
945 Lincoln Avenue Redevelopment Project Initial Study / Mitigated Negative Declaration

File Numbers: C16-012 & H14-036

May 2018



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.

NAME OF PROJECT: 945 Lincoln Avenue Redevelopment Project

PROJECT FILE NUMBERS: C16-012 & H14-036

PROJECT DESCRIPTION: The project proposes a Conventional Rezoning from the CN Commercial Neighborhood and R-M Multiple Residence Zoning Districts to the CIC Combined Industrial/Commercial Zoning District and a Site Development Permit to a demolish the existing one-story 8,516 square feet retail structure and construct a new two-story approximately 17,090 square feet commercial building on a 1.1-gross acres site.

PROJECT LOCATION: Northwest corner of Lincoln Avenue and Pedro Street, at 945 Lincoln Avenue in San José.

ASSESSORS PARCEL NOS.: 264-05-080 and 264-05-081

COUNCIL DISTRICT: 6

APPLICANT CONTACT INFORMATION: Stana Verkic, 1749 Ellen Avenue, San José, CA 95125

FINDING

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

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

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

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

Mitigation Measure BIO-1.1: To avoid disturbance of nesting and special-status birds, the project applicant shall schedule ground disturbance activities related to the project, including, but not limited to, vegetation removal, ground disturbance, construction, and demolition to occur outside of the bird 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).

Mitigation Measure BIO-1.2: 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 biologist or ornithologist to ensure that no nests shall be disturbed during project implementation. The pre-construction nesting bird survey shall be conducted within the project boundary, including a 300-foot buffer (500-foot for raptors), on foot. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in the area. The pre-construction 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).

If active nests are found, the qualified biologist or ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), 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 will not be disturbed during project construction (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site). The buffer zone shall be demarcated by the qualified biologist or ornithologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and shall be instructed to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within the buffer zone until the qualified biologist or ornithologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer zone shall occur only at the discretion of the qualified biologist.

Prior to the issuance of any demolition or grading permits, the project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the Supervising Environmental Planner of the San José Department of Planning, Building and Code Enforcement.

- E. CULTURAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- F. GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- G. GREENHOUSE GAS EMISSIONS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- H. HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- I. HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- J. LAND USE AND PLANNING** – The project will not have a significant impact on this resource,

therefore no mitigation is required.

- K. **MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- L. **NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- M. **POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- N. **PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- O. **RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- P. **TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- Q. **UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- R. **MANDATORY FINDINGS OF SIGNIFICANCE**

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

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday, June 11, 2018** 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

5/15/18

Date



Deputy

Circulation period: May 22, 2018 to June 11, 2018

**945 LINCOLN AVENUE REDEVELOPMENT PROJECT
INITIAL STUDY**

TABLE OF CONTENTS

1.0 Background Information..... 1-1

2.0 Introduction..... 2-1

3.0 Project Description..... 3-1

 3.1 Project Background 3-1

 3.2 Site Description 3-1

 3.3 Proposed Project..... 3-3

4.0 Environmental Impact Analysis..... 4-1

 4.1 Aesthetics 4-2

 4.2 Agriculture/Forestry Resources 4-4

 4.3 Air Quality..... 4-6

 4.4 Biological Resources 4-18

 4.5 Cultural & Tribal Cultural Resources..... 4-24

 4.6 Geology And Soils 4-32

 4.7 Greenhouse Gas Emissions 4-38

 4.8 Hazards And Hazardous Materials 4-47

 4.9 Hydrology And Water Quality 4-50

 4.10 Land Use And Planning..... 4-57

 4.11 Mineral Resources 4-60

 4.12 Noise..... 4-61

 4.13 Population And Housing 4-70

 4.14 Public Services 4-72

 4.15 Recreation..... 4-74

 4.16 Transportation / Traffic 4-75

 4.17 Utilities And Service Systems 4-79

4.18 Mandatory Findings Of Significance4-82

5.0 References.....5-1

5.1 Checklist References5-1

6.0 Report Preparers6-1

LIST OF TABLES

Table 4-1 BAAQMD 2017 Clean Air Plan Control Measure Sectors4-11

Table 4-2 Project Consistency with BAAQMD 2017 Clean Air Plan.....4-12

Table 4-3 Project Consistency with BAAQMD Construction Screening Criteria^(A)4-13

Table 4-4 GHG Global Warming Potentials (100-Year Time Horizon).....4-38

Table 4-5 Project Consistency with GHG Reduction Strategy Mandatory Measures4-43

Table 4-6 Project Consistency with GHG Reduction Strategy Voluntary Measures4-45

Table 4-7 24-hour Background Noise Levels in the Project Area4-63

Table 4-8 City of San José Land Use Compatibility Guidelines for Community Noise4-64

Table 4-9 Comparison of Measured Existing Site Noise Levels to General Plan Standard4-67

Table 4-10 Groundborne Vibration Estimates - Peak Particle Velocity (PPV)4-68

LIST OF FIGURES

Figure 1 Location.....3-6

Figure 2 Existing Site Plan3-7

Figure 3 Proposed Site Plan.....3-9

Figure 4 Grading and Drainage.....3-11

Figure 5 Building Elevations3-13

Figure 6 Landscape Plan.....3-15

Figure 7 Noise Monitoring Locations.....4-62

LIST OF APPENDICES

Appendix A: Air Quality and GHG Emission Estimates / CALEEMOD Data

Appendix B: Geotechnical Report (BAGG Engineers)

Appendix C: Noise Data Summary (not including 10-min interval data)

This page deliberately left blank.

1.0 BACKGROUND INFORMATION

PROJECT TITLE: 945 Lincoln Avenue Redevelopment Project, San José CA

PROJECT FILE NO.: C16-012 & H14-036

PROJECT DESCRIPTION: The proposed project includes a Conventional Rezoning and Site Development Permit to allow development of a new 17,090 square foot (sf) two-story commercial building on a 1.1 gross acre site. The Conventional Rezoning would rezone the entirety of the newly formed lot from CN *Commercial Neighborhood* and R-M *Multi-Family Residential* to CIC *Combined Industrial/Commercial* to allow the proposed parking lot. The Site Development Permit would allow the demolition of an existing, vacant one-story 8,516 square foot (sf) building and replace it with a new 17,090 sf two-story commercial building utilizing the same footprint as the existing building.

PROJECT LOCATION AND ASSESSOR’S PARCEL NUMBER(s):

945 Lincoln Avenue, San José, CA; APNs: 264-05-080 and 264-05-081

EXISTING GENERAL PLAN DESIGNATION: Combined Industrial/Commercial

EXISTING ZONING: CN – Commercial Neighborhood (existing commercial development at 945 Lincoln Avenue), R-M (proposed rear parking area adjacent to Pedro St.)

EXISTING LAND USE: Vacant Retail Building, covered patio/parking and lawn area

HABITAT CONSERVATION PLAN:

Land Cover Designation:	Urban - Suburban
Private Development Areas:	Area 4: Urban Development Equal to or Greater Than 2 Acres Covered
Fee Zone:	Fee Zone C (Small Vacant Sites Under 10 Acres) Urban Areas (No Land Cover Fee)
Survey Area	N/A

SURROUNDING LAND USES / GENERAL PLAN / ZONING:

Direction	Land Use	General Plan	Zoning
North	Residential apartments	Combined Industrial/Commercial	Multi-family Residential (R-M)
South	Residential, commercial	Neighborhood Community Commercial/Mixed Use Neighborhood/Private Recreation	Commercial Neighborhood (CN) /Commercial Office (CO)
East	Roofing and taxi cab companies	Combined Industrial/Commercial	Light Industrial
West	Residential	Mixed Use Neighborhood	R-M (Multi-family Residential)

PROJECT APPLICANT'S NAME AND ADDRESS:

Stana Verkic,
Verkic Engineering,
1749 Ellen Ave,
San José, CA 95125

LEAD AGENCY CONTACTS:

Project Manager: Cassandra van der Zweep
Email: cassandra.vanderzweep@sanjoseca.gov
Phone: (408) 535- 7659

Environmental Review Manager: Krinjal Mathur
Email: krinjal.mathur@sanjoseca.gov
Phone: (408) 535-7874

City of San José,
PBCE – Planning Division.
City Hall – Tower – Third Floor,
200 East Santa Clara Street,
San José, CA 95113

2.0 INTRODUCTION

San José Municipal Code Title 21 incorporates by reference and adopts the objectives, criteria and procedures for environmental review contained in the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines. This Initial Study of environmental impacts is being prepared to conform to the requirements of the CEQA, the CEQA Guidelines (California Code of Regulations 15000 et. seq.), and the regulations and policies of the City of San José.

This Initial Study evaluates the potential environmental impacts, which might reasonably be anticipated to result from implementation of the proposed project. The City of San José is the Lead Agency under CEQA and has prepared this Initial Study to address the impacts of implementing the proposed project.

This Initial Study and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd floor, during normal business hours.

This page deliberately left blank.

3.0 PROJECT DESCRIPTION

3.1 Project Background

The project site is located in the City of San José (Figure 1) and is currently developed with a single-story, 8,516 sf building that was originally built in 1966 and was used for retail purposes. The building has been vacant for the past 11 years during which time vandals have damaged it. The proposed project includes a Conventional Rezoning from the CN Commercial Neighborhood and R-M Multiple Residence Zoning Districts to the CIC Combined Industrial/Commercial Zoning District and a Site Development Permit to demolish the existing one-story retail structure of 8,516 sf and construct a new two-story commercial building of approximately 17,090 sf.

3.2 Site Description

The project site at 945 Lincoln Avenue (APNs 264-05-080 and 264-05-081) is 1.09 acres in size. It contains an 8,516 sf single-story vacant building that is in disrepair. The rear portion of the building has a concrete foundation/floor, metal roof, and no walls. The main access to the property is via a driveway from Lincoln Avenue which continues to the southwest around the rear of the building to a second driveway/access at Pedro Street. A total of 21 parking spaces are currently provided adjacent to the existing building. Walkways surround the building. The project site's frontages along Lincoln Avenue contain several small grass landscape areas and a street tree. Other areas of the project site fronting Lincoln Avenue, not covered by pavement or building structures, contain weedy grasses. The western portion of the site contains a shade patio, shed, some scattered trees, a flat unpaved lawn area, and a masonry wall along Pedro Street. Outside the masonry wall, between the wall and sidewalk is a row of seven acacia trees.

Land uses surrounding the project site include a church to the north and west; a retail store is adjacent to the site located to the east, and uses across Lincoln Avenue are commercial (Figure 1). Residential uses are south and west of the project site. Access to the existing commercial building is limited due to the presence of a 6-foot tall security (chain link) fence to prevent trespassing on the property. Site topography is generally flat (Figure 1).

Photo 1: View of existing dilapidated building at 945 Lincoln Avenue looking south from Lincoln Avenue.



Photo 2. View of existing dilapidated building at 945 Lincoln Avenue (right) and adjacent building at 955 Lincoln Avenue (left) looking west from Lincoln Avenue.



3.3 Proposed Project

3.3.1 Building

The proposed project includes the demolition of the existing 8,516 sf single-story, 16-foot tall building to accommodate a new 17,090 sf two-story commercial building (Figure 3). The new building would occupy the same footprint as the existing building.

The height of the new building is shown as 33 feet on the elevation plan sheet (Figure 5). The new building would be surrounded by walkways constructed with pervious pavers. Current floor plans show a total of four individual retail units within the proposed building, three on the first floor and one on the top floor. A total of ten employees are projected on site.

3.3.2 Access and Parking

Currently the parcel is accessed from driveways on both Lincoln Avenue and Pedro Street. This access will remain the same. Chapter 20.90 of the Zoning Ordinance specifies that one parking space is required for every 200 feet of general floor area. General floor area is calculated at 85 percent of gross square footage. Therefore, the required parking is 73 spaces. Seventy-three parking spaces will be provided on-site as shown in Figure 3. The site plan also shows seven (7) bike parking spaces (Figure 2).

3.3.3 Drainage and Storm Water

The project site contains 27,212 sf of impervious cover. Currently storm water runoff from the existing commercial building and parking lot is directed to existing 18-inch storm drains located at Pedro Street which discharge to Los Gatos Creek and ultimately to the Guadalupe River.

The proposed project would result in a total of approximately 9,400 sf of impervious surface, a net decrease of about 17,800 sf compared to current site conditions. This is primarily due to the use of pervious paving material for the proposed parking areas and walkways.

All proposed walkways, driveways, and parking areas are proposed to be constructed using pervious pavers. Pervious paving material would be installed on approximately 0.66 acres (approximately 28,000 sf) of the site for parking and walkways. All on-site drainage will be directed to self-retaining or self-treating lawn or pavement areas (for further details see Section 4.9).

The proposed trash enclosure will be separated from the on-site stormwater drainage and will tie into the City's municipal sanitary sewer system for treatment.

A total of 1.09 acres would be disturbed by the project (Figure 5). The project disturbs more than one acre of land and is therefore required to submit a Notice of Intent to the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP).

3.3.4 Tree Removal and Proposed Landscaping

The site plan shows that most trees on site would be preserved (Figure 6). Two non-ordinance sized maple trees are proposed for removal by the project. The landscape plan currently shows a

new lawn area and new plantings of sterling silver linden (*Tilia tomentosa* “sterling”), state street maple (*Acer miyabei* “morton”) and red oak (*Quercus rubra*) trees. Trees along Lincoln Avenue and Pedro Street, including a large palm tree along Pedro Street near the rear of the existing commercial building would not be removed by the project.

3.3.5 Utilities

The project site is already served by standard utility service extensions including storm drains, municipal sewer and water, and electrical. No off-site utility improvements are required to serve the proposed project. The project would not connect to existing recycled water lines as the nearest branch of recycled water pipeline is located over two miles east of the project site at San José State University’s Spartan Stadium.

3.3.6 Land Use and Zoning

The City of San José’s land use designation for the project parcels is Combined Industrial/Commercial (CIC). The existing zoning designation for the existing parcels is CN-*Commercial Neighborhood* and R-M *Multiple Residence*. The CN *Commercial Neighborhood* zoning district is intended to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development. The R-M *Multiple Residence* zoning district is intended to reserve land for the construction, use and occupancy of higher density residential development and higher density residential-commercial mixed use development.

The proposed Conventional Rezoning will rezone the entire site to *Combined Industrial/Commercial* (CIC). The CIC zoning district is intended for commercial, office, or industrial developments, or a compatible mix of these uses.

3.3.7 Construction Phasing

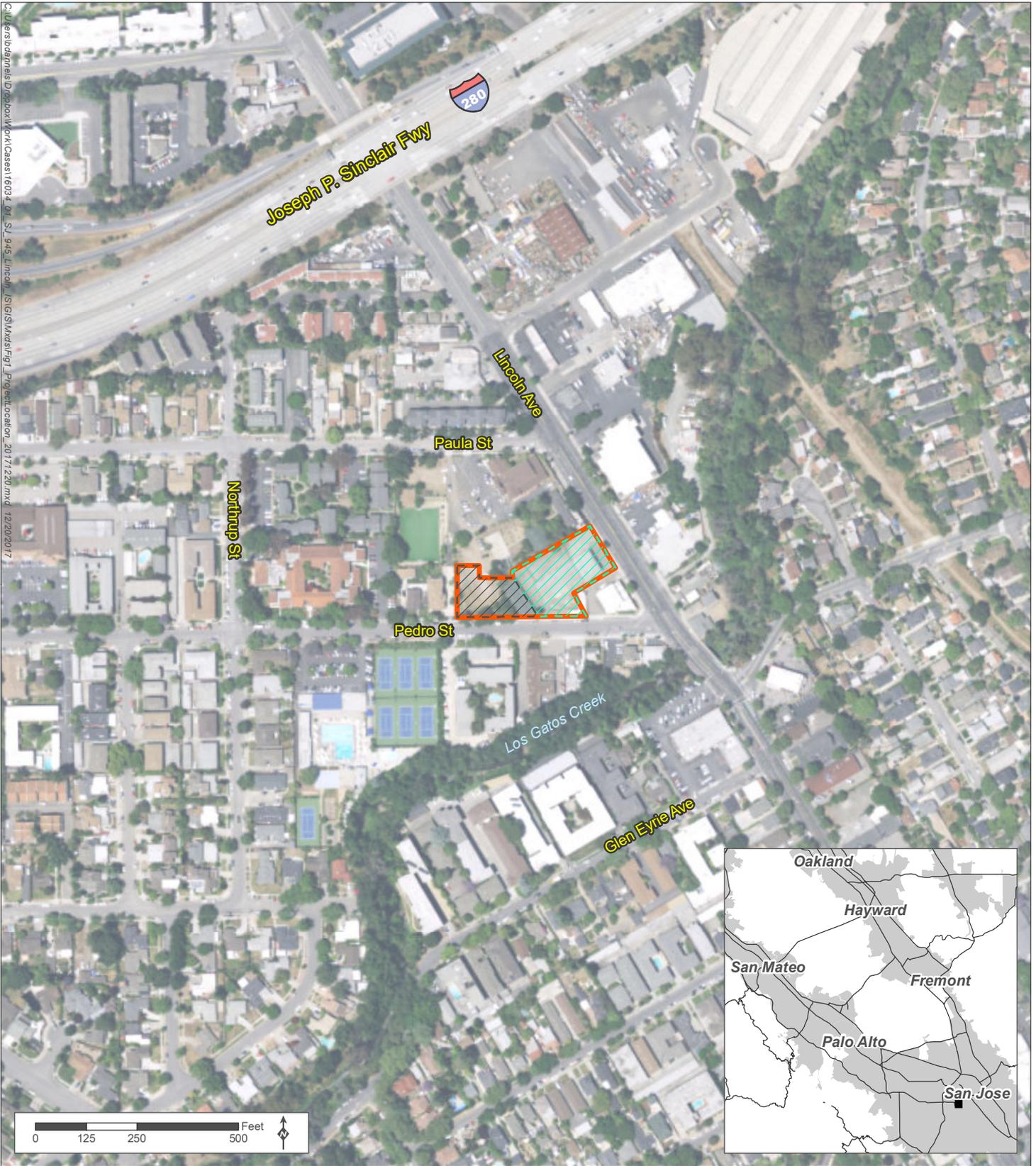
Construction is estimated to last approximately twelve months beginning in the Summer of 2018. Construction phasing is planned as follows:

- Demolition of existing buildings within the work area – one week
- Grading and earthwork – approximately one week
- Utility installation – approximately two weeks
- Foundation construction – approximately two weeks
- Building construction – approximately six months
- Final grading and paving – approximately two weeks
- Landscaping – approximately two weeks

3.3.8 Permits and Approvals

- City of San José -- Environmental Clearance, Conventional Rezoning, Site Development Permit, Grading, Building, and Minor Street Improvement Permits.

- State Water Resources Control Board Construction General Permit for construction sites over one acre in size.



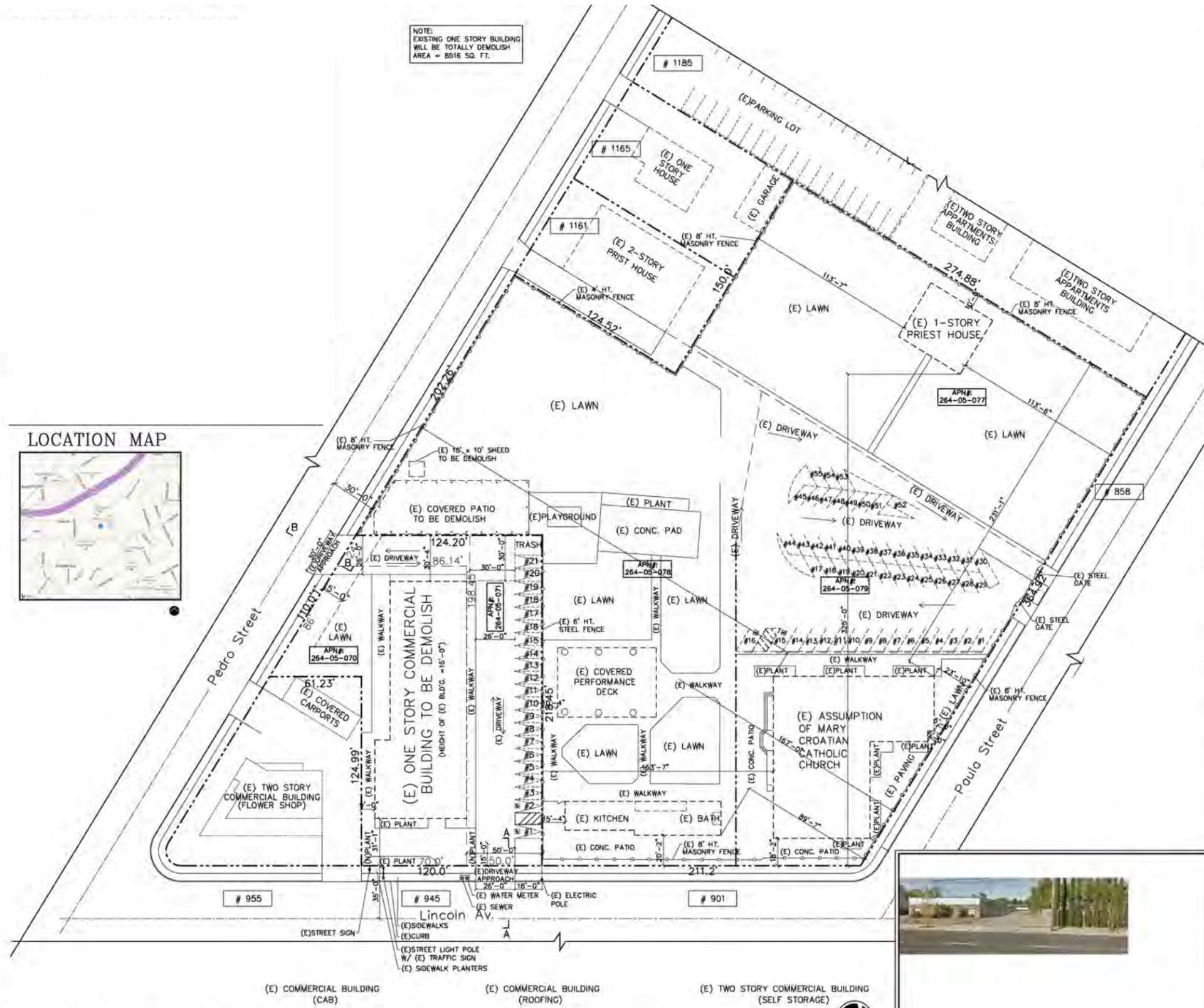
Source: Verkic Engineering, 2015; ESRI, 2017; MIG, 2017

-  Project boundary
-  CN Commercial Neighborhood (currently); will be rezoned to CIC Combined Industrial/Commercial
-  R-M Multiple Residential (currently); will be rezoned to CIC Combined Industrial/Commercial

Figure 1 Project Location

945 Lincoln Avenue Redevelopment Project





LOCATION MAP



VIEW FROM PEDRO STREET



AERIAL VIEW

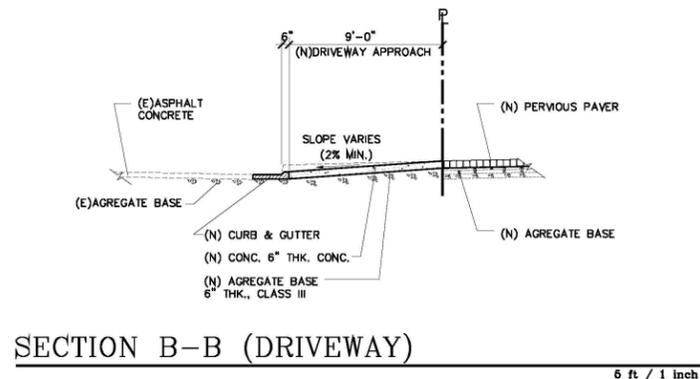
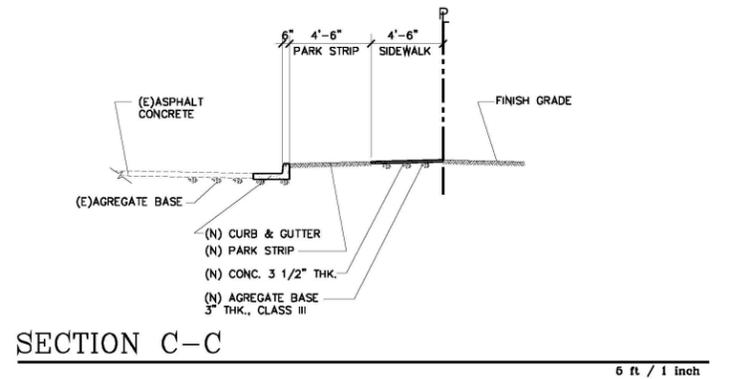
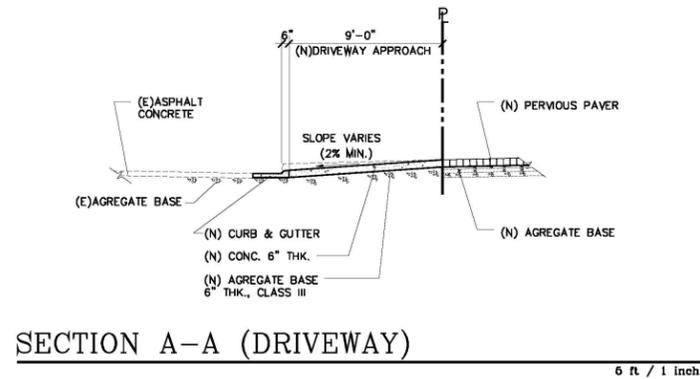


VIEW FROM LINCOLN AV.

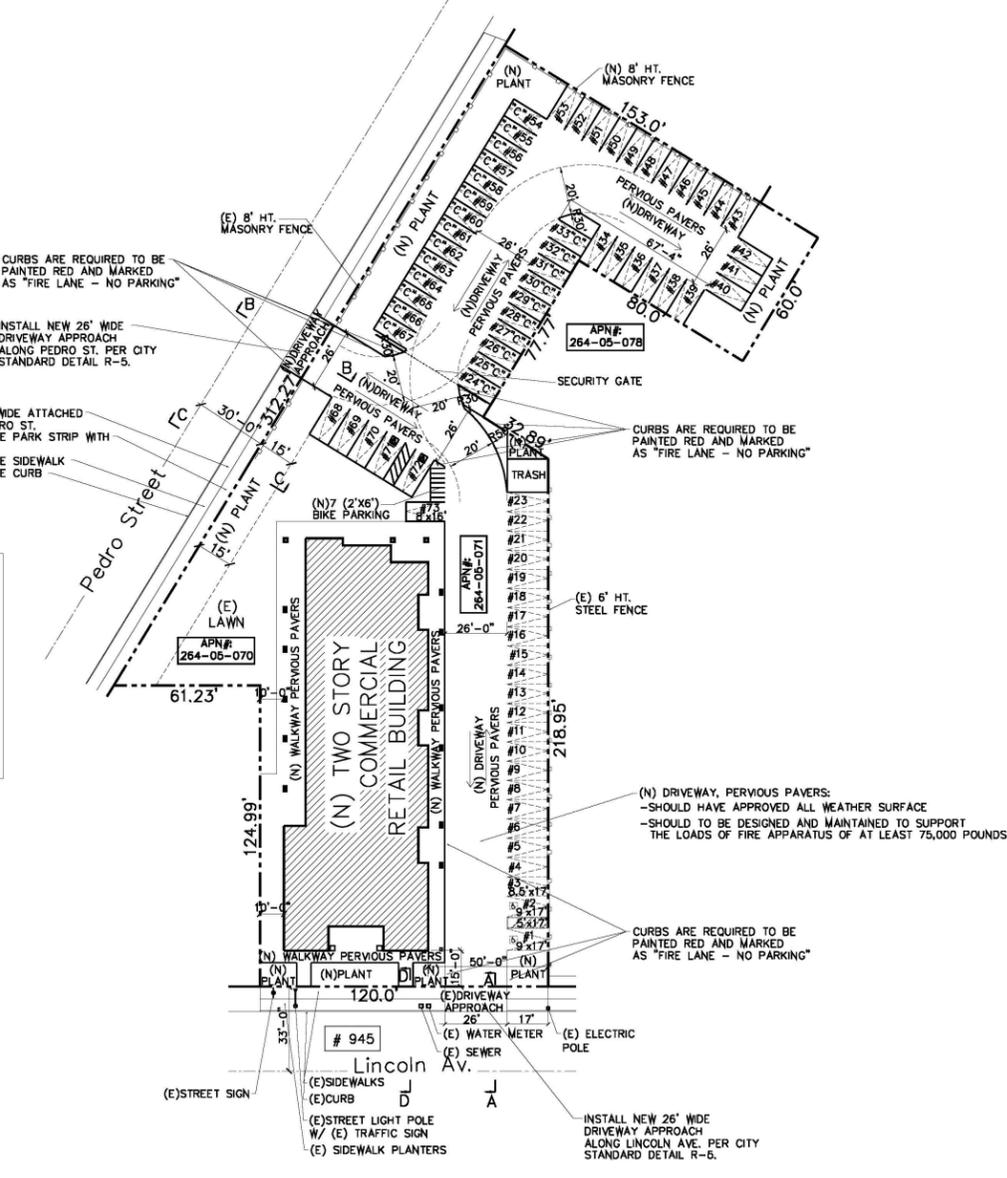
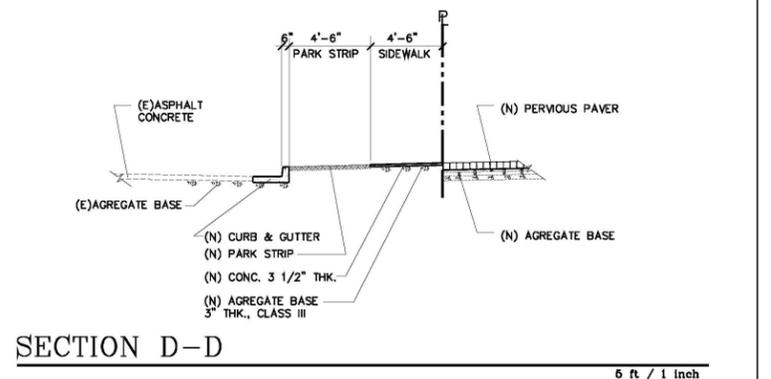
EXISTING SITE PLAN AND DEMOLITION PLAN

Source: Verkic Engineering, 2015

Figure 2 Existing Site Plan



NOTE:
IT IS REQUIRED THAT SCRAP CONSTRUCTION AND DEMOLITION DEBRIS BE RECYCLED INSTEAD OF DISPOSING IN A LANDFILL. AT LEAST 75 PERCENT OF C&D WASTE MUST BE DIVERTED TO A CERTIFIED FACILITY, REUSED, OR DONATED FOR REUSE. USE AN AUTHORIZED HAULER OR SELF-HAUL YOUR CONSTRUCTION & DEMOLITION (C&D) WASTE TO A CERTIFIED WASTE DIVERSION FACILITY, REUSE IT, AND / OR DONATE IT FOR REUSE, THEN SUBMIT YOUR WEIGHT TAGS AND / OR DONATION RECEIPTS TO THE CITY FOR VERIFICATION. ADDITIONAL INFORMATION MAY BE FOUND AT SOLID WASTE PROGRAM AT (408)535-8550.



NAME OF LEGAL OWNER: CROATIAN FRANCISCAN FATHERS 901 Lincoln Av. San Jose, CA 95125	
ARCHITECT/ ENGINEER: VERKIC STANA, PE Tel: (408)464-3911 1749 Ellen Av. San Jose, CA 95125	
SITE INFORMATION: APN#: 264-05-070, & APN#: 264-05-071	
SITE AREA: (1.09 Ac.)	47559 SQ. FT.
BUILDING INFORMATION:	
EXISTING ONE STORY RETAIL BUILDING TO BE DEMOLISH:	8516 SQ. FT.
NEW FIRST FLOOR:	8556 SQ. FT.
NEW SECOND FLOOR:	8534 SQ. FT.
TOTAL PROPOSED FLOOR AREA:	17090 SQ. FT.
ZONING DISTRICT: CN	
USE AND OCCUPANCY OF BUILDING:	
USE: GENERAL RETAIL	
OCCUPANCY: MARCANTILE GROUP "M"	
SPRINKLERS: REQUIRED	
OCCUPANT LOAD:	
GENERAL RETAIL 17090 SQ.FT. x 0.85 /30 = 484 PERSONS	
PARKING ANALYSE:	
PARKING SPACE REQUIRED:	
1 PER 200 SQ.FT. OF GENERAL FLOOR AREA	
0.85 x 17090 SQ.FT./200 = 73	TOTAL 73 SPACES REQUIRED
PARKING SPACES PROVIDED:	
EXISTING 24 PARKING SPACES ON SAME LOT AND ADDITIONAL NEW 49 PARKING SPACES FROM NEARBY CHURCH (901 LINCOLN AV.) AFTER LOT LINE ADJUSTMENT	TOTAL 73 SPACES PROVIDED
CONSTRUCTION TYPE: V - A	
(REQUIRES FIRE RATED FOR ALL BUILDING ELEMENTS)	
(E) COVERAGE:	
(E) BUILDING FOOTPRINT	8516 SQ. FT.
(E) PARKING	3370 SQ. FT.
(E) DRIVEWAY	8228 SQ. FT.
(E) WALKWAYS	3495 SQ. FT.
(E) COVERED PATIO TO BE DEMOLISH	3503 SQ. FT.
(E) SHED TO BE DEMOLISH	100 SQ. FT.
(E) LANDSCAPE	20347 SQ. FT.
EXISTING COVERAGE: (8516+3370+8228+3495+3503+100)/47559=0.572 = 57.2%	
EXISTING LANDSCAPE: 20347 / 47559 = 0.428 = 42.8%	
(E) FLOOR AREA RATIO: 8516 / 47559 = 0.179	
PROPOSED COVERAGE:	
(N) BUILDING FOOTPRINT	8556 SQ. FT.
(N) DRIVEWAY (PERVIOUS PAVERS)	13889 SQ. FT.
(N) PARKING (PERVIOUS PAVERS)	10225 SQ. FT.
(N) WALKWAY (PERVIOUS PAVERS)	4682 SQ. FT.
(N) LANDSCAPE	10207 SQ. FT.
PROPOSED COVERAGE: (8556 + 13889 + 10225 + 4682) / 47559 = 0.786 = 78.6%	
PROPOSED LANDSCAPE: 10207 / 47559 = 0.215 = 21.5%	
FLOOR AREA RATIO: 17090 / 47559 = 0.362	
(REQUIRES FIRE RATED FOR ALL BUILDING ELEMENTS)	

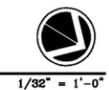
NET SQUARE FOOTAGE OF THE PROPOSED RETAIL BUILDING:

RETAIL #1:	2,256 SQ.FT.
RETAIL #2:	2,622 SQ.FT.
RETAIL #3:	2,763 SQ.FT.
RETAIL #4:	8,424 SQ.FT.
TOTAL NET SQUARE:	FOOTAGE 16065

FIRE SPRINKLER SYSTEM:
BUILDING SHALL BE PROVIDED WITH AN AUTOMATIC FIRE EXTINGUISHING SYSTEM IN ACCORDANCE WITH CFC 903.2 AND SJC 17.12.630. SYSTEMS SERVING MORE THAN 20 HEADS SHALL BE SUPERVISED BY AN APPROVED CENTRAL, PROPRIETARY, OR REMOTE SERVICE TO THE SATISFACTION OF THE FIRE CHIEF.

SECURITY GATE ACCESS:
ALL ACCESS CONTROL VEHICLE SECURITY GATE SHALL BE A MINIMUM OF 20 FEET CLEAR WIDTH AND MAY HAVE A CLEAR WIDTH OF 14 FEET FOR EACH DIRECTION OF TRAVEL WHEN SPLIT BY MEDIAN. GATE SHALL BE RECESSED BEYOND THE TURNING RADIUS REQUIRED BY THE SAN JOSE FIRE DEPARTMENT AND WITHOUT OBSTRUCTION OF ANY MEDIAN ISLAND DIVIDERS. ALL GATE INSTALLING SHALL BE REVIEWED AND APPROVED PRIOR TO CONSTRUCTION. ELECTRIC GATE OPERATORS MUST HAVE UL 325 LISTING AND IT GATE MUST COMPLY WITH ASTM F2200.

LOCK BOXES:
THE PROJECT DEVELOPMENT SHALL PROVIDE LOCK BOXES TO THE SATISFACTION OF THE CHIEF BUILDING OFFICIAL AND FIRE CHIEF.



1/32" = 1'-0"

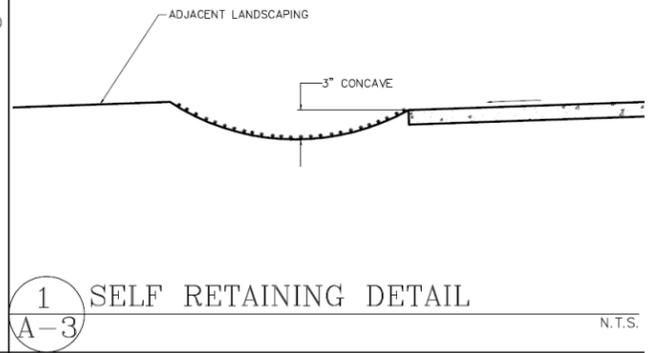
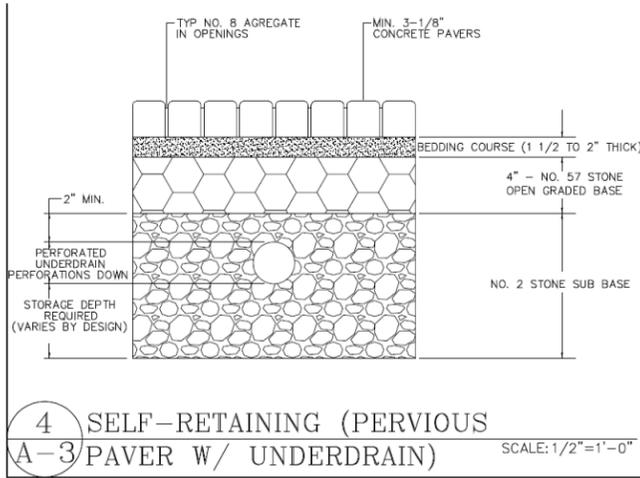
Source: Verkic Engineering, 2015, and MIG 2017

LEGEND

---	PROPERTY LINE
---	EXISTING PROPERTY LINE
---	STORM DRAIN PIPE
---	STORM DRAIN LINE
(E)SD	STORM DRAIN CLEANOUT
●	STORM DRAIN CATCH BASIN
●	SANITARY SEWER CLEANOUT
○	SPOT ELEVATION
(E)SS	EXISTING SANITARY SEWER
SS	PROPOSED SANITARY SEWER
(E)W	EXISTING WATER LINE
(E)GAS	EXISTING GAS LINE
○	EXISTING STREET TREE (MAPLE)
○	NEW ACER MIYABEI "MORTON" (STATE STREET MAPLE)
○	EXISTING PALM TREE

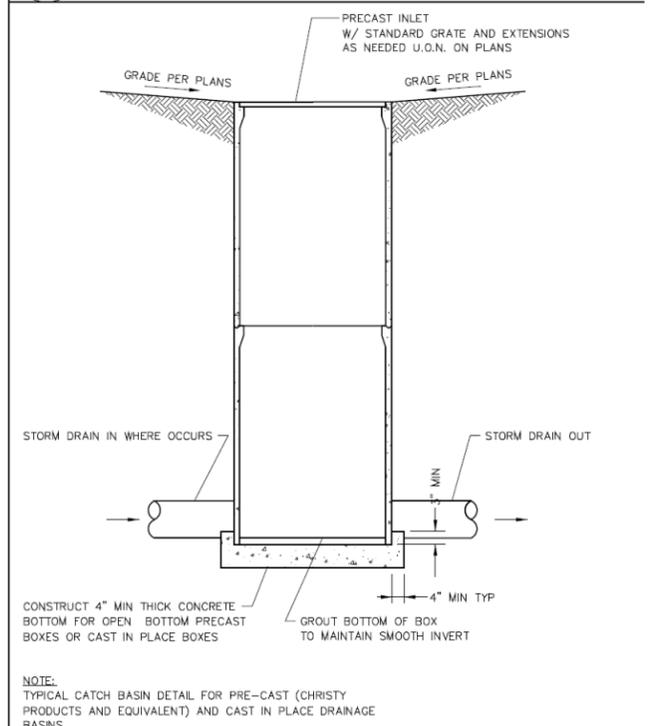
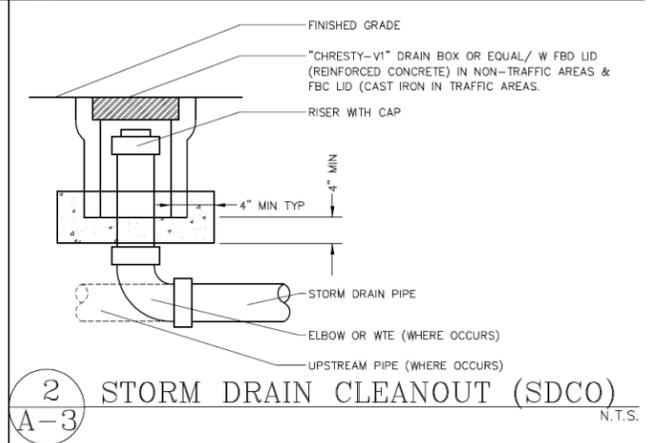
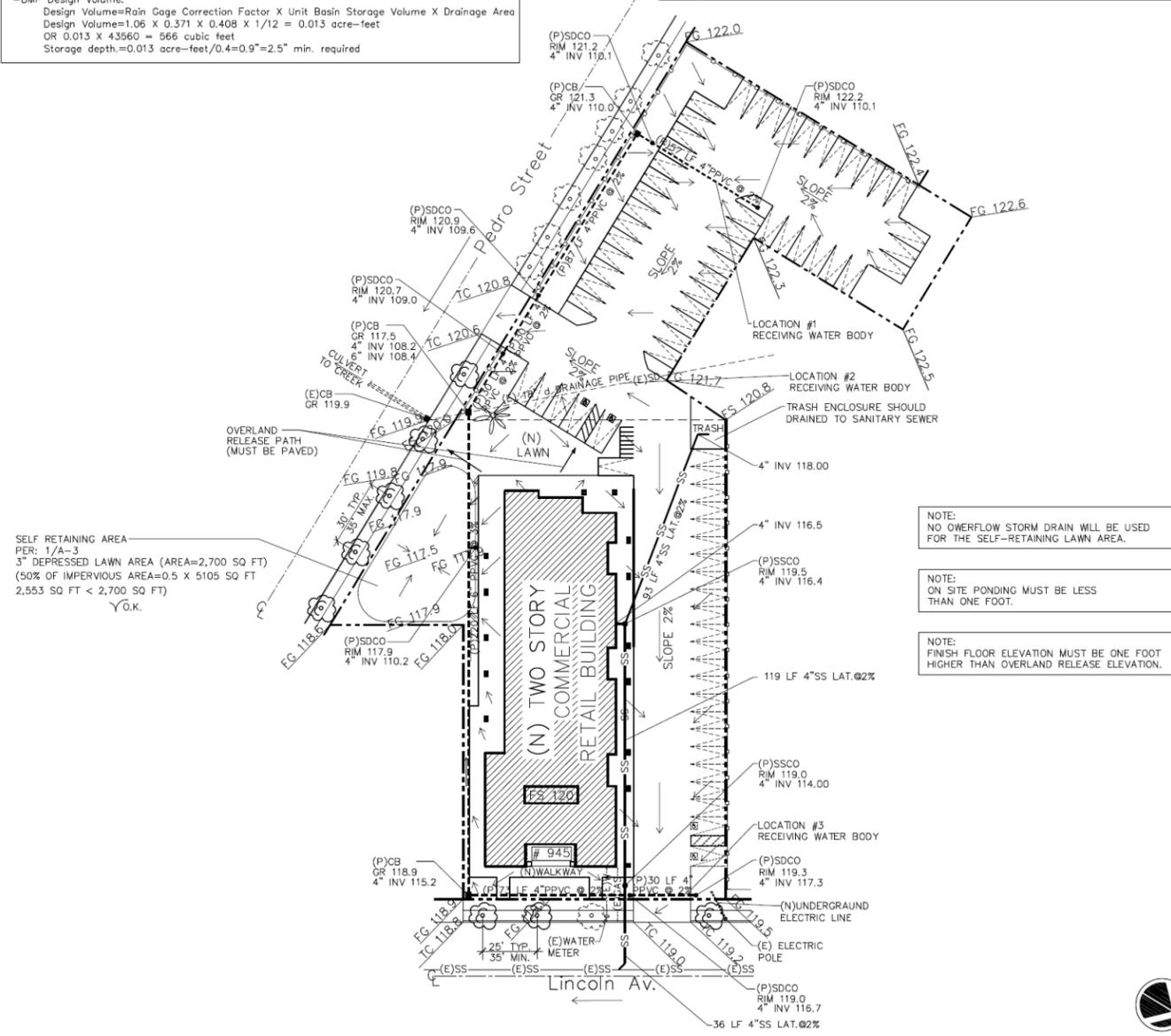
SIZING VOLUME-BASED TREATMENT MEASURES BASED ON THE ADAPTED CASQA STORMWATER BMP HANDBOOK APPROACH FOR SELF-RETAINING AREA SR2

BMP Volume=(Correction Factor)(Unit Storage)(Drainage Area to the BMP)
 -Drainage area for the BMP, A=0.408 acres
 -Percent Imperviousness of the drainage area:
 a. Impervious surface (rooftops) in the area draining to the BMP: 0.1 acres
 b. % impervious area=(amount of impervious area/drainage area for the BMP)x100
 % impervious area=(0.1/0.408)x100=24.5 %
 -Mean Annual Precipitation at the site per Figure B-1.
 MAPsite=14.7 inches
 -Reference Rain Gage Closest to the project site from table B-2b.
 MAPgage=13.9 inches (San Jose Airport)
 -Rain Gage Correction Factor:
 Correction Factor=MAPsite/MAPgage=14.7/13.9=1.06
 -Representative soil type for the BMP drainage area
 a) From site soil data: Clay (D)
 b) The Site planning allow for protection of natural areas and associated vegetation and soils so that the soils outside the building footprint are not graded/compacted.
 -Average slope for the drainage area for the BMP: 2%
 -Unit Base Storage Volume from sizing curves.
 a) Slope <1%
 Per figure "Unit Basin Volume for 80% Capture, 1% Slope" corresponding to the nearest rain gage: Figure B-2 for San Jose.
 Unit Basin Storage for 1% slope (UBS 1%)=0.37 (inches)
 b) Slope >1% and <15%
 Per figure "Unit Basin Volume for 80% Capture, 15% Slope" corresponding to the nearest rain gage: Figure B-5 for San Jose.
 Unit Basin Storage for 1% slope (UBS 15%)=0.39 (inches)
 c) Slope >15% and <15%
 UBS 2% = UBS 1%+(UBS 15%-UBS 1%)(2%-1%)/(15%-1%)
 UBS 2% = 0.37%+(0.39%-0.37%)(2%-1%)/(15%-1%)=0.371 inches
 -BMP Design Volume:
 Design Volume=Rain Gage Correction Factor X Unit Basin Storage Volume X Drainage Area
 Design Volume=1.06 X 0.371 X 0.408 X 1/12 = 0.013 acre-feet
 OR 0.013 X 43560 = 566 cubic feet
 Storage depth=0.013 acre-feet/0.4=0.9"=2.5" min. required



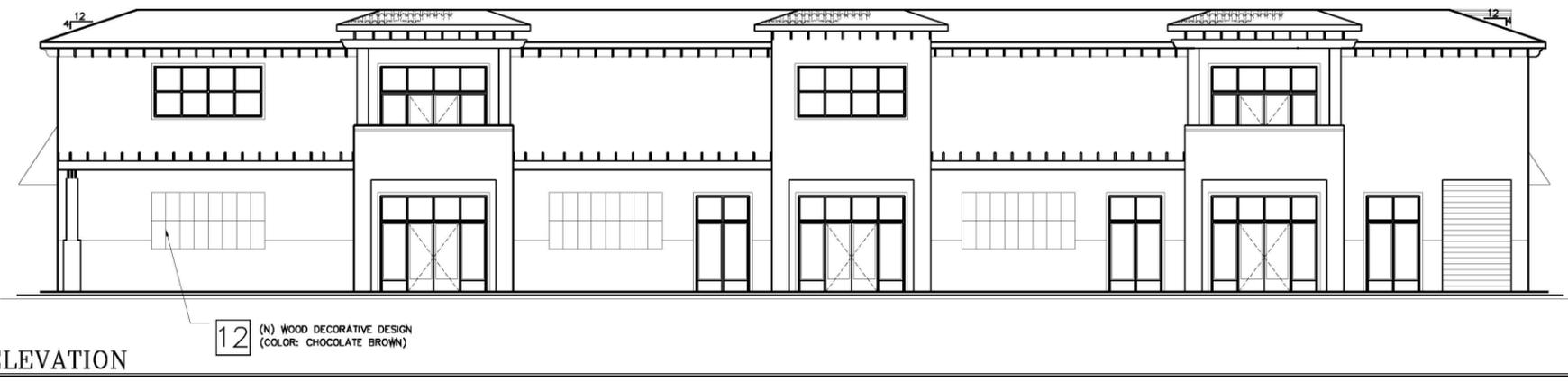
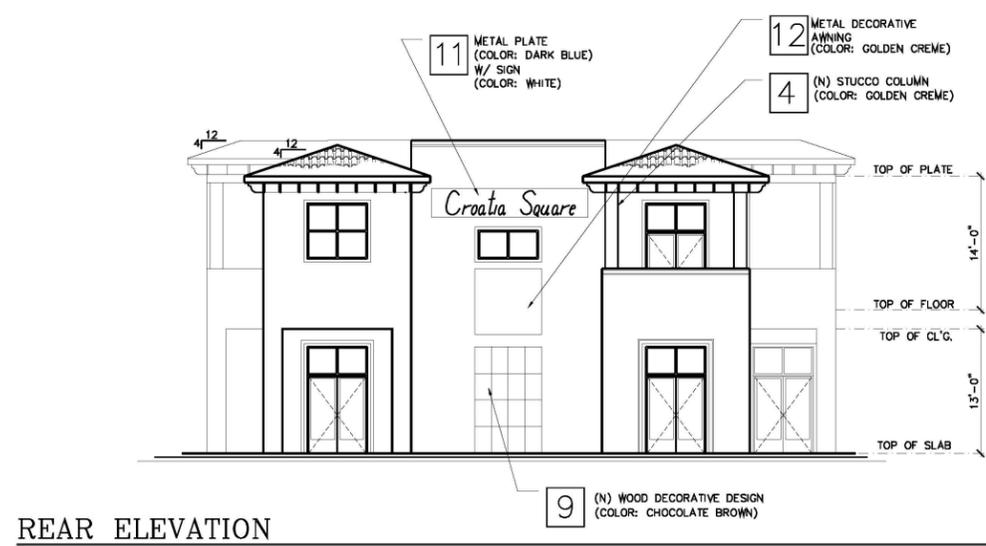
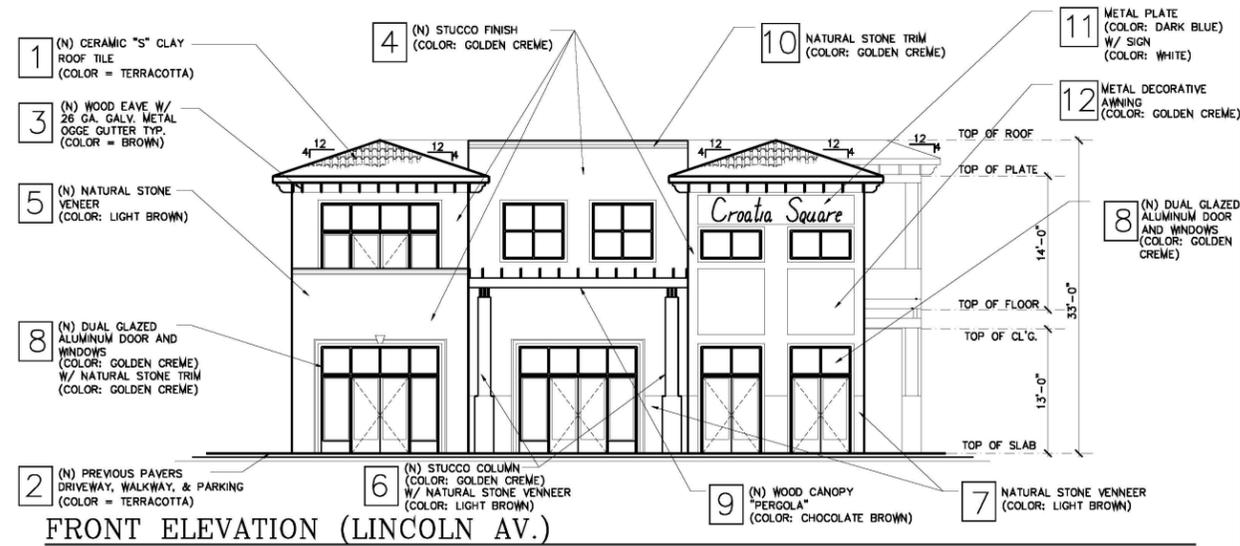
ABBREVIATIONS

CB	CATCH BASIN
(E), EX	EXISTING
FG	FINISH GRADE
FH	FIRE HYDRANT
FT	FOOT, FEET
HT	HEIGHT
IN	INCH
INV	INVERT
LB	POUND
LF	LINEAR FEET
MAX	MAXIMUM
MIN	MINIMUM
(N)	NEW
N.T.S.	NOT TO SCALE
O.C.	ON CENTER
(P)	PROPOSED
P	PAVEMENT
PL	PROPERTY LINE
PSDE	PRIVATE STORM DRAIN EASEMENT
PSDRE	PRIVATE STORM DRAIN REALISED EASEMENT
PR	PROPOSED
PUE	PUBLIC UTILITY EASEMENT
PVMT	PAVEMENT
RIM OR R-	RIM ELEVATION
S%	SLOPE
SD	STORM DRAIN
SDCB	STORM DRAIN CATCH BASIN
SDCO	STORM DRAIN CLEANOUT
SDMH	STORM DRAIN MANHOLE
SS	STORM DRAIN
SSCO	SANITARY SEWER CLEANOUT
STA	STATION
STD	STANDARD
SW	SIDEWALK
TYP	TYPICAL
VERT	VERTICAL
W	WATER
WM	WATER METER
WV	WATER VALVE



Source: Verkic Engineering, 2018

Figure 4
Grading and Drainage Plan

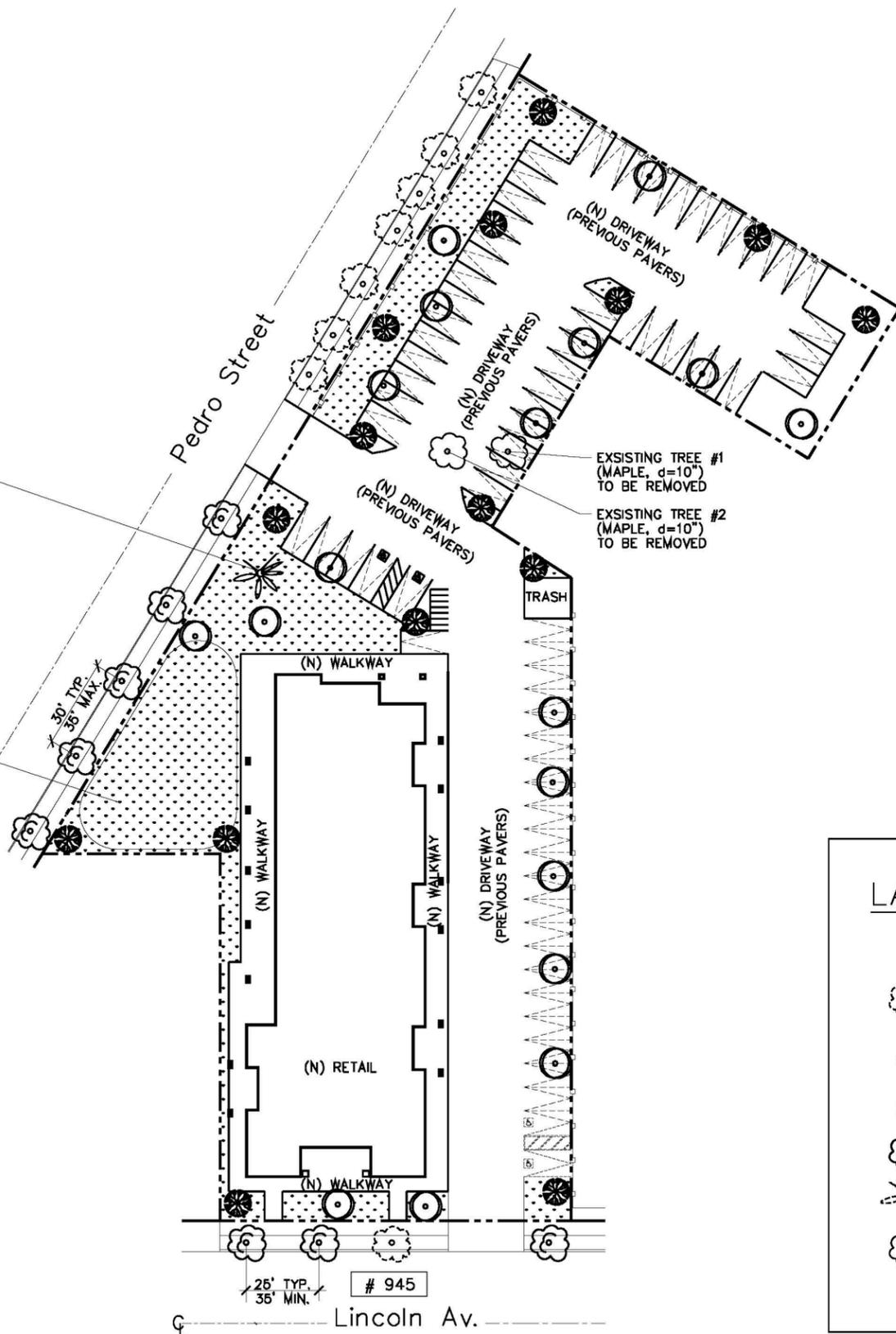


Source: Verkic Engineering, 2015

Figure 5
Building Elevations

SELF RETAINING AREA
 PER: 1/A-3
 3" DEPRESSED LAWN AREA (AREA=2,700 SQ FT)
 (50% OF IMPERVIOUS AREA=0.5 X 5105 SQ FT
 2,553 SQ FT < 2,700 SQ FT)
 Y.O.K.

NOTE:
 INSTALL FENCING TO
 PROTECT EXISTING TREE PER
 TREE PER: 8/S-8



LANDSCAPE LEGEND

- LAWN
- EXISTING STREET TREE (MAPLE)
- NEW QUERCUS RUBRA (RED OAK)
- NEW TILIA TOMENTOSA "STERLING" (STERLING SILVER LINDEN)
- NEW ACER MIYABEI "MORTON" (STATE STREET MAPLE)
- EXISTING PALM TREE
- EXISTING TREE (MAPLE, d=10") TO BE REMOVED

4.0 ENVIRONMENTAL IMPACT ANALYSIS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. Mitigation Measures are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370).

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

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

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss project effects related to City 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 to future residents or in a high noise environment.

4.1 AESTHETICS

4.1.1 Setting

At present, the project site supports a vacant one-story building in a neighborhood zoned for mixed-use residential and commercial uses. It is located within an urbanized area of central San José, south of Interstate 280 along Lincoln Avenue. The property is bordered by Lincoln Avenue and commercial uses to the east, commercial and residential uses to the south, residential to the west and St. Mary of the Assumption Croatian Mission to the north.

The proposed project would demolish the existing building (8,516 sf) and replace it with a two-story structure (17,090 sf), at a maximum height of 33 feet, within the existing building’s footprint. The current floor plan includes four individual retail units within the proposed building, one of the first floor and three on the second floor. The project would include parking facilities and walkways surrounding the new building.

4.1.2 Thresholds of Significance

Thresholds are per the CEQA checklist plus one additional threshold below. In addition to the checklist questions in Appendix G of the CEQA Guidelines, the City also uses an increase of shade on public areas as a threshold of significance.

AESTHETICS - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 5
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 29
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 5
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 26, 27
e) Increase the amount of shading on public open space (e.g. parks, plazas, and/or school yards)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2

4.1.3 Findings

- a) **Less Than Significant Impact.** The project site is located in an urbanized, commercial area in central San José and would not impact any scenic vistas.

- b) **Less Than Significant Impact.** The project site is not located within view of a State-designated scenic route or highway. Additionally, the project's tree removals would be consistent with the City's tree replacement ratios.
- c) **Less Than Significant Impact.** The proposed project would demolish a one-story structure that has been vacant for the past 11 years and rebuild a two-story building within the building footprint. The additional story would increase the height of the building relative to the existing building; however, given the urbanized character of this infill site located along a commercial and mixed-use residential section of Lincoln Avenue, the project would not degrade the existing visual character or quality of the site or its surrounding.
- d) **Less Than Significant Impact.** The proposed project would include exterior building and parking lot lighting. All proposed lighting sources are required to conform to the established policies as listed in the City of San José's Outdoor Lighting Policy 4-3 (2000) and Commercial Design Guidelines (1990), including partially shielded or downward-directed lights to ensure lighting does not spill over onto adjacent residential properties.
- e) **Less Than Significant Impact.** The proposed project would increase the square footage and building height relative to the existing building; however, any shade impacts to neighboring parcels would be minimal. There would be no shade impacts to public open space as there is no public open space adjacent to the project site.

4.2 AGRICULTURE/FORESTRY RESOURCES

4.2.1 Setting

The proposed project is an infill redevelopment project in central San José within a highly urbanized area. There are no agricultural lands on or near the project site.

4.2.2 Thresholds of Significance

The thresholds of significance are per the CEQA Guidelines:

AGRICULTURE AND FORESTRY RESOURCES - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 28
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 5
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 5
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

4.2.3 Findings

a) No Impact. The proposed project is an infill redevelopment project on designated Urban and Built-Up Land, as listed in the Santa Clara County Important Farmland Inventory (2010). The site does not contain any prime farmland, unique farmland, or farmland of statewide importance.

b) No Impact. The proposed project is an infill redevelopment project and is not zoned for agricultural use. The site does not conflict with any zoning for agricultural use or contain lands under a Williamson Act contract.

- c) **No Impact.** The proposed project is an infill redevelopment project and does not contain any forest land as defined in Public Resources Code section 4526, or timberland zoned Timberland Production as defined by Government Code section 51104(g).
- d) **No Impact.** As per the discussion above in questions a-c, the project would not involve changes in the existing environment that could result in the loss or conversion of forest land, since none are present on this infill property.
- e) **No Impact.** As per the discussion above in questions a-c, the project would not involve changes in the existing environment that could result in conversion of farmland or agricultural land, since none are present on this infill property.

4.3 AIR QUALITY

This section provides a review of the air emissions associated with the project, discusses environmental regulations that are applicable to the project, and evaluates emissions relative to the CEQA Significance Thresholds established by the Bay Area Air Quality Management District (BAAQMD). The following discussion is based in part on an Air Quality and Greenhouse Gas Emissions Estimates prepared by MIG (formerly TRA Environmental Sciences) in May 2014, included as Appendix A of this Initial Study. The 2014 Emissions Estimates were reviewed in January 2018; and it was determined that the 2014 emissions estimates remain valid and new 2018 modeling would not generate significantly different results that would alter the impact analysis.

4.3.1 Setting

Air quality is a function of pollutant emissions and topographic and meteorological influences. The physical features and atmospheric conditions of a landscape interact to affect the movement and dispersion of pollutants and determine its air quality.

4.3.1.1 Environmental Setting

The project site is located within the San Francisco Bay Area Air Basin (SFBAAB). The SFBAAB is a California Air Resources Board (CARB) defined management area covering all of Alameda, Contra Costa, Marin Napa, Santa Clara, San Mateo, and San Francisco counties, and portions of Solano and Sonoma County. The topography and meteorology of the SFBAAB are characterized by the coast mountain ranges and the seasonal migration of the Pacific high-pressure cell. The City of San José is in the southern portion of the SFBAAB, within the Santa Clara Valley. Wind patterns in the Santa Clara Valley are influenced by terrain, resulting in a prevailing wind flow that is generally parallel to the valley's northwest-southeast orientation. During the day time, winds generally flow from the ocean into the Bay Area and southward into the Santa Clara Valley, while at night winds generally flow northward out of the valley (BAAQMD 2017).

Existing Conditions and Emissions Estimates

The project site has been vacant for the past 11 years and does not contain any sources of air pollutants, such as direct or indirect stationary, mobile, or area-wide sources of pollutants¹.

¹ Man-made sources of pollutants are generally categorized by ownership or control (direct vs. indirect sources) and source type (stationary, mobile, or area-wide). The term "stationary source" generally refers to either discrete process operating equipment (e.g., a stack, a boiler, a hopper) or a specific type of facility (e.g., laundering, printing). The term mobile sources refers to automobiles, trucks, and other vehicles intended for "on-road" travel and other self-propelled machines such as construction equipment, boats, and all-terrain vehicles intended for "off-road" travel. The term "area-wide" sources refers to sources that individually emit small amounts of pollutants but are widely distributed and commonly operated (e.g., landscaping equipment, residential and small commercial heaters, consumer products such as cleaners and fertilizers). The degree to which the facility or operator owns and control such sources determines whether the source is a direct or indirect air pollutant source. Direct sources of emissions are sources that are owned or controlled by the facility such as process equipment and company-owned

Project Conditions and Emission Estimates

The proposed project would primarily produce air pollutants from employee and customer vehicle trips and the operation and use of small, area-wide sources such as landscaping equipment, architectural coating off-gassing, consumer products use (e.g., window cleaners), and natural gas combustion for water and space heating purposes. With the exception of water and space heating equipment, the project would not produce air pollutants from the operation of stationary or other industrial process-related equipment, such as a dryer.

Sensitive Receptors

Sensitive air quality receptors refer to specific subsets of the general population that are susceptible to poor air quality and the potential adverse health effects associated with poor air quality. In general, children, senior citizens, and individuals with pre-existing health issues, such as asthmatics, are considered sensitive receptors. Both CARB and the BAAQMD consider schools, schoolyards, parks and playgrounds, daycare facilities, nursing homes, hospitals, and residential areas as sensitive air quality land uses and receptors (BAAQMD 2017, CARB 2005).

The project site, 945 Lincoln Avenue, is bordered by several sensitive land uses and receptors. Sensitive receptors in immediate proximity (i.e., within 50 feet) of the site include the Saint Mary of the Assumption Croatian Mission church (901 Lincoln Avenue), which borders the site to the northwest, and a second-story apartment (955 Lincoln Avenue), which is located on the adjacent commercial property to the southeast. Additional receptors within 1,000 feet of the property site include residences on Ramona Court and Ramona Avenue (to the northeast, east, and southeast), Glenn Eyrie Avenue (to the south), and Pedro Street, Northrup Street, and Paula Street (to the southwest, west, and northwest). There are no schools or hospitals within 1,000 feet of the project site.

4.3.1.2 Regulatory Setting

The federal and state governments have established ambient air quality standards for “criteria” pollutants considered harmful to the environment and public health. National Ambient Air Quality Standards (NAAQS) have been established for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone (O₃), “fine” particulate matter (particles 2.5 microns in diameter and smaller, or PM_{2.5}), “inhalable coarse” particulate matter (particles between 2.5 and 10 microns in diameter, or PM₁₀), and sulfur dioxide (SO₂). California Ambient Air Quality Standards (CAAQS) are more stringent than the national standards and include the following additional pollutants: hydrogen sulfide (H₂S), sulfates (SO_x), and vinyl chloride. In addition to these criteria pollutants, the federal and state governments have classified certain pollutants as hazardous air pollutants (HAPs) or toxic air contaminants (TACs), including diesel particulate matter, or DPM, which is recognized by CARB as a TAC.

vehicles. Indirect sources of emissions are sources that are not owned or controlled by the facility, such as employee-owned vehicles and emissions associated with the materials and energy used delivered to the site.

The SFBAAB is an area of non-attainment for national and state ozone, state PM₁₀, and national and state PM_{2.5} air quality standards (BAAQMD 2017a and USEPA 2018).

The BAAQMD (or the Air District) is responsible for maintaining air quality and regulating emissions of criteria and toxic air pollutants within the SFBAAB. The BAAQMD carries out this responsibility by preparing, adopting, and implementing plans, regulations, and rules that are designed to achieve attainment of state and national air quality standards. The BAAQMD currently has 13 regulations containing more than 100 rules that control and limit emissions from different sources of air pollutants; none of these rules apply to the proposed project's emission sources (i.e., employee vehicles, landscaping equipment, water and space heating equipment). Regulation 2, Permits, Rule 1, General Requirements, exempts vehicles (Section 2-1-113.1.3), boilers and heaters with less than 10 million British thermal unit (BTU) hourly rated heat input if fired exclusively with natural gas (Section 2-1-114.1.2), and internal combustion engines with maximum output rating less than or equal to 50 horsepower (Section 2-1-114.2.1) from the BAAQMD's Authority to Construct and Permit to Operate requirements. Demolition activities performed during project construction, however, would be subject to BAAQMD Regulation 11, Hazardous Pollutants, Rule 2, Asbestos Demolition, Renovation, and Manufacturing. This rule requires the applicant to survey for the presence of asbestos containing materials, to notify the BAAQMD 10-days in advance of demolition activities (even if no regulated asbestos containing material is present), and to take steps to prevent and properly dispose of asbestos containing material.

On April 29, 2017, the BAAQMD adopted its Spare the Air-Cool the Climate 2017 Clean Air Plan. The 2017 Clean Air Plan updates the most recent Bay Area ozone plan, the 2010 Clean Air Plan, in fulfillment of state ozone planning requirements. Over the next 35 years, the Plan will focus on the three following goals:

- Attain all state and national quality standards;
- Eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and
- Reduce Bay Area GHG Emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050.

The Plan includes 85 distinct control measures to help reduce regional reduce air pollutants and has a long-term strategic vision which forecasts what a clean air Bay Area will look like in the year 2050. The control measures aggressively target the largest source of GHG, ozone pollutants, and particulate matter emissions – transportation. The 2017 Plan includes more incentives for electric vehicle infrastructure, off-road electrification projects such as Caltrain and shore power at ports, and reducing emissions from trucks, school buses, marine vessels, locomotives and off-road equipment (BAAQMD 2017b).

San José Envision 2040 General Plan Policies

- 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 feasible air emission reduction measures.

- MS-10.2 Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
- MS-10.4 Encourage effective regulation of mobile and stationary sources of air pollution, both inside and outside of San José. In particular, support Federal and State regulations to improve automobile emission controls.
- 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.

4.3.2 Thresholds of Significance

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José, and other jurisdictions in the San Francisco Bay Area Air Basin, often utilize the thresholds and methodology for assessing air emissions and/or health effects adopted by the BAAQMD based upon the scientific and other factual data prepared by BAAQMD in developing those thresholds. Thresholds prepared and adopted by BAAQMD in May 2011 were the subject of a lawsuit by the California Building Industry Association and a subsequent appeal by BAAQMD. The Appellate Court decision on August 13, 2013 upheld the threshold adoption process as valid.

Subsequently, the Appellate Court's decision was appealed to the California Supreme Court, which granted limited review. In an opinion issued in December 2016, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards. The Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The Supreme Court also held that public agencies remain free to conduct this analysis regardless of whether it is required by CEQA.

The determination of whether a project may have a significant effect on the environment is subject to the discretion of each lead agency, based upon substantial evidence. The City has carefully considered the thresholds prepared by BAAQMD in May 2011 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin.

AIR QUALITY - - Would the activity:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 8, 9, 10, 11, 12, 18, 22
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 8, 9, 10, 11, 12, 13, 18, 22
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 8, 9, 10, 11, 12, 13, 18, 22
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 8, 9, 10, 11, 12, 13, 18, 22
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 8, 9, 10, 11, 12, 13, 18, 22

4.3.3 Findings

a) **Less Than Significant Impact.** Chapter 5 of the 2017 Clean Air Plan contains the BAAQMD’s strategy for achieving the plan’s climate and air quality goals. This control strategy is the backbone of the 2017 Clean Air Plan. It identifies 85 distinct control measures designed to:

- Reduce ozone precursors, in order to fulfill California Health & Safety Code ozone planning requirements;
- Protect public health by reducing emissions of ozone precursors, PM, and TACs; and
- Serve as a regional climate protection strategy by reducing emissions of GHG across the full range of economic sectors

The 85 control strategies identified in the 2017 Clean Air plan are grouped by nine economic-based “sectors” as shown in Table 4-1, below².

Table 4-1 BAAQMD 2017 Clean Air Plan Control Measure Sectors		
Sector	No. of Measures	General Description of Sector Applicability
Agriculture (AG)	4	Applies to sources of air pollution from agricultural operations include on and off-road trucks and farming equipment, aircraft for crop spraying, animal waste, pesticide and fertilizer use, crop residue burning, travel on unpaved roads, and soil tillage.
Buildings (BL)	4	Applies to residential, commercial, governmental and institutional buildings, which generate emissions through energy use for heating, cooling, and operating the building, and from the materials used in building construction and maintenance
Energy (EN)	2	Applies to emissions of criteria pollutants, TACs, and GHGs from electricity generated and used within the Bay area, as well as GHG emissions from electricity generated outside the Bay area that is imported and used within the region
Natural and Working Lands (NW)	3	Applies to emissions from natural and working lands, including forests, woodlands, shrub lands, grasslands, rangelands, and wetlands.
Stationary Sources (SS)	40	Applies to stationary sources generally used in commercial and industrial facilities. Such sources are typically regulated through BAAQMD rulemaking, permitting, and enforcement programs
Super GHGs (SL)	3	Applies to emissions of methane, black carbon, and fluorinated gases
Transportation (TR)	23	Applies to on-road motor vehicles such as light-duty automobiles or heavy-duty trucks, as well as off-road vehicles, including airplanes, locomotives, ships and boats, and off-road equipment such as airport ground-support equipment, construction equipment and farm equipment.
Waste (WA)	4	Applies to emissions from landfills and composting activities.
Water (WR)	2	Applies to direct emissions from the treatment of water and wastewater at publicly owned treatment works and indirect emissions associated with the energy used to pump, convey, recycle, and treat water and wastewater throughout the Bay

² The BAAQMD 2017 Clean Air Plan use the same economic sectors contained in CARB’s Scoping Plan.

Of the nine economic sectors, only three contain control measures that are relevant to the proposed Project; most of these control strategies either do not directly apply to the project (e.g., stationary source measures) or are implemented at the local and regional level by municipal government and the BAAQMD. Table 4-2 lists the measures from the 2017 Clean Air Plan the Applicant has incorporated into the project.

Table 4-2 Project Consistency with BAAQMD 2017 Clean Air Plan	
2017 Clean Air Plan Control Strategy	Project Consistency
<u>Stationary Source Measures</u>	
38 – Fugitive Dust	The Applicant would implement BAAQMD-recommended fugitive dust control measures to abate dust from project construction activities.
<u>Transportation Control Measures</u>	
2- Trip Reduction Program 9- Bicycle Access and Pedestrian Facilities 12- Smart Driving	The Applicant will provide information to tenants on programs available to help reduce single occupancy vehicle trips (e.g. 511 Rideshare) and promote use of alternative modes of transportation (e.g., bicycle, carpool, transit). The Applicant will also install bicycle racks or other designated bicycle storage areas into the project design
<u>Building Sector Measures</u>	
1 – Green Buildings	The Applicant would comply with the City’s GHG reduction strategy, including energy efficiency requirements for new buildings.
<u>Natural and Working Land Measure</u>	
2 – Urban Tree Planting	The Applicant’s landscaping plan includes trees, which will help offset urban heat island effects.

The project supports the primary goals of the Clean Air Plan in that it does not exceed the BAAQMD thresholds for operational air pollutant emissions and is infill development that provides users of the site with access to bicycle facilities and transit (which will reduce vehicle trips). It also incorporates energy efficiency measures as a part of project design. The project is generally consistent with the Clean Air Plan and,

therefore, would not result in a significant impact related to consistency with the 2017 CAP.

- b) **Less than Significant Impact.** The proposed activity would generate short-term construction and long-term operational emissions from construction equipment operations, vehicle trips, water and space heating, and landscaping equipment; however, as described below, project construction and operation would be consistent with all BAAQMD CEQA Guidelines screening criteria and would therefore not violate air quality standards, contribute to an air quality violation, or result in a significant air quality impact from project construction and operation emissions.

Short-Term Construction Emissions

Project construction would occur over an approximately 12-month period beginning in summer 2018. Construction would include demolition (approximately 8,500 square feet), building construction (approximately 17,000 square feet), and paving and grading operations. Grading would be balanced on-site; the applicant would not import or export substantial amounts of soil or other material to or from the site (estimated to be less than 1,000 cubic yards). The proposed buildings would be pre-fabricated and pre-coated and would not require extensive building, coating, or infrastructure construction activities. Project utilities would connect to existing utility infrastructure on-site.

Table 4-3 compares the proposed project against the BAAQMD’s construction screening criteria for a “general office building” land use.

Table 4-3 Project Consistency with BAAQMD Construction Screening Criteria^(A)		
Criterion	Requirement	Project Consistency
1) Land Use Type and Size	Project is below the “General Office Building” construction screening size of 277,000 square feet. ^(B)	The proposed building size (17,000 square feet) is less than 277,000 square feet.
2) Basic Construction Measures	Project design and implementation includes all BAAQMD “Basic Construction Mitigation Measures”	The applicant will include all BAAQMD “Basic Construction Mitigation Measures” and three BAAQMD “Additional Construction Mitigation Measures” (see standard project conditions below) into all project-related bid, contract, engineering, and site plan documents (e.g., construction drawings).

Table 4-3 Project Consistency with BAAQMD Construction Screening Criteria^(A)		
Criterion	Requirement	Project Consistency
3) Demolition	Demolition activities are consistent with BAAQMD Regulation 11, Rule 2: Asbestos Demolition, Renovation, and Manufacturing	The applicant shall comply with this regulation. The applicant will include compliance with this regulation in all project-related bid, contract, engineering, and site plan documents (e.g., construction drawings).
4) Construction Phases	Construction does not include simultaneous occurrence of more than two construction phases (e.g., grading, paving, and building construction would occur simultaneously)	The project does not include simultaneous occurrence of more than two construction phases. The applicant will include this restriction on all project-related bid, contract, engineering, and site plan documents (e.g., construction drawings).
5) Multiple Land Uses	Construction does not include simultaneous construction of more than one land use type	The project consists of a single land use type (general office building)
6) Site Preparation	Construction does not require extensive site preparation (based on the URBEMIS default grading estimate of 0.78 acres total / 0.3 acres maximum per day) ^(C)	The total area to be disturbed (1.09 acres) is greater than the URBEMIS Default assumption; however, the maximum daily grading would not exceed 0.3 acres and the project is site is flat and largely developed.
7) Material Transport	Construction does not require extensive material transport and considerable haul truck activity (greater than 10,000 cubic yards)	The project would result in less than 1,000 cubic yards of material transport.
<p>Table prepared by MIG (formerly TRA Environmental Sciences) using the following sources of information: BAAQMD 1998, BAAQMD 2011, URBEMIS2007 Version 9.2.4 (A) BAAQMD Screening Criteria from pg. 31 of BAAQMD CEQA Guidelines (BAAQMD 2011) (B) Construction screening level size from Table 3-1 of BAAQMD CEQA Guidelines (BAAQMD 2011) (C) Default and maximum site preparation estimate for 17,000 square feet of general office building derived using URBEMIS2007 Version 9.2.4</p>		

The BAAQMD *CEQA Guidelines* recommend a series of “Basic” and “Additional” measures to manage short-term construction emissions. For all projects, the BAAQMD recommends implementation of eight “Basic Construction Mitigation Measures” (BAAQMD 2011, pg. 8-3) to reduce construction emissions. These basic measures are also used to meet the Air District’s best management practices (BMPs) threshold of significance for construction fugitive dust emissions (i.e., the implementation of all basic construction measures renders fugitive dust impacts a less than significant impact). For project’s that exceed BAAQMD recommended CEQA significance thresholds, the BAAQMD recommends the implementation of up to 13 “Additional Construction Mitigation Measures” to reduce potential construction emission impacts to less than significant levels (BAAQMD 2011, pg. 8-4).

As shown in Table 4-3, the proposed project is below the BAAQMD’s construction screening size for “general office building” land use types, is consistent with all other BAAQMD screening criteria, and includes all eight BAAQMD-recommended basic construction BMPs. Three additional BAAQMD recommended construction BMPs are identified that would further reduce the project’s potential construction emissions; however, these measures are not mandatory to avoid or reduce a potentially significant impact. The Applicant will include all these construction BMPs on all project-related bid, contract, engineering, and site plan documents (e.g., construction drawings). In addition, the proposed Site Development Permit will include these BMPs incorporated into the project as standard project conditions to ensure implementation. The project, therefore, would result in a less than significant air quality impact from construction emissions.

Standard Project Conditions

- Water all exposed surfaces (e.g., staging areas, soil piles, graded areas, and unpaved access roads) two times per day during construction and adequately wet demolition surfaces to limit visible dust emissions.
- Cover all haul trucks transporting soil, sand, or other loose materials off the project site.
- Use wet power vacuum street sweepers at least once per day to remove all visible mud or dirt track-out onto adjacent public roads (dry power sweeping is prohibited) during construction of the propose project.
- Vehicle speeds on unpaved roads/areas shall not exceed 15 miles per hour.
- Complete all areas to be paved as soon as possible and lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Minimize idling time of diesel powered construction equipment to two minutes and post signs reminding workers of this idling restriction at access points and equipment staging areas during construction of the proposed project.

- Maintain and properly tune all construction equipment in accordance with manufacturer's specifications and have a CARB-certified visible emissions evaluator check equipment prior to use at the site.
- Post a publicly visible sign with the name and telephone number of the construction contractor and City of San José Code Enforcement contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The publicly visible sign shall also include the contact phone number for the Bay Area Air Quality Management District to ensure compliance with applicable regulations.
- All excavation, grading, and / or demolition activities shall be suspended when average hourly wind speeds exceed 20 miles per hour.
- Wind breaks (e.g., fences, screens) with a maximum 50 percent air porosity shall be installed on the windward sides of actively disturbed construction areas, including between the project site and adjacent properties.
- Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

Long-Term Operational Emissions

The proposed project size (17,000 square feet) is below the BAAQMD's operational screening size for "general office building" land use types of 346,000 square feet. The proposed project also would not exceed BAAQMD screening criteria for carbon monoxide because the project will not create a significant traffic impact or conflict with the congestion management program (see Section 3.5), nor increase traffic volumes at nearby intersections to more than 44,000 vehicles per hour.

The BAAQMD's *CEQA Air Quality Guidelines* state that project's that are below this screening criteria size would result in a less than significant air quality impact from operational emissions.

- c) **Less than Significant Impact.** As discussed in a) and b) above, and d) below, the project would not result in construction or operational emissions that exceed BAAQMD thresholds of significance. In developing its CEQA significance thresholds, the BAAQMD considered the emission levels at which a project's individual emissions would be cumulatively considerable. The BAAQMD considers projects that result in emissions that exceed its CEQA significance thresholds to result in individual impacts that are cumulatively considerable and significant. Since the proposed project would not exceed any BAAQMD CEQA significance thresholds, the project would result in less than significant cumulative air quality impacts.
- d) **Less than Significant Impact.** The proposed project would replace a dilapidated and vacant structure with new commercial facilities. The project has the potential to emit TACs during construction; however, as discussed above, the risks and hazards from

project TACs would be less than significant. The proposed project, when in operation, is not a sensitive land use and would not result in the placement of new sensitive receptors near sources of TAC, such as highways or stationary sources of equipment. The project, therefore, would have no effect on the placement of sensitive receptors near TAC emissions sources.

Risks and Hazards to Existing Receptors

Project-related construction activities would emit PM_{2.5} and PM₁₀ from equipment exhaust. Nearly all the project's PM_{2.5} emissions from equipment exhaust would be diesel particulate matter (diesel PM), a TAC; however, the project would not generate significant, sustained pollutant concentrations at sensitive receptor locations. The project's size is well below the BAAQMD's screening criteria, would not result in substantial haul truck traffic or extensive site preparation activities, and the project applicant would implement BAAQMD recommended construction BMPs to reduce construction emissions as outlined in b) above. In addition, the project applicant would comply with BAAQMD Regulation 11, Rule 2, which would reduce potential impacts from demolition. The project, therefore, would not expose sensitive receptors to substantial pollutant concentrations on an individual or cumulative basis.

- e) **Less than Significant Impact.** Vehicle emissions, paving, and the use of common materials (paints, bonding agents, etc.) during project construction could cause intermittent odors. Project construction is short-term and temporary in nature and these typical construction odors are not considered significant. Once construction is completed, the project operations would generate objectionable odors.

4.4 BIOLOGICAL RESOURCES

4.4.1 Setting

4.4.1.1 Environmental Setting

The proposed project is a commercial redevelopment project on a mostly paved lot within central San José. The project site and surrounding areas are located in urbanized areas of central San José. Vegetation on the site is limited to ruderal vegetation and some trees. No trees are proposed to be removed as a result of the project.

The project site may provide habitat for wildlife species associated with urban areas. Landscaped areas may provide food and cover for wildlife adapted to this environment, including birds such as house finch, mourning dove, house sparrow, and Brewer's blackbird. Urban landscape areas may also provide habitat for small mammals such as mice. The project site has, in general, a low value for wildlife, due to the disturbed nature of the property and limited natural habitat, however the existing vacant building could be used as roosting habitat for bats.

4.4.1.2 Regulatory Setting

In addition to CEQA, other federal and state laws apply to the biological resources identified in this report. Each of these laws is identified and discussed below.

The Migratory Bird Treaty Act of 1918 (MBTA)

Under the MBTA, it is unlawful to “pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not.” In short, under the MBTA it is illegal to disturb a nest that is in active use, since this could result in killing a bird or destroying an egg. The United States Fish and Wildlife Service oversees implementation of the MBTA.

Endangered Species Act (ESA)

The federal Endangered Species Act (ESA) of 1973 (16 USC §§ 1531 et seq.) protects fish and wildlife species that are listed as threatened or endangered, and their habitats. “Endangered” refers to species, subspecies, or distinct population segments that are in danger of extinction in all or a significant portion of their range. “Threatened” refers to species, subspecies, or distinct population segments that are considered likely to become endangered in the future.

The ESA prohibits “take” of any fish or wildlife species listed under the ESA as endangered or threatened. “Take” is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting a federally endangered or threatened species, or attempting to engage in such conduct. Take may also include habitat modification that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. The ESA also prohibits removing, digging up, cutting, or maliciously damaging or destroying federally listed plants on federal land.

California Endangered Species Act (CESA)

Provisions of CESA protect state-listed threatened and endangered species. The Fish and Wildlife Commission is charged with establishing a list of endangered and threatened species. The California Department of Fish and Wildlife (CDFW) regulates activities that may result in “take” of individuals (i.e., “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”). Habitat degradation or modification is not expressly included in the definition of “take” under the California Fish and Game Code, but CDFW has interpreted “take” to include the killing of a member of a species which is the proximate result of habitat modification.

California Fish and Game Code Section 3503 and 3503.5

Pursuant to California Fish and Game Code Section 3503, it is unlawful to “take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” Section 3503.5 provides similar protection specifically to raptors and their nests. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “taking” by CDFW.

California Fish and Game Code Section 4150

Pursuant to Fish and Game Code Section 4150, “[a]ll mammals occurring naturally in California which are not game mammals, fully protected mammals, or fur-bearing mammals, are nongame mammals. Nongame mammals or parts thereof may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission.”

Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Conservation Plan (HCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The HCP has been approved by the local partners, and has been effective since October 14, 2013.

The project site and immediate surroundings are entirely within the Urban-Suburban land cover type. Urban-Suburban land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as one or more structures per 2.5 acres. Vegetation found in the Urban-Suburban land cover type is usually in the form of landscaped residences, planted street trees, and parklands. The project site is also within the Urban Area equal to or greater than 2 acres covered and Fee Zone C (vacant sites over 10 acres) areas.

Envision San José 2040 General Plan Policies

The following policies from the 2040 General Plan apply to the project:

- 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.
- MS-21.5 As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
- MS-21.6 As a condition of new development, require 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.
- ER-5.1 Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
- ER-5.2 Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

4.4.2 Thresholds of Significance

The thresholds of significance are per the CEQA Guidelines:

BIOLOGICAL RESOURCES - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 35, 36
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game of U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 35
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

BIOLOGICAL RESOURCES - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 35, 36
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 8
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 8, 35

4.4.3 Findings

- a) **Less Than Significant Impact with Mitigation.** The project is located within an urban area and is surrounded by residential dwellings and commercial businesses with a low potential to support special status species. The project would not interfere with habitat of any species listed on Special Animal List of California Department of Fish and Wildlife (CDFW). The project site is not suitable habitat for any species designated as Species of Special Concern by CDFW or listed as endangered species by US Fish and Wild Life Service. Two non-ordinance sized maple trees, that are 10 inches in diameter, are proposed for removal by the project. No other trees will be removed, and the existing acacia trees and palm tree will continue to provide habitat for any species currently in the area. The project shall include the following mitigation measure to protect nesting birds during construction.

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.

Mitigation Measure BIO-1.1: To avoid disturbance of nesting and special-status birds, the project applicant shall schedule ground disturbance activities related to the project, including, but not limited to, vegetation removal, ground disturbance, construction, and demolition to occur outside of the bird 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).

Mitigation Measure BIO-1.2: 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 biologist or ornithologist to ensure that no nests shall be disturbed during project

implementation. The pre-construction nesting bird survey shall be conducted within the project boundary, including a 300-foot buffer (500-foot for raptors), on foot. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in the area. The pre-construction 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).

If active nests are found, the qualified biologist or ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), 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 will not be disturbed during project construction (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site). The buffer zone shall be demarcated by the qualified biologist or ornithologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and shall be instructed to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within the buffer zone until the qualified biologist or ornithologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer zone shall occur only at the discretion of the qualified biologist.

Prior to the issuance of any demolition or grading permits, the project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the Supervising Environmental Planner of the San José Department of Planning, Building and Code Enforcement.

- b) **Less Than Significant Impact.** No aquatic, wetland or riparian habitat occurs at the proposed project site. The project is approximately 165 feet from the edge of the creek riparian vegetation along Los Gatos Creek and is separated from the creek corridor by existing development and a roadway.
- c) **No Impact.** There are no federally protected wetlands as defined by Section 404 of the Clean Water Act including marsh, vernal pool, or coastal habitat at or in the vicinity of the project site. The project is in an urban developed area of San José.
- d) **Less Than Significant Impact.** The proposed project is an urban infill site with existing fencing and surrounded by other urban developments and would not significantly impede the movement of wildlife, cause habitat fragmentation, or block a wildlife corridor.
- e) **Less Than Significant Impact.** No trees would be removed as part of the proposed project. The project will not conflict with any local policies or ordinances protecting biological resources. The site does not contain any heritage trees.

- f) Less Than Significant Impact.** The project site is located within the boundaries of the Santa Clara Valley HCP in an area designated as Urban-Suburban. The proposed project would disturb 1.09 acres. The project site is not located within a mapped HCP Wildlife Survey or Plant Survey Area.

Compliance with the HCP through the standard project conditions below, would reduce impacts to less than significant.

Standard Project Conditions

- The project is subject to applicable the HCP conditions (e.g. Condition 17) and fees (including the nitrogen deposition fee) prior to issuance of any grading permit. The project applicant shall submit a Santa Clara Valley Habitat Plan Coverage Screening Form to the Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement for review and will complete subsequent forms, reports, and/or studies as needed.

4.5 CULTURAL & TRIBAL CULTURAL RESOURCES

4.5.1 Environmental Setting

The land surrounding the project site is in the traditional territory of the Ohlone (or Costanoans as they were known by the Spanish) Native American Tribe. The Ohlone lived in tribelets or nations that were dialect distinct from each other, autonomous, and territorially separated from each other. Each tribelet consisted of one or more permanent villages, with various seasonal temporary encampments located throughout their territory for the gathering of raw material resources, hunting and fishing. The Ohlone lived in extended family units in domed dwellings constructed from tule, grass, wild alfalfa, and ferns. The subsistence practices included the consumption of plant resources such as acorns, buckeyes, and seeds that were supplemented with the hunting of elk, deer, grizzly bear, mountain lions, sea lions, whales, and waterfowl. The Costanoan peoples practiced controlled burning on an annual basis throughout their territory as a form of land management to insure plant and animal yields for the coming year.

The first Europeans to reach the San Francisco area were Spanish explorers in 1769 as part of the Portolá expedition. In 1774, the de Anza expedition had set out to convert the Native American tribes to Christianity, resulting in the establishment of (among others) Mission San Francisco de Asis (Mission Dolores) (founded in 1776), Mission Santa Clara de Asis (founded in 1777) and Mission San José (founded in 1779). The El Camino Real (which runs through Santa Clara) became a heavily traveled route between the 21 California Missions. This route led to the establishment of inns and roadhouses to serve travelers along the way. In this historic period, the Ohlone people were subjugated and absorbed into the mission system for compulsory baptism and conversion to Christianity that resulted in the loss of their freedom of movement, their culture, and customs.

During this time, under the Mexican rule of California (1822 through 1848), large tracts of land were issued to private individuals, usually cattle ranchers and hide and tallow traders. The majority of what is now the County of Santa Clara was given away in 41 land grants. Three other land grants were given away prior to 1822 under Spanish rule. Hides and tallow from the livestock eventually comprised the first commercial export product and industry in the area.

The area of the project site was part of the Rancho Los Coches half square league land grant given to Roberto Balemino on 1844, this was subsequently given to Antonio Marie Suñol in payment for a debt. In 1849, Suñol divided Los Coches into thirds; one-third went to his eldest daughter, Paula Sainsevain, and one-third was sold to Hengry M. Naglee for \$10,000. It took many years to determine land ownership after California became part of the United States. The original sale of the Adobe and Rancho de los Coches to Suñol was the first case decided by the U.S. Federal Land Commission in Santa Clara County. The 1857 final settlement of this claim, filed by Suñol, his daughter, and Henry Naglee, is signed by President James Buchanan. Suñol died in 1865 at the age of 68 and is buried in the Santa Clara Mission Cemetery.

The Roberto - Suñol Adobe House was built by Roberto Balemino and added to by Antonio Marie Suñol and subsequent owners.

San José, for nearly two centuries, was primarily a farming community and produced a significant amount of fruits and vegetables. By 1939 San Jose, with a population of 57,651, was

the largest canning and dried-fruit packing center in the world with 18 canneries, 13 dried-fruit packing houses, and 12 fresh-fruit and vegetable shipping firms. San José also served as a distribution point for the prune and apricot industry. However, the growth of post World War II suburban development in the valley caused the disappearance of the orchards and a slump in the cannery industry. However, vestiges of the old orchards remained, throughout the county, and as late as 1970 San Jose was still classified as partly rural by the US census, although the city had a population of 443,950.

The 1950s and 60s saw a boom in technology company throughout the Santa Clara Valley, partly due to parts of Stamford University being leased to high tech companies for 99 years, a move that is generally considered the start of the computer revolution in Santa Clara County. Journalist Don C. Hoefler first coined the term "Silicon Valley" to describe the region in a series of articles he wrote for *Electronic News*, a weekly industrial tabloid, in 1971. Also in 1971, Intel created the first microprocessor, the 4004-chip. San Jose grew with the technology boom, and became home to a number of technology companies. By 1990 San Jose's population reached 782, 248 people, according to the US census, and was the 11th most populated city in the nation, surpassing San Francisco in population.

The project site today is located in a heavily urbanized area and has been disturbed by development and human activity at the project site. The existing building was constructed in 1966.

4.5.2 Record Searches

California Historical Resources Information System Search

The California Historical Resources Information System (CHRIS) search, enacted by MIG, was completed January 23, 2018. The search identified a single historic resource within the 0.5 mile search radius: The Roberto-Suñol Adobe House. The historic resource is approximately 800 feet north of the project site and is listed on the National Register of Historic Places (NRHP). No additional resources either historic or prehistoric were identified within a half mile radius of the project site.

Sacred Lands File Search

A Sacred Land File (SLF) search was completed by the Native American Heritage Commission (NAHC) on December 28, 2017. It returned no known Tribal Cultural Resources (TCRs). Five Native American Tribes with connections to the area were identified by the NAHC. Representatives of those tribes were contacted by MIG using certified mail on January 19, 2018. One representative, Ann Marie Sayers, of the Indian Canyon Mutsun Band of Costanoans, replied, contacting MIG's archaeologist by telephone on February 28, 2018 regarding the project specifics and results of the CHRIS search. After speaking with the MIG archaeologist, she did not have further comments and did not have knowledge of TCRs in the project area. No response was made by the other four representatives.

4.5.3 Regulatory Setting

California Environmental Quality Act

Pursuant to CEQA, a historical resource is a resource listed in, or eligible for listing in, the California Register of Historical Resources (CRHR). In addition, resources included in a local register of historic resources or identified as significant in a local survey conducted in accordance with state guidelines are also considered historic resources under CEQA, unless a preponderance of the facts demonstrates otherwise. Per CEQA, the fact that a resource is not listed in or determined eligible for listing in the CRHR or is not included in a local register or survey shall not preclude a Lead Agency, as defined by CEQA, from determining that the resource may be a historic resource as defined in California Public Resources Code (PRC) Section 5024.1. CEQA applies to archaeological resources when (1) the archaeological resource satisfies the definition of a historical resource or (2) the archaeological resource satisfies the definition of a “unique archaeological resource.” A unique archaeological resource is an archaeological artifact, object, or site that has a high probability of meeting any of the following criteria:

1. The archaeological resource contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.
2. The archaeological resource has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. The archaeological resource is directly associated with a scientifically recognized important prehistoric or historic event or person.

Health and Safety Code, Sections 7050 and 7052

Health and Safety Code Section 7050.5 declares that, in the event of the discovery of human remains outside a dedicated cemetery, all ground disturbances must cease and the county coroner must be notified. Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

Penal Code Section 622.5

Penal Code Section 622.5 provides misdemeanor penalties for injuring or destroying objects of historic or archaeological interest located on public or private lands but specifically excludes the landowner.

Government Code Section 6254(r)

Government Code explicitly authorizes public agencies to withhold information from the public relating to Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.

Government Code Section 6250 et seq

Records housed in the Information Centers of the California Historical Resources Information System (CHRIS) are exempt from the California Public Records Act

Government Code Section 6254.10

According to Government Code, nothing within an environmental document requires disclosure of records that relate to archaeological site information and reports maintained by, or in, the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.

Native American Graves Protection and Repatriation Act of 1990

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American tribe claiming affiliation.

Native American Heritage Commission, Public Resources Code Sections 5097.9 – 5097.991

Section 5097.91 of the Public Resources Code (PRC) established the Native American Heritage Commission (NAHC), whose duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. Under Section 5097.9 of the PRC, a state policy of noninterference with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites or sacred shrines located on public property. Section 5097.98 of the PRC specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner. Section 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands.

California Native American Graves Protection and Repatriation Act of 2001

Codified in the California Health and Safety Code Sections 8010–8030, the California Native American Graves Protection Act (NAGPRA) is consistent with the federal NAGPRA. Intended to “provide a seamless and consistent state policy to ensure that all California Indian human remains and cultural items be treated with dignity and respect,” the California NAGPRA also encourages and provides a mechanism for the return of remains and cultural items to lineal descendants. Section 8025 established a Repatriation Oversight Commission to oversee this

process. The act also provides a process for non–federally recognized tribes to file claims with agencies and museums for repatriation of human remains and cultural items.

Assembly Bill 52

Assembly Bill (AB) 52 specifies that a project that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. AB 52 requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requests in writing to the lead agency, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

At the time of the preparation of this Initial Study, no tribes have sent written requests for notification of projects to the City of San José except for in Coyote Valley. Due to the distance of the project site from Coyote Valley, the project would not have a significant impact on tribal cultural resources. Additionally, follow-up letters for consultation requests were sent to via mail to the Native American Heritage Commission identified tribal contacts on September 5, 2017, and no responses were received by the City.

4.5.4 Thresholds of Significance

The thresholds of significance are per the CEQA Guidelines:

CULTURAL RESOURCES - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7,38, 39, 41, 42, 43, 45, 46, 48
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8, 41, 45, 47, 48
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8, 47, 48

CULTURAL RESOURCES - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
TRIBAL CULTURAL RESOURCES - - 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:					
e) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 40, 44, 47, 48
f) 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 Resource 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"/>	1, 40, 44, 47, 48

4.5.5 Findings

a) Less than Significant Impact. The existing building that will be demolished by the project was constructed in 1966 and therefore qualifies for review as a historical resource as it is 50 years old. However, as determined by the City’s Historic Preservation Officer (personal communication: W.Berry 2016), the building does not meet the criteria of significance for a historical resource because the building is dilapidated, does not exhibit interesting, distinguished or valuable architectural character as part of local, regional, state or national history, heritage or culture, or engineering design, detail, materials or craftsmanship representing significant architectural innovation, is not the location of a significant historical event, and is not associated with significant persons or events in California history. In addition, it does not exemplify the cultural, economic, social, or historic heritage of the City, nor does it portray a group of people in an era of history characterized by a distinctive architectural style. The CHRIS search, identified a historic resource within the search radius: The Roberto-Suñol Adobe House, located approximately 800 feet north of the project site and listed on the NRHP. However, the area surrounding the Roberto-Suñol Adobe House is already a highly developed residential, commercial, and industrial area and the proposed project would not affect the character of the historic resource. Therefore, the impact is considered less than significant.

b) Less than Significant Impact. The project is the redevelopment of an existing disturbed site that has been subject to human activity. Ground disturbance would include areas already disturbed by existing development, and a lawn area which is

approximately 10,000 square feet in size and disturbance would be limited to one foot below the existing ground elevation. The CHRIS search did not show any known archaeological resources within a 0.5 mile search radius. Implementation of the following standard project conditions would avoid impacts associated with disturbance to buried archaeological resources during construction.

Standard Project Conditions

- In the event that archeological resources (e.g. prehistoric, historic, tribal cultural resources) are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning, Building and Code Enforcement.

c-d) Less than Significant Impact The project site is an already developed and disturbed site within an urban developed area of San José. The existing lawn area to be impacted by the project is approximately 10,000 square feet in size and disturbance would be limited to one foot below the existing ground elevation. Implementation of the following standard project conditions would avoid potential impacts to as yet unidentified human remains and buried paleontological resources.

Standard Project Conditions

- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.
- 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.

TRIBAL CULTURAL RESOURCES

e-f) Less than Significant Impact. There are no known tribal cultural resources within a half mile radius of the project site. The CHRIS search did not find any archaeological sites or artifacts and a Sacred Land File (SLF) search completed by the Native American Heritage Commission (NAHC) returned no known Tribal Cultural Resources (TCR). 5 Native American Tribes with connections to the area were identified by the NAHC. Representatives of those tribes were contacted by MIG using certified mail on January 19, 2018. No response was made by the representatives. In the unanticipated event that TCRs are discovered during project implementation, lead agencies have a responsibility to evaluate them against the California Register of Historic Resources (CRHR) criteria prior to making a finding as to a proposed project's impacts to historical resources (PRC § 21084.1, 20174, 14 CCR § 15064.5(3)). It is possible for a lead agency to determine that an artifact is considered significant to a local tribe, and thus significant under CEQA, in the event that the artifact is not eligible for the CRHR. Implementation of the standard project conditions outlined in b) above, would avoid impacts associated with disturbance to buried archaeological resources during construction.

4.6 GEOLOGY AND SOILS

A geotechnical engineering investigation was conducted at the project site by BAGG Engineers, included as Appendix B of this Initial Study. The following environmental setting subsections and checklist contain information based on the information contained in this report.

4.6.1 Setting

4.6.1.1 Environmental Setting

Regional Geology

The project site lies within the Coast Ranges geomorphic province, which is a series of discontinuous northwest trending mountain ranges, ridges, and intervening valleys characterized by complex folding and faulting. The project site is located along the northern portion of the Santa Cruz Mountains along the top of a ridgeline that extends northwestward in San Mateo County and parallels the west side of the San Andreas Fault. Geologic and geomorphic structures within the San Francisco Bay Area are dominated by the San Andreas Fault, a right-lateral strike-slip fault that extends from the Gulf of California in Mexico to the Humboldt County coast in northern California. The San Andreas Fault forms a portion of the boundary between two independent tectonic plates. The Pacific Plate lies to the west and the North American Plate lies to the east. In the San Francisco Bay Area, movement along this plate boundary is concentrated on the San Andreas Fault and to a lesser magnitude, a long a number of other faults that include the Hayward and Calaveras faults among others.

Site Geology and Subsurface Conditions

The project site is located in the Santa Clara Valley, an alluvial basin bounded by the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. The Santa Clara Valley bedrock consists of Franciscan Complex and Cretaceous-age marine sediment. This bedrock is overlain by the Santa Clara Formation sediments, which consist of a complex distribution of sand, silt, and clay. The primary drainages in the area include the Guadalupe River and Coyote Creek, along with their tributaries.

Faults and Seismicity

The project site is located in the San Francisco Bay Area, which is considered to be an active seismic region with several active earthquake faults. Four northwest-trending major earthquake faults that comprise the San Andreas Fault system extend through the Bay Area, including the San Andreas Fault located about 17 kilometers (10.6 miles) southwest of the project site, the Monte Vista-Shannon Fault located about nine kilometers (5.6 miles) southwest of the project site, the Hayward Fault located about 10 kilometers (6.3 miles) northeast, and the Calaveras Fault located approximately 16 kilometers (10 miles) northeast of the project site.

The project site is not located within an Alquist-Priolo Earthquake Fault Zone. The closest fault to the project site in the Monte Vista-Shannon Fault, which is a thrust fault, located approximately nine kilometers southwest of the project site. As a result, the potential for fault-related ground surface rupture is considered to be low.

Project Soils

The project site is underlain by alluvial fan levee deposits. These deposits are defined as generally well-drained, moderately- to well-sorted sandy or clayey silt grading to sandy or silty clay.³ Soils on the project site were evaluated by drilling two borings with truck-mounted drilling equipment using continuous flight augers advanced to depths on the order of 20 to 21.5 feet. Soil samples were obtained from the borings at 3- to 5- foot intervals, and a laboratory testing program was performed to evaluate the engineering characteristics of the collected soil samples.

Borings encountered mostly lean clay down to the maximum explored depth of 21.5 feet, with granular soil deposits present from about 2.5 to 5.5 feet below the ground surface. In general, the clayey soils are moist with a stiff to very stiff consistency, and the granular deposits are moist and medium dense in consistency.⁴

Groundwater Conditions

According to the geotechnical report from BAGG Engineers, none of the borings drilled encountered groundwater. Based on the State of California SHZR 058,⁵ historical high groundwater in the site area is deeper than 40 feet below ground surface with slight variations due to seasonal changes in weather conditions.

4.6.1.2 Regulatory Setting

Alquist-Priolo Earthquake Fault Zoning Act

In response to the 1971 San Fernando earthquake, which damaged numerous homes, commercial buildings, and other structures, California passed the Alquist-Priolo Earthquake Fault Zoning Act. The Alquist-Priolo Earthquake Fault Zoning Act regulates construction and development of buildings in California intended for human occupancy near known active faults due to hazards associated with surface fault ruptures.

The Alquist-Priolo Earthquake Fault Zoning Act requires that a state geologist establish regulatory zones called Earthquake Fault Zones (previously Special Studies Zones) around the surface traces of active faults issue corresponding maps for the affected areas. Local agencies are required to regulate most development projects within the Earthquake Fault Zones. Before a project can be permitted, cities and counties require a geologic investigation to demonstrate that the proposed buildings will not be constructed across active faults. An evaluation and written report for a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back at least 50 feet from the fault.

³ E.J. Helley, R.W. Graymer, G.A. Phelps, P.K. Showalter, and C.M. Wentworth. 1994. *Quaternary Geology of Santa Clara Valley, Santa Clara, Alameda, and San Mateo Counties, California*.

⁴ BAGG Engineers. January 2013. *Geotechnical Engineering Investigation*.

⁵ California Department of Conservation, Division of Mines and Geology. 2002. *Seismic Hazard Zone Report 058, Seismic Hazard Zone Report for the San Jose West 7.5-Minute Quadrangle, Santa Clara County, California, 2002*.

California Seismic Hazard Mapping Act

The Seismic Hazard Mapping Act (Public Resources Code Section 2690-2699.6) was passed in 1990 following the Loma Prieta earthquake to reduce threats to public health and safety and to minimize property damage caused by earthquakes. The Seismic Hazard Mapping Act directs the Department of Conservation, California Geological Survey to identify and map areas prone to the earthquake hazards including liquefaction, earthquake-induced landslides, and amplified ground shaking. These data are evaluated regionally to evaluate the severity of the seismic hazards and designate Zones of Required Investigation (i.e., areas prone to liquefaction and earthquake-induced landslides). The Seismic Hazard Mapping Act requires site-specific geotechnical investigations be conducted to identify potential seismic hazards and formulate mitigation measures prior to permitting most developments designed for human occupancy within the Zones of Required Investigation. The California Geological Survey has not yet developed maps for the project area. However, Special Publication 117A, Guidelines for Evaluating and Mitigating Seismic Hazards in California, provides additional guidelines for evaluating seismic hazards other than surface fault rupture and for recommending mitigation measures required by Public Resources Code 2695(a).

California Building Code

The 2016 California Building Code (CBC) is codified in the California Code of Regulations (CCR) as Title 24. The CBC is administered by the California Building Standards Commission, but enforced by California cities and counties. The purpose of the CBC is to establish minimum standards to safeguard the public health, safety, and general welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all building and structures and certain equipment within its jurisdiction.

The CBC requires that any required geotechnical report(s) (i.e. engineering geology and soil engineering reports) be prepared by a registered professional to evaluate geologic and seismic hazards on proposed developments, as discussed above. The site-specific geotechnical report(s) provides measures to reduce potentially significant geologic hazards, such as expansive and corrosive soils, differential settlement, and slope stability. The engineering geology and soil engineering reports would be reviewed by City staff prior to approval of final project plans.

The CBC contains necessary California amendments, which are based on the American Society of Civil Engineers (ASCE) Minimum Design Standards 7-10. ASCE 7-10 provides requirements for general structural design and includes means for determining earthquake loads as well as other loads for inclusion into building codes. The earthquake design requirements take into account the occupancy category of the structure, site class, soil classifications, and various seismic coefficients, which are used to determine a seismic design category (SDC) for a project. The SDC is a classification system that combines the occupancy categories with the level of expected ground motions at the site; SDC values range from A (very small seismic vulnerability) to E/F (very high seismic vulnerability and near a major fault). Once a project is categorized according to SDC, design specifications can be determined. The provisions of the CBC apply to the construction, alteration, movement, replacement, and demolition of every building or structure, or any appurtenances connected or attached to such buildings or structures, throughout

California. The following San José Envision 2040 General Plan Policies are applicable to the project:

San José Envision 2040 General Plan Policies

- 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 Jose, including provisions regarding lateral forces.
- EC-3.3 The City of San José Building Official shall require conformance with state law regarding seismically vulnerable unreinforced masonry structures within the City.
- 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.
- EC-4.4 Require all new development to conform to the City of San José’s Geologic Hazard Ordinance.
- EC-4.5 Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, are 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.
- 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.
- LU-18.4 Incorporate mitigation measures identified through geotechnical and other studies necessary to protect public safety and the natural environment.

4.6.2 Thresholds of Significance

The thresholds of significance are per the CEQA Guidelines:

GEOLOGY AND SOILS - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 8, 30, 32
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 8, 31, 32
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 8, 31, 32
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 8, 31, 32
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 8, 31, 32
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 31, 32
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 31, 32
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 8

4.6.3 Findings

- a) Implementation of standard grading and best management practices required through the City’s Grading Permit/Erosion Control Plan requirements would prevent substantial erosion and siltation during development of the site. The proposed structures on the site would be designed and constructed in conformance with the

California Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.

- i. **Less Than Significant Impact.** The proposed project site is not located within a State of California Earthquake Fault Hazard Zone and no known active faults cross the site.
 - ii. **Less Than Significant Impact.** The proposed project site is located within the seismically active San Francisco Bay Area region and may be subject to strong seismic ground shaking in the event of a major earthquake on any of the region's active faults. To avoid or minimize potential damage from seismic shaking, the project would be designed and constructed in accordance with the 2016 California Building Code standards.
 - iii. **Less Than Significant Impact.** Based on a review of the Seismic Hazard Zone Report for the San José West Quadrangle (SHZR 058), Santa Clara County, California (2002), the site is underlain by Holocene age alluvial fan level deposits (Qhl), and is not within the limits of the Liquefaction Hazard Zone.
 - iv. **Less Than Significant Impact.** The proposed project site is flat with no appreciable vertical relief and would not be subject to landslides.
- b) **Less Than Significant Impact.** As discussed in Section 4.9.3, Hydrology and Water Quality, the project shall comply with the City of San José's Grading Ordinance which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity that occurs during the rainy season (October 15 to April 15), an Erosion Control Plan must be submitted to the Department of Public Works detailing BMPs that will prevent the discharge of stormwater pollutants. In addition, permeable paving would be installed to reduce the impervious area of the proposed development. Together these measures ensure the project would not alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
- c) **Less Than Significant Impact.** The proposed project site does not contain any other known soil or geologic hazards.
- d) **Less Than Significant Impact.** Site soils were determined to have low expansion potential. The project would include design and construction recommendations per the BAGG Engineering Geotechnical Report prepared in January 2013 minimizing any potential for soil instability.
- e) **No Impact.** Septic tanks or other alternative wastewater disposal systems are not proposed by this project.

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Setting

Air Quality and GHG Emissions estimates for the proposed project were developed by MIG (formerly TRA Environmental Sciences, Inc.) in May 2014, included as Appendix A in this Initial Study. The following contains information based on this report. The 2014 Emissions Estimates were reviewed in January 2018; and it was determined that the 2014 emissions estimates remain valid and new 2018 modeling would not generate significantly different results that would alter the impact analysis.

4.7.1.1 Environmental Setting

Gases that trap heat in the atmosphere and affect regulation of the Earth's temperature are known as greenhouse gases (GHG). Common GHGs include carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). GHG emissions from human activities contribute to global warming and global climate change, which has implications on rising sea levels and potential adverse impacts to water supply, water quality, agriculture, forestry, and habitats. In addition, global warming may increase electricity demand for cooling, decrease the availability of hydroelectric power, and affect regional air quality and public health.

GHGs can remain in the atmosphere long after they are emitted. The potential for a GHG to absorb and trap heat in the atmosphere is considered its global warming potential (GWP). The reference gas for measuring GWP is CO₂, which has a GWP of one. By comparison, CH₄ has a GWP of 25, which means that one molecule of CH₄ has 25 times the effect on global warming as one molecule of CO₂. Multiplying the estimated emissions for non-CO₂ GHGs by their GWP determines their carbon dioxide equivalent (CO₂e), which enables a project's combined global warming potential to be expressed in terms of mass CO₂ emissions. Table 4-4 presents the GWPs of the common GHGs.

Compound	Global Warming Potential Relative to CO₂ (GWP)^(A)
Carbon Dioxide (CO ₂)	1
Methane (CH ₄)	25
Nitrous Oxide (N ₂ O)	310
Hydrofluorocarbons (HFCs)	
HFC-23	11,700
HFC-134a	1,300
HFC-152a	140
HCFC-22	1,700
Sulfur Hexafluoride (SF ₆)	23,900
Source: CARB 2014 GWPs are based on the United Nations Intergovernmental Panel on Climate Change 4 th Assessment Report.	

Existing Conditions and Emissions Estimates

As described in Section 4.3, there are no existing emissions sources at the project site

Project Conditions and Emission Estimates

As described in Air Quality Section (Section 4.3) the proposed project would emit air pollutants, including GHGs, from employee vehicle trips and the operation and use of small, area-wide sources such as landscaping equipment, architectural coating off-gassing, consumer products use (e.g., window cleaners), and natural gas combustion for water and space heating purposes. The project would also result in the generation of GHG emissions from other utility-related operations (e.g., the conveyance and use of water, wastewater, electricity, and solid waste).

4.7.1.2 Regulatory Setting

State of California

In 2006, the California State Legislature adopted the California *Global Warming Solutions Act of 2006*, Assembly Bill (AB) 32, which required the California Air Resources Board (CARB) to: 1) determine 1990 statewide GHG emissions, 2) approve a 2020 statewide GHG limit that is equal to the 1990 emissions level, 3) adopt a mandatory GHG reporting rule for significant GHG emission sources, 4) adopt a Scoping Plan to achieve the 2020 statewide GHG emissions limit, and 5) adopt regulations to achieve the maximum technologically feasible and cost-effective reductions.

In 2007 CARB approved a statewide 1990 emissions level and corresponding 2020 GHG emissions limit of 427 million metric tons of carbon dioxide equivalents (MTCO_{2e}) (CARB 2007). In 2008 CARB adopted its *Climate Change Scoping Plan*, which projects, absent regulation or under a “business as usual” (BAU) scenario, 2020 statewide GHG emissions levels of 596 million MTCO_{2e} and identifies the numerous measures (i.e., mandatory rules and regulations and voluntary measures) that will achieve at least 174 million MTCO_{2e} of reductions and reduce statewide GHG emissions to 1990 levels by 2020 (CARB 2009a). In 2011, the CARB released a supplement to the 2008 *Scoping Plan Functional Equivalent Document* (FED) that included an updated 2020 BAU statewide GHG emissions level projection of 507 million MTCO_{2e} (CARB 2011), and in 2014 CARB adopted its First Update to the Climate Change Scoping Plan (CARB 2014). The First Update to the Scoping Plan updated the 2020 BAU statewide emissions project to account for changes in economic forecasts of fuel and energy demand and other factors. Using 2009 to 2011 as the base year, the 2014 Scoping Plan Update reset the 2020 statewide BAU emissions projection at 509 MMTCO_{2e}. In November 2017 CARB adopted a second update, California’s 2017 Climate Change Scoping Plan, to reflect the 2030 target set by Executive Order B-30-15 and codified by SB-32, which are discussed below.

Executive Order B-30-15, 2030 Carbon Target and Adaptation, issued by Governor Brown in April 2015, sets a target of reducing GHG emissions by 40 percent below 1990 levels in 2030. By directing state agencies to take measures consistent with their existing authority to reduce GHG emissions, this order establishes coherence between the 2020 and 2050 GHG reduction goals set by AB 32 and seeks to align California with the scientifically established GHG emissions levels needed to limit global warming below two degrees Celsius. To reinforce the

goals established through Executive Order B-30-15, Governor Brown went on to sign SB-32 and AB-197 on September 8, 2016. SB-32 made the GHG reduction target to reduce GHG emissions by 40 percent below 1990 levels by 2030 a requirement as opposed to a goal. AB-197 gives the Legislature additional authority over CARB to ensure the most successful strategies for lowering emissions are implemented, and requires CARB to, “protect the state’s most impacted and disadvantaged communities ...[and] consider the social costs of the emissions of greenhouse gases.” In 2008 the State Legislature adopted the Sustainable Communities and Climate Protection Act of 2008, Senate Bill 375, which requires regional transportation plans to include a Sustainable Communities Strategy (SCS) that links transportation and land use planning together into a more comprehensive, integrated process. In 2010 CARB adopted GHG emissions reduction targets for regions across California as mandated by SB 375. The target for the Bay Area is a seven percent per capita reduction in GHG emissions attributable to automobiles and light trucks by 2020 and a 15 percent per capita reduction by 2035.

The project would also be subject to the California 2010 Green Building Standards Code (CALGreen) for non-residential siting, design, and construction. The CALGreen code is the 11th of 12 parts to Title 24 of the California Code of Regulations, also known as the California Building Standards Code. The purpose of the CALGreen code is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts with a positive environmental impact and to encourage sustainable construction practices related to planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. The CALGreen code is typically implemented at the local level and may be augmented by local building standards.

Regional Plans

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) has partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission (BCDC) to prepare the region’s SCS as part of the RTP process. The SCS is referred to as *Plan Bay Area 2040*. MTC and ABAG adopted *Plan Bay Area 2040* in July 2017. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions. *Plan Bay Area 2040* was adopted after the City of San José adopted the *Envision San José 2040* General Plan Update in 2011. The growth projections used in *Plan Bay Area 2040* to evaluate greenhouse gas emissions and the measures required to reduce them consistent with State legislation were based in part on the City of San José’s General Plan and Greenhouse Gas Reduction Strategy.

The BAAQMD has also adopted regulations and guidelines related to GHG emissions. In 2015 the BAAQMD released an updated inventory of Bay Area GHG emissions for base year 2011. The Bay Area emitted 86.6 million MTCO_{2e} in 2011, with Santa Clara County contributing 16.0 million MTCO_{2e} of this total (BAAQMD 2010b). In addition, as described in Section 3.1, the BAAQMD’s 2017 Clean Air Plan is a multi-pollutant plan that contains 85 control strategies that address criteria air pollutants and GHGs. Finally, the CEQA significance thresholds adopted by the BAAQMD board include a threshold related to consistency with an adopted GHG reduction strategy. If a project is consistent with an approved GHG reduction strategy that meets

standards outlined in Section 15183.5 of the state CEQA Guidelines (*Tiering and Streamlining the Analysis of Greenhouse Gas Emissions*), it is presumed the project will not have significant GHG emission impacts. As described below, the Envision San José 2040 General Plan includes a qualified GHG reduction strategy that can be used to streamline the review of the project’s GHG emissions.

Envision San José 2040 General Plan Greenhouse Gas Reduction Strategy

The *Envision San José 2040 General Plan* includes a Greenhouse Gas Reduction Strategy designed to help the City sustain its natural resources, grow efficiently, and meet State legal requirements for GHG emissions reductions. Multiple policies and actions in the *Envision San José 2040 General Plan* have greenhouse gas implications, including policies related to land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City’s Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet State AB 32 reduction goals for the year 2020 (as outlined in the Envision San José 2040 FPEIR), the mandates outlined in the CEQA Guidelines, and the standards for qualified plans set forth by BAAQMD.

The Greenhouse Gas Reduction Strategy includes two approaches to reducing greenhouse gas emissions: 1) specific City-sponsored initiatives and actions taken by the City on matters within its direct control (e.g. Green Vision, implementation of the General Plan), and 2) establishing policies to direct, guide or influence actions of third parties to implement and maintain consistency with the Strategy on a project-by-project basis.

The Greenhouse Gas Reduction Strategy also provides a method to streamline the California Environmental Quality Act (CEQA) review process. Projects can demonstrate conformance to the Greenhouse Gas Reduction Strategy in lieu of completing a separate analysis of a projects potential greenhouse gas emissions.

4.7.2 Thresholds of Significance

The thresholds of significance are per the CEQA Guidelines:

GREENHOUSE GAS EMISSIONS - - Would the activity:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 8, 11, 12, 14, 15, 16, 17, 18, 22, 24, 25

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 8, 11, 12, 14, 15, 16, 17, 18, 22, 24, 25
--	--------------------------	--------------------------	-------------------------------------	--------------------------	---

4.7.3 Findings

Global warming and global climate change are the result of GHG emissions worldwide; individual projects do not generate enough GHG emissions to influence global climate change. Thus, the analysis of GHG emissions is by nature a cumulative analysis focused on whether an individual project’s contribution to global climate change is cumulatively considerable.

a - b) Less than Significant Impact. The proposed project would emit GHGs during construction and operation; however, the project would result in a less than significant GHG impact because the project would not exceed thresholds of significance recommended by the BAAQMD and would be consistent with the City of San José’s qualified GHG reduction strategy as discussed below.

Short-Term Construction GHG Emissions

The proposed project would produce GHG emissions from construction-related fuel combustion. As estimated using CalEEMod 2013.2.2 (see Appendix A), construction activities would emit a total of approximately 109 metric tons (MT) of carbon dioxide equivalent per year (CO₂e/yr) over the approximately eight-month construction period. The BAAQMD does not have an adopted GHG significance threshold for construction activities but, as reference, the project’s construction-related GHG emissions would not exceed the BAAQMD’s GHG significance thresholds for land use projects of 1,100 MTCO₂e per year and are therefore considered less than significant. In addition, as described in Section 4.1, the Applicant would implement BAAQMD recommended basic and additional construction BMPs that limit idling and associated fuel combustion during construction, further reducing the less than significant magnitude of the project’s construction GHG emissions. The Applicant would also comply with City requirements for recycling and disposal of construction materials.

Long-Term Operational GHG Emissions

The proposed project would produce GHG emissions from ongoing operations. The BAAQMD establishes GHG significance thresholds for operational emissions through its CEQA guidelines. For projects not classified as stationary sources, such as the proposed commercial building, the significance threshold is 1,100 metric tons (MT) of carbon dioxide equivalent per year (CO₂e/yr). An operational analysis for GHG emissions for the project (see Appendix A) found that operational GHG (or CO₂e) emissions from the proposed project are estimated to be on the order of 271 metric tons of CO₂e/yr. These emissions are below the BAAQMD threshold of 1,100 metric ton of CO₂e/yr and, therefore represent a less-than-significant contribution to cumulative global GHG emissions.

The City of San José has an adopted GHG Reduction Strategy that was approved by the City Council in November 2011 in conjunction with the *Envision San José 2040 General Plan*. In order to conform to the GHG Reduction Strategy, projects must be consistent with the Land Use/Transportation Diagram and incorporate features into the project that meet the mandatory measures of the strategy. Table 4-5 summarizes the project’s consistency with the City’s mandatory GHG Reduction Strategy measures.

Table 4-5 Project Consistency with GHG Reduction Strategy Mandatory Measures	
Mandatory Measure	Project Consistency with Mandatory Measure
1. Consistency with Land Use / Transportation Diagram (use and density)	The project is consistent with the use and density of the General Plan 2040 Combined Industrial/Commercial designation. This designation has a floor-to-area ratio of 12 and allows a development of varied commercial, office, or industrial developments.
2. Implementation of Green Building Measures: <ul style="list-style-type: none"> • Solar site orientation • Site Design • Architectural Design • Construction Techniques • Consistency with City Green Building Ordinance and Policies • Consistency with GHG Reduction Strategy Policies MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4 	Consistent with goals and policies of the General Plan (MS-1, MS-2, and MS-14), the project would be constructed to meet the requirements of Title 24 of the California Code of Regulations as well as the City of San José Green Building Ordinance. Compliance with these building regulations ensures that the proposed project will be constructed to maximize efficiency and to conserve energy where feasible.
3. Pedestrian / Bicycle Site Design Measures <ul style="list-style-type: none"> • Consistency with Zoning Ordinance • Consistency with GHGRS 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-2.11, TR-2.18, TR-3.3, and TR-6.7 	The project is consistent with pedestrian and bicycle site design requirements of the CIC - <i>Combined Industrial/Commercial</i> zoning designation (see Section 4.5). The project is within 0.1 miles of the VTA local bus route 64 stop at Coe and Lincoln Ave and will provide seven (7) new bicycle parking spaces.
4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use	The project would not demolish an historic building.

Table 4-5 Project Consistency with GHG Reduction Strategy Mandatory Measures	
Mandatory Measure	Project Consistency with Mandatory Measure
5. Complete an evaluation of operational energy efficiency and design measures for energy intensive industries (e.g., data centers)	This measure does not apply to the proposed project. The project is a commercial building and does not involve development of an energy intensive industry.
6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers	This measure does not apply to the proposed project. The project is a not a large employer (more than 50 employees); however, the Applicant will provide information to tenants on programs available to help reduce single occupancy vehicle trips (e.g. 511 Rideshare) and promote use of alternative modes of transportation (e.g., bicycle, carpool, transit). Site plans show the installation of seven (7) new bike parking spaces.
1. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow.	This measure does not apply to the proposed project. The project is a commercial building and does not involve development of vehicle serving land uses.

As shown in Table 4-5, the project would be consistent the applicable mandatory measures of the City’s GHG Reduction Strategy; the project would also be consistent with the BAAQMD’s 2017 Clean Air Plan (See Table 4-2). The project, therefore, would result in a less than significant GHG impact.

The City’s GHG Reduction Strategy also includes voluntary criteria to further reduce GHG emissions. Table 4-6 provides a summary of the voluntary criteria and a description of to what extent the project would implement the measures, if at all.

Table 4-6 Project Consistency with GHG Reduction Strategy Voluntary Measures		
Voluntary Measure	Measure Description	Project Consistency
<u>Built Environmental and Recycling</u>		
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas MS-2.7, MS-15.3, MS-16.2	The project will not include solar panels.	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Not Proposed <input type="checkbox"/> Not Applicable
Use of Recycled Water Use recycled water wherever feasible and cost-effective (including non-residential uses outside of the Urban Service Area) MS-17.2, MS-19.4	The project does not include substantial landscaping and does not propose to use recycled water.	<input type="checkbox"/> Required/ Proposed <input checked="" type="checkbox"/> Not Proposed <input type="checkbox"/> Not Applicable
<u>Transportation and Land Use</u>		
Install and maintain trails adjacent to designated trail locations. Have new residential developers build and maintain trails when development occurs adjacent to a designated trail location. PR-8.5, TN-2.7	There are/are not trails in the project vicinity and the project does not involve residential development.	<input type="checkbox"/> Proposed <input type="checkbox"/> Not Proposed <input checked="" type="checkbox"/> Not Applicable
Car share programs Promote car share programs to minimize the need for parking spaces TR-8.5	The Applicant will provide information to tenants on programs available to help reduce single occupancy vehicle trips (e.g., 511 Rideshare).	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Not Proposed <input type="checkbox"/> Not Applicable
Parking in Downtown and Urban Village Overlay areas Avoid the construction of surface parking except as an interim use and use structured parking to fulfill parking requirements. CD-2.11	The project is not in a Downtown or Urban Village Overlay area.	<input type="checkbox"/> Surface Parking Proposed <input type="checkbox"/> Surface Parking Not Proposed <input checked="" type="checkbox"/> Not Applicable
Limit parking above code requirements	The project will provide 73 parking spaces	<input checked="" type="checkbox"/> Project is Parked at or below Code

Table 4-6 Project Consistency with GHG Reduction Strategy Voluntary Measures		
Voluntary Measure	Measure Description	Project Consistency
TR-8.4	consistent with zoning code requirements.	Requirements <input type="checkbox"/> Project is Parked above Code Requirements <input type="checkbox"/> Not Applicable
Consider opportunities for reducing parking spaces (including measures such as shared parking, TDM, and parking pricing to reduce demand) TR-8.12	The proposed project would meet the City of San José minimum requirements for bicycle racks and lockers. The Applicant would provide information to tenants on programs available to help reduce single occupancy vehicle trips (e.g., 511 Rideshare). The project is located within approximately 0.1 miles of VTA local Route 64 bus stop at Coe Ave and Lincoln Ave.	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Project Does Not Propose <input type="checkbox"/> Not Applicable

4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Setting

The proposed project is a commercial redevelopment project in an urbanized area. The site has not been used to store hazardous materials and there are no documented Cortese List hazardous waste sites within a mile of the proposed project. Soils underlying the project site are mostly clay and not known to contain natural asbestos.

4.8.2 Thresholds of Significance

The thresholds of significance are per the CEQA Guidelines:

HAZARDS AND HAZARDOUS MATERIALS - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 33
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 34
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 33
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

HAZARDS AND HAZARDOUS MATERIALS - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

4.8.3 Findings

- a) **Less Than Significant Impact.** The proposed project is an urban commercial development with no industrial uses proposed. The project would not involve routine transport, use, or disposal of hazardous materials. The project may use small quantities of fertilizers and pesticides for landscaping and household cleansers and other chemicals for cleaning. These materials would be stored and used in accordance with the manufacturer’s specifications.
- b) **Less Than Significant Impact.** The proposed project is an urban commercial development and no industrial uses are proposed. The project proposes to demolish the existing commercial building, which may contain asbestos building materials and/or lead-based paint. Implementation of the following standard project conditions would reduce any potential impacts to a less-than-significant level:

Standard Project Conditions

- In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos containing materials and/or lead-based paint. Demolition done in conformance with these Federal, State and Local laws and regulations, will avoid potentially significant exposure of construction workers and/or the public to asbestos and lead-based paint.

Prior to demolition of each building, the project applicant shall require that the contractor(s) have a hazardous building materials survey completed by a State certified asbestos and lead-based paint person. This survey shall be completed prior to any demolition activities associated with the project. If any friable asbestos-containing materials or lead-containing materials are identified, adequate abatement practices, such as containment and/or removal, shall be implemented in accordance with applicable laws prior to demolition. Specifically, asbestos abatement shall be conducted in accordance with Section 19827.5 of the California Health and Safety Code, as implemented by the BAAQMD, and 8 CCR Section 1529 and Sections 341.6 through 341.14, as implemented by Cal/OSHA.

Lead-based paint abatement shall be conducted in accordance with Cal/OSHA's Lead in Construction Standard.

The project applicant shall retain a qualified professional to update the environmental database review no more than six months prior to the start of construction activities. The qualified professional shall prepare a report summarizing the results of the environmental database review that assesses the potential for any identified chemical release sites to affect soil or groundwater quality at the proposed project site and identifies appropriate analyses to evaluate the potential for contamination at the proposed project site, if needed. In response, the project applicant shall implement the recommended analyses, if any.

- c) **No Impact.** There are no schools located within one-quarter mile of the project area. The closest school, Willow Glen Elementary School, is approximately 0.8 miles south of the proposed project site.
- d) **No Impact.** The project site is not on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 (Cortese List). There is one site within 1,000 feet of the project area, Bantinich Property at 910 Lincoln Avenue that is a LUST Cleanup Site. The case is closed with completed status. No other sites are listed within a 1,000-foot radius of the project site.
- e) **No Impact.** The project site is not located within an airport land use plan and would not result in a safety hazard to airport operations.
- f) **No Impact.** The project site is not located within the vicinity of a private airstrip and would not result in a safety hazard to airstrip operations.
- g) **Less Than Significant Impact.** The proposed commercial redevelopment project would comply with any adopted emergency or evacuation plans. The project would not create any barriers to emergency or other vehicle movement in the area and would be designed to incorporate all Fire Code requirements.
- h) **No Impact.** The project would not expose people or structures to risk from wildland fires as it is located in a highly urbanized area that is not in the proximity of wildlands.

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

4.9.1.1 Environmental Setting

Storm Water Quality

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

There are no waterways present on the project site, however, Los Gatos Creek runs near the project site to the southeast (Figure 1). According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is not located within the 100-year floodplain or any other flood hazard areas (FEMA FIRM Map FM06085C0234H, accessed May 2, 2014). The project site is flat and surrounded by other developed properties and existing roads.

Under existing conditions storm water runoff from the site flows across the existing building roof, paved roadways, paved and dirt parking lots, and landscaped areas prior to discharge to the City's storm drainage system, then Los Gatos Creek, Guadalupe River, and ultimately the San Francisco Bay.

At present, storm water runoff from 945 Lincoln flows into two different directions depending upon whether it occurs on the front portion of the site fronting Lincoln Avenue, or the back portion fronting San Pedro Street. Storm water from the rear of the site is directed to storm drains located along Pedro Street. The storm drain on Pedro Street includes a culvert that drains to Los Gatos Creek. Storm water runoff from the front of 945 Lincoln flows to the storm drain system that runs along Lincoln Avenue which flows into Los Gatos Creek. Finally, storm water runoff from the portion of the project site that fronts Pedro Street is also directed to storm drains located along Pedro Street and ultimately flow into Los Gatos Creek. All storm water is discharged directly into the storm drain system and there are no bio-retention basins on the site at this time. The following measures have been incorporated into the project:

Site Design Measures

- Protect existing trees, vegetation and soil.
- Preserve open space and natural drainage patterns.
- Reduce existing impervious surfaces.
- Create new pervious areas: landscaping.

- Direct runoff from roofs, sidewalks, patios to landscaped areas.
- Plant trees adjacent to and in parking areas and adjacent to other impervious surfaces.

Source Control Measures

- Connect the following features to sanitary sewer: covered trash/recycling enclosures.
- Beneficial landscaping.
- Use of water efficient irrigation systems.
- Maintenance (pavement sweeping, catch basin cleaning, good housekeeping).
- Storm drain labeling.

Treatment Systems

LID Treatment

- Impervious surface(s) drains to a self-retaining area(s) that is sized per the design criteria listed in the SCVURPPP C.3 Stormwater Handbook.

4.9.1.2 Regulatory Setting

Federal and State of California Water Quality 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 U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board have been developed to fulfill the requirements of this legislation. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards, which for the San José area is the San Francisco Regional Water Quality Control Board (RWQCB).

Statewide Construction General Permit

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the State Water Resources Control Board (SWRCB). The CGP requires the installation and maintenance of Best Management Practices (BMPs) to protect water quality until the site is stabilized. The project disturbs more than one acre of land and is required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ with the State Water Resources Control Board.

All development projects, whether subject to the CGP or not, shall comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading

activity occurring during the rainy season (October 15 to April 15), the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

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

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate citywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of San José. Under provisions of the NPDES Municipal Regional Permit (MRP), redevelopment projects that disturb more than 10,000 sf are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities. The SCVURPPP assists co-permittees, such as the City of San José, implement the provisions of the MRP.

The project will create or replace approximately 9,400 sf of impervious surface. Based its size and land use, the project will not be required to comply with the LID stormwater management requirements of Provision C.3 of the Municipal Regional Permit.

Hydromodification

In addition to water quality controls, the MRP 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. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchments areas that are greater than or equal to 65 percent impervious (per the Santa Clara Permittees Hydromodification Management Applicability Map). The project is not creating or replacing one acre or more of impervious surface and the site is mapped as a subwatershed that is greater than 65 percent impervious, therefore, it is not subject to the hydromodification requirements of the MRP (City of San José, 2016).

City of San José Regulations

Post-Construction Urban Runoff Management Policy (Policy 6-29)

The project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of BMPs which includes site design measures, source control and numerically-sized LID stormwater treatment measures to minimize stormwater pollutant discharges.

Post-Construction Hydromodification Management Policy (Policy 8-14)

The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (City of San José, 2016).

4.9.2 Thresholds of Significance

The thresholds are per the CEQA Guidelines:

HYDROLOGY AND WATER QUALITY - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 27
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 27, 49
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 4, 24, 27, 49
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 4, 24, 27, 49
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 24, 27, 49
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 27, 49
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 9, 24
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 9, 2, 24

HYDROLOGY AND WATER QUALITY - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 24
j) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 24

4.9.3 Findings

Would the project:

- a) **Less than Significant Impact.** The project disturbs more than one acre of land and is required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ with the State Water Resources Control Board. As stated above, the project site is not creating or replacing more than one acre of impervious surfaces and is mapped as a subwatershed that is greater than 65 percent impervious, therefore it is not subject to the hydromodification requirements of the MRP or Council Policy 8-14.

With implementation of stormwater control measures as part of the project design, the proposed project would be consistent with the MRP and with Council Policy 6-29, and would result in a less than significant impact on water quality standards. The project’s Stormwater Control Plan and numeric sizing calculations were reviewed for the project and found in conformance with City Policy 6-29 (City of San José, 2016). The existing building and proposed project are not subject to Waste Discharge Requirements therefore the project would not violate waste discharge requirements

- b) **Less than Significant Impact.** Water use at the site would be associated with site landscaping and use of the commercial building. Water service to the project would be provided by municipal water service and the project would not directly connect to groundwater for project water supplies or create a groundwater deficit. The storm water draining into the pervious pavement and landscaping areas could contribute to groundwater recharge as storm water is percolated in to the underlying soils.
- c) **Less than Significant Impact.** The project shall comply with the City of San José’s Grading Ordinance, including erosion and dust controls during site preparation, and with the City of San José’s Zoning Ordinance requirement of keeping adjacent streets free of dirt and mud during construction. In addition, permeable paving would be installed to reduce the impervious area of the proposed development. Together these measures ensure the project would not alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site.

- d) Less than Significant Impact.** The project would not substantially alter the existing drainage pattern of the site or area, or alter the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding because it has been designed to meet City's ordinances and Policies pertaining to conveyance of stormwater runoff. Further, the project includes the use of pervious paving material for all parking areas and walkways, and would result in an overall reduction in impervious surface area at the site.
- e) Less than Significant Impact.** Parking lot and walkways would use pervious pavers which would significantly reduce potential runoff from the site. Overall the amount of stormwater leaving the site would be reduced from the existing conditions. Finally, the trash enclosure area will be fitted with a drain that would tie directly into the sanitary sewer system making sure no water from the trash area enters the storm drain system. The project would not 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.

Ground disturbance would be required for demolition of the existing building and surface parking lot, grading, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete. The City's MRP, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The General Plan FEIR concluded that with the regulatory programs currently in place the possible impacts of accelerated erosion during construction would be less than significant. The City will require the project to comply with all applicable City regulatory programs pertaining to construction related erosion including the following measures identified in the General Plan FEIR for avoiding and reducing construction related erosion impacts.

Implementation of the following measures, consistent with Construction General NPDES Permit, MRP, and City Policy requirements, would reduce potential construction impacts to surface water quality to less than significant levels.

Standard Project Conditions

- The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of storm water pollutants including sediments associated with construction activities;
- The project shall incorporate Best Management Practices (BMPs) to control the discharge of storm water pollutants including sediments associated with construction activities.
- The project applicant shall comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to

prevent storm water pollution and minimize potential sedimentation during construction:

- Restrict grading to the dry season (May 1 to September 30) or meet City requirements for grading during the rainy season.
- Utilize on-site sediment/erosion control BMPs to retain sediment on the project site;
- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction;
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

With the implementation of the measures listed above, the project would not otherwise substantially degrade water quality.

- f) **No Impact.** The project would not otherwise degrade water quality.
- g) **No Impact.** The project does not propose housing and is not within a 100-year flood hazard area. Therefore, there would be no impact for placing housing within a flood zone.
- h) **No Impact.** Based on the FEMA flood insurance maps for the City of San José, the project site is in Flood Zone D and not located within a 100-year floodplain and would therefore have no impact on 100-year flows. The project would not expose people to flood hazards associated with the 100-year flood.
- i) **No Impact.** The project site is not located within a dam inundation area.
- j) **No Impact.** The project site is not located in a seiche, tsunami, or mudflow prone area. It is not located near a large body of water or San Francisco Bay.

4.10 LAND USE AND PLANNING

4.10.1 Setting

The site is currently developed with a one-story, approximately 8,526 sf commercial building. The site is surrounded by residential to the north and west, by residential and commercial uses to the south, and by commercial uses to the east.

4.10.1.1 General Plan and Zoning Designations

Envision San José 2040 General Plan

The project site is currently designated Combined Industrial/Commercial under the San José 2040 General Plan. The Combined Industrial/Commercial designation allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of these uses. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses. Development intensity can vary significantly in this designation based on the nature of specific uses likely to occur in a particular area.

Zoning Ordinance

The project site at 945 Lincoln Avenue is currently zoned CN – *Commercial Neighborhood*, and R-M – *Multiple Residence*. The CN – *Commercial Neighborhood* zoning district is a district intended to provide for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development. The type of development supported by this district includes neighborhood centers, multi-tenant commercial development along city connector and main streets, and small corner commercial establishments. The R-M – *Multiple Residence* zoning district is intended to reserve land for the construction, use and occupancy of higher density residential development.

The project proposes a Conventional Rezoning to the *Combined Industrial/Commercial* zoning designation. The CIC *Combined Industrial/Commercial* zoning designation is intended for commercial or industrial uses, or a compatible mixture of these uses, that support the goals of the combined industrial/commercial general plan designation. The district allows for a broad range of commercial uses with a local or regional market, including big box retail, and a narrower range of industrial uses, primarily industrial park in nature, but including some low-intensity light industrial uses. Assembly uses and day care centers are allowed where they are compatible with and will not impose constraints on neighboring industrial use.

4.10.1.2 Applicable Plans, Policies and Regulations

Envision San José 2040 General Plan

The General Plan includes policies and actions aimed at avoiding or mitigating an environmental effect, as listed in the applicable sections of this Initial Study. Relevant policies adopted for the purpose of avoiding or mitigating land use impacts are summarized below.

Policy CD-1.12: Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Policy CD-4.4: In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.

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).

Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Plan (HCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth on approximately 500,000 acres of southern Santa Clara County.

As discussed in *Section 4.4 Biology*, the proposed project is a covered activity under the HCP and the project site is considered “Urban – Suburban” and “Willow Riparian Forest and Scrub” land cover. See Chapter 3.4 for a discussion of the project’s applicability to the HCP requirements.

4.10.2 Thresholds of Significance

The thresholds of significance are per the CEQA Guidelines:

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

4.10.3 Findings

a) **No Impact.** The project area consists of a variety of land uses including commercial and residential. The project would introduce similar commercial land uses to the community. The project would not physically divide the existing community and is consistent with the existing neighborhood and community.

b) **Less than Significant Impact.** The site is designated Combined Industrial/Commercial in the General Plan. Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of these uses. The proposed use is consistent with this designation.

The project proposes a Conventional Rezoning from CN *Commercial Neighborhood* and R-M *Multi-Family Residential* to CIC *Combined Industrial/Commercial*. The CIC *Combined Industrial/Commercial* zoning designation is intended for commercial or industrial uses, or a compatible mixture of these uses, that support the goals of the combined industrial/commercial general plan designation. The proposed project would better align the zoning of the site with the General Plan designation of the site.

In addition to the policies of the San José General Plan, the proposed project would be required to comply with the San José Commercial Design Guidelines, which includes parameters for setbacks, building design, landscaping, screening, and lighting, all of which are factors in ensuring land use compatibility.

c) **Less than Significant Impact.** As discussed in Section 4.4.3, the proposed project is a covered activity under the HCP. Paying the appropriate plan fees and compliance with plan conditions would ensure the proposed project complies with the HCP.

4.11 MINERAL RESOURCES

4.11.1 Setting

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation’s mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board have not designated any other area besides the Communications Hill Area within San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation.

4.11.2 Thresholds of Significance

The thresholds of significance are per the CEQA Guidelines:

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

4.11.3 Findings

- a) **No Impact.** The proposed project is located outside of the Communication Hill Area within the City of San José. Therefore, the site area does not have mineral deposits subject to SMARA.
- b) **No Impact.** As discussed above, the site area is located outside of the Communication Hill Area within San José and does not have mineral deposits subject to SMARA.

4.12 NOISE

MIG (formerly TRA Environmental Sciences) conducted noise measurements at the project site from May 8-9, 2014. The data collected from the noise meters are provided in Appendix C. The information collected from the ambient measurements were used to evaluate the proposed project's noise impacts. The 2014 noise measurements and surrounding land uses were reviewed in October 2017 and January 2018, and it was determined that the 2014 noise measurements remain valid and new measurements would not generate significantly different results that would alter the impact analysis.

4.12.1 Setting

The decibel scale (dB) is a unit of measurement that indicates the relative amplitude of a sound. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a tenfold increase in acoustic energy, while 20 dB is 100 times more intense, 30 dB is 1,000 more intense, etc. In general, there is a relationship between the subjective noisiness or loudness of a sound and its amplitude, or intensity, with each 10 dB increase in sound level perceived as approximately a doubling of loudness. There are several methods of characterizing sound. The most common method is the "A-weighted sound level," or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is typically most sensitive. Thus, most environmental measurements are reported in dBA, meaning decibels on the A-scale.

Sound levels are typically not steady and can vary over a short time period. The equivalent noise level (Leq) is used to represent the average character of the sound over a period of time. The Leq represents the level of steady noise that would have the same acoustical energy as the sum of the time-varying noise measured over a given time period. Leq is useful for evaluating shorter time periods over the course of a day. The most common Leq averaging period is hourly, but Leq can describe any series of noise events over a given time period. Variable noise levels are values that are exceeded for a portion of the measured time period. Thus, L01 is the level exceeded one percent of the time and L90 is the level exceeded 90 percent of the time. The L90 value usually corresponds to the background sound level at the measurement location.

Noise exposure over the course of an entire day is described by the day/night average sound level, or DNL, descriptor. This descriptor represents the 24-hour noise impact on a community. For DNL, the 24-hour day is divided into a 15-hour daytime period (7 a.m. to 10 p.m.) and a nine-hour nighttime period (10 p.m. to 7 a.m.) and a 10 dB "penalty" is added to measure nighttime noise levels when calculating the 24-hour average noise level. For example, a 45 dBA nighttime sound level would contribute as much to the overall day-night average as a 55 dBA daytime sound level. The artificial penalty imposed during DNL calculations are intended to account for a receptor's increased sensitivity to sound levels during quieter nighttime periods.

4.12.1.1 Environmental Setting

The project site is occupied by a vacant, dilapidated commercial structure and surrounded by a mix of commercial and residential land uses. To characterize the noise levels that exist at the proposed site without the project, MIG (formerly TRA Environmental Sciences, Inc.) conducted 24-hour noise monitoring from Thursday, May 15 to Friday, May 16, 2014 at two locations (see Figure 7).



Source: Verkic Engineering, 2015; ESRI, 2017; MIG, 2017

- Project boundary
- Rezoning from R-M *Multiple Residential* to CN *Commercial Neighborhood*
- Noise monitoring location

Figure 7 Noise Monitoring Locations
 945 Lincoln Avenue Redevelopment Project

Location N1 was on the northern property line, approximately 125 feet from Lincoln Avenue (as measured along the property line) and 175 feet from Pedro Street (due south); location N2 was on the western property line, approximately 230 feet southwest of Lincoln Avenue and adjacent to Pedro Street.

MIG measured noise levels with two Larson Davis Model 720 Type 2 sound level meters. Noise monitoring was conducted in 10-minute intervals beginning at 3 PM on May 15 and concluding at 3 PM on May 16, 2014. Conditions during the monitoring were mostly sunny, with temperatures in the range of approximately 60° to 80° Fahrenheit and light winds. Table 4-7, below summarizes the results of the noise monitoring. Please refer to Appendix C for detailed noise monitoring data; 10-minute interval data is available upon request to the City of San José.

Table 4-7 24-hour Background Noise Levels in the Project Area

Site	Noise Descriptor (dBA)							
	Leq	DNL	Lmax ^(A)	Lmin ^(A)	L1	L10	L50	L90
N1 (125 ft. from Lincoln Ave)	59.7	61.3	75.9	47.8	63.4	59.6	56.7	52.4
N2 (230 ft. from Lincoln Ave)	56.3	59.4	73.7	48.7	58.9	56.7	54.8	52.3

Source: MIG (formerly TRA Environmental Sciences) (See Appendix CB, Tables C1 and C2).

(A) Lmax and Lmin values are the average Lmax and Lmin values recorded over the 24-hour measurement period. Refer to Appendix C for the maximum and minimum noise levels measured during each hour monitored.

Noise sources observed during the monitoring included transportation sources (traffic on Lincoln Avenue and Pedro Street, as well as noise from Highway 280 (approximately 1,000 feet to the northeast) and non-transportation sources (commercial and residential activities such as landscaping and barking dogs). Noise monitoring data indicates that ambient noise levels are lower at the site as you get further from Lincoln Avenue and I-280. The calculated DNL at the site was documented to be between 59.4 to 61.3 dBA.

Sensitive Receptors

Sensitive noise receptors are areas sensitive to changes in the ambient noise environment, such as schools other institutional land uses (e.g., hospitals), residential areas, and parks. As described in Section 3.3, Air Quality, the project site is bordered by the Saint Mary of the Assumption Croatian Mission and surrounded by residential areas that could be sensitive to potential changes in the noise environment resulting from the proposed project.

4.12.1.2 Regulatory Setting

City of San José Municipal Code

The City of San José Zoning Ordinance of the Municipal Code establishes that the noise generated by commercial uses adjacent to a property used or zoned for residential purposes shall not exceed 55 dBA Lmax, and where adjacent to a property used or zoned for commercial or other non-residential purposes shall not exceed 60 dBA Lmax (Section 20.40.600). The City of

San José Zoning Ordinance also limits construction activities within 500 feet of a residence to the hours of 7 AM to 7 PM, Monday thru Friday (Section 20.100.450).

City of San José Envision 2040 General Plan Policies

The Noise Element of the City of San José’s Envision 2040 General Plan is designed to minimize the impact of noise on people through noise reduction and suppression techniques and land use policies (General Plan Goal EC-1). Table 4-8 of the General Plan identifies 70 dBA DNL as the normally acceptable exterior noise exposure level for office buildings, business commercial, and professional office land uses. The General Plan (Policy EC-1.1) sets an acceptable exterior noise level of 60 dBA DNL or less for residential and most institutional land uses; the acceptable interior standard for residential and institutional land uses is 45 dBA DNL.

Table 4-8 City of San José Land Use Compatibility Guidelines for Community Noise						
Land Use Category	Exterior Noise Exposure (DNL in Decibels [dBA])					
	55	60	65	70	75	80
Residential, Hotels and Motels, Hospitals and Residential Care ¹						
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
Schools, Libraries, Museums, Meeting Halls, Churches						
Office Buildings, Business Commercial, and Professional Offices						
Sports Arena, Outdoor Spectator Sports						
Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters						
<i>Source:</i> City of San José General Plan, <i>Envision San José 2040</i> . Table EC-1 (City of San José 2011).						
¹ Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.						
	Normally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.					
	Conditionally Acceptable – Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation 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.					

The Envision 2040 General Plan contains the following noise and vibration policies that apply to the proposed project.

- EC-1.1 Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state, and City noise standards and guidelines as a part

of new development review. Applicable standards and guidelines for land uses in San José include:

Interior Noise Levels: The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels: The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table 4-8).

- EC-1.2 Minimize the noise impacts of new development on land uses sensitive to increased noise levels by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:
 - Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
 - Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
- EC-1.3 Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
- 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.
- 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 more than 12 months.
- 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 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.

4.12.2 Thresholds of Significance

This assessment uses the CEQA Guidelines and the limitations set by various City regulations as stated above in the regulatory setting as the thresholds of significance. CEQA itself does not limit noise levels nor does it quantify noise exposure or noise level increases over the ambient to define noise impacts. CEQA evaluates a project as a significant noise source if it “causes a substantial increase in the ambient noise level.” This “substantial increase” is defined in the Noise Element of the City’s General Plan as stated in Policy EC-1.2 above.

NOISE - - Would the project result in:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 13, 18, 20
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 19, 20, 21
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 20, 37
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 19, 20, 21, 37,
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 24

4.12.3 Findings

a, c) Less than Significant Impact. Table 4-9, below compares the existing noise levels at the site with the City’s normally acceptable, exterior General Plan DNL noise standard for commercial, business, and office land use types.

Table 4-9 Comparison of Measured Existing Site Noise Levels to General Plan Standard					
Noise Monitoring Site	24-hour Measured Noise Levels^(A)				“Normally Acceptable” General Plan DNL^(B)
	LMin	LMax	Leq	DNL	
N1 (125 feet from Lincoln Ave)	47.8	75.9	59.7	61.3	70
N2 (230 feet from Lincoln Ave)	48.7	73.7	56.3	59.4	70

(A) See Table 4-8
 (B) City of San José 2040 General Plan

As shown in Table 4-9, the noise levels at the proposed project site are below the General Plan’s normally acceptable standard of 70 dBA. The proposed commercial redevelopment project would therefore not expose people working at the site to noise levels that exceed City standards.

Noise generated by the proposed project would primarily be limited to noise from vehicles entering and exiting the site, people entering and exiting the building, and site maintenance (e.g., landscaping). Discrete events such as a car door closing, a car horn sounding, or use of landscaping equipment could temporarily result in noise levels that equal measured high Lmax levels at the site (between 73.7 to 75.9 dBA), but which would return ambient levels upon conclusion. The portions of the site where these noise events could occur would be bordered by an eight-foot concrete wall that would absorb acoustic energy, shield adjacent receptors from on-site noises, and reflect sound waves back onto the site, as shown in Figure 3. For example, standard light density concrete masonry walls (4-inches thick) have a sound transmission loss value of approximately 36 dBA and should reduce noise on the other side of the wall by approximately 25 dBA, presuming there are no gaps in the wall (Caltrans 2013). Thus, noise levels are unlikely to exceed 55 and 60 dBA at adjacent residential and non-residential property lines (the zoning standard set by Section 20.40.600 of the City’s Municipal Code). As shown in Table 4-9 and Appendix C, hourly Lmax levels at the northern and western property lines regularly exceed 60, 65, and even 70 dBA, and DNL values range from 59.4 to 61.3 dBA.

The combined noise level resulting from the proposed project and existing ambient levels is estimated to be no more than approximately 62.7 dBA Leq and 64.3 DNL (presuming project noise levels equal existing ambient levels).

Project noise-generating activities would occur during normal business hours, i.e., during the daytime and early evening, and would be intermittent in nature, i.e., they would not produce substantial, persistent noises that increase the noise levels that currently existing without the project by more than 5 dBA DNL. The project,

therefore, would not result in the exposure of people to noise levels that exceed standards or result in a substantial, permanent increase in ambient noise levels in the vicinity of the project. This impact is considered less than significant.

- b) Less than Significant Impact.** Site construction and development would involve the use of construction equipment such as graders and pavers that could expose people and structures to groundborne vibration. The proposed site is at least 30 feet from any structure located on the adjacent parcels. Table 4-10 lists the estimated vibratory motion, in terms of PPV (peak particle velocity) for typical construction equipment at a reference distance of 25 feet and at a distance of 30 feet.

Equipment	Estimated PPV at 25 Feet (inches/second)	Estimated PPV at 30 Feet (inches/second)
Vibratory roller	0.21	0.172
Large bulldozer	0.089	0.073
Small bulldozer	0.003	0.002
Loaded truck	0.076	0.062
Jackhammer	0.035	0.029

Source: FTA 2006 and MIG (formerly TRA Environmental Sciences) (See Appendix C)

As shown in Table 4-10, the project would not generate groundborne noise or vibration levels that exceed the City’s vibration standard of 0.20 PPV contained in General Policy EC-2.3. This impact is therefore considered less than significant.

- d) Less than Significant Impact.** Project construction would occur intermittently during weekdays (7 AM to 7 PM) for approximately eight months. During this time construction noise would be associated with building demolition, site preparation, and building construction. Pile driving is not proposed. Noise impacts resulting from construction depend on: 1) the noise generated by various pieces of construction equipment; 2) the timing and duration of noise generating activities; 3) the distance between construction noise sources and noise sensitive receptors; and 4) existing ambient noise levels.

Typical construction equipment produces noise levels that are 75 to 90 dBA measured at a distance of 50 feet (FHWA 2010). Thus, project construction noise would be intermittently noticeable at commercial and nearby sensitive receptors in the vicinity of the project site, including at residences on Pedro Street and the adjacent Saint Mary of the Assumption Croatian Mission (the closest sensitive receptors to the project site). General Plan Policy EC-1.7 states the City considers significant construction 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 pile driving for more than 12 months. The proposed project is located within 200 feet of a commercial or office use and within 500 feet of a residential land use however, pile driving is not proposed and construction activities would not last more than 12 months. Project construction activities would, therefore, not result in a significant noise impact.

As required by General Plan Policy EC-1.7, the Applicant would incorporate the following measures to control and reduce construction-related noise.

Standard Project Conditions

General Plan Policy EC-1.7 requires the applicant to use best available noise suppression devices and techniques and to limit construction hours near residences per the City's Municipal Code. Accordingly, the Applicant would incorporate the following construction noise BMPs into the plans and specifications for construction of the commercial facility:

- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
 - Signs shall be posted at the entrance to the site and at construction equipment staging areas informing all construction contractors and workers of construction noise reduction measures 3 – 9 below. The signs shall also provide a contact name and phone number for the job site and the City of San José to call in the event of a noise complaint.
 - Construction activities shall occur between the hours of 7 AM to 7 PM Monday through Friday in accordance with City of San José Municipal Code requirements (Section 20.100.450).
 - Construction equipment shall be stored/staged as far away from sensitive receptors as practical.
 - Stationary equipment such as compressors, generators, and welder machines shall be shielded and located as far away from sensitive receptors as possible.
 - Impact tools such as jack hammers shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. When use of pneumatic tools is not unavoidable, an exhaust muffler shall be used on the compressed air exhaust
 - No radios or other amplified sound devices shall be audible beyond the property line of the construction site.
 - Prior to the start of any construction activity, the construction contractor shall prepare a Construction Noise Complaint Plan that details how the contractor will respond to construction noise complaints, keep the City of San José apprised of the complaints, and document the resolution of those complaints.
- e-f) No Impact.** The project is not within an airport land use plan area or within two miles of a public or private airport for which a land use plan has not been adopted, and is not within the vicinity of a private air strip. The closest airport, Norman Y. Mineta San José International, which is approximately 2.5 miles north of the proposed project site, 945 Lincoln Avenue. Reid-Hillview Airport is approximately five miles east of the proposed project site.

4.13 POPULATION AND HOUSING

4.13.1 Setting

According to the US Census Bureau, the City of San José has a population of approximately 1,015,785 people, including 310,584 households.⁶ The City’s population is projected to reach 1,216,000 with 401,000 households by the year 2025.⁷ The proposed project is currently intended to provide retail services within the City of San José.

4.13.2 Thresholds of Significance

The thresholds of significance are per the CEQA Guidelines:

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

4.13.3 Findings

- a) **Less than Significant Impact.** The proposed project consists of an infill development project replacing an existing one-story commercial building and replacing it with a two-story commercial building and providing necessary parking for the development. The proposed use is commercial use in a well-developed urban area of San José and would not result in population growth.
- b) **No Impact.** The proposed project consists of an infill commercial development project and would not displace any existing housing units, necessitating the construction of replacement housing.

⁶ United States Census Bureau. July 2014. *QuickFacts San Jose city, California*. Accessed 23 April 2016. <<http://www.census.gov/quickfacts/table/PST045215/0668000>>

⁷ Center for the Continuing Study of the California Economy. 2008. *Projections of Jobs, Populations, and Households for the City of San Jose*. Accessed 23 April 2006. <<http://www.sanjoseca.gov/DocumentCenter/View/3326>>

- c) **No Impact.** The proposed project consists of an infill commercial development project and would not displace any people, necessitating the construction of replacement housing.

4.14 PUBLIC SERVICES

4.14.1 Setting

Fire protection services are provided to the proposed project by the San José Fire Department (SJFD). The closest fire station to the project site is Station 6, Battalion 10 approximately one mile south of the project site. Police protection services are provided by the San José Police Department (SJPD) with the nearest station located approximately 3.5 miles north of the project site. The proposed project site is located in San José School District within the boundaries for Willow Glen Elementary (0.8 miles southeast), Willow Glen Middle School (two miles south) and Willow Glen High School (two miles south). The closest parks are Palm Haven Park less than half of a mile to the east, and Willow Street Frank Bramhall Park, approximately one mile southwest of the project site.

4.14.2 Thresholds of Significance

The thresholds of significance are per the CEQA Guidelines:

PUBLIC SERVICES - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
i. Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
ii. Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
v. Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

4.14.3 Findings

- i. **Less Than Significant Impact.** The project proposes to increase commercial square footage at the site by approximately 7,500 square feet, and would not result in a significant increase demand for fire protection services to the site. The project would not cause the SJFD to alter or create new fire protection facilities nor would it significantly impact response times or other fire protection performance objectives. The project applicant would incorporate California Fire Code and City of San José Fire Code requirements into project

designs and would consult with the SJFD so that appropriate fire safety measures would be followed.

- ii. **Less Than Significant Impact.** The project proposes to increase commercial square footage at the site by approximately 7,500 square feet, and would not result in a significant increase demand for police protection services to the site. The project would not cause the City's police department to alter or create new police facilities nor would it significantly impact response times or other police performance objectives.
- iii. **No Impact.** The proposed project would not increase enrollment at local schools because no housing is proposed, and no new school facilities or changes to existing school facilities would be needed.
- iv. **No Impact.** No public parks would be affected by the proposed project. There would be no adverse impact to existing parks.
- v. **No Impact.** The proposed project would not increase the local population; therefore, it would no increase the demand for public services such that new facilities or changes in existing facilities would be needed.

4.15 RECREATION

4.15.1 Setting

The City of San José provides parklands, open space, and community facilities for public recreation and community services. Park and recreation facilities vary in size, use, and type of service, often providing regional and neighborhood uses. The nearest park to the project site is Palm Haven Park, which is located less than half of a mile to the northeast. Other parks include Hummingbird Park located approximately half of a mile to the east, and Willow Street Frank Bramhall Park located approximately two miles to the south. The closest regional park is Alum Rock Park, located approximately 12.5 miles to the northeast and owned and operated by the City of San José.

4.15.2 Thresholds of Significance

The thresholds of significance are per the CEQA Guidelines:

RECREATION - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

4.15.3 Findings

- a) **No Impact.** The proposed project is an infill development project for commercial use and 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.
- b) **No Impact.** The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities.

4.16 TRANSPORTATION / TRAFFIC

4.16.1 Setting

4.16.1.1 Environmental Setting

Regional access to the project site is provided by State Route 280 located less than one mile to the north and State Route 87 located less than two miles to the east. Other area arterial streets providing access to the site include Bird Avenue, Meridian Avenue, Willow Street and West San Carlos Street.

Lincoln Avenue is a four-lane road while San Pedro Street is a two-lane road. The main access to the project site will be from a 26-foot driveway on Lincoln Avenue, with a secondary access available via a 30-foot wide driveway on San Pedro Street. Vehicles entering the site via Lincoln Avenue from the north can make a right turn into the driveway, while vehicles coming from the south can make a left turn into the driveway. Both westbound and eastbound traffic on San Pedro Street can access the site via a right turn and left turn into the San Pedro Street driveway, respectively.

San Pedro Street ends at a T-intersection at Lincoln Avenue where there is a stop sign. There are no stop signs or signals where Lincoln Avenue passes San Pedro Street. The nearest signalized intersections are located at Lincoln Avenue/Coe Avenue (400 ft. south on Lincoln Ave), and Lincoln Avenue/Parkmoor Avenue (about 1,500 feet north on Lincoln Ave). The portion of Lincoln Avenue where the project is located is a designated “transit corridor” under the City’s Transportation Policy. There are no protected intersections in the project vicinity (intersections where no further vehicle capacity improvements are planned) (San José 2009).

The proposed project will provide 73 total parking spaces. Per the City of San José development standards, there will be three ADA accessible spaces, two loading spaces, and seven bicycle parking spaces. The parking provided by the project meets the Municipal Code requirements for cars and bicycles.

4.16.1.2 The projected traffic for this project was reviewed and found to be minimal, therefore no further traffic analysis is required (Mascarinas 2016).Regulatory Setting

San José Envision 2040 General Plan Policies

The City Transportation Impact Policy applies to all developments within the applicable geographic areas, except the following types of infill projects that shall be exempted from this Policy, because the Council finds that these projects, individually and cumulatively, will not cause a significant degradation of transportation Level of Service and the subject projects will further other City goals and policies:

- a. All retail commercial buildings containing 5,000 sf of gross area or less.
- b. All office buildings containing 10,000 sf of gross area or less.
- c. All industrial buildings of 30,000 sf or less.

- d. All single-family detached residential projects of 15 dwelling units or less.
- e. All single-family attached or multi-family residential projects of 25 units or less.

Since the project involves a retail commercial building that is over 5,000 sf in gross area, the CTIP applies to the project. Specific policies applicable to the project include:

Policy TR-5.3: The minimum overall roadway performance during peak travel periods should be level of service “D” except for designated areas. How this policy is applied and exceptions to this policy are listed in the following bullets:

- Vehicular Traffic Mitigation Measures. Review development proposals for their impacts on the level of service and require appropriate mitigation measures if development of the project has the potential to reduce the level of service to “E” or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
- San José City Council Policy 5-3: New developments are required to “maintain an overall standard of Level of Service D or better at signalized intersections unless the intersections are covered by an Area Development Policy or are otherwise designated by the City Council as exempt from this policy.”

The project would not reduce levels of service below the “D” category at any intersections near the project site as the project is minimal (Mascarinas 2016), therefore it will not reduce LOS below “D”, therefore the project complies with Policy TR-5.3.

4.16.2 Thresholds of Significance

This assessment uses the CEQA Guidelines and the limitations set by various City regulations as stated above in the regulatory setting as the thresholds of significance. The San José City Council Policy 5-3 Transportation Level of Service mandates new developments to “maintain an overall standard of Level of Service D or better at signalized intersections unless the intersections are covered by an Area Development Policy or are otherwise designated by the City Council as exempt from this policy.”

TRANSPORTATION/TRAFFIC - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,49
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2, 49, 24
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,49
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,49
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,24
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18

4.16.3 Findings

- a) **Less than Significant Impact.** The City's Department of Public Works reviewed the projected traffic for the project and it was found to be minimal, therefore no further traffic analysis is required. The proposed project would be in conformance with the City's Transportation Level of Service Policy (Council Policy 5-3) by maintaining a Level of Service of D or better at signalized intersections and therefore will not create a significant traffic impact (Mascarinas 2016).
- b) **Less than Significant Impact.** The City's Department of Public Works has analyzed the proposed project and determined that it would be in conformance with the City's Transportation Level of Service Policy (Council Policy 5-3) by maintaining a Level of Service D or better and therefore will not create a significant traffic impact (Mascarinas 2016).

- c) **No Impact.** The proposed project would not result in a change in air traffic patterns or increase hazards due to a design feature. The project is a two-story commercial development surrounded by urban development.
- d) **Less than Significant Impact.** The project replaces an existing single-story commercial building with a new two-story building and associated parking. The project does substantially increase hazards by including sharp curves or dangerous intersections. It is located in an urban area including commercial and residential uses and shall conform to City requirements for driveway widths and emergency access.
- e) **Less than Significant Impact.** The project would not create inadequate emergency access as the existing driveway access from Lincoln Avenue shall be maintained. Additional access to the site shall be provided by a driveway off of Pedro Street thereby improving emergency access at the site. Driveway widths and all other emergency access needs will conform to City requirements.
- f) **No Impact.** The project would provide 73 parking spaces for cars and seven (7) bicycle parking spaces, consistent with the San José Municipal Code. The project would comply with the City of San José Bicycle Parking and Clean Air Vehicle Ordinance.

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

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

Wastewater Treatment

Wastewater from the City of San José is treated at the San José – Santa Clara Regional Wastewater Facility (the Facility). The Facility is a regional wastewater treatment facility serving eight tributary sewage collection agencies and is administered and operated by the City of San José’s Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day. The Facility cleans an average of 110 million gallons of wastewater per day and serves 1.4 million residents.⁸

Water Service

San Jose Water Company provides water services to the proposed project site. There is an existing 12.75-inch water main along Lincoln Avenue and a 4-inch water main near the project site on Pedro Street.⁹

Storm Drainage System

Storm drainage is provided to the proposed project site by the City of San José.

Solid Waste

Waste collection and recycling services are available to most businesses from private companies franchised by the City of San José.

Natural Gas and Electricity

Natural gas and electricity are provided to Pacific Gas & Electric (PG&E).

4.17.2 Thresholds of Significance

The thresholds of significance are per the CEQA Guidelines:

UTILITIES AND SERVICES SYSTEMS - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

⁸ City of San Jose. Updated 2016. *San Jose – Santa Clara Regional Wastewater Facility*. Accessed April 26, 2016. <<http://www.sanjoseca.gov/?nid=1663>>

⁹ San Jose Water Company area map (2016)

UTILITIES AND SERVICES SYSTEMS - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

4.17.3 Findings

- a) **No Impact.** The proposed project would not exceed or impact wastewater treatment requirement of the applicable Regional Water Quality Control Board, since the project is not required to obtain a permit to discharge wastewater.
- b) **Less Than Significant Impact.** The proposed project is an infill redevelopment project with commercial uses and may incrementally increase water demands and wastewater generation; however, this increase is minimal and would not require or result in the construction of new water or wastewater treatment facilities or any expansion of existing facilities.
- c) **Less Than Significant Impact.** The proposed project would connect to the City of San José's existing storm drainage system. Any runoff that is contributed is not expected to exceed the capacity of existing or planned storm water drainage systems as the project reduces overall site imperviousness compared to existing conditions by installing all pervious pavement in the proposed parking and walkway areas.

- d) **Less Than Significant Impact.** See b) above. Sufficient water supplies are available to serve the project from existing entitlements and resources.
- e) **Less Than Significant Impact.** See a) and b) above. Adequate capacity is available to serve the project demand and would not significantly impact wastewater treatment services.
- f) **Less Than Significant Impact.** The General Plan EIR concluded that the increase in waste generated by full build out of the General Plan would not cause the City to exceed the capacity of existing landfills. The proposed project is consistent with the general plan designation of the site and therefore, would have a less than significant impact on solid waste.
- g) **No Impact.** The proposed project would comply will all federal, state, and local statues and regulations related to solid waste. The project is required to comply with the City's Construction and Demolition Diversion (CDD) program which ensures that at least 75% of construction and demolition debris is recovered and diverted from landfills.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

4.18.1 Thresholds of Significance

The thresholds of significance are per the CEQA Guidelines:

MANDATORY FINDINGS OF SIGNIFICANCE - - Would the project:					
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c) 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"/>	

4.18.2 Findings

- a) **Less Than Significant Impact with Mitigation.** The project will be built in a developed area of the City and except for the potential of the site to support nesting birds, the project will not harm biological resources. Mitigation measures are included in the project to protect nesting birds during construction (see BIO-1.1 and BIO-1.2 in *Section 4.4 Biology*). Although the project site does not contain obvious historic or cultural resources, there could be unknown buried resources exposed during site grading and preparation. Standard Project Conditions shall be implemented to protect unknown buried cultural resources and tribal cultural resources.

With implementation of mitigation measures and Standard Project Conditions, the project would have a less than significant impacts on biological resources and on important examples of the major periods of California history or prehistory.

- b) Less Than Significant Impact.** The proposed project involves the construction of a two-story commercial building where a one story dilapidated commercial building currently exists and within an existing combined commercial/industrial land use designated area. It would not contribute to cumulative impacts on all issues that are directly related to project construction and operation including aesthetics, biology, cultural resources, geology and soil, and hydrology.

The BAAQMD considers projects that result in emissions that exceed its CEQA significance thresholds to result in individual impacts that are cumulatively considerable and significant. Since the proposed project would not exceed any BAAQMD CEQA significance thresholds, the project would result in less than significant cumulative air quality impacts.

The proposed project would emit GHGs during construction and operation; however, the project would result in a less than significant GHG impact because the project would not exceed thresholds of significance recommended by the BAAQMD and would be consistent with the City of San José's qualified GHG reduction strategy as discussed below.

The project would not result in the exposure of people to noise levels that exceed standards or result in a substantial, permanent increase in ambient noise levels in the vicinity of the project.

The project would generate minimal traffic and did not require the preparation of a separate traffic impact analysis. Cumulative impacts of the project on traffic are considered less than significant and not cumulatively considerable.

- c) Less Than Significant Impact.** The Project shall adhere to all applicable City policies and ordinances. Further, the project will be required to implement Standard Project Conditions and mitigation measures which would reduce or eliminate environmental effects which could cause substantial adverse effects on human beings.

This page deliberately left blank.

5.0 REFERENCES

5.1 Checklist References

1. Professional expertise of consultant
2. San José Envision 2040 General Plan
3. FEMA Flood Insurance Rate Map, Flood Insurance Rate Map FM06085C0234H, accessed from FEMA FIRM website on May 2, 2014
4. City of San José Santa Traffic Impact Analysis Handbook, 2009
5. City of San José Title 20 Zoning Ordinance
6. San José Department of Public Works, Karen Mack, personal communication. May 13, 2014
7. San José Environmental Services Department
8. Project Plans, Verkic Engineering, January 6, 2015
9. Bay Area Air Quality Management District (BAAQMD) 2017a. "Air Quality Standards and Attainment Status". BAAQMD, Research & Data, Air Quality Standards & Attainment Status. January 5, 2017. Web. October 3, 2017. <http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status>>
10. United States Environmental Protection Agency (USEPA) 2018. "Nonattainment Areas for Criteria Pollutants." *Green Book*. U.S. EPA. January 31, 2018.. <<https://www.epa.gov/green-book>>
11. BAAQMD 2017b. Clean Air Plan: Spare the Air, Cool the Climate. BAAQMD, Planning, Rules, and Research Division. April 19, 2017. <http://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-_proposed-final-cap-vol-1-pdf.pdf?la=en>
12. BAAQMD 2017. California Environmental Quality Act Air Quality Guidelines. San Francisco, CA. June 2010, updated May 2017.
13. BAAQMD 2017. *2016 Air Monitoring Network Plan*. San Francisco, CA. 2017. <http://www.baaqmd.gov/~media/files/technical-services/2016_network_plan-pdf.pdf?la=en>
14. California Air Resources Board (CARB) 2009. *Climate Change Scoping Plan – A Framework for Change*. Endorsed by ARB December 2008. Sacramento, CA. May 11, 2009. <<http://www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm>>
15. CARB 2007. *Staff Report California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit*. Sacramento, CA. November 16, 2007. <http://www.arb.ca.gov/cc/inventory/pubs/reports/staff_report_1990_level.pdf>
16. CARB 2011. *Final Supplement to the AB 32 Scoping Plan Functional Equivalent Document*. Released August 19, 2011. Sacramento, CA. Approved August 24, 2011. <<http://www.arb.ca.gov/cc/scopingplan/fed.htm>>
17. BAAQMD 2015. *Bay Area Emissions Inventory Summary Report: Greenhouse Gases*. San Francisco, CA. January 2015 <http://www.baaqmd.gov/~media/files/planning-and-research/emission-inventory/by2011_ghgsummary.pdf>

18. MIG (formerly TRA Environmental Sciences) 2014. Air Quality and Greenhouse Gas Calculations (Appendix A). May.
19. U.S. Federal Highway Administration (FHWA). 2010. "Construction Noise Handbook, Chapter 9 Construction Equipment Noise Levels and Ranges." *U.S. Department of Transportation FHWA*. May 20, 2010. Web. April 3, 2014.
http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook09.cfm
20. MIG (formerly TRA Environmental Sciences) 2014. Noise Data Summary (Appendix C). May.
21. Federal Transit Administration (FTA). 2006. "Transit Noise and Vibration Impact Assessment." U.S. Department of Transportation, FTA. May 2006.
22. BAAQMD 2014. "Clean Air Plan Update." *Clean Air Plan Update*. BAAQMD, Planning Rules, and Research Division, Plans. April 4, 2014. Web. June 19, 2014.
23. CARB 2005. *Air Quality and Land Use Handbook: A Community Perspective*. Sacramento, CA. April 2005.
24. CARB 2014. First Update to the Climate Change Scoping Plan. Sacramento, CA. May 2014.
25. Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) 2017. Plan Bay Area 2040. San Francisco, CA. July 2017.
26. City of San José. 1990. *Commercial Design Guidelines*. Accessed 22 April 2016.
<<https://www.sanjoseca.gov/DocumentCenter/Home/View/426>>
27. City of San José. 2000. *Outdoor Lighting on Private Developments*. Council Policy 4-3.
28. California Department of Conservation. 2010. *Santa Clara County Important Farmland*. Division of Land Resource Protection. Farmland Mapping and Monitoring Program.
29. California Department of Transportation. Updated 2011. *California Scenic Highway Mapping System*.
30. State of California. Geo-Hazard Maps /Alquist Priolo Fault Maps
31. Santa Clara County. *Santa Clara County Geology Hazard Zones*. Map 28.
32. BAGG Engineers. January 2013. *Geotechnical Engineering Investigation Reconstruction of Existing Commercial Retail Building*.
33. Google Maps. 2016, 2018.
34. California Department of Toxic Substances Control. 2016. *EnviroStor database*.
35. Santa Clara Valley Habitat Plan. 2016. *Habitat Agency Geobrowser*.
36. H.T. Harvey & Associates. 2009. *Envision San José 2040 General Plan Update Biological Resources Existing Conditions Report*.
37. California Department of Transportation (Caltrans). 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol. September 2013.
38. Personal Communication. 2016. Email from Whitney Berry to Christina Lau. May 20. 04:59:12 PM.

39. Bureau of Land Management, 2018. General Land Office (GLO) Records Automation. <https://glorerecords.blm.gov/default.aspx> Accessed January 31, 2018
40. Cabrillo College, 2017. Missionization. https://www.cabrillo.edu/~crsmith/anth6_missions.html accessed January 31, 2018
41. California State Parks, 2018. Office of Historic Preservation. <http://ohp.parks.ca.gov/> Accessed January 31, 2018
42. Frank, Gayle, 2007. History of the Roberto-Sunol Adobe, San Jose, CA. Preservation Action Council of San Jose. http://www.preservation.org/events/celebration2007/roberto_adobe_history.html Accessed February 1, 2018.
43. Historic Map Works, 2018. Map 005, Santa Clara, San Jose, Braly, Jefferson, Jackson, Cambrian Pioneer, Oak Grove, Pala, Milliken. http://www.historicmapworks.com/Map/US/19865/Map+005++Santa+Clara++San+Jose++Braly++Jefferson++Jackson++Cambrian+Pioneer++Oak+Grove++Pala++Milliken/Santa+Clara+County+1876/California/_ Accessed January 31, 2018
44. Levy, Richard. 1987. Costanoan in R.F. Heizer (ed.) Handbook of North American Indians. Vol. 8: California: 485-495. Washington D.C. Smithsonian Institute.
45. National Park Service, 2018. National Register of Historic Places. <https://www.nps.gov/nR/index.htm> Accessed January 31, 2018
46. National Park Service, 2018. Santa Clara County Economic History. <https://www.nps.gov/nr/travel/santaclara/economic.htm> Accessed February 1, 2018
47. Native American Heritage Commission (NAHC). 2017. Sacred Lands File Search, December 28, 2017.
48. Northwest Information Center (NWIC), Sonoma State University 2017. California Historical Resources Information System - Record Search, File No. 17-1721. January 23, 2018.
49. City of San José. 2016. Memorandum from Norman Mascarinas, Public Works, to Rebecca Bustos, Planning and Building. Subject: Final Response to Development Application. January 19.
50. CARB 2017. California's 2017 Climate Change Scoping Plan. Sacramento, CA. November 2017. < https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf >

This page deliberately left blank.

6.0 REPORT PREPARERS

MIG, Inc. (formerly TRA Environmental Sciences, Inc.)

2635 N. First Street, Suite 149

San José, CA 95134

www.migcom.com

Victoria Harris, Senior Project Manager

Christopher Dugan, Senior Analyst

Christina Lau, Project Manager

Becca Dannels, Analyst

Rachel Moller, Analyst

Robert Templar, Archaeologist

This page deliberately left blank.