby buildings were exposed to vibration levels in excess of 0.20 inch per second PPV.

Vibration levels at the existing storage unit to the west of the site would be up to 0.21 inch per second PPV. While these vibration levels would exceed the City’s limit, storage facilities are not typically considered sensitive uses or subject to Policy EC-2.3. The residential and commercial buildings east of the project site, across Meridian Avenue, would experience vibration levels at or below 0.08 inch per second PPV.

The proposed residential buildings would be set back approximately 20 feet from the northern, western, and southern site boundaries, and demolition of the existing buildings on the site would likely result in the use of heavy equipment along the northern and southern boundaries. The nearest residential and commercial structures on the adjacent sites to the north and south, respectively, would be within five and 10 feet of the shared property lines. At these distances, vibration levels would be up to 1.23 inches per second PPV, which would exceed the City’s 0.2 inch per second PPV limit. Construction of the proposed project could potentially result in cosmetic damage to the residences and commercial buildings adjacent to the northern and southern site boundaries.

**Mitigation Measures:** The project would implement the following measure to minimize the impacts of groundborne vibration.

**MM NOI-2.1:** Construction Vibration Monitoring, Treatment, and Reporting Plan: The project applicant shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and

be in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall include, but not be limited to, the following measures:

- The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.
- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted to the Director or Director's designee of the City of San Jose Department of Planning, Building, and Code Enforcement by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. Phase demolition, earth-moving, and ground impacting operations so as not to occur during the same time period.
- Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of any adjacent building.
- Document conditions at all structures located within 25 feet of construction prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. Specifically:
  - Performance of a photo survey, elevation survey, and crack monitoring survey for each structure of normal construction within 25 feet of any high impact construction activities and/or within 25 feet of other construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity, in regular intervals during construction, and after project completion, and shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures.
- Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approached the limits.
- At a minimum, vibration monitoring shall be conducted during demolition and excavation activities.

- If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

With implementation of MM NOI-2.1, construction of the proposed project would not generate vibration in excess of the standards defined in the City’s Noise Element. **(Less than Significant Impact with Mitigation Measures Incorporated)**

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**Impact NOI-3:** The project would not be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not expose people residing or working in the project area to excessive noise levels. **(No Impact)**

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Norman Y. Mineta San José International Airport is a public-use airport located approximately 1.8 miles north of the project site. The project site is not located within the Santa Clara County Comprehensive Land Use Plan for the Norman Y. Mineta San José International Airport. The project lies outside the 60 dBA CNEL 2027 noise contour of the airport, according to the Norman Y. Mineta San José International Airport Master Plan Update Project EIR. The project site is not located in the vicinity of a private airstrip; therefore, the project would not expose people residing or working in the vicinity of a private airstrip to excessive noise levels. **(No Impact)**

#### **4.13.3 Non-CEQA Effects**

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

The noise environment at the site and at nearby land uses is primarily from vehicular traffic on the surrounding roadways. Based on noise measurements taken at the site, the day-night average noise level ranges from 58 dBA DNL on the western site boundary to 69 dBA DNL on the eastern site boundary.

#### **Exterior Noise Levels**

The City of San José General Plan sets forth noise-related policies that support the City’s goal of minimizing the impact of noise on people through noise reduction and suppression techniques. The “normally acceptable” noise level threshold for common outdoor use areas at new multi-family

residential uses, excluding balconies and porches, is 60 dBA DNL. For commercial uses, the City’s “normally acceptable” threshold for exterior noise is 70 dBA DNL. The City requires that interior noise levels be maintained at 45 dBA DNL or less for residential uses. The California Green Building Standards Code (CalGreen) applies to the non-residential components of the mixed-use project.

The future noise environment at the project site would continue to result primarily from vehicular traffic along Meridian Avenue and nearby West San Carlos Street. The *Envision San José 2040 General Plan FEIR* concluded that future traffic noise levels in the year 2040 will not increase along Meridian Avenue, while a one dBA DNL increase will occur along West San Carlos Street.

### Residential Land Uses

Common outdoor use areas for the proposed development include two third-floor residential use courtyards. Both of these courtyards would be surrounded by the building along the southern, eastern, and western sides and would be open to the north. Both courtyards would be mostly shielded by the proposed building, with some direct exposure along the northern edge of the courtyards. Future exterior noise levels at each courtyard would be below the residential outdoor use threshold of 60 dBA DNL due to the shielding provided by the proposed building and its orientation towards a residential neighborhood. The residential outdoor use areas would be compatible with the noise environment.

### Commercial Land Uses

The project proposes to construct a ground floor public plaza, which would be exposed to a future exterior noise level of 68 dBA DNL without intervening shielding. The plaza would be partially shielded by the proposed building along the western and northern sides, with some direct exposure along the eastern and southern edge of the plaza. The future exterior noise level at the plaza would be below the commercial outdoor use threshold of 70 dBA DNL due to the partial shielding provided by the proposed project. The commercial outdoor use areas at the proposed project site would be compatible with the noise environment.

## **Interior Noise Levels**

### Residential Land Uses

The City’s interior noise standard for residential uses is 45 dBA DNL. Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels exceed 65 dBA DNL, forced-air mechanical ventilation systems and sound-rated construction measures are normally required to reduce interior noise levels to acceptable levels. Such methods or materials may include a combination of smaller windows and door sizes, 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 located along the eastern building façade (facing Meridian Avenue) would be exposed to future noise levels up to 67 dBA DNL. The northern and southern façades would be partially shielded, with future exterior noise levels ranging from 59 to 67 dBA DNL. Units located

along the western façade would be adequately shielded from traffic noise such that the noise exposure would be below 60 dBA DNL.

Assuming a 15 dBA exterior-to-interior reduction, future interior noise levels at the units along the eastern façade would be up to 52 dBA DNL. The project shall implement the following permit conditions as conditions of approval.

**Condition of Approval:** For consistency with the General Plan, the following conditions shall be implemented by the project applicant:

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units on the project site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.
- A qualified acoustical specialist shall prepare a detailed analysis of interior residential noise levels during the final design phase of the project to confirm that interior noise levels in residences will be reduced to 45 dBA DNL or lower. Special building techniques (e.g., sound-rated windows and building façade treatments) will likely be required to maintain interior noise levels at or below acceptable levels. These treatments would include, but are not limited to, sound-rated windows and doors, sound-rated wall construction, acoustical caulking, and protected ventilation openings. The specific determination of what treatments are necessary will be completed on a unit-by-unit basis during the final design phase of the project.<sup>41</sup> Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit.

Adherence to the permit conditions above would reduce residential interior noise levels in compliance with local noise ordinances.

### Commercial Land Uses

CALGreen requires that interior noise levels be maintained at 50 dBA  $L_{eq(1-hr)}$  or less during hours of operation at the proposed commercial retail uses. The project proposes commercial uses on the first floor of the building, along the eastern façade. At this location, the commercial use would be exposed to future exterior noise levels ranging from 61 to 67 dBA  $L_{eq(1-hr)}$  during daytime hours and a day-night average noise level of 67 dBA DNL.

Standard construction materials for commercial uses would provide at least 20 to 25 dBA of noise reduction in interior spaces. The inclusion of adequate forced-air mechanical ventilation systems is normally required so windows may be kept closed at the occupant's discretion. The standard construction materials in combination with forced-air mechanical ventilation would satisfy the daytime threshold of 50 dBA  $L_{eq(1-hr)}$ .

## **4.14 POPULATION AND HOUSING**

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<sup>41</sup> Preliminary calculations indicate that windows with a Sound Transmission Class (STC)<sup>41</sup> 28 rating or higher would be required for windows and doors in residences along the eastern façade of the proposed building.

#### **4.14.1 Environmental Setting**

The project site is located in an urbanized area in the City of San José. The City of San José population was estimated to be 1,051,316 in January 2018.<sup>42</sup> The City has approximately 335,165 housing units, resulting in an average of 3.2 persons per household. ABAG projects that the City's population will reach 1,334,100 and 432,030 households by the year 2040.<sup>43</sup>

In 2014, there were approximately 382,200 jobs in San José. The General Plan assumptions, as amended in the first Four-Year Review in 2016, envision a Jobs/Employee Resident ratio of 1.1/1 or 382,000 jobs by 2040.<sup>44</sup> To meet the current and projected housing needs in the City, the Envision San José 2040 General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2040.

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

##### **4.14.1.1 *Regulatory Framework***

###### **Association of Bay Area Governments**

ABAG allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. California's Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the regional housing need; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plans to mitigate or eliminate those constraints; and 5) adopt a housing element that is to be updated on a regular recurring basis.

###### **Envision San José 2040 General Plan**

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

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<sup>42</sup> California Department of Finance. "Table 2: E-5 City/County Population and Housing Estimates, 1/1/2018." Accessed December 18, 2018. Available at: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>

<sup>43</sup> Association of Bay Area Governments. Projections 2013. August 2013.

<sup>44</sup> City of San José. Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report and Supplemental Program Environmental Impact Report. November 2016. Page 16.

## Envision San José 2040 Relevant Population and Housing Policies

Policies	Description
Policy IP-2.1	Gradually implement the development of new Urban Village areas by dividing them into three Plan Horizons and allowing a specific portion of the Urban Village areas to be developed within each Horizon. Identify the locations of current Plan Horizon Urban Villages presently available for residential development on the Land Use/Transportation Diagram.
Policy IP-2.4	Conduct a Major Review of this General Plan by the City Council every four years to evaluate the City’s achievement of key economic development, fiscal and infrastructure/service goals, greenhouse gas emission reduction goals and targets, water conservation and recycling goals, availability and affordability of housing supply, Healthful Community goals, and review changes and trends in land use and development. Based on this review, determine the City’s readiness to begin the next General Plan Horizon or to modify the number of “pool” residential units available for non-specific Urban Village areas within the current Plan Horizon. Amend the Land Use/Transportation Diagram and/or General Plan goals, polices, and actions accordingly.
Policy IP-3.2	As part of the General Plan Annual Review, carefully monitor the jobs-to-employed resident ratio and, as a minimum, consider the following current development trends: <ul style="list-style-type: none"> <li>• Vacant Land absorption;</li> <li>• Amount of residential and economic development;</li> <li>• Amount and value of non-residential construction;</li> <li>• Number and types of housing units authorized by building permit, including number of affordable units, and development activity level in zonings, development permits, annexations and building permits;</li> <li>• Status and current capacity of major infrastructure systems which are addressed in General Plan Level of Service policies (transportation, sanitary sewers and sewage treatment);</li> <li>• Transit-ridership statistics and other measures of peak-hour diversion from single occupant vehicles;</li> <li>• Status and implementation of Green Vision, General Plan policies, and other greenhouse gas reduction strategy measures, including greenhouse gas emission reductions compared to baseline and/or business-as-usual; and</li> <li>• Levels of police, fire, parks and library services being provided by the City.</li> </ul>
Policy IP-19.1	Through a Major General Plan Review or, as needed, through the Annual General Plan review process, evaluate the Plan’s consistency with housing development goals as determined by the State and regional agencies and take actions as necessary to address their requirements.

### 4.14.1.2 *Existing Conditions*

The project site is located within the West San Carlos Urban Village Plan area, a major commercial strip that connects Downtown San José, Diridon Transit Center, and Santana Row/Valley Fair Mall. The VTA is planning to expand transit services to encompass the West San Carlos/Stevens Creek Corridor, which would increase access to transit within the West San Carlos Urban Village Plan area and increase its connectivity to regional employment centers, colleges, and universities. Due to its location and planned transit expansions, the West San Carlos Urban Village Plan area is expected to experience significant new development and growth in the coming years. As discussed in the Envision San José 2040 General Plan, the growth capacity for the West San Carlos Urban Village is 980 jobs and 1,245 residential units.

**4.14.2 Impact Discussion**

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

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

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 project, located within the West San Carlos Urban Village Plan Area, proposes to construct a mixed-use development with 241 residential micro-units and approximately 1,400 square feet of general office/retail space. The General Plan establishes specific employment and residential growth capacities for all Urban Villages. The growth capacity established by the General Plan for the West San Carlos Urban Village Plan area is 980 jobs and 1,245 residential units. The proposed project would represent 19.4 percent of planned housing and 0.4 percent of the planned employment growth for the Plan area.

The *Urban Village* designation allows for commercial development and residential uses in a mixed-use format. The project is consistent with planned growth and assumptions established in the General Plan and Urban Village Plan, and does not propose to extend roads or other infrastructure to previously undeveloped areas and would not remove obstacles to population growth. For these reasons, the project would not induce substantial population growth in the City. **(Less than Significant Impact)**

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**Impact POP-2:** The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

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The proposed project would demolish an existing medical office complex and construct a mixed-use development with 241 micro-units and approximately 1,400 square feet of commercial/retail space. The proposed mixed-use development would not displace any housing or residents from the project site that would necessitate the construction of housing elsewhere. **(No Impact)**

## **4.15 PUBLIC SERVICES**

### **4.15.1 Environmental Setting**

#### **4.15.1.1 *Regulatory Framework***

##### **California Government Code Section 65996**

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

##### **Quimby Act – California Code Sections 66475-66478**

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

##### **Parkland Dedication Ordinance and Park Impact Ordinance**

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects exceeding 50 units, the City decides whether the project will dedicate land for a new public park site or provide a fee in-lieu of land dedication. Affordable housing including low, very-low, and extremely-low income units are subject to the PDO and PIO at a rate of 50 percent of applicable parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

##### **Envision San José 2040 General Plan**

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

## Envision San José 2040 Relevant Public Service Policies

Policies	Description
Policy FS-5.7	Encourage school districts and residential developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures early in the project planning stage, preferably immediately preceding or following land acquisition.
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 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: <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>
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.
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.12	Regularly update and utilize San José’s Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

#### 4.15.1.2 Existing Conditions

##### Fire and Police Protection Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City. The closest station to the project site is Station No. 30, located at 454 Auzerais Street, approximately 1.2 miles east of the project site.

Police protection services for the project site are provided by the San José Police Department (SJPD), headquartered at 201 West Mission Street and approximately 2.7 miles north of the project site. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.

##### Schools

The project site is located in the San Jose Unified School District and is within the attendance boundaries of Trace Elementary School, located at 651 Dana Avenue, Hoover Middle School, located at 1635 Park Avenue, and Lincoln High School, located at 555 Dana Avenue.

Based on Fall 2017/Spring 2018 student enrollment information for San Jose Unified School District, 913 students attended Trace Elementary, 1,098 students attended Hoover Middle School and 1,879 students attended Lincoln High School.<sup>45</sup>

##### Parks

The City of San José owns and maintains over 3,500 acres of parkland, including neighborhood parks, community parks, and regional parks.<sup>46</sup> The City also manages 18 community gardens, six pool facilities, seven public skate parks, and 58.75 miles of interconnected trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

The nearest public park is O'Connor Park, located at westerly terminus of Auzerais Avenue, between Race Street and Meridian Avenue, approximately 0.3 mile south of the project site. The park is 1.7 acres in size and includes a children's playground, a fitness course, and passive recreation areas.

##### Libraries

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 23 branch libraries. The nearest public library is the Rose Garden Branch Library, approximately 1.1 miles northwest of the project site.

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<sup>45</sup> California Department of Education. *DataQuest*. Available at: <<https://dq.cde.ca.gov/dataquest/>>. Accessed December 18, 2018.

<sup>46</sup> City of San José Parks, Recreation, and Neighborhood Services. *Building Community Through Fun: 2017 Community Impact Report*. Available at: <https://www.sanjoseca.gov/index.aspx?NID=204>. Accessed December 18, 2018.

**4.15.2 Impact Discussion**

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

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

The proposed project would develop the site with residential and commercial uses, and would incrementally increase the demand for fire protection services compared to existing conditions. The project would not, by itself, preclude the SJFD from meeting its service goals and would not require the construction of new or expanded fire facilities. The proposed development would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies, such as General Plan Policy ES-3.9, to promote public and property safety. Therefore, the proposed project would have a less than significant impact on fire protection services. **(Less than Significant Impact)**

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

The proposed project would develop the site with residential and commercial uses, and would incrementally increase the demand for police protection services compared to existing conditions. The project would not, by itself, preclude the SJPD from meeting its service goals and would not

require the construction of new or expanded police facilities. The proposed development would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies, such as General Plan Policy ES-3.9, to promote public and property safety. Therefore, the proposed project would have a less than significant impact on police protection services. **(Less than Significant Impact)**

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

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The project proposes to construct a mixed-use development with 241 micro-unit condominiums, which would generate an estimated 57 students, based on San Jose Unified School Districts' student generation factor of 0.238 students per dwelling unit.<sup>47</sup> This is a conservative assumption, given the small size of the proposed micro-units. The increase of approximately 57 students would not require the construction of a new school. In addition, the project shall implement the following standard permit condition as a condition of approval for the project.

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

Although the proposed development could increase the student population in the area, the project would conform to Government Code Section 65996, which requires the project to pay school impact fees and is considered adequate mitigation for increased demands upon school facilities. **(Less than Significant Impact)**

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

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The new residents of the project would incrementally increase the use of existing recreational facilities in the project area. The proposed development would provide common open space in the form of an outdoor plaza at ground level (approximately 1,800 square feet) and two outdoor courtyard areas on the podium deck (approximately 10,683 square feet total), which are available to the residents. The project would be required to conform to the City's Parkland Dedication Ordinance and Park Impact Ordinance, and would pay PDO/PIO fees to offset the increased demand for parks and recreational facilities.

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<sup>47</sup> San José Unified School District. *Development Fee Justification Study*. April 2014.

With the implementation of the Parkland Dedication and Park Impact Ordinance requirements, the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts to parks. **(Less than Significant Impact)**

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

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There are 24 libraries serving neighborhoods located throughout the City of San José. Development approved under the General Plan is projected to increase the City's residential population to 1,313,811 by 2040. The existing and planned library facilities in the City will provide approximately 0.68 square foot of library space per capita for the anticipated population under buildout of the General Plan, which is above the City's service goal. Although the proposed project would incrementally increase residential development and population growth, and, therefore, increase the use of public facilities such as the Rose Garden Branch Library, the proposed project would not substantially increase use of San José facilities or otherwise require the construction of new libraries or other public facilities. **(Less than Significant Impact)**

**4.16 RECREATION**

**4.16.1 Environmental Setting**

**4.16.1.1 *Regulatory Framework***

**Quimby Act – California Code Sections 66475-66478**

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or provide a combination of the two. As described in *Section 4.14, Public Services* of this Initial Study, the City of San José has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

**Envision San José 2040 General Plan Policies**

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

**Envision San José 2040 Relevant Recreation Policies**

Policy	Description
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500 SF per 1,000 population of community center space.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance and Park Impact Ordinance fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¼ mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (Such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

**4.16.1.2 *Existing Conditions***

The Central/Downtown Planning Area of San José, located near the project site, is currently underserved with respect to parklands for the population. The area needs an additional 323.3 acres of parkland to provide the desired 3.5 acres per 1,000 residents for the projected 2020 population.<sup>48</sup> The

<sup>48</sup> City of San José. *Greenprint 2009 Update*. December 8, 2009. Page 104. City of San José. *ActivateSJ Strategic Plan (2020-2040)*. Page 31.

City of San José owns and maintains approximately 3,435 acres of parkland, including neighborhood parks, community parks, and regional parks. The City also has 54 community centers and neighborhood centers. Other recreational facilities include five public pools, six public skate parks, and over 55 miles of trails. As discussed in *Section 4.14, Public Services*, O’Connor Park is located approximately 0.3 mile south of the project site.

**4.16.2 Impact Discussion**

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

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**Impact REC-1:** The project would not 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. **(Less than Significant Impact)**

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The proposed residential development would result in a maximum of 241 dwelling units and an estimated 362 residents on the site, using an average of 1.5 persons per micro-unit. The 1.5 persons per unit rate is the same as that used by the City for Single Room Occupancy (SRO) units, which are differentiated from standard dwelling units in that they may be no more than 400 square feet and no less than 150 square feet in size (per the Zoning Ordinance), and are designed primarily for single-person occupancy, although they may be occupied by up to two people. The proposed units would be comparable to the SRO unit description, averaging 379 square feet.<sup>49</sup>

This development and population growth is anticipated under the General Plan. As described in Section 4.14, Public Services of this Initial Study, the project would conform to the City’s Parkland Dedication Ordinance and Park Impact Ordinance to ensure that the development would not significantly impact neighborhood and regional park facilities. **(Less than Significant Impact)**

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<sup>49</sup> Per project plans, *Planned Development Permit for 259 Meridian Avenue*, April 10, 2019.

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

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The proposed project would be subject to the Department of Parks, Recreation and Open Spaces to meet City open space requirements. No new off-site recreational facilities would be required to serve the population increase that would result from the project. The proposed development would include common recreational areas on the site, including a ground-level plaza and common courtyard areas. According to the City's latest published Greenprint document (2009 Update), while the Central/Downtown Planning Area of San José is currently underserved with respect to parklands for the population, the specific project area is not underserved by neighborhood/community parkland or community centers. New residents would be adequately served by existing parks in the area, including O'Connor Park, located 0.3 mile south of the project site. The proposed project would not result in the construction of new recreational facilities with the potential to adversely affect the environment. **(Less than Significant Impact)**

## **4.17 TRANSPORTATION**

The following discussion is based, in part, on a Transportation Analysis prepared by *Hexagon Transportation Consultants, Inc.* The report, dated October 29, 2019, is included in this IS as Appendix E.

### **4.17.1 Environmental Setting**

#### **4.17.1.1 *Regulatory Framework***

##### **Metropolitan Transportation Commission**

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

##### **Congestion Management Program**

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

##### **Bike Plan 2020**

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

##### **Senate Bill 743 and City Council Policy 5-1**

Historically, transportation analysis has utilized delay and congestion on the roadway system as the primary metric for the identification of traffic impacts and potential roadway improvements to relieve

traffic congestion. However, the State of California has recognized the limitations of measuring and mitigating only vehicle delay at intersections and in 2013 passed Senate Bill 743, which requires jurisdictions to stop using congestion and delay metrics, such as Level of Service (LOS), as the measurement for CEQA transportation analysis. With the adoption of SB 743 legislation, public agencies will soon be required to base the determination of transportation impacts on Vehicle Miles Traveled (VMT) rather than LOS.

In adherence to SB 743, the City of San José has adopted a new Transportation Analysis Policy, City Council Policy 5-1. The policy replaces its predecessor (Policy 5-3) and establishes the thresholds for transportation impacts under CEQA based on VMT instead of LOS. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT measures the full distance of personal motorized vehicle trips with one end within the project. Typically, development projects that are farther from other, complementary land uses (such as a business park far from housing) and in areas without transit or active transportation infrastructure (bike lanes, sidewalks, etc.) generate more driving than development near complementary land uses with more robust transportation options. Therefore, developments located in a central business district with high density and diversity of complementary land uses and frequent transit services are expected to internalize trips and generate shorter and fewer vehicle trips than developments located in a suburban area with low density of residential developments and no transit service in the vicinity.

The intent of this change is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway vehicle capacity to a reduction in vehicle emissions, and the creation of robust multimodal networks that support integrated land uses. The new transportation policy aligns with the General Plan, which focuses new development growth within Planned Growth Areas, bringing together office, residential, and supporting service land uses to internalize trips and reduce VMT. All new development projects are required to analyze transportation impacts using the VMT metric and conform to City Council Policy 5-1.

According to the policy, an employment (e.g. office, R&D) or residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per capita VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis (LTA) to disclose non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to have a less than significant VMT impact. Under Policy 5-1, the screening criteria are:

1. Small infill projects;
2. Local-Serving Retail;
3. Local-Serving Public Facilities;
4. Transit Supportive Projects in Planned Growth Areas with Low VMT and High Quality Transit;
5. Restricted Affordable, Transit Supportive Residential Projects in Planned Growth Areas with High Quality Transit;

6. Transportation Projects that reduce or do not increase VMT.

**Envision San José 2040 General Plan**

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

- Provide a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts);
- Improve multimodal accessibility to employment, housing, shopping, entertainment, schools, and parks;
- Create a city in which people are less reliant on driving to meet their daily needs; and
- Increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips.

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The proposed project would be subject to the transportation policies in the General Plan, including the following:

**Envision San José 2040 Relevant Transportation Policies**

Policy	Description
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José’s mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand. <ul style="list-style-type: none"><li>• Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San Jose 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems.</li><li>• The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1.</li></ul>

- Area Development Policy. An “area development policy” may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.
- 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 Development projects’ effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.
- Policy TR-8.4 Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
- Policy TR-8.6 Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive transportation demand management program, or developments located near major transit hubs or within Villages and other Growth Areas.
- Policy TR-8.7 Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.
- Policy TR-8.8: Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.
- Policy TR-8.9 Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
- Policy TR-9.1 Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
- Action TR-10.4 In Tier II, require that a portion of adjacent on-street and City owned off-street parking spaces be counted towards meeting the zoning code’s parking space requirements.
- Policy CD-2.3 Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate.

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

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

As established in City Council Policy 5-1 “Transportation Analysis Policy” (2018), the City of San José uses VMT as the metric to assess transportation impacts from new development.

#### **4.17.1.2      *Existing Conditions***

##### **Roadway Network**

Regional access to the project site is provided by Interstate 280 (I-280) and SR 87. I-280 extends from US 101 in San José to I-80 in San Francisco, and is an east-west oriented eight-lane freeway in the vicinity of the project site. This section of I-280 has six mixed-flow lanes and two high-occupancy vehicle (HOV) lanes. SR 87 connects from SR 85 to US 101. In the vicinity of the project site, SR 87 provides four mixed-flow lanes and two HOV lanes.

Local access to the project site is provided via Meridian Avenue, Race Street, Lincoln Avenue, San Carlos Street, and Park Avenue. The site is located on the west side of Meridian Avenue, approximately 250 feet north of West San Carlos Street. The typology of streets which provide local access is described below.

*Meridian Avenue* is generally a four-lane north-south arterial that runs from Camden Avenue to Park Avenue. The roadway narrows to two lanes between San Carlos Street and Park Avenue. Meridian Avenue runs along the eastern project site boundary and provides direct access to the project site via a full-access driveway on the south side of the project site.

*Race Street* is a north-south roadway that runs from Fruitdale Avenue to The Alameda. It is a four-lane road between Saddle Rack Street and the I-280 off-ramp and a two-lane road north of Saddle Rack Street and south of the I-280 off-ramp. Race Street provides access to the project site via Park Avenue and San Carlos Street.

*Parkmoor Avenue* is an east-west roadway that runs parallel to the north side of I-280 and begins at its intersection with Lincoln Avenue and extends west to Scott Street. Parkmoor Avenue provides access to the project site via Meridian Avenue and Race Street.

*San Carlos Street* is a four-lane east-west arterial that runs from Fourth Street in downtown to Bascom Avenue, just east of I-880, at which point it becomes Stevens Creek Boulevard. San Carlos Street provides access to the project site via its intersection with Meridian Avenue.

*Park Avenue* is an east-west roadway that extends from Market Street in downtown San José to Meridian Avenue. West of Meridian Avenue, Park Avenue proceeds in a northwest direction into Santa Clara, where it terminates at its intersection with Bellomy Street/The Alameda. It is generally four lanes in the downtown area and transitions to two lanes west of Sunol Street. Park Avenue provides access to the project site via its intersection with Meridian Avenue.

### **Pedestrian and Bicycle Facilities**

Pedestrian facilities in the project area consist of sidewalks along streets. Sidewalks are found along both sides of all streets in the project area, connecting the project site to pedestrian destinations along San Carlos Street, bus stops, and local schools. Crosswalks and pedestrian push buttons are present on at least two legs of all of the signalized intersections in the vicinity of the site.

Bicycle facilities in the project area include Class I bikeways, Class II bike lanes, and Class III bike routes. Class I bikeways are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. Class II bike lanes are lanes on roadways designated for use by bicycles with special lane markings, pavement legends, and signage. Class III bike routes are existing streets (signed shared roadways) that accommodate bicycles but are not separate from the existing travel lanes.

### **Transit Services**

Existing transit service in the project area is provided by VTA. The nearest bus stops to the project site are located along San Carlos Street (near Meridian Avenue, 500 feet from the project site), at Park Avenue and Yosemite Avenue, and along Race Street (0.25 mile from the project site). The project site is primarily served by three VTA bus routes (23, 63, and 81) and one limited stop bus route (323).

The nearest light rail transit (LRT) station to the site is located along Race Street north of Parkmoor Avenue, 0.5 mile southeast of the site. LRT service at the Race Street LRT Station is provided by the Mountain View-Winchester LRT line, which runs from Campbell to Mountain View and also serves the Diridon Transit Center.

The Diridon Transit Center is located just over one mile walking distance from the site. The Diridon Transit Center provides connections between local and regional bus routes, light rail lines, commuter rail lines, and the Downtown Area Shuttle (DASH). Regional commuter rail services provided at the Diridon Transit Center include Caltrain, Altamont Corridor Express Service (ACE), and the Amtrak Capitol Corridor.

### **Traffic Analysis – Methodology**

Per City Council Policy 5-1, the effects of the proposed project on VMT was evaluated using the methodology outlined in the City’s updated Transportation Analysis Handbook.

To determine whether a project would result in CEQA transportation impacts related to VMT, the City has developed the San José VMT Evaluation Tool (sketch tool) to analyze potential impacts from proposed development projects. The sketch tool identifies the existing average VMT per capita for the project area. The project site is located within a “threshold VMT area.”

The sketch tool evaluates a list of selected VMT reduction measures that can be applied to a project to reduce the project VMT. There are four strategy tiers whose effects on VMT can be calculated with the sketch tool:

- 1) Project characteristics (e.g., density, diversity of uses, design, and affordability of housing) that encourage walking, biking, and transit uses,
- 2) Multimodal network improvements that increase accessibility for transit users, bicyclists, and pedestrians,
- 3) Parking measures that discourage personal motorized vehicle trips, and
- 4) Transportation demand management (TDM) measures that provide incentives and services to encourage alternatives to personal motorized vehicle trips.

If a project is found to have a significant impact on VMT, the impact must be reduced by modifying the project to reduce its VMT to an acceptable level and/or mitigating the impact through multimodal transportation improvements or establishing a Trip Cap. The project site is located within a planned Growth Area (West San Carlos) with low VMT per capita as identified by the City of San José. In addition, according to the City of San José VMT screening criteria, retail projects of 100,000 square feet or less are considered local-serving and are exempt from conducting a VMT analysis. Therefore, both the residential and commercial land use components of the project are anticipated to result in less than significant VMT impacts and a detailed transportation analysis that evaluates the project’s effects on VMT is not required. However, for informational purposes, a VMT evaluation for the project was completed and is discussed under TRN-2, below.

**4.17.2 Impact Discussion**

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

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

The project’s consistency with City Council Policy 5-1 is included in the discussion of VMT under TRN-2, below.

Pedestrian facilities in the project area include sidewalks, crosswalks, and pedestrian signals at signalized intersections. The project proposes to widen the existing eight-foot sidewalk located along the project frontage on Meridian Avenue to a width of 15 feet. The proposed sidewalk width would be consistent with the West San Carlos Urban Village Plan. Existing sidewalks on the surrounding streets would connect the project site to West San Carlos Street to the south, and Park Avenue to the north.

No bicycle facilities currently exist on the project frontage along Meridian Avenue. The project does not propose to install new bicycle facilities. Bicyclists riding to and from the project site would utilize sidewalks or share the roadway with vehicular traffic while traveling on Meridian Avenue under project conditions. The project includes bicycle parking spaces in accordance with City requirements.

The project site is adequately served by existing VTA transit services. As described above, the site is located in proximity to bus stops, light rail lines, and commuter rail lines. The new transit trips generated by the proposed project are not expected to create demand in excess of the capacity of existing transit facilities which serve the site.

For these reasons, the proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, nor would it decrease the performance or safety of existing facilities. **(Less than Significant Impact)**

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**Impact TRN-2:** The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact)**

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As previously mentioned in 4.17.1.1 and 4.17.1.2 above, Policy 5-1 has established screening criteria that would allow projects to be exempt from VMT analysis, such as location within a Planned Growth Area with Low VMT and High-Quality Transit. Within the screening criteria, projects or components of projects would be exempt from VMT analysis under the following conditions: 1) the site is located within a Planned Growth Area as defined by the General Plan; 2) the site is located within 0.5-mile of an existing major transit stop or an existing stop along a high-quality transit corridor; 3) the site is located in an area in which the per capita VMT is less than or equal to the CEQA significance threshold for the land use; 4) the project has a minimum FAR of 0.75 for office projects or components or a minimum of 35 units per acre; 5) the project has no more than the minimum number of parking spaces required (if located in Downtown, the number of parking spaces must be adjusted to the lowest amount allowed; however, if the parking is shared, publicly available, and/or “unbundled”, the number of parking spaces can be up to the zoned minimum); and 6) the project would not negatively impact transit, bike or pedestrian infrastructure.

The proposed project consists of a residential development with a complementary commercial land use (retail). The project would add residents to an area with opportunities for transit, bicycle, and other non-auto modes of travel. As discussed in 4.17.1.2, both the residential and commercial land use components of the project are anticipated to result in less than significant VMT impacts based on the City’s screening criteria.

Even so, VMT impacts were analyzed in Appendix E for full disclosure. It is anticipated that the commercial component of the proposed project would not generate sufficient traffic to have an effect on the existing VMT per capita. Therefore, the VMT analysis of the proposed project is based on the residential component of the project.

Based on Policy 5-1, projects that include residential uses are said to create a significant adverse impact when the estimated project-generated VMT exceeds the existing citywide average VMT per capita minus 15 percent, or existing regional average VMT per capita minus 15 percent, whichever is lower. Currently, the reported citywide average is 11.94 VMT per capita, which is less than the regional average. This equates to a significant impact threshold of 10.12 VMT per capita.

The project site is located within a Planned Growth Area (West San Carlos) with low VMT per capita as identified by the City of San José. The existing VMT for residential uses in the project vicinity is 7.25 per capita, well below the City average of 11.94 VMT per capita.

The results of the VMT evaluation, indicate that the proposed project is projected to generate VMT per capita of 6.99, below the significant impact threshold of 10.12. Therefore, the project would not result in an impact on the transportation system based on the City’s VMT impact criteria. **(Less than Significant Impact)**

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

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As part of the *Transportation Analysis* prepared for the project, *Hexagon* completed site access and circulation evaluations, summarized below and included in Appendix E.

### **Project Driveway Design**

Vehicular access to the site would be provided via a full-access unsignalized driveway on Meridian Avenue, approximately 250 feet north of San Carlos Street. The driveway has a width of 26 feet, which meets the City of San José design guidelines. The driveway would provide direct access to the parking garage entrance, which is located approximately 100 feet west of the driveway/Meridian Avenue.

There are no existing trees or visual obstructions along the project frontage that would obscure sight distance at the project driveway. According to the American Association of State Highway Transportation Officials (AASHTO), the minimum stopping sight distance for a facility with a posted speed limit of 35 mph is 250 feet. The project driveway would meet the AASHTO minimum stopping sight distance standards.

### **Project Driveway Operations**

Residential parking, unlike visitor and commercial parking, is proposed to be restricted via a security gate on the ground level of the garage. Based on the calculated project trip generation and service rate of the gate, queues of two to three vehicles would be expected at the gate. There is approximately 35 feet of queuing space within the parking garage and approximately 100 feet along the drive aisle, which represents a queue storage capacity of five to six vehicles. Therefore, it is not anticipated that inbound traffic would result in queue lengths that would extend back onto Meridian Avenue.

The Transportation Analysis concluded that southbound vehicle queues along Meridian Avenue at San Carlos Street could extend beyond the project driveway (more than 230 feet north of San Carlos Street) and block access to the project site. Therefore, the Transportation Analysis includes the following recommendation for driveway operations:

- Although it is projected that the southbound vehicle queues along Meridian Avenue would extend beyond the project site driveway, project traffic making a left-turn into the project site potentially could store within the existing two-way left-turn lane along Meridian Avenue and wait for a gap in traffic to complete the turn. If it is observed that the southbound vehicle queue along Meridian Avenue also stores within the two-way left-turn lane at the project site driveway, restricting access to the project driveway to right-in and right-out only could be considered. A center median may be installed along Meridian Avenue to prevent northbound vehicles from turning left into the project driveway. However, installing a median also would limit vehicular access to other adjacent properties along Meridian Avenue and could result in a re-adjustment of traffic patterns in the vicinity of the project, including an increase in U-

turn movements. Therefore, further studies would be required to determine the effects of installing a median along Meridian Avenue.

### **On-Site Circulation**

The project garage entrance, shown on the site plan to be 25.5 feet wide, would be connected to the project site driveway on Meridian Avenue via an 18-foot wide drive aisle. The drive aisles within the parking garage would be 24 feet wide. The project would provide 90-degree parking stalls within the two-level parking garage that are 17 feet long and 8.5 feet wide. The 41 parking spaces and five motorcycle spaces designated for tenants on the first parking level would be separated from the visitor/commercial parking spaces by an automated gate. The City's standard minimum width for two-way drive aisles is 26 feet, and the City identifies full-size parking spaces as 18 feet long and 9 feet wide. Both the proposed drive aisle widths and parking space dimensions are less than the City's minimum requirements. However, large vehicles, such as emergency vehicles and trash trucks, would not access the parking garage.

The proposed project would be subject to City review to ensure compliance with traffic engineering standards and as the project is proposed, the project would not increase hazards due to geometric design features or incompatible uses **(Less than Significant Impact)**

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

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Emergency vehicle access is provided in the proposed driveway entrance to the parking garage. Fire ladder pads are provided at various locations around the perimeter of the building, accessible via the paver walkway that surrounds the building's north, west, and south sides.

To access some areas of the proposed development, emergency vehicles would need to stop within the fire lane or southern driveway drive aisle.

The proposed project is consistent with applicable requirements of the City of San José Fire Code, and with the inclusion of the recommended signage and curb markings, would not result in inadequate emergency vehicle access. **(Less than Significant Impact)**

#### **4.17.3 Non-CEQA Effects**

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The following discussion is not required under CEQA but is provided here to help the decision makers in their consideration of the project.

### **Trip Generation**

The Institute of Transportation Engineers (ITE) Trip Generation Manual, 10<sup>th</sup> Edition (2017) was utilized to calculate the vehicle trips generated by the proposed mixed-use development. In accordance with San José's Transportation Analysis Handbook (2018), the project is eligible for adjustments and reductions from the gross trip generation. After applying the ITE trip rates,

appropriate trip reductions, and existing site trip credits, it is estimated that the project would generate an additional 859 daily vehicle trips, with 65 trips (12 inbound and 53 outbound) occurring during the AM peak hour and 71 trips (45 inbound and 26 outbound) occurring during the PM peak hour.

### **Intersection Operations Analysis**

Traffic conditions at intersections in the project area were evaluated using Level of Service and compared to the City's Transportation Analysis Handbook standards. LOS is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. As described in Appendix E, all signalized intersections are projected to operate at acceptable levels of service under existing plus project and background plus project conditions during both the AM and PM peak hours<sup>50</sup>.

### **Queueing Analysis**

*Hexagon* completed an intersection queueing analysis to evaluate the size of the existing turn pockets and the number of vehicles the proposed project would generate at the existing pocket (see Appendix E). For the purposes of CEQA, there are no quantitative impact thresholds specific to queueing. If project traffic would exceed an existing turn-pocket length and spill out of the pocket, the resulting traffic could be more congested, resulting in additional delay.

The addition of project traffic is not projected to increase the turn-pocket queue length at any of the area intersections, with the exception of the westbound left-turn movement at the intersection of Meridian Avenue/Park Avenue. At Meridian Avenue/Park Avenue, the addition of project traffic would extend the vehicle queue length by one vehicle (from six to seven vehicles) during the PM peak hour.

### **Parking**

#### Vehicle Parking

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

The project proposes to construct 226 residential micro-units. The project would be required to provide 1.25 parking spaces for every micro-unit. Therefore, the project would be required to provide 283 parking spaces for the residential use. The proposed 1,400-square feet of commercial space would be required to provide one parking space for every 200 square feet of floor area, for a total of seven parking spaces. Therefore, the project would be required to provide 290 vehicle parking spaces

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<sup>50</sup> Background conditions refer to traffic volumes that were estimated by adding to existing peak hour volumes the projected volumes from approved, but not yet built, developments.

A 20 percent reduction can be granted for proposed projects within an Urban Village which provide all of the required bicycle parking spaces. If the project complies with the City's bicycle parking requirements, the vehicle parking requirement would be reduced to 232 vehicle parking spaces.

The project proposes to provide a total of 162 parking spaces, which represents an additional 44 percent reduction from the 232 parking spaces required by the City (subject to compliance with the City's bicycle parking requirements). In accordance with the City of San José Municipal Code (Chapters 20.70 and 20.90), which allows up to a 50 percent parking reduction, the additional 44 percent reduction could be allowed via the implementation of a TDM Plan.

### Motorcycle Parking

The City requires one motorcycle parking space for every four residential units and one motorcycle parking space per 20 required vehicle parking spaces for commercial uses. Therefore, the project would be required to provide a total of 63 motorcycle parking spaces. The project site plan shows 42 motorcycle parking spaces, which is approximately 33 percent fewer than the required number of spaces (Municipal Code Chapter 20.90.350).

### Bicycle Parking

The City's bicycle parking requirements require one bicycle parking space for every four residential units and one bicycle parking space for every 3,000 square feet of commercial space. To meet the City's requirements, the project would be required to provide a total of 57 bicycle parking spaces.

The project proposes 57 long-term bicycle parking spaces and 14 short-term bicycle parking spaces within the parking garage, for a total of 71 spaces. The number of proposed parking spaces would meet the required number of long-term and short-term bicycle parking spaces.

## 4.18 TRIBAL CULTURAL RESOURCES

### 4.18.1 Environmental Setting

#### 4.18.1.1 *Regulatory Framework*

##### State

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

Under AB 52, a TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
  - Included or determined to be eligible for inclusion in the California Register of Historic Resources<sup>51</sup>
  - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)
- A resource determined by the lead agency to be a TCR.

While consultation is not required for Addendums, the tribal representatives will be notified of the project as interested stakeholders.

##### Local

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

#### **Envision San José 2040 Tribal Cultural Resources Policies**

Policy	Description
Policy ER-10.1	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.

<sup>51</sup> See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
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.

#### 4.18.1.2 *Existing Conditions*

The project site is occupied by a medical office complex, surface parking, and landscaping. As discussed in *Section 4.5, Cultural Resources*, there are no known archaeological sites within or adjacent to the project site, and the site is not located within an area of high archaeological sensitivity. No known archaeological resources are located on properties adjacent to project site. The proposed project site is considered to have a low potential for Native American resources due to its distance from the nearest major waterway (Los Gatos Creek).<sup>52</sup>

#### 4.18.2 Impact Discussion

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

<sup>52</sup> Holman & Associates. *Archaeological Literature Search Results*. July 13, 2018.

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

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While the project site is not located within or adjacent to a recognized Native American site, the proposed project could damage previously undiscovered tribal cultural resources during site redevelopment. Mitigation measures are included in the project which would reduce these impacts to less than significant. As discussed in *Section 4.5, Cultural Resources*, the proposed project would be required to complete subsurface testing for prehistoric and historic resources on-site prior to ground-disturbing activities (MM CUL-2.1). If any potentially significant resources are discovered, appropriate measures would be taken to reduce impacts to these resources, including preparation of an archaeological research and treatment plan (MM CUL-2.2). If tribal cultural resources are accidentally discovered during ground-disturbing activities, the proposed project would be required to stop work within a 50-foot radius of the find, analyze the find, and determine an appropriate course of action prior to issuance of building permits (standard permit conditions). For these reasons, the mitigation measures and the standard permit conditions discussed previously would sufficiently reduce potential impacts to tribal cultural resources. **(Less than Significant Impact with Mitigation Incorporated)**

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**Impact TCR-2:** The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. **(Less than Significant Impact)**

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AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. At the time of preparation of this Initial Study, no Native American tribes that are or have been traditionally and/or culturally affiliated within the project vicinity have requested notification from the City of San José under AB 52 regarding projects in the area and their effects on a tribal cultural resource. Furthermore, City has notified potentially interested representative of the preparation of this project via email on February 26, 2019 and has not received any request for consultation on this project.

Any subsurface artifacts found on-site would be addressed consistent with the mitigation measures listed in *Section 4.5, Cultural Resources*. Therefore, the proposed project would have a less than significant impact on tribal cultural resources determined by the City to be significant. **(Less than Significant Impact)**

## **4.19 UTILITIES AND SERVICE SYSTEMS**

### **4.19.1 Environmental Setting**

#### **4.19.1.1 *Regulatory Framework***

##### **Assembly Bill 939**

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

##### **Assembly Bill 341**

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

##### **Senate Bill 1383**

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

##### **California Green Building Standards Code**

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

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

##### **Urban Water Management Plan**

Pursuant to The State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their

water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The San José Water Company last updated its UWMP in June of 2016.

### **Envision San José 2040 General Plan**

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

#### **Envision San José 2040 Relevant Utilities and Service Systems Policies**

Policy	Description
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City’s potable water supply as building codes permit.
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.

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

## **San José Zero Waste Strategic Plan/Climate Smart San Jose**

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

### **Private Sector Green Building Policy**

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

#### **4.19.1.2 Existing Conditions**

The 1.28-acre project site is currently occupied by a medical office building complex with existing water, electric, gas, stormwater, and sanitary sewer utility connections. The existing buildings occupy approximately 19,060 square feet of the site, with the remaining area occupied by a surface parking lot and landscaping.

### **Water Service**

Water service to the project site is provided by the San José Water Company (SJWC). The service area of SJWC is 139 square miles, including most of the cities of San José and Cupertino, the entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. Potable water provided to the service area is sourced from groundwater, imported treated water and local surface water. Approximately 55 percent of SJWC's water supply is purchased from the SCVWD, 37 percent is pumped from local groundwater aquifers, and eight percent comes from local surface water sources. According to the SJWC's UWMP, total water demand within its service area is expected to increase to 47,144 million gallons in 2020 and 49,561 million gallons in 2025. Forecasted increases in water demand are based on the ABAG population projections for the City of San José.

Using the estimated water use rates for "Medical Office Building" land uses<sup>53</sup>, the existing building at the project site uses approximately 7,801 gallons of water per day.

### **Sanitary Sewer/Wastewater Treatment**

Wastewater from the project site is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), which is administered and operated by the City Department of Environmental Services. The

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<sup>53</sup> California Emissions Estimator Model (CalEEMod). Table 9.1 Water Use Rates. September 2016.

RWF has the capacity to treat 167 million gallons of wastewater per day (mgd) during dry weather flow, with the City allocated 108.6 mgd of existing capacity. The City of San José generates approximately 69.8 mgd of dry weather average flow, leaving 38.8 mgd of excess treatment capacity.<sup>54</sup>

An existing six inch sanitary sewer main is located in Meridian Avenue and conveys waste from the project site and surrounding development. Using the previously calculated values for water demand of the existing building, the existing use of the site generates approximately 6,631 gallons of wastewater per day.<sup>55</sup>

### **Storm Drainage**

The project site is located within an urbanized area served by an existing storm drainage system. The existing use of the site as a medical office complex with an attached parking lot consists of 95 percent impervious surfaces.

Storm drain lines serving the project site are owned and maintained by the City of San José. The City's stormwater drainage system is comprised of a network of inlets, manholes, pipes, outfalls, channels, and pump stations that collect, convey, and discharge runoff to receiving water bodies. The primary receiving water body for the site is the Guadalupe River, which eventually discharges to the South San Francisco Bay. Stormwater flows enter the City's drainage system via an existing 12 inch storm drain at the northwestern corner of the project site.

### **Solid Waste**

The City of San José currently generates approximately 1.7 million tons of solid waste annually.<sup>56</sup> The City is served by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris.<sup>57</sup> The landfills include Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road facilities. According to Santa Clara County's Integrated Waste Management Plan (IWMP), the County has adequate disposal capacity beyond 2030.<sup>58</sup>

The existing buildings on the project site are estimated to generate approximately 206 tons of solid waste per year.<sup>59</sup>

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<sup>54</sup> City of San José. *Envision San José 2040 General Plan FEIR*. September 2011. Page 648.

<sup>55</sup> Based upon the CalEEMod standard wastewater generation rate of 85% of total water usage.

<sup>56</sup> City of San José. *Envision San José PEIR*. September 2011.

<sup>57</sup> City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. 2008.

<sup>58</sup> Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

<sup>59</sup> CalEEMod. Table 10.1 Solid Waste Disposal Rates. September 2016.

**4.19.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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The proposed project would utilize existing water infrastructure, dispose of wastewater at the RWF, convey stormwater via the City's existing drainage system, and connect to existing utility lines in the vicinity of the site for electricity, natural gas, and telecommunication services.

**Water Facilities**

Existing water utility lines in nearby streets would be used to supply water to the project site in order to meet its water demands. The proposed project would increase water demand at the site (refer to UTL-2 below) but would not require the relocation or construction of new or expanded water facilities. Lateral connections to water lines in nearby streets would be established during grading

and result in minimal impacts. Therefore, the project would not result in a significant environmental effect due to new or expanded water facilities. **(Less than Significant Impact)**

### **Sanitary Sewer Infrastructure**

The project would comply with all applicable Public Works requirements to ensure sanitary sewer mains would have capacity for sewer services required by the proposed project. The proposed project would connect to the existing six-inch sanitary sewer main in Meridian Avenue via a new six-inch sanitary sewer lateral at the eastern boundary of the project site. Connection to the existing sewer system would occur during grading and result in minimal impacts. No other sanitary sewer infrastructure would be required by the proposed project. **(Less than Significant Impact)**

### **Stormwater Facilities**

Runoff from the project site directly enters the storm drainage system untreated and unimpeded. Future redevelopment of the site would comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site to levels that are at or below existing conditions. Development of the project site would reduce the amount of surface runoff from the site, improve the water quality of runoff from the site, and would not exceed the capacity of the existing storm drainage system serving the project site. Therefore, the proposed project would not result in a significant environmental effect due to new or expanded stormwater treatment facilities. **(Less than Significant Impact)**

### **Electric Power, Natural Gas, and Telecommunications**

The proposed project would require utility connections for electric power, natural gas, and telecommunications. The exact locations of utility connections will be detailed to the City and subject to design review. Utility connections would be established during grading and would result in minimal impacts. Therefore, the proposed project would not result in a significant environmental effect due to new or expanded electric power, natural gas, and/or telecommunications facilities. **(Less than Significant Impact)**

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**Impact UTL-2:** The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant Impact)**

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The proposed project would result in a water demand of 70,424 gpd, a net increase of 62,623 gpd over the site's existing demand of 7,801 gpd. SJWC supplies water to the project site and is anticipated to have sufficient supply of water to meet the increases in demand resulting from planned growth under the Envision San José 2040 General Plan. Future demand in the SJWC service area is expected to be met through increased groundwater pumping, increased treated water delivery, increased recycled water use, and conservation. While water demand would be increased from current to proposed uses of the site, the proposed project is consistent with planned growth through 2040 and would not require new or expanded entitlements to meet its water demand. **(Less than Significant Impact)**

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

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The RWF currently has an excess capacity of 38.8 mgd of dry weather flow available to service the City of San José. A determination of current excess treatment capacity at the RWF takes into account current uses within the City of San José and within the treatment plant’s service boundaries. Planned buildout under the 2040 General Plan is estimated to result in a dry weather flow of 30.8 mgd, which would leave eight mgd of excess capacity at the RWF at the time full build out is realized. The proposed project is estimated to generate 36,717 gallons of wastewater per day, which is a moderate increase when compared to the project site’s current estimated wastewater generation rate of 43,196 gallons per day. While the on-site wastewater generation rate would be increased, the wastewater demands of the proposed project would not result in an exceedance of wastewater treatment capacity at the RWF. Increased demand at the RWF as a result of planned development under the 2040 General Plan is expected and accounted for in long term infrastructural planning by the City of San José and its partner agencies. The proposed project is consistent with planned development analyzed in the 2040 General Plan FEIR; therefore, the project would not significantly impact wastewater treatment requirements at the RWF, or require the construction of new wastewater treatment facilities that could result in additional environmental impacts. **(Less than Significant Impact)**

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**Impact UTL-4:** The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

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The proposed project would provide 241 residential micro-units and 1,400 square feet of commercial space. It is estimated that the project would generate 117 tons of solid waste per year. The project would be required to meet the waste diversion goals outlined in the City of San José’s Zero Waste Strategic Plan for 75 percent waste reduction post-2013 and zero waste by 2022. It is estimated that the City of San José currently achieves a solid waste diversion rate of 78 percent, primarily by recycling and/or composting; therefore, the proposed project’s contribution to the landfill would be approximately 26 tons of solid waste per year. All solid waste generated by the project would be treated at landfills with adequate disposal capacity beyond 2030. **(Less than Significant Impact)**

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**Impact UTL-5:** The project would not be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

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The 2040 General Plan FEIR determined that the increase in waste generated by buildout of the General Plan would not result in an exceedance of capacity at existing landfills serving the City. Future increases in solid waste generation from developments allowed under the General Plan would be limited through implementation of the City’s Zero Waste Strategic Plan, as discussed above. The

Waste Strategic Plan, in combination with existing regulations and programs, would ensure that the proposed project would comply with solid waste regulations. (**Less than Significant Impact**)

**4.20 WILDFIRE**

**4.20.1 Environmental Setting**

**4.20.1.1 *Existing Conditions***

The proposed project is located in an urban area of San José which has not been designated as a very high fire hazard severity zone on CalFire maps.<sup>60</sup>

**4.20.2 Impact Discussion**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

<sup>60</sup> CalFire. “California Fire Hazard Severity Zone Map Update Project”. Accessed June 10, 2019. [http://www.fire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland\\_statewide](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_statewide)

4.21

MANDATORY FINDINGS OF SIGNIFICANCE

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

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

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with implementation of the identified Standard Permit Conditions and mitigation measures.

As discussed in Section 4.3 Air Quality, construction activities on-site would include demolition of the existing buildings, grading and site preparation, trenching, building construction, architectural coating, and paving. The project would be required to implement the identified Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions. Implementation of MM AIR-3.1 would reduce community risk impacts from construction of the project to less than significant.

As discussed in Section 4.4 Biological Resources, the project would not impact sensitive habitats or species. With implementation of Mitigation Measures MM BIO-4.1 through MM BIO-4.3, the project would not impact nesting raptors or migratory birds. As part of the project's Standard Permit Conditions, all trees removed would be required to be replaced in accordance with all applicable laws, policies, and guidelines. As discussed in Section 4.4.2.3, the project is consistent with the activity described in the SCVHP and would require discretionary approval by the City. The project would be subject to applicable SCVHP fees prior to issuance of any grading permits. All projects in the City, including the proposed project, would be required to pay the cumulative nitrogen deposition fees.

Subsurface cultural resources could be uncovered during ground disturbing activities of the proposed project. Implementation of the Mitigation Measures MM CUL-2.1 through MM CUL-2.3 and standard permit conditions would avoid or reduce impacts to cultural resources, including tribal cultural resources, to a less than significant level. Implementation of the Standard Permit Conditions listed in Section 4.7 Geology and Soils would reduce construction related erosion impacts.

The existing buildings on-site were constructed prior to 1978 and are likely to contain harmful levels of ACMs or lead. The project would be required to implement the Standard Permit Conditions as mentioned in Section 4.9 Hazards and Hazardous Materials to reduce ACM and/or lead-based paint impacts.

As discussed in Section 4.10 Hydrology and Water Quality, the project would be required to implement Standard Permit Conditions to reduce potential construction-related water quality impacts.

Noise from mechanical equipment on the proposed building, as well as noise and vibration from construction equipment during the construction phase of the project could exceed noise standards and disturb surrounding properties. As discussed in Section 4.13 Noise and Vibration, the project would be required to implement standard permit conditions and mitigation measures to reduce noise and vibration impacts from the proposed building and from construction activities near sensitive land uses. The proposed project would not result in new or more significant impacts than identified in the General Plan FEIR (as amended). **(Less than Significant Impact with Mitigation Incorporated)**

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

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Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

## **Construction Impacts**

The proposed development would result in temporary air quality, water quality, biology, and noise impacts during construction. With implementation of the identified mitigation measures, Standard Permit Conditions, and consistency with adopted City policies, the construction impacts would be mitigated to a less than significant level.

As discussed in Section 4.3, Air Quality, construction of the proposed project would emit TACs in exceedance of adopted BAAQMD single-source thresholds, but not cumulative source thresholds. Mitigation measures MM AIR-1.1 and MM AIR-1.2 would reduce single-source impacts to less than significant. The proposed project would not result in a cumulative air quality impact as a result of TACs emitted during construction.

Because a project's criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the identified project-level thresholds were developed such that a project-level impact would also be a cumulatively considerable impact. As discussed in Section 4.3, Air Quality, the proposed project would not result in a net increase in operational or construction criteria air pollutant emissions above BAAQMD thresholds and, therefore, would result in a less than significant cumulative criteria air pollutant impact. As discussed in Section 4.8, Greenhouse Gas Emissions, the proposed project would not result in a net increase in GHG emissions above both the 2030 thresholds for metric tons per year and service population and, therefore, would result in a less than significant cumulative GHG impact.

As discussed in Section 4.13, Noise and Vibration, construction of the proposed project would result in temporary noise and vibration impacts. The project would be required to implement mitigation measures requiring a construction noise logistics plan (MM NOI-1.2) and a vibration monitoring plan (MM NOI-2.1) to reduce these impacts to less than significant.

As the identified impacts are temporary and would be mitigated, the project would not have cumulatively considerable impacts on air quality, water quality, biology, and noise in the project area.

## **Operational Impacts**

Consistent with the requirements of the Habitat Plan, the project would comply with all applicable Habitat Plan conditions and would pay a Nitrogen Deposition Fee, commensurate with the amount of trips generated by the proposed mixed-use development.

The project would have a less than significant impact on aesthetics, geology and soils, hazards and hazardous materials, hydrology and water quality, population and housing, recreation, and utilities, and would not contribute to cumulative impacts to these resources. The project would not impact agricultural and forest resources or mineral resources. Therefore, the project would not contribute to a significant cumulative impact on these resources.

The project's contribution to a cumulative impact on public services and transportation were analyzed in the certified General Plan FPEIR (as amended). The proposed project would not result in

a more significant cumulative impact related to these issues than disclosed within the General Plan FPEIR.

The project would contribute to the significant cumulative transportation impact that would occur under full build out of the Envision San José 2040 General Plan. The project would not, however, result in any new or more significant cumulative impacts than the approved projects. Mitigation measures were adopted where feasible and statements of overriding considerations have been adopted for the General Plan. **(Less than Significant Impact)**

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

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The project site is currently occupied by medical office uses. Urban development, including the proposed uses, are consistent with the long-term goals for the site outlined in the Envision San José 2040 General Plan. The construction of the project would result in the temporary disturbance of developed land as well as an irreversible and irretrievable commitment of resources and energy during construction.

Construction of the proposed project would not result in the conversion of a greenfield site to urban uses or otherwise commit resources in a wasteful or inefficient manner. The project proposes to redevelop a developed site in urbanized San José; therefore, it is anticipated that short-term effects resulting from construction would be substantially off-set by meeting the long-term environmental goals (such as increased building energy efficiency) for this site. The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The project would result in an increase in demand upon nonrenewable resources; however, the project is required to comply with the City's Private Sector Green Building Policy. The proposed building would be designed to achieve minimum LEED certification consistent with San José Council Policy 6-32. LEED certification entails consideration and incorporation of a variety of design features to reduce energy use and conserve water, including community design and planning, site design, landscape design, building envelope performance, and material selections.

With implementation of the mitigation measures and Standard Permit Conditions included in the project and compliance with City General Plan policies, the proposed project would not result in substantial adverse effects to human beings. **(Less than Significant Impact)**

## SECTION 5.0 REFERENCES

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The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

Archives and Architecture. *Proposed 259 Meridian Ave., Residential Project, San José (PDC18-016) Assessor's Parcel Number 274-14-152*. May 1, 2018.

Bay Area Air Quality Management District. *Spare the Air Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area*. Final 2017 Clean Air Plan. April 2017.

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California Department of Forestry and Fire Protection. *Santa Clara County Fire Hazard Severity Zones*. October 2008. Available at: <[http://www.fire.ca.gov/fire\\_prevention/flsz\\_maps\\_santaclara](http://www.fire.ca.gov/fire_prevention/flsz_maps_santaclara)>.

California Department of Transportation. *California Scenic Highways Program: Santa Clara County*. Available at: <[http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/)>.

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Federal Emergency Management Agency. *Flood Insurance Rate Map. Map Number 06085C0233H*. May 18, 2009.

Hexagon Transportation Consultants, Inc. *259 Meridian Avenue Mixed-Use Development Transportation Analysis*. July 9, 2019.

Holman & Associates. *Results of a CEQA Cultural Resources Literature Search for 259 Meridian Avenue, San José, Santa Clara County, California*. July 13, 2018.

Illingworth & Rodkin, Inc. *259 Meridian Avenue Mixed-Use Noise and Vibration Assessment, San Jose, California*. December 5, 2018.

Illingworth and Rodkin, Inc. *259 Meridian Avenue Residential Development Air Quality and Greenhouse Gas Assessment, San Jose, California*. January 16, 2019. Revised June 21, 2019.

Santa Clara Valley Habitat Agency. *Final Santa Clara Valley Habitat Plan*. Chapter 2, Page 2-42. Adopted October 2013.

Santa Clara Valley Water District. *Lenihan (Lexington) Dam Flood Inundation Maps, Leroy Anderson Dam Flood Inundation Maps*. April 2016.

## **SECTION 6.0 LEAD AGENCY AND CONSULTANTS**

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### **6.1 LEAD AGENCY**

#### **City of San José**

Department of Planning, Building and Code Enforcement  
200 E. Santa Clara Street  
Tower, 3<sup>rd</sup> Floor  
San José, CA 95113

### **6.2 CONSULTANTS**

#### **David J. Powers & Associates, Inc.**

Environmental Consultants and Planners

Mike Campbell, AICP, Project Manager  
Hannah Darst, Associate Project Manager  
Daniel DeBrito, Assistant Project Manager  
Zachary Dill, Graphic Artist

#### **Archives and Architecture**

Historical Consultants

#### **Hexagon Transportation Consultants, Inc.**

Traffic Consultants

#### **Holman and Associates**

Archaeological Consultants

#### **Illingworth and Rodkin, Inc.**

Air Quality and Acoustical Consultants

#### **Phase-1 Environmental Services**

Environmental Site Assessors

## SECTION 7.0      ACRONYMS AND ABBREVIATIONS

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AASHTO	American Association of State Highway Transportation Officials
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACE	Altamont Corridor Express Service
ACM	Asbestos-containing material
AFY	Acre-feet per year
AGL	Above ground level
AIA	Airport Influence Area
AP	Alquist-Priolo Earthquake Fault Zoning
APN	Assessor's Parcel Number
BAAQMD	Bay Area Air Quality Management District
BCDC	Bay Conservation and Development Commission
BMP	Best Management Practice
CAA	Clean Air Act
CalARP	California Accidental Release Program
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CalGreen	California Green Building Standards Code
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Clean Air Plan
CARB	California Air Resources Board
CBIA	California Building Industry Association
CCL	Candidate City Landmark
CCR	California Code of Regulations
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CGS	California Geological Survey
CH <sub>4</sub>	Methane
CIWMB	California Integrated Waste Management Board

CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO	Carbon monoxide
CO <sub>2</sub>	Carbon dioxide
CO <sub>2e</sub>	Carbon dioxide equivalent
CRHR	California Register of Historical Resources
CS	Contributing Structure
CUPA	Certified Unified Program Agency
DASH	Downtown Area Shuttle
dB	Decibel
dBA	A-weighted sound level
DNL	Day/night average sound level
DSOD	California Division of Safety of Dams
du/ac	Dwelling unit per acre
EIR	Environmental Impact Report
EVA	Emergency vehicle access
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
GHG	Greenhouse gas
HMP	Hydromodification Management Plan
HOV	High-occupancy vehicle
I-	Interstate
IS	Initial Study
ITE	Institute of Transportation Engineers
IWM	Integrated Watershed Management
IWMP	Integrated Waste Management Plan
L <sub>eq</sub>	Noise Equivalent Level
LID	Low Impact Development
L <sub>max</sub>	Maximum A-weighted sound level
LOS	Level of Service
LRT	Light rail transit

mgd	Million gallons per day
MLD	Most Likely Descendent
MND	Mitigated Negative Declaration
MRP	Municipal Regional Permit
MSL	Mean seal level
MT	Metric ton
MTC	Metropolitan Transportation Commission
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Plan
NCS	Non-Contributing Structure
NESHAP	National Emission Standards for Hazardous Air Pollutants
N <sub>2</sub> O	Nitrous oxide
NOD	Notice of Determination
NOI	Notice of Intent
NO <sub>x</sub>	Nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NS	Non-Significant
PBCE	San José Department of Planning, Building and Code Enforcement
PDO	Parkland Dedication Ordinance
PIO	Park Impact Ordinance
PM	Particulate matter
PM <sub>2.5</sub>	Fine particulate matter
PM <sub>10</sub>	Coarse particulate matter
PPM	Part per million
PPV	Peak particle velocity
QSD	Qualified SWPPP Developer
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Needs Allocation
RMP	Risk Management Plan
ROG	Reactive organic gas
RTP	Regional Transportation Plan
RWF	San José/Santa Clara Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SB	Senate Bill

SCCDEH	Santa Clara County Department of Environmental Health
SCEC	Southern California Earthquake Center
SCS	Sustainable Communities Strategy
SCVHP	Santa Clara Valley Habitat Plan
SCVWD	Santa Clara Valley Water District
SHMA	Seismic Hazards Mapping Act
sf	Square foot
SJFD	San José Fire Department
SJPD	San José Police Department
SJWC	San José Water Company
SM	Structure of Merit
SMARA	Surface Mining and Reclamation Act
SR	State Route
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic air contaminant
TCM	Treatment Control Measure
TDM	Transportation demand management
TMDL	Total maximum daily load
TWLT	Two-way left-turn
$\mu\text{g}/\text{m}^3$	Microgram per cubic meter
$\mu\text{m}$	Micrometer
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
UWMP	Urban water management plan
VMT	Vehicle Miles Traveled
VTA	Valley Transportation Authority
WSA	Water Supply Assessment