Initial Study

Empire Lumber Mixed-Use Project

File No. GPT15-007 & PDC15-067

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

September 2016

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement

HARRY FREITAS, DIRECTOR

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: Empire Lumber Mixed-Use Project

PROJECT FILE NUMBER: GPT15-007 and PDC15-067

PROJECT DESCRIPTION:

GPT15-007: General Plan Text Amendment to amend the Roosevelt Park Urban Village Plan to reduce the minimum commercial FAR from 0.50 to 0.25 and increase maximum height across the entire site to 85 feet on a 2.77 gross acre site. In addition, the text amendment is proposed to allow a maximum building height of 85 feet across the entire project site.

PDC15-067: The Planned Development Rezoning from CG Commercial General Zoning District and LI Light Industrial Zoning District to CG(PD) Commercial General Planned Development Zoning District for a 7-story mixed-use development with up to 60,000 square feet of commercial space and up to 405 residential units on a 2.77 gross acre site. The proposed project would have one level of below-grade parking and two levels of above-grade parking. The parking garage would have approximately 490 parking spaces to be shared between residents, commercial customers, and employees. A pool deck, podium garden, and club/fitness area (approximately 2,442 square feet) are proposed on top of the parking structure on the third floor. The open space area would be wrapped by residential units.

PROJECT LOCATION: The 2.77-acre project site is comprised of seven parcels located at 1260 East Santa Clara Street, between South 26th Street and South 28th Street, in the City of San José.

ASSESSORS PARCEL NO.: 467-33-001, 467-33-002, 467-33-003, 467-33-004, 467-33-006, 467-33-007, and 467-33-008

COUNCIL DISTRICT: 3

APPLICANT CONTACT INFORMATION: Pacific States Industries Development, P.O. Box 1300 Morgan Hill, California

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.**

Impact AIR-1: Construction activities associated with the proposed project would expose children near the project site to temporary TAC emissions in excess of acceptable risk thresholds

MM AIR-1.1: All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent.

MM AIR-1.2: All diesel-powered portable equipment (i.e., air compressors, concrete saws, and generators) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

MM AIR-1.3: All forklifts shall meet Tier 4 requirements or use alternative fuel such as propane.

MM AIR-1.4: The project applicant shall submit a construction operations plan that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by a qualified air quality specialist which verifies that the equipment included in the plan meets the standards set forth in Mitigation Measures AIR-1.1 through AIR -1.3.

D. **BIOLOGICAL RESOURCES.**

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

MM BIO-1.1. Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31.

MM BIO-1.2: If it is not possible to schedule demolition and construction between September 1 and January 31, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 31) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist will inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), will 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.

MM BIO-1.3: If pre-construction surveys are requirements, the project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the City of Jose Department of Planning, Building, and Code Enforcement prior to the issuance of any grading permit.

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.

Impact HAZ-1: Hazardous materials contamination from previous wood treatment and lumber practices could be present in site soils.

MM HAZ-1.1: Prior to issuance of grading permits, shallow soils samples shall be taken onsite to determine the location of any contaminated soils on the site with concentrations above worker safety thresholds established by the Regional Water Quality Control Board (RWQCB). Once a soil sampling analysis is complete, a report of the findings shall be provided to the Director of Planning, Building, and Code Enforcement (PBCE) for review and approval.

MM HAZ-1.2: Any soils with residual agricultural chemicals exceeding the RWQCB Environmental Screening Levels (ESLs) for commercial uses or hazardous waste limits would be characterized, removed, and disposed of off-site at a licensed hazardous materials disposal site.

MM HAZ-1.3: All measures will be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.

MM HAZ-1.4: If contaminated soils are found in concentrations above established thresholds, a Site Management Plan (SMP) shall be prepared by a qualified hazardous

materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities. The sampling results shall be compared to appropriate risk-based screening levels in the SMP. The SMP shall identify potential health, safety, and environmental exposure considerations associated with redevelopment activities and shall identify appropriate mitigation measures. The SMP shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and Santa Clara County Department of Environmental Health (or equivalent regulatory agency) for approval prior to commencing construction activities. The SMP shall include, but is not limited to, the following:

- Proper mitigation as needed for demolition of existing structures;
- Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Management of underground structures encountered, including utilities and/or underground storage tanks;
- Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, lead-based paint, , etc.) is discovered during excavation or demolition activities;
- Traffic control during site improvements;
- Noise, work hours, and other relevant City regulations;
- Mitigation of soil vapors (if required);
- Procedures for proper disposal of contaminated materials (if required); and Monitoring, reporting, and regulatory oversight arrangements.

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 as the mitigation measures above are incorporated.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **October 19, 2016,** 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.

Harry Freitas, Director
Planning, Building and Code Enforcement

Circulated on: 9/26/16

Meenaxi R. P.

Meenaxi Panakkal, Deputy
Supervising Environmental Planner

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SECTION 1.0 INTRODUCTION AND PURPOSE

This Initial Study (IS) has been prepared by the City of San José as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 *et seq*), and the regulations and policies of the City of San José. The purpose of this IS is to inform decision makers and the general public of the environmental impacts that might reasonably be anticipated to result from development of the proposed project.

In 2011, the City of San José approved the *Envision San José 2040 General Plan*, which is a long-range program for the future growth of the City. *The San José 2040 General Plan FEIR* was a broad range analysis of planned growth and did not analyze specific development projects. The intent was for the *San José 2040 General Plan FEIR* to be a program-level environmental review document from which subsequent development consistent with the General Plan could tier.

This IS has been prepared as part of the supplemental environmental review process needed to evaluate the proposed project in terms of the overall development envisioned in the 2040 General Plan.

The project site is located within an Urban Village (as defined in the General Plan) which has an adopted development plan. In addition to the General Plan, this IS addresses the project's consistency with the policies and development standards established in the adopted Urban Village plan.

Tiering From Previous EIRS

In accordance with CEQA, this IS will tier from the *Envision San José 2040 General Plan FEIR*. The CEQA Guidelines contain the following information on tiering an environmental document:

> **§15152 – Tiering.** (a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later projects.
>
> (b) Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration. Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.

This IS 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.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Empire Lumber Mixed-Use

2.2 PROJECT LOCATION

The 2.77-acre project site is comprised of seven parcels located at 1260 East Santa Clara Street, between South 26th Street and South 28th Street, in the City of San José. The location of the project site is shown on the following figures:

Figure 2.2-1 Regional Map
Figure 2.2-2 Vicinity Map
Figure 2.2-3 Aerial Map

2.3 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building and Code Enforcement
Thai-Chau Le
Thai-chau.le@sanjoseca.gov
(408) 535-5658
200 East Santa Clara Street
San José, CA 95113

2.4 PROPERTY OWNER/PROJECT APPLICANT

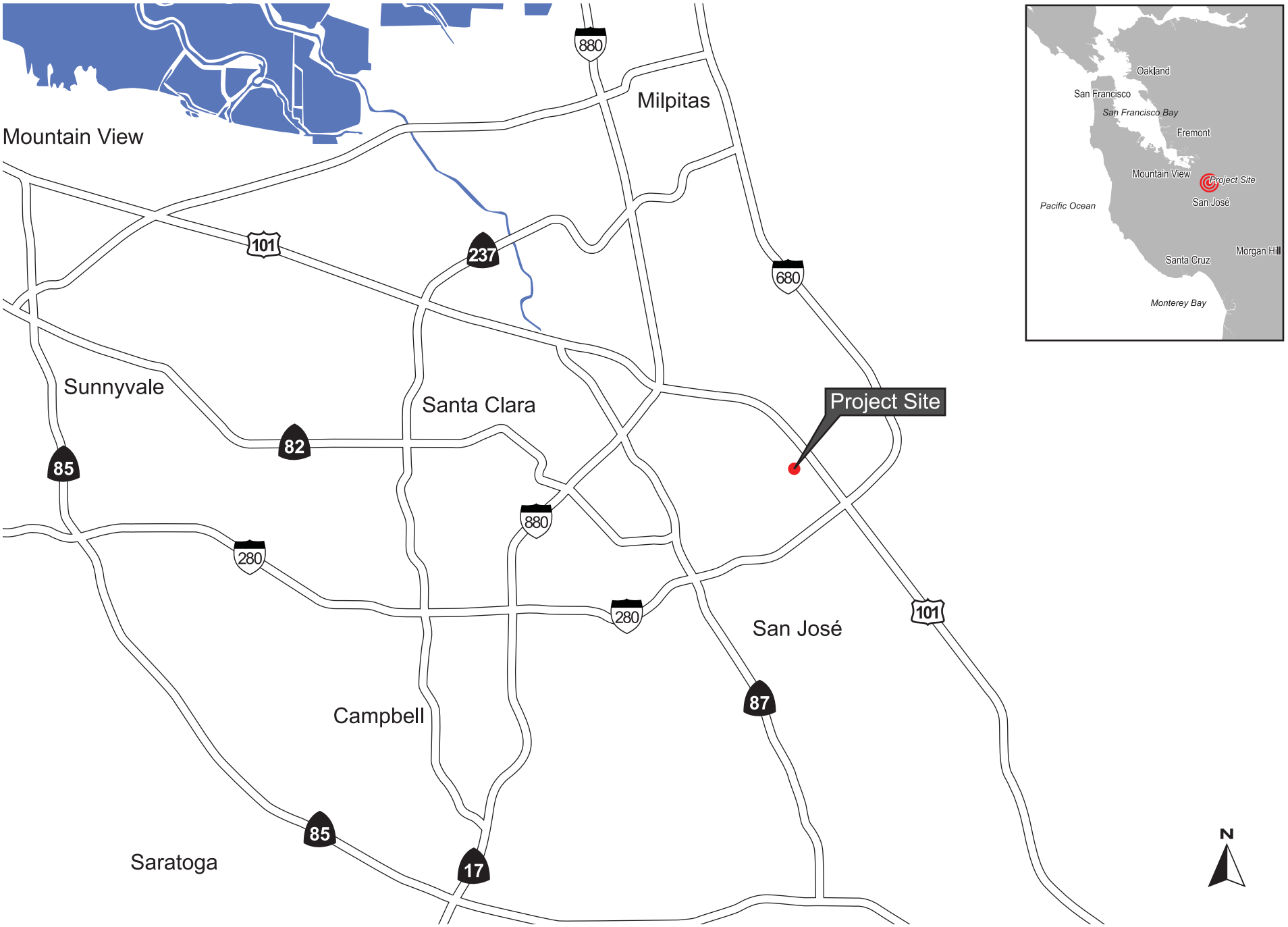
Pacific States Industries Development

2.5 ASSESSOR'S PARCEL NUMBERS

467-33-001
467-33-002
467-33-003
467-33-004
467-33-006
467-33-007
467-33-008

2.6 ZONING DISTRICT AND GENERAL PLAN DESIGNATIONS

The project site is designated *Urban Village* under the City of San José's General Plan and is located within the adopted Roosevelt Park Urban Village Plan. The site is zoned *CG – Commercial General* on the northern half of the project site and *LI – Light Industrial* on the southern half of the project site.



REGIONAL MAP

FIGURE 2.2-1

VICINITY MAP

FIGURE 2.2-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.2-3

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS AND PERMITS

It is the intent that this IS will be used in the consideration of the following discretionary actions:

- General Plan Text Amendment
- Architectural Review
- Planned Development Zoning
- Planned Development Permits

SECTION 3.0 PROJECT DESCRIPTION

The 2.77-acre project site is comprised of seven parcels (APNs 467-33-001, -002, -003, -004, -006, -007, and -008) located at 1260 East Santa Clara Street between South 26th Street and South 28th Street in the City of San José.

The rectangular shaped parcel has three street frontages, East Santa Clara Street to the north, South 26th Street to the west, and Shortridge Avenue to the south. A non-operational rail line is located along the eastern property line. The rail alignment has been identified as part of the planned Five Wounds Trail.

The site is currently developed with a one-story commercial building and an adjacent surface parking lot, formerly occupied by Empire Lumber. The site is partially occupied by a used car lot. The project site is currently accessed by driveways on East Santa Clara Street and Shortridge Avenue.

Land Use Designation and Zoning

The project site is designated *Urban Village* under the City of San José's General Plan and is located within the adopted Roosevelt Park Urban Village Plan. The site is zoned *CG – Commercial General* on the northern half of the project site (fronting E. Santa Clara Street) and *LI – Light Industrial* on the southern half of the project site (along Shortridge Avenue).

Under the Roosevelt Park Urban Village Plan, the *Urban Village* designation allows for a variety of uses including commercial, residential, and institutional. The *Urban Village* designation has no established floor area ratio (FAR) minimum or maximum for commercial development and no established minimum or maximum residential unit density; however, to meet the employment lands and job development objectives for this village, the plan establishes a minimum FAR for the commercial/employment component of mixed-use projects in some of the plan area. The project site is located in Area D, which has a minimum 0.50 FAR requirement for the commercial portion of a mixed-use project. The density of new development would be limited by the maximum height limits established in the Roosevelt Park Urban Village Plan. For the project site, the maximum height limit is 85 feet, but there are restrictions to the maximum height limit. Building Height Policy 5 requires all new development adjacent to property with an existing single-family home or with a General Plan designation of Residential Neighborhood with a density of 8 dwelling units to the acre or less, shall step down in height to 35 feet within 20 feet of such single-family properties.

As mentioned above, the site has two zoning designations. The northern half of the project site is zoned *CG – Commercial General* (Chapter 20.40 of the City Code) and is intended to serve the needs of the general population. The *Commercial General* zoning allows for a full range of retail and commercial uses with a local or regional market. The southern half of the project site is zoned *LI – Light Industrial* (Chapter 20.50 of the City Code) and is intended for a variety of industrial uses and excludes uses with unmitigated hazardous effects. Uses in the *LI – Light Industrial* zoning district include warehouse, wholesale, and light manufacturing.

The project proposes a General Plan text amendment to allow for a reduction in the minimum commercial FAR requirement to 0.25. In addition, the text amendment is proposed to allow a maximum building height of 85 feet across the entire project site.

The current zoning designations are not applicable to the specific development proposed for the project site. As a result, the project proposes a rezoning to *CG(PD) – Commercial General Planned Development.*

Proposed Development

As analyzed in this Initial Study, the project would demolish the existing building on-site and construct a seven-story (85 feet) mixed-use building with up to 60,000 square feet of commercial space and up to 405 residential units.

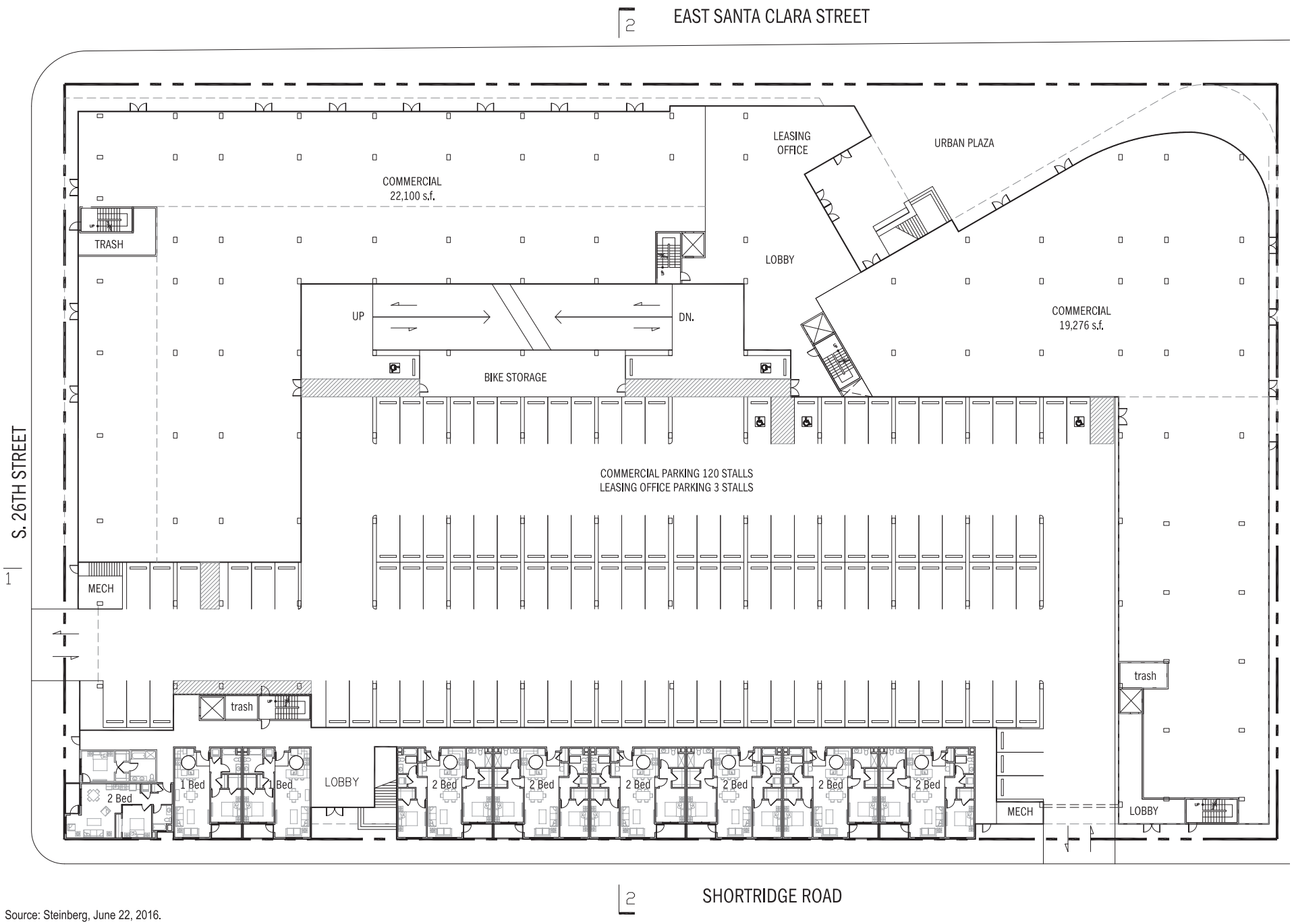
Most of the commercial space would be on the ground level, with a portion on a partial mezzanine level. (see Figures 3.0-1 and 3.0-2) Residential units located on the ground level of the building would be limited to the southern boundary of the site. Residential units located on the second level would be located on the southern boundary of the site, as well as a small number of units at the southwest corner of the site. The remaining floors would have residential units on all sides of the building. As proposed, there would be no residential units along the eastern property line, on the first or second floors, adjacent to the future trail.

The project would have one level of below-grade parking and two levels of above-grade parking. The commercial space and residences would wrap the parking levels on the first and second floors. The parking garage would have approximately 490 parking spaces to be shared between residents, commercial customers, and employees. Motorcycle storage would be proposed on the below-grade level and bicycle storage would be provided on the two above-grade levels. Access to the garage would be provided from South 26th Street and Shortridge Road. No access to the garage would be provided from East Santa Clara Street.

A pool deck, podium garden, and club/fitness area (approximately 2,442 square feet) are proposed on top of the parking structure on the third floor. The open space area would be wrapped by residential units. (see Figure 3.0-3)

Green Building Measures

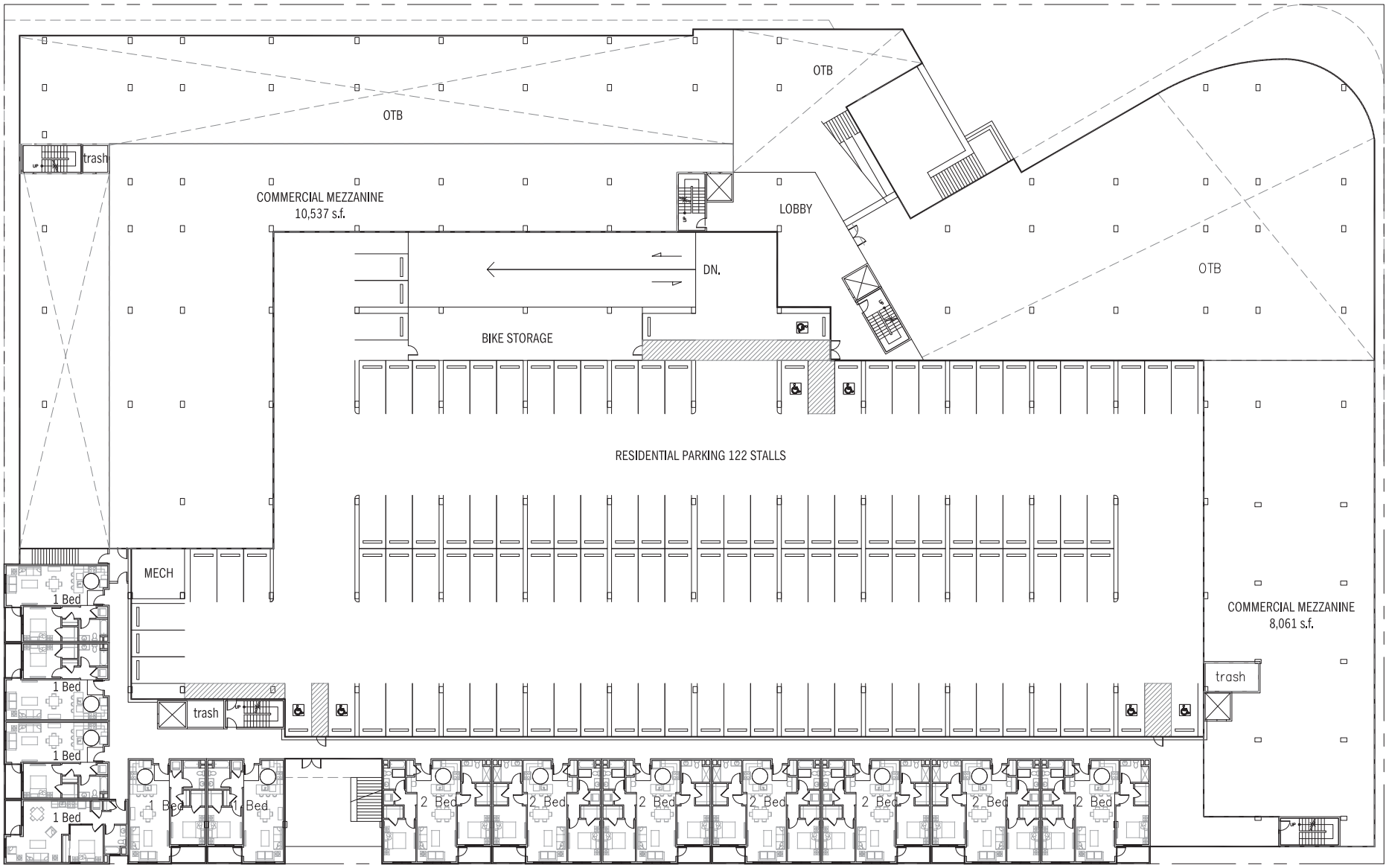
The proposed project would be required to build to the California Green Building Code (CALGreen) which includes design provisions intended to minimize wasteful energy consumption. The proposed development would be designed to achieve minimum LEED certification consistent with San José Council Policy 6-32, though no specific building measures have been identified at this time.



Source: Steinberg, June 22, 2016.

CONCEPTUAL SITE PLAN (GROUND FLOOR)

FIGURE 3.0-1



Source: Steinberg, June 22, 2016.

SECOND FLOOR PLAN

FIGURE 3.0-2

Source: Steinberg, June 22, 2016.

THIRD FLOOR PLAN

FIGURE 3.0-3

SECTION 4.0 SETTING, ENVIRONMENTAL CHECKLIST AND IMPACTS

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 Guidelines §15370). Measures that are proposed by the applicant that will further reduce or avoid already less than significant impacts are categorized as "Avoidance Measures."

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 issues that relate 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, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 Project Site

The project site is currently developed with a one-story commercial building and an adjacent surface parking lot. The building façade along Santa Clara Street appears as three separate sections. The eastern portion of the building, which is currently occupied by a used car dealer, is distinguished by four large aluminum frame windows on the northern façade. The entrance to the building is on eastern side of the building. The central section of the building has no windows or doors, and has a false front which makes it taller than the other two building sections. The western portion of the building has a central entrance and appears to have had six large windows on the northern façade (similar to the eastern portion of the building), which have been covered or removed. The commercial building is made of wood framed construction, and clad with a mix of stucco, ribbed metal panels, and wood sheathing. Large eaves overhang the sidewalk on each of the building sections. (see Photos 1 and 2)

Chain-link fences with barbed wire and privacy slats (in some areas) are located along the southern, eastern, and western property lines. (see Photo 3) Street trees are located along the street frontage. (see Photo 4) A free-standing roadway sign for the previous Empire Lumber business is located adjacent to the sidewalk on Santa Clara Street, within the parking lot.

4.1.1.2 Surrounding Land Uses

The project site is located within a mixed residential and commercial neighborhood. West of the project site, on the west side of S. 26th Street, is a commercial building, a single-family residence that has been converted to a business, and a small duplex. All the buildings are one-story in height and back up to two apartment buildings that are two and three stories. South of the project site, on the south side of Shortridge Avenue, are primarily single-story, single-family houses and a few commercial buildings. The remainder of the area to the south and west is a residential neighborhood. As the area was developed over time, there is no prominent architectural style. (see Photo 5)

Immediately east of the project site are former Union Pacific railroad tracks. (see Photos 6 and 7)

North of the project site is East Santa Clara Street, a four-lane multi-directional roadway. North of East Santa Clara Street are several one-story commercial buildings. Most of the commercial buildings are in poor condition with no landscaping other than a few street trees. A recently renovated fast food restaurant stands out in this area with new paint and extensive landscaping along the street frontages. The Five Wounds Portuguese National Church (Five Wounds Church), a local historic landmark, is located approximately 320 feet northeast from the project site. The three-story church is located between two one- to story-story accessory buildings. The church has a large front courtyard with palm trees and the accessory buildings have large grass areas lined with decorative fences and landscaping. (see Photo 8)

PHOTO 1: View of the project site, looking south from East Santa Clara Street.

PHOTO 2: View of the project site, looking southwest from East Santa Clara Street.

PHOTOS 1 AND 2

PHOTO 3: View of the project site, looking north from Shortridge Avenue.

PHOTO 4: View of street trees and parking site, looking south from East Santa Clara Street.

PHOTOS 3 AND 4

PHOTO 5: View of one-story family residences, looking southwest from the Shortridge Avenue and South 26th Street Intersection.

PHOTO 6: View of the railroad tracks, looking northwest from South 28th Street.

PHOTOS 5 AND 6

PHOTO 7: View of the railroad tracks, looking northwest from South 28th Street.

PHOTO 8: View of Five Wounds Church and a commercial business, looking northeast from East Santa Clara Street.

PHOTOS 7 AND 8

4.1.1.3 Applicable Aesthetics Regulations and Policies

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José.

Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

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

Policy CD-1.23: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-4.5: For new development in transition areas between identified Growth Areas and nongrowth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, view shed, or other land use compatibility concerns.

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).

4.1.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	1,2
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐	1,2
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1,2

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1,2

4.1.2.1 Aesthetic Impacts

Scenic Vistas and Resources *(Checklist Questions #1 and #2)*

Most of the City is relatively flat and prominent views, other than of buildings, are limited. The project area, in particular, has minimal to no scenic views due to the existing built environment and no designated scenic resources, though the Five Wounds Church and the eastern foothills are visible from the project site and the surrounding project area. The construction of a seven-story mixed-use building on the project site may limit views of the church and the foothills from a portion of the residential neighborhood to the south and west, but would not significantly diminish scenic views in the project area or damage any designated scenic resources.

As a condition of project approval, consistent with Building Height Policy 4 in the Urban Village Plan, the project applicant shall provide the City a height and massing study to demonstrate how the views of the church will be maintained, particularly from the south and southwest. The height and massing study must be submitted and approved by Planning, Building and Code Enforcement prior to issuance of building permits. **(Less Than Significant Impact)**

Visual Character *(Checklist Question #3)*

The proposed project site is located in a highly visible and active area on E. Santa Clara Street. Any new construction on this site will be visible from the roadways and surrounding properties. The project site is in a highly urbanized area and is surrounded with a multitude of architectural styles and building heights.

The project site is currently developed with a one-story commercial building and an adjacent surface parking lot. The project area is a mix of residential houses and commercial businesses, with varying architectural styles. The development of a seven-story mixed-use building would change the visual character of the immediate project area; however, the development would be generally consistent with the development assumed in the Roosevelt Park Urban Village Plan and the General Plan.

The *San Jose 2040 General Plan FEIR* concluded that while new development and redevelopment under the General Plan would alter the appearance of the City, implementation of adopted policies and existing regulations (including the City's Design Guidelines and, in this case, the policies in the Roosevelt Park Urban Village Plan) would avoid substantial degradation of the visual character or quality of the City.

The proposed project would be taller than existing development in the project area, but the City deemed building heights up to 85 feet on the project site appropriate and would be consistent with the

visual character of the neighborhood, as outlined in the Roosevelt Park Urban Village Plan. The project would be required to comply with the adopted plans, policies, and regulations as outlined in the *San Jose 2040 General Plan FEIR*. In addition, the project will be required to comply with all applicable urban design concepts adopted as part of the Roosevelt Park Urban Village Plan. As a result, the proposed project will have a less than significant impact on the visual character of the City. **(Less Than Significant Impact)**

Light and Glare *(Checklist Question #4)*

As stated above, development on the project site will be highly visible from the surrounding roadways and properties. The *San Jose 2040 General Plan FEIR* concluded that while new development and redevelopment under the General Plan could be new sources of nighttime light and daytime glare, implementation of adopted plans, conformance with adopted policies and regulations and with General Plan policies would avoid substantial light and glare impacts.

The proposed project will be required to comply with the aforementioned General Plan policies and City Council Lighting Policy 4-2. In addition, the project will be required to comply with all applicable urban design concepts adopted as part of the Roosevelt Park Urban Village Plan. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. **(Less Than Significant Impact)**

4.1.3 Conclusion

The project would have a less than significant impact on the visual character of the project area, and it would not impact any designated scenic resources. The project would not create significant additional sources of light and glare. Implementation of the project would have a less than significant visual impact. **(Less Than Significant Impact)**

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

The project site is located in an area developed with and designated for urban use in San José. The *Santa Clara County Important Farmlands 2012 Map* designates the project site as "Urban and Built-Up Land." Urban and Built-up Land is defined as land with at least six structures per 10 acres and utilized for residential, institutional, industrial, commercial, landfill, golf course, and other urban-related purposes. The project site is surrounded by urban and built-up land.[1] There are no forest lands on or adjacent to the project site. The site is not subject to a Williamson Act contract.

4.2.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1-4
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1-4
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	1-4
4. Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1-4
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1-4

4.2.2.1 Agricultural and Forest Resources Impacts *(Checklist Questions #1-#4)*

The proposed project would result in construction of a seven-story mixed-use building and a parking structure. The project would not convert *Prime Farmland, Unique Farmland, or Farmland of Statewide Importance* to non-agricultural uses. The project would not conflict with existing zoning

[1] California Natural Resources Agency. *Santa Clara County Important Farmlands 2012.* Accessed March 24, 2016. <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/scl12.pdf>

for agricultural operations or facilitate the unplanned conversion of farmland elsewhere in San José to non-agricultural uses. There are no forest lands on or adjacent to the project site and, therefore, would not result in the loss of forest lands in San José. For these reasons, the project would not result in no impact to agricultural or forest resources. **(No Impact)**

4.2.3 Conclusion

The project would have no impact on agricultural or forest lands. **(No Impact)**

4.3 AIR QUALITY

The following analysis is based, in part, on an air quality assessment prepared by *Illingworth & Rodkin* in July, 2016. A copy of the report is provided in Appendix A.

4.3.1 Setting

4.3.1.1 Background Information

Air quality is determined by the concentration of various pollutants in the atmosphere. The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin.

The Bay Area Quality Management District (BAAQMD) is responsible for assuring that the National and State ambient air quality standards are attained and maintained in the Bay Area. Air quality studies generally focus on four pollutants that are most commonly measured and regulated: carbon monoxide (CO), ground level ozone (O_3), nitrogen dioxide (NO_2), and suspended particulate matter (PM_{10} and $PM_{2.5}$). As shown in Table 4.3-1, violations of State and Federal standards at the monitoring station in Downtown San José (the nearest monitoring station to the project site) during the 2013-2015 period (the most recent years for which data is available) include high levels of ozone, $PM_{2.5}$, and PM_{10}.[2,3]

Table 4.3-1: Ambient Air Quality Violations and Highest Concentrations (2013-2015)

Pollutant	Standard	Days Exceeding Standard		
		2013	2014	2015
SAN JOSÉ STATION				
Ozone	State 1-hour	1	0	0
	Federal 8-hour	1	0	2
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0
Nitrogen Dioxide	State 1-hour	0	0	0
PM_{10}	Federal 24-hour	0	0	0
	State 24-hour	5	1	1
$PM_{2.5}$	Federal 24-hour	6	2	2

The Bay Area as a whole does not meet State or Federal ambient air quality standards for ground level O_3, State standards for PM_{10}, and Federal standards for $PM_{2.5}$. Based on air quality monitoring data, the California Air Resources Board (CARB) has designated Santa Clara County as a

[2] PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.
[3] Bay Area Air Quality Management District. Annual Bay Area Air Quality Summaries. <http://www.baaqmd.gov/about-air-quality/air-quality-summaries> Accessed April 14, 2016.

"nonattainment area" for O_3 and PM_{10} under the California Clean Air Act (CAA). The County is either in attainment or unclassified for other pollutants.

4.3.1.2 Toxic Air Contaminants

Another group of substances found in ambient air are Hazardous Air Pollutants (HAPs) under the Federal CAA and Toxic Air Contaminants (TACs) under the California CAA. HAPs are identified by the U.S. EPA as known or suspected to cause cancer, serious illness, birth defects, or death. HAPs originate from human activities, such as fuel combustion and solvent use. In California, TACs are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and Federal level.

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

4.3.1.3 Sensitive Receptors

Sensitive receptors are groups of people that are more susceptible to exposure to pollutants (i.e., children, the elderly, and people with illnesses). Locations that may contain high concentrations of sensitive population groups include residential areas, hospitals, daycare and elder care facilities, elementary schools, parks and places of assembly. The project is located within a residential and commercial neighborhood. The nearest sensitive receptors are located approximately 60 feet west and south of the project site.

4.3.1.4 Applicable Air Quality Regulations and Policies in the General Plan

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José. The following policies are specific to air quality and applicable to the proposed project.

Policy MS-10.1: Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.

Policy MS-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-11.1: Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project design or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

Policy MS-11.5: Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Policy MS-13.3: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.3.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1,2,6
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1,2,6
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	1,2,6
4. Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	1,2,6
5. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	1,2

In 2009, BAAQMD published Proposed Thresholds of Significance. The CEQA Guidelines prepared by BAAQMD in 2011 used these significance criteria to evaluate the impacts caused by projects. BAAQMD's adoption of the 2011 thresholds was called into question by a trial court order issued March 5, 2012, in the California Building Industry Association v. BAAQMD (Alameda Superior Court Case No. RGI0548693), which determined the adoption of the thresholds was a project under CEQA but did not address the substantive validity, merits, or scientific basis of the thresholds. The California Court of Appeal for the Fifth District reversed the trial court decision and the Court of Appeal's decision was appealed to the California Supreme Court, which granted limited review and before whom the matter is pending. BAAQMD is not recommending the use of the 2011 thresholds pending a final judgment.

The issues in the California Building Industry Association v. BAAQMD lawsuit are not relevant to the scientific basis of BAAQMD's analysis of what levels of pollutants should be deemed significant. The City has determined that the scientific information in BAAQMD's proposed thresholds of significance analysis provides substantial evidence to support the 2011 thresholds and, therefore, has determined the thresholds and methodologies from BAAQMD's May 2011 CEQA Air Quality Guidelines are appropriate for use in this analysis to determine whether there would be any project operational impacts in terms of criteria pollutants, toxic air contaminants and odors. These CEQA Air Quality thresholds were used to evaluate air quality impacts from the project.

This analysis is based upon the general methodologies in the most recent BAAQMD CEQA Air Quality Guidelines (dated May 2012) and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2011 BAAQMD CEQA Air Quality Guidelines, as shown in Table 4.3-2.

Table 4.3-2: Thresholds of Significance Used in Air Quality Analyses

Pollutant	Construction	Operation-Related	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions (pounds/day)**	**Maximum Annual Emissions (tons/year)**
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust (PM_{10}/$PM_{2.5}$)	Best Management Practices	None	None
Local CO	None	9.0 ppm (Eight-hour)	20.0 ppm (One-hour)
Risk and Hazards for New Sources and Receptors (Project)	Same as Operational Threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 µ/m^3 (Zone of influence: 1,000-foot radius from property line of source or receptor)	
Risk and Hazards for New Sources and Receptors (Cumulative)	Same as Operational Threshold	• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 µ/m^3 (Zone of influence: 1,000-foot radius from property line of source or receptor)	
Accidental Release of Acutely Hazardous Materials	None	Storage or use of acutely hazardous materials locating near receptors or new receptors locating near stored or used acutely hazardous materials considered significant	
Odors	None	5 confirmed complaints per year averaged over three years	

Source: *BAAQMD CEQA Guidelines* (updated May 2011) and BAAQMD. *Revised Draft Options and Justification Report CEQA Thresholds of Significance*. October 2009.

4.3.3 Air Quality Impacts

4.3.3.1 Bay Area 2010 Clean Air Plan *(Checklist Question #1)*

BAAQMD adopted the *Bay Area 2010 Clean Air Plan* (2010 CAP) in September 2010. This plan addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants (i.e., O_3, PM_{10} and $PM_{2.5}$), reducing exposure of sensitive receptors to TACs, and reducing greenhouse gas (GHG) emissions such that the region can meet AB 32 goals of reducing emissions to 1990 levels by 2020. The proposed project is consistent with the development assumptions in the General Plan. Therefore, the project is consistent with the current growth projections in the 2010 CAP.

The 2010 CAP includes about 55 control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The control measures are divided into five categories that include:

- Measures to reduce stationary and area sources;
- Mobile source measures;
- Transportation control measures;
- Land use and local impact measures; and
- Energy and climates measures.

The consistency of the project is evaluated with respect to each set of applicable control measures in the following Table 4.3-3.

Table 4.3-3: Bay Area 2010 Clean Air Plan Applicable Control Measures

Measure	Description	Project Consistency
Transportation Control Measures		
Improve Bicycle Access and Facilities	Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.	The project proposes secure bicycle parking spaces for residents and retail customers and is, therefore, consistent with this control measure.
Improve Pedestrian Access and Facilities	Improve pedestrian access to transit, employment, and major activity centers.	The project site has been designed to be pedestrian oriented (including ground floor retail uses and street trees). In addition, the project would improve the existing sidewalks around the project site. These design features which enhance the overall pedestrian experience. The project is consistent with this measure.
Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor	The proposed mixed-use development is located in a residential/commercial neighborhood within walking distance of existing bus stops and a future BART

Table 4.3-3: Bay Area 2010 Clean Air Plan Applicable Control Measures		
Measure	**Description**	**Project Consistency**
	vehicle dependence and facilitate walking, bicycling, and transit use.	station. The project would place residents and retail within walking distance of existing residences and planned jobs, retail, and transit. The project is consistent with this measure.
Parking Pricing and Management Strategies	Promote policies to implement market-rate pricing of parking facilities, reduce parking requirements for new development projects, parking "cash-out", unbundling of parking in residential and commercial leases, shared parking at mixed-use facilities, etc.	The project would meet the City's parking requirements and would be required to implement a Transportation Demand Management Program. Therefore, the project is consistent with this control measure.
Energy and Climate Measures		
Energy Efficiency	Increase efficiency and conservation to decrease fossil fuel use in the Bay Area.	The project would be required to comply with the City's Green Building Ordinance, which would increase building efficiency over standard construction. The project is consistent with this measure.
Tree-Planting	Promote planting of shade trees to reduce urban heat island effects, save energy, and absorb CO_2 and other air pollutants.	The project would be required to conform to the City's Tree Removal Controls. Additionally, the project proposes to plant new street trees, which would help with the absorption of air pollutants and would increase shade. The project is consistent with this control measure.

The project includes transportation and energy control measures and is consistent with the population projections in the CAP. The project is also consistent with the planned residential growth in the City's General Plan. The project, therefore, would not result in a significant impact related to consistency with the CAP. **(Less Than Significant Impact)**

4.3.3.2 Impacts to Local and Regional Air Quality *(Checklist Questions #1, 2, 4)*

Construction Impacts

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to the release of DPM, TACs from vehicles, and $PM_{2.5}$, which is a regulated air pollutant. There are sensitive receptors in proximity to the project site. To quantify the effects of project construction on the adjacent sensitive receptors, construction period criteria pollutant emissions were computed using the CalEEMod model. The analysis was based on a 24-month construction period beginning in April 2017.

Table 4.3-4: Construction Period Criteria Pollutant Emissions				
Scenario	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
Total Construction Emissions (tons for entire construction period)	4.56	5.86	0.14	0.12
Average Daily Emissions (pounds per day)	16.8	21.7	0.52	0.4
BAAQMD Thresholds (pounds per day)	***54***	***54***	***82***	***54***
Exceed Threshold	**No**	**No**	**No**	**No**

As shown in Table 4.3-4, construction of the proposed project would not generate emissions above the BAAQMD thresholds. In addition, these emissions would be temporary (full project construction is estimated to be 24 months) and would be reduced further with the implementation of General Plan policies and existing air quality and dust-control regulations. Therefore, the proposed project would have a less than significant criteria pollutant emissions impact. **(Less Than Significant Impact)**

To quantify the effects of TAC emissions from project construction on the nearby sensitive receptors, emissions were computed using the CalEEMod model. The U.S. EPA AERMOD dispersion model was used to predict concentrations of DPM at existing sensitive receptors in the vicinity of the project site. Residential receptors are designated in yellow and the maximum off-site exposure locations for residents are circled in pink.

At the maximum residential exposure location, the total annual $PM_{2.5}$ emissions for off-road construction equipment and on-road vehicles (i.e., haul trucks, vendor trucks, and worker trucks) would be 0.39 micrograms per cubic meter ($\mu g/m^3$), which would exceed the BAAQMD threshold of 0.3 $\mu g/m^3$.

The maximum incremental residential child cancer risk was calculated to be 21.1 cancer cases per million. The maximum residential adult cancer risk is 0.4 in one million. While the cancer risk estimated for adults was below the health risk threshold of 10 cancer cases per million, the residential child cancer risk would exceed the threshold.

Non-cancer community risks from chronic exposure to DPM were also analyzed. The threshold for chronic inhalation reference exposure level (REL) for DPM is 5.0 μ/m^3 and the Hazard Index is greater than one. The maximum annual residential non-cancer DPM concentration from construction activities would be 0.08 μ/m^3 and the maximum Hazard Index score would be 0.015. The non-cancer community risks are, therefore, below the thresholds of significance.[4]

Impacts AIR-1: Construction activities associated with the proposed project would expose children near the project site to temporary TAC emissions in excess of acceptable risk thresholds. **(Significant Impact)**

Mitigation and Avoidance Measures

The following mitigation measures would be implemented during all demolition and construction activities to reduce TAC emissions impacts:

MM AIR-1.1: All diesel-powers off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent.

MM AIR-1.2: All diesel-powered portable equipment (i.e., air compressors, concrete saws, and generators) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

MM AIR-1.3: All forklifts shall meet Tier 4 requirements or use alternative fuels such as propane.

MM AIR-1.4: The project applicant shall submit a construction operations plan that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by a qualified air quality specialist which verifies that the equipment included in the plan meets the standards set forth in Mitigation Measures AIR-1.1 through AIR -1.3.

Consistent with the General Plan FPEIR, the following Standard Permit Conditions and would be implemented during construction to reduce exposing nearby residents to TAC emissions:

Standard Permit Conditions

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.

[4] Concentration levels for contaminants that pose non-cancer health hazards are set by the California's Office of Environmental Health and Hazards (OEHHA).

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall be respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

These Standard Permit Conditions and the mitigation measure are intended to establish a process that minimizes fugitive dust and exhaust emissions that protect the health and safety of nearby sensitive receptors such that temporary construction emissions would not exceed the BAAQMD significance thresholds for community risk and hazard impacts.

With implementation of the identified Standard Permit Conditions and Mitigation Measures, the residential child cancer risk during construction would be reduced to 6.7 cases per million which is below the 10 per one million cases threshold. The annual $PM_{2.5}$ concentration would be reduced to 0.13 $\mu g/m^3$, which is less than BAAQMD's single- source significance threshold of 0.3 $\mu g/m^3$**.** Therefore, the proposed project would result in a less than significant community risk impact due to construction activities. **(Less Than Significant Impact With Mitigation)**

Dust Generation

As identified in the General Plan FPEIR, construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying soils are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity.

Construction activities on the site would include demolition of the existing structures and hardscape, excavation, and grading of the site, which would generate dust and other particulate matter. The generation of dust and other particulate matter could temporarily impact nearby residents.

With implementation of the Standard Permit Conditions identified above, dust and other particulate matter generated during construction that could affect adjacent and nearby sensitive land uses would be reduced to a less than significant level. **(Less Than Significant Impact with Mitigation)**

Operational Emissions – Criteria Pollutants

The project would construct a seven-story mixed-use building with up to 343 residential dwelling units. BAAQMD developed screening criteria to provide a conservative indication of whether a

project could result in potentially significant air quality impacts. Based on the Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes table in the 2011 BAAQMD CEQA Guidelines, the proposed project is below the operational criteria pollutant screening sizes. Nevertheless, operational emissions were quantified to ensure there would be no exceedances of the BAAQMD thresholds. Table 4.3-5 lists the annual and daily emissions that would be generated by the proposed project.

Table 4.3-5: Operational Criteria Pollutant Emissions

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
Annual Project Operational Emissions (tons)	5.01	3.75	0.15	0.14
BAAQMD Thresholds (tons per year)	***10***	***10***	***15***	***10***
Average Daily Net Project Operational Emissions (pounds)	27.4	20.5	0.82	0.77
BAAQMD Thresholds (pounds per day)	***54***	***54***	***82***	***54***
Exceed Threshold	**No**	**No**	**No**	**No**

As shown in the table, operation of the project would generate emissions below BAAQMD thresholds and would have a less than significant impact on criteria pollutant emissions. **(Less Than Significant Impact)**

Operational Emissions - Carbon Monoxide Emissions

A determination of the project's potential to result in significant local air pollutant emissions (i.e. carbon monoxide) is based on its consistency with the local Congestion Management Program and its potential to add sufficient vehicle trips to one or more intersections that would cause the intersection(s) to exceed 44,000 vehicles per hour. The project result in 4,182 daily trips and would not contribute vehicle traffic exceeding screening thresholds for carbon monoxide impacts at the intersections affected by the project. The project, therefore, would have a less than significant local air quality impact. **(Less Than Significant Impact)**

4.3.3.3 Odor Impacts *(Checklist Question #5)*

Construction of the project would generate localized emissions of diesel exhaust during equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors. Odors would, however, be localized and temporary and are not likely to affect people off-site. Once operational, the proposed residential and commercial development will not generate substantive odors. **(Less Than Significant Impact)**

4.3.3.4 Cumulative Air Quality Impacts *(Checklist Question #3)*

Please refer to *Section 4.18, Mandatory Findings of Significance,* for a discussion of cumulative air quality impacts.

4.3.3.5 Existing Air Quality Conditions Affecting the Project *(Checklist Question #4)*

As previously discussed in *Section 4.0*, on December 17, 2015, the California Supreme Court issued an opinion in CBIA vs. BAAQMD holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are also discussed below.

Community Risk Impacts

BAAQMD recommends that projects be evaluated for community risk when they are located within 1,000 feet of stationary permitted sources of TACs, and/or within 1,000 feet of freeways and high traffic volume roadways (10,000 average daily trips [ADT] or more). Traffic on high volume roadways is a source of TAC emissions that may adversely impact sensitive receptors in close proximity the roadway. A review of the project area indicates that traffic on East Santa Clara Street is the only substantial source of mobile TAC emissions within 1,000 feet of the project site.

BAAQMD provides Roadway Screening Analysis Tables that are used to assess potential cancer risk and annual $PM_{2.5}$ concentrations from surface streets for each Bay Area county. The significance criteria used by the City of San José are that a project would result in a significant TAC or $PM_{2.5}$ exposure if:

- An excess cancer risk level of more than 10 in one million, or a non-cancer (chronic or acute) Hazard Index greater than 1.0.
- An incremental increase of more than 0.3 micrograms per cubic meter (µg/m3) annual average PM2.5.

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a project site. Both mobile (vehicular) source and stationary sources of TACs can result in significant TAC or $PM_{2.5}$ exposure.

The vehicular traffic on East Santa Clara Street and US-101 could result in elevated community risk levels for future residents of the project. Stationary sources identified by BAAQMD revealed one source within 1,000 feet of the project site. The location of these sources and the level of community risk associated with them is shown in Table 4.3-6. As summarized in the table, future residents of the proposed project would not be exposed to TACs or $PM_{2.5}$ levels in excess of BAAQMD standards; therefore, the project is consistent with General Plan Policy MS-11.1 as it relates to mobile and stationary sources of TACs.

Table 4.3-6: Mobile and Stationary Source Community Risk Levels				
Source	**Location from Project Site**	**Cancer Risk (per million)**	**Annual PM2.5 Concentration (µg/m3)**	**Hazard Index**
US-101	850 feet east	<1.9	<0.012	<0.01
Plant 18356, Generator, Verizon Wireless	612 feet west	0.22	<0.002	<0.002
East Santa Clara Street	30 feet north	6.1	0.2	<0.01
Total:		<9.0	<0.3	<0.3
BAAQMD Threshold – Single Source		>10.0	>0.3	>1.0
BAAQMD Threshold – Cumulative Sources		>100	>0.3	>10.0
Threshold Exceeded?		**No**	**No**	**No**

4.3.3 Conclusion

Operation of the proposed project would have a less than significant impact on local and regional air quality. Additionally, the proposed project would comply with applicable General Plan policies related to TAC emissions exposure to future site residents. **(Less Than Significant Impact)**

Implementation of the identified mitigation and standard measures would reduce short-term construction-related diesel emissions and dust impacts to less than significant levels. **(Less Than Significant Impact with Mitigation)**

4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, on a tree survey prepared by *David J. Powers & Associates, Inc.* in May 2016.

4.4.1 Setting

Biological resources include plants and animals and the habitats that support them. Individual plant and animal species that are identified as rare, threatened, or endangered under the State and/or Federal Endangered Species Act, and the natural communities of habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also important biological resources.

The avoidance and mitigation of significant impacts to biological resources under CEQA are consistent with and complimentary to various Federal, State, and local laws and regulations that are designed to protect these resources. These regulations often mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts required as permit conditions, prior to the commencement of development activities.

4.4.1.1 City of San José Tree Ordinance

Ordinance-sized and heritage trees and street trees make up a portion of the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 56 inches or more in circumference (18 inches in diameter) at the height of 24 inches above the natural grade. A tree removal permit is required from the City prior to removal of ordinance-sized trees.

4.4.2 Existing Setting

4.4.2.1 Overview of Habitat Found on the Project Site

The project site is currently developed with a one-story commercial building and an adjacent surface parking lot. Vegetation in the vicinity of project site includes patches of grass and street trees. Habitats in developed areas such as the project area are low in species diversity and include predominantly urban adapted birds and animals. There are no sensitive habitats or special status plant or animal species on-site, due to the lack of habitat to support them.

4.4.2.2 Special Status Species

Special status species are plants and animals that are legally protected under the State and Federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the California Department of Fish and Wildlife. Most special status animal species occurring in the Bay Area use habitats that are not present on the project site, including salt marsh, freshwater marsh, and serpentine grassland habitats. Since the native

vegetation of the area is no longer present on-site, native wildlife species have been supplanted by species that are more compatible with an urbanized area.

4.4.2.3 Conservation Plan

The Santa Clara Valley Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) was developed through a regional partnership between the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, 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). It is intended to protect and enhance ecological diversity and function within approximately 500,000 acres of southern Santa Clara County.

4.4.2.4 Trees

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

The trees located on and adjacent to the project site are primarily non-native species with the exception of two Coast live oak trees. In accordance with City policy, trees that are a minimum of 18 inches in diameter (56 inches in circumference) at 24 inches height from the natural grade, as well as Heritage Trees, are protected from removal without a permit.

The following table lists the trees on and adjacent to the project site. The location of the trees is shown on Figure 4.4-1. Tree No. one to 11 and 31 to 41 are located on-site. Tree No. 12 to 30 are located off-site adjacent to the railroad tracks. Of the 41 trees located on and adjacent to the site, there are 11 London plane, 10 honey locust, seven black acacia, six tree of heaven, three palms, two coast live oak, one Peruvian pepper, and one American arborvitae. Fifteen of the trees are ordinance sized and are shown in bold in the table.

Table 4.4-1: Tree Species Observed On and Adjacent to the Project Site

Tree #	Scientific Name	Common Name	Circumference in Inches	Diameter in Inches
1	***Acacia melanoxylon***	**Black Acacia**	**157**	**50**
2	***Acacia melanoxylon***	**Black Acacia**	**67**	**21.3**
3	*Acacia melanoxylon*	Black Acacia	47	15
4	*Acacia melanoxylon*	Black Acacia	51	16.2
5	*Acacia melanoxylon*	Black Acacia	30	9.5
6	***Ailanthus altissima***	**Tree of Heaven**	**99**	**31.5**
7	*Acacia melanoxylon*	Black Acacia	52	16.6
8	***Ailanthus altissima***	**Tree of Heaven**	**65**	**20.7**
9	***Ailanthus altissima***	**Tree of Heaven**	**124**	**39.5**
10	***Ailanthus altissima***	**Tree of Heaven**	**72**	**22.9**
11	***Ailanthus altissima***	**Tree of Heaven**	**117**	**37.2**
12	***Gleditsia triacanthos***	**Honey Locust**	**58**	**18.5**

TREE MAP

FIGURE 4.4-1

Table 4.4-1: Tree Species Observed On and Adjacent to the Project Site				
Tree #	**Scientific Name**	**Common Name**	**Circumference in Inches**	**Diameter in Inches**
13	***Phoenix sp.***	**Palm**	**110**	**35.0**
14	***Phoenix sp.***	**Palm**	**99**	**31.5**
15	***Gleditsia triacanthos***	**Honey Locust**	**58**	**18.5**
16	*Quercus agrifolia*	Coast Live Oak	27	8.6
17	*Quercus agrifolia*	Coast Live Oak	45	14.3
18	***Phoenix sp.***	**Palm**	**101**	**32**
19	*Gleditsia triacanthos*	Honey Locust	17	5.4
20	*Thuja occidentalis*	American Arborvitae	49	15.6
21	*Gleditsia triacanthos*	Honey Locust	30	9.5
22	***Gleditsia triacanthos***	**Honey Locust**	**72**	**22.9**
23	*Schinus molle*	Peruvian Pepper	17	5.4
24	*Gleditsia triacanthos*	Honey Locust	37	11.8
25	***Gleditsia triacanthos***	**Honey Locust**	**87**	**27.7**
26	*Gleditsia triacanthos*	Honey Locust	55	17.5
27	*Gleditsia triacanthos*	Honey Locust	52	16.6
28	***Gleditsia triacanthos***	**Honey Locust**	**60**	**19.1**
29	*Ailanthus altissima*	Tree of Heaven	20	6.4
30	*Acacia melanoxylon*	Black Acacia	40	12.7
31	*Platanus × acerifolia*	London plane	41	13.1
32	*Platanus × acerifolia*	London plane	35	11.1
33	*Platanus × acerifolia*	London plane	34	10.8
34	*Platanus × acerifolia*	London plane	35	11.1
35	*Platanus × acerifolia*	London plane	35	11.1
36	*Platanus × acerifolia*	London plane	38	12.1
37	*Platanus × acerifolia*	London plane	44	14
38	*Platanus × acerifolia*	London plane	41	13.1
39	*Platanus × acerifolia*	London plane	55	17.5
40	*Platanus × acerifolia*	London plane	39	12.4
41	*Platanus × acerifolia*	London plane	50	15.9

Note: Ordinance sized trees are 56+ inches in circumference.
Bold lettering denotes ordinance sized trees.

4.4.2.5 Applicable Biological Regulations and Policies

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

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Policy MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

Policy MS-21.6: As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies, or guidelines.

The *Roosevelt Park Urban Village Plan* includes policies applicable to the proposed urban village project. The following policies are specific to biological resources and applicable to the proposed project.

Street Tree Policy 1: Maintain a consistent row of street trees along East Santa Clara Street that provides a wide and dense canopy of shade over the sidewalk and extends over the street.

Street Tree Policy 2: Where possible, expand the existing street tree canopy along East Santa Clara Street.

4.4.3 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☒	☐	1,2,3,7
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☒	☐	1,2,3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
3. 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?	☐	☐	☒	☐	1,2,3
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐	1,2,3
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1,2,3,7
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	1,2,3

4.4.3.1 Biological Resources Impacts *(Checklist Questions #1-#4 and #6)*

Vegetation, Habitats, and Wildlife

There are trees located on and adjacent to the project site. Because the project area is developed and has no natural habitat, no habitats exist that would support endangered, threatened, or special status wildlife species. There are no wetlands on-site and, as a result, the project would not affect any federally protected wetlands as defined by Section 404 of the Clean Water Act. The proposed project would not adversely affect special status species, riparian habitat, or wetland habitat. **(Less Than Significant Impact)**

Habitat Conservation Plan

The project site is within the HCP area. Private development in the area is subject to the HCP if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County of one of the cities;
- The activity is described in Section 2.3.2 *Urban Development* or in Section 2.3.7 *Rural Development*;[5] and

[5] Covered activities in urban areas include residential, commercial, and other types of urban development within the Cities of Gilroy, Morgan Hill, and San José planning limits of urban growth in areas designated for urban or rural

- In Figure 2-5 (of the HCP), the activity is located in an area identified as "Private Development is Covered," OR the activity is equal to or greater than 2 areas AND

  The project is located in an area identified as "Rural Development Equal to or Greater than 2 Acres is Covered," or "Urban Development Equal to or Greater than 2 Acres is Covered" OR

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

The 2.27-acre project is designed as Urban-Suburban land with no protected habitats. The project would require discretionary approval by the City and is within an area designated as "Urban Development Equal to or Greater than 2 Acres is Covered." Pursuant to the HCP, if the project site is over two acres in size, no site specific biological surveys would be required but the project would be required to implement the following standard permit conditions to ensure compliance with the HCP.

Standard Permit Conditions

- The project applicant shall pay all applicable fees, consistent with the Santa Clara Valley HCP, prior to issuance of grading permits.

The project would be subject to all applicable HCP fees and would, therefore, have no impact on implementation of the HCP. **(Less Than Significant Impact)**

Raptor Impacts

There are currently 41 trees on and immediately adjacent to the project site, 15 of which are considered ordinance-sized. While there is higher quality habitat in nearby parks and within the Coyote Creek riparian corridor, the mature trees on and adjacent to the site could provide nesting and/or foraging habitat for raptors and migratory birds. Migratory birds, like nesting raptors, are protected under the Migratory Bird Treaty Act and the California Fish and Game Code Sections 3503, 3503.5, and 2800.

Construction disturbance near raptor nests can result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact. The loss of mature trees on-site would result in nesting raptors having to relocate to another site. Relocation of mature raptors or migratory birds outside the breeding season would not, by itself, be significant.

development, including areas that are currently in the unincorporated County (i.e., in "pockets" of unincorporated land inside the cities' urban growth boundaries).

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. **(Significant Impact)**

Project Specific Mitigation Measures

The following mitigation measures would be implemented during all demolition and construction activities to avoid abandonment of raptor and other protected migratory birds' nests:

MM BIO-1.1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31.

MM BIO-1.2: If it is not possible to schedule demolition and construction between September 1 and January 31, pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 31) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist will inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, will 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.

MM BIO-1.3: If pre-construction surveys are requirements, the project applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the City of Jose Department of Planning, Building, and Code Enforcement prior to the issuance of any grading permit.

Implementation of the identified mitigation measures would reduce construction impacts to migratory birds to a less than significant level. **(Less Than Significant Impact With Mitigation)**

4.4.3.2 Trees *(Checklist Question #5)*

There are a total of 41 trees located on-site, which are part of the urban forest. Within the City of San José, the urban forest as a whole is considered an important biological resource because mature trees provide nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals.

For the purposes of this analysis, it is assumed that the project would remove all trees on-site. Any trees on-site or adjacent to the site that would be damaged or removed as a result of the proposed

project would be required to be replaced in accordance with all applicable laws, policies, or guidelines, including:

- City of San José Tree Protection Ordinance
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6
- Roosevelt Park Urban Village Plan Street Tree Policies one and two

Table 4.4-2: City of San José Standard Tree Replacement Ratios

Diameter of Tree to Be Removed	Type of Tree to be Removed			Minimum Size of Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12-18 inches	3:1	2:1	none	24-inch box
Less than 12 inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree loss ratio

In accordance with City policy, tree replacement would be implemented as shown in Table 2.4-2. If all trees on-site are removed, 15 trees would be replaced at a 4:1 ratio, fourteen trees would be replaced at a 2:1 ratio, and one tree would be replaced at a 3:1 ratio with minimum 24-inch box trees. Eleven trees would be replaced at a 1:1 ratio with minimum 15-gallon container trees. The total number of replacement trees required to be planted would be 102 trees. The species of replacement trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

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

- The size of a 15-gallon replacement tree may be increased to a 24-inch box and count as two replacement trees.

- An alternative site(s) would be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building and Code Enforcement.

- A donation of $300 per mitigation tree on Our City Forest for in-lieu off-site tree planting in the community. These funds would be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

The General Plan FEIR concluded that compliance with local laws, policies or guidelines, as proposed by the project, would reduce impacts to the urban forest to a less than significant level. **(Less Than Significant Impact)**

4.4.3 Conclusion

The project would be subject to all applicable HCP fees and would have no impact on implementation of the HCP. **(No Impact)**

Implementation of the identified mitigation measures would reduce the loss of nesting and/or foraging habitats and, as a result, would not result in substantial impacts to the movement of native migratory wildlife. **(Less Than Significant Impact With Mitigation)**

Implementation of the proposed project would be required to meet the minimum tree replacement standard. Conformance with City policies would result in a less than significant impact on trees and the City's urban forest. **(Less Than Significant Impact)**

4.5 CULTURAL RESOURCES

The following discussion is based in part upon a Historical Evaluation prepared by *Archives & Architecture* in December 2015 and literature review completed by *Holman & Associates* in June 2016. A copy of the Historic Evaluation is included in Appendix B of this document. A copy of the Archaeological Literature Review is on file with the Department of Planning, Building and Code Enforcement.

4.5.1 Setting

4.5.1.1 Prehistoric Subsurface Resources

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

The Ohlone people were hunter/gatherers focusing on hunting, fishing and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay Area. The customary way of living, or lifeway, of the Costanoan/Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate, and the impact of the California mission system established by the Spanish in the area in 1777.

Most prehistoric sites have been found along or very near fresh water sources such as creeks and springs. The nearest waterway to the project site is Coyote Creek, located approximately 0.50 miles west of the site.

4.5.1.2 Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area during which time the explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California lead to the establishment of the California Missions and, in 1777, the Pueblo de San José de Guadalupe.

The first pueblo was originally located near the old San José City Hall. Because the location was prone to flooding, the pueblo was relocated in the late 1780's or early 1790's south to what is now downtown San José. The current intersection of Santa Clara Street and Market Street in downtown San José was the center of the second pueblo. The physical distance between the project site and the second pueblo is approximately 1.7 miles.

4.5.1.3 Post-Mission Period to Mid-20th Century

In the mid-1800's, San José began to be redeveloped as America took over the territory from Mexico and new settlers began to arrive in California as a result of the gold rush and the expansion of business opportunities in the west. Much of San José, outside of the downtown area, was undeveloped or used as farm lands until after World War II.

San José Lumber Co. was founded in 1912. The firm operated a lumber yard and mill at 1260 East Santa Clara Street for approximately seven years until acquiring Santa Clara Valley Mill & Lumber Co. and moving the main operation to West San Carlos Street. The project site remained as a secondary lumber yard until the end of the 1930's. Since World War II, the lumber yard and hardware store continued to operate until permanently closing in the mid-2000s. In 1964, the indoor retail area became Builder's Emporium and then Builderama in 1970. The site was sold in 1980 and subsequently branded as Empire Lumber. Since closure of the lumber business, the site and buildings have been occupied by a used car lot and sales office.

4.5.1.4 Subsurface Resources

In June 2016, *Holman & Associates* completed a literature review to identify potential archaeological deposits below the ground surface in the immediate project vicinity. No archaeological sites have been recorded within or near the project area. In addition, research of the immediate project area found low sensitivity for Native American and historic-era archaeological deposits and cultural materials.

4.5.1.5 Historic Structures – Regulatory Framework

Below is an overview of criteria used to assess the historic significance and eligibility of a building, structure, object, site or district for listing in the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), and the City of San Jose Historic Resources Inventory.

National Criteria

The NRHP is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering and culture, at the local, State and National level. National Register Bulletin Number 15, How to Apply the National Register Criteria for Evaluation, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context", and second the property must retain integrity of those features necessary to convey its significance.

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

A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
B. Property is associated with the lives of persons significant in our past.

C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

D. Property has yielded, or is likely to yield, information important to prehistory or history.

State of California Criteria

The California Office of Historic Preservation's Technical Assistance Series #6, *California Register and National Register: a Comparison*, outlines the differences between the federal and state processes. The context types to be used when establishing the significance of a property for listing on the California Register of Historical Resources are very similar, with emphasis on local and State significance. They are:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or

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

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

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

City of San Jose Criteria for Local Significance

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

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

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

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:

    a. Of an architectural style, design or method of construction;
    b. Of a master architect, builder, artist or craftsman;
    c. Of high artistic merit;

d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.

3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A).

   The ordinance also provides a designation of a district: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B).

Any potentially historic property can be nominated for designation as a city landmark by the City Council, the Historic Landmarks Commission or by application of the owner or the authorized agent of the owner of the property for which designation is requested.

Based upon the criteria of the City of San José Historic Preservation Ordinance, the San José Historic Landmarks Commission established a quantitative process, based on the work of Harold Kalman (1980), by which historical resources are evaluated for varying levels of significance. This historic evaluation criterion, and the related Evaluation Rating Sheets, is utilized within the Guidelines for Historic Reports published by the City's Department of Planning, Building and Code Enforcement, as last revised on February 26, 2010.

Although the criteria listed within the Historic Preservation Ordinance are the most relevant determinants when evaluating the significance of historic resources in San José, the numerical tally system is used as a general guide for the identification of potential historic resources. The "Historic Evaluation Sheet" reflects the historic evaluation criteria for the Registers as well as the City's Historic Preservation Ordinance, and analyzes resources according to the following criteria:

- Visual quality/design
- History/association
- Environment/context
- Integrity
- Reversibility

A rating with numerical "points" is assigned by a qualified evaluator according to the extent to which each building meets the criteria listed above.

33 and above points – Structure of Merit (SM)
1-32 points – non-significant

The numerical rating system is not used to determine eligibility of a property for City Landmark designation.

4.5.1.6 Structures on the Project Site

The project site was evaluated for historic significance based on the National, State, and local criteria. The discussion below is a summary of the analysis findings.

The lumber yard and building materials retailer was founded on-site in 1912. The building coverage on-site has changed over time. The original 1912 office building on-site was located at its northwest corner and is no longer extant. By the end of 1914, four large lumber sheds (no longer extant) and a woodworking building with planning mill to the rear had also been constructed along East Santa Clara Street to the east of the office (still extant today), and a large T-shaped lumber shed was to its east at the street (no longer extant). The woodworking building/planning mill is the only remnant of the original San Jose Lumber Co. facility. By the 1920s, the lumber sheds were reduced in size to accommodate the railroad line that bisected the site and the T-shaped lumber shed was replaced with a small display room. The replacement shed and room currently exists on-site and are part of the larger building.

Additional buildings were added to the site along the north side of the railroad in the 1920s. One of the buildings still exist today at the center of the project site in a deteriorated state. A metal storage shed was added to the site in the twentieth century and continues to exist adjacent to South 26th Street.

Other buildings existed on-site east of the lumber yard. These buildings housed a separate feed and fuel business; however, they were all demolished during the mid-century.

The buildings that exist today are of wood framed construction, and are clad with a mix of stucco, ribbed metal panels, and wood sheathing. The structures are all one story in height, although a mezzanine has been added to the rear of the original woodworking building where the mill was

located. The façade along East Santa Clara Street is a stucco-clad false front of modern proportions and detailing, incorporating large display storefronts that are now hidden behind plywood security covers. The roofing structures are gabled (and in one case, barrel-vaulted), with shed extensions bridging spaces between the older discrete buildings and extending outward at the rear, having covered work or materials storage areas.

The structure is not eligible for inclusion in the NRHP or the CRHR under Criterion A or 1, respectively. The buildings as they currently exist do not architecturally represent important patterns or periods of cultural development. The land use is important to the history of the neighborhood as it contributed to the development of the area, but the buildings are not architecturally bound together in a way that represents a particular era or architectural style.

The buildings and historic land uses of this property are not associated with persons found to be historically significant in the history of San Jose or the local lumber processing and sales industry. As a result, the structures are not eligible for inclusion in the NRHP or the CRHR under Criterion B or 2.

It is difficult to put the buildings on-site in their historical context because of the piecemeal evolution of development on the site. The earliest building still extant is located at the northwest corner of the property and is associated with the original development of the site in 1914. It cannot, however, be distinguished from the expansion areas and the original façade of the building cannot be determined from more recent remodeling. Lastly, the buildings are not representative of distinctive architectural styles or form. For these reasons, the buildings are not eligible for inclusion in the NRHP or the CRHR under Criterion C or 3.

The structures do not qualify for listed on the City's Historic Resources Inventory as a Structure of Merit, having scored on 15.9 points on the City's Evaluation Tally Sheet.

4.5.1.6 Applicable Cultural Resources Regulations and Policies

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

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

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

Policy ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

4.5.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☒	☐	1,2,8
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☒	☐	1,2,9
3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1,2,9
4. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	1,2,9

4.5.2.1 Impacts to Historic Structures *(Checklist Questions #1)*

The project site is occupied with a one-story commercial building and an adjacent surface parking lot. A portion of the Empire Lumber Co. building is approximately 102 years old and is not listed on the San José Historic Resources Inventory. Although the buildings have remained in their original location, the property does not retail historical integrity and the buildings are not representative of a distinctive architectural style or form. The commercial strip that exists today along East Santa Clara Street has a long shared and varied history; however, the buildings are not architecturally bound together in a way that represents any particular era or architectural style. The property would not qualify for the National or California Registers and is not considered significant by City of San Jose standards. Therefore, implementation of the proposed project would have a less than significant impact to historic structures. **(Less Than Significant Impact)**

4.5.2.2 Impacts to Subsurface Cultural Resources *(Checklist Questions #2-#4)*

Prehistoric and Historic Resources

Based on the literature review completed for the project area, there are no recorded prehistoric or historic archaeological deposits on the site, and no cultural resources were recorded during previous development on-site or in the immediate project area. The project site is located approximately 0.5 miles from Coyote Creek, but has been determined to be an area of low archaeological sensitivity. Therefore, development of the project site (which would involve excavation to a depth of approximately 10 feet) would not likely result in the exposure or destruction of subsurface prehistoric or historic archaeological resources, including human remains. Nevertheless, the project will be required as a condition of project approval to implement the following Standard Permit Conditions.

Standard Permit Conditions

Consistent with Envision San José 2040 General Plan policies ER-10.2 and ER-10.3, the following standard permit conditions are included in the project to reduce or avoid impacts to subsurface cultural resources.

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement 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.

- 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 one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

    - The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
    - The descendant identified fails to make a recommendation; or
    - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

With implementation of the Standard Permit Conditions, the proposed project would have a less than significant impact on subsurface cultural resources. **(Less Than Significant Impact)**

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene

vertebrates. The *Envision San José 2040 General Plan FEIR* found the project site to have a high sensitivity (at depth) for paleontological resources.

The project proposes one level of below-grade parking and has a low potential for encountering paleontological resources during construction, due to the shallow excavation proposed. Construction activities may result in the accidental destruction and disturbance of paleontological resources and would result in a significant impact to paleontological resources. The City would require the project to comply with all applicable City regulatory programs pertaining to unknown buried paleontological resources as a condition of project approval, including the following Standard Permit Conditions for avoiding and reducing construction related paleontological resources impacts.

Standard Permit Conditions

- The project proponent shall ensure all construction personnel receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction; the types of fossils likely to be seen, based on past finds in the project area; and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist.

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

Because the proposed project would comply with the applicable City policies and regulatory programs related to paleontological resources including the City's Standard Permit Conditions, implementation of the proposed project would have a less than significant paleontological resources impact. **(Less Than Significant Impact)**

4.5.3 Conclusion

The proposed project would be consistent with applicable City policies and regulatory programs and, as a result, would have a less than significant impact on archaeological, historic, and paleontological resources impact. **(Less Than Significant Impact)**

4.6 GEOLOGY AND SOILS

The following discussion is based in part upon a Soil Resource Report generated from the Natural Resources Conservation Service's website in March 2016. A copy of the report is attached in Appendix C.

4.6.1 Setting

The project site is located in the Santa Clara Valley, a relatively flat alluvial basin, bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and the San Francisco Bay to the north. The valley's basin contains alluvial deposits derived from the Diablo Range and the Santa Cruz Mountains.

Soils beneath the project site are comprised primarily of the Elpaloalto complex and near surface soils consist of sand, silt, and clay.[6] The soils on-site have moderate to very high expansion potential.[7] There are no unique geological features on or adjacent to the project site and the topography of the project area is relatively flat.

4.6.1.1 Seismicity and Seismic Hazards

The project site is located within the San Francisco Bay Area, the most seismically active region in the United States. Based on a 2014 forecast completed by the U.S. Geological Survey, there is a 72 percent probability that one or more major earthquakes will occur in the San Francisco Bay Area by 2044.[8] It is expected that earthquakes in the region could produce very strong ground shaking in the project area during the life of the proposed project. The risk of surface fault rupture is considered low.

Table 4.6-1: Active Faults Near the Project Site

Fault	Distance from Site
Hayward	9.8 miles
Calaveras	7.2 miles
San Andreas	13.7 miles

Active faults near the project site are shown in Table 4.6-1. The site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone,[9] the Santa Clara County Geologic Hazard Zone, or the City of San José Potential Hazard Zone,[10] and no active faults have been mapped on the project site. Faults in the region are capable of generating earthquakes of magnitude 7.0 or higher and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults.

[6] Soil Survey Staff. *Custom Soil Resource Report for Santa Clara Area, California, Western Part*. 2016. Available at: <http://websoilsurvey.nrcs.usda.gov/>
[7] Ibid.
[8] U.S. Geological Survey. *UCERF3: A New Earthquake Forecast for California's Complex Fault System.* Fact Sheet 2015-3009. March 2015. Available at: http://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf. Accessed February 8, 2016.
[9] California Department of Conservation Website. <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps> Accessed July 19, 2016.
[10] Santa Clara County, Santa Clara County Geologic Hazard Zones. <https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/GeoMaps.aspx> Accessed July 19, 2016.

4.6.1.2 Liquefaction and Lateral Spreading

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. According to the California Department of Conservation, the project site is located within a potential liquefaction zone.[11]

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such a steep bank of a stream channel. Areas of San José most prone to lateral spreading include lands adjacent to the Guadalupe River and Coyote Creek, where liquefaction probability is greatest and in the marshland deposits of northernmost San José. The project site is relatively flat and is located approximately 0.50 miles east from Coyote Creek. Therefore, the potential for lateral spreading is low.

4.6.1.3 Applicable Geological Regulations and Policies

The *Envision San José 2040 General Plan* includes the following policies applicable to all development projects in San José.

Policy EC-3.1: Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.

Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-4.2: Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

Policy EC-4.4: Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain

[11] California Department of Conservation Website. <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps> Accessed July 19, 2016.

properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

Action EC-4.11: Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

Action EC-4.12: Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.

Policy ES-4.9: Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

4.6.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
a. 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.)	☐	☐	☒	☐	1,2
b. Strong seismic ground shaking?	☐	☐	☒	☐	1,2
c. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,2
d. Landslides?	☐	☐	☒	☐	1,2
2. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1,2
3. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1,2,10
4. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☒	☐	1,2,10

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1

4.6.2.1 Geological and Soils Impacts *(Checklist Questions #1, #3-#5)*

Faults in the area are considered active and have a long history of seismic activity. While the project site is identified as being located within a fault zone, and landslide and liquefaction zones by the Department of Conservation, the proposed project would be built and maintained in accordance with site-specific geotechnical reports and applicable regulations. The site-specific geotechnical report would address the potential for liquefaction-induced and significant static settlement, shallow groundwater, and effects of site dewatering. The project would be required, as a condition of project approval, to comply with the California Building Code and all City policies and ordinances and as a result, would not result in a significant geologic impact. **(Less Than Significant Impact)**

The project site is located in an area of moderate expansion potential, moderately low to low potential for vertical and lateral ground failure, and very strong ground shaking during an earthquake. Development of the project site would not change or exacerbate the geologic conditions of the project area and would not result in a significant geology hazards impact. **(Less Than Significant Impact)**

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

4.6.2.2 Erosion Impacts

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 until the construction is completed.

The City's National Pollutant Discharge Elimination Systems (NPDES) Municipal Permit, 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 probable impacts of accelerated erosion during construction would be less than significant. The City would require the project to comply with all applicable City regulatory programs pertaining to construction related erosion including the following Standard Permit Conditions for avoiding and reducing construction related erosion impacts.

Standard Permit Conditions

- All excavation and grading work will be scheduled in dry weather months or construction sites will be weatherized.

- Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.

- Ditches will be installed, if necessary, to divert runoff around excavations and graded areas.

Because the proposed project would comply with the applicable City regulatory programs related to erosion, implementation of the proposed project would have a less than significant erosion impact. **(Less Than Significant Impact)**

4.6.2.3 Project Geology Issues Not Covered Under CEQA

Based upon the December 2015 California Supreme Court BIA vs BAAQMD decision, the issues of environmental conditions affecting a project is no long required under CEQA, but is included below to inform the planning process as to how the project complies with relevant local policies/regulations that protect sensitive land uses from existing hazards.

The policies of the City of San José 2040 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. The City of San Jose General Plan Policy EC-4.2 states that development is allowed 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. To ensure this, the policy requires the City of San José Geologist to review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. In addition, Policy EC-4.4 requires all new development to conform to the City of San José's Geologic Hazard Ordinance. To ensure that proposed development sites are suitable, Action EC-4.11 requires 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.

The soils in the project area contain weak soils with moderate expansion potential. The project site has a high susceptibility to liquefaction and very strong ground shaking during an earthquake.

The project applicant would be required to submit a design-specific geotechnical report, prior to issuance of building permits. The proposed project would be built and maintained in accordance with the design-specific geotechnical report and applicable regulations including the most recent California Building Code which contains the regulations that govern the construction of structures in California. The General Plan FEIR concluded that adherence to the California Building Code would reduce seismic related hazards and ensure new development proposed within areas of geologic hazards would not be endangered by the hazardous conditions on the site.

Because the proposed project would comply with the design-specific geotechnical report, the California Building Code, and regulations identified in the General Plan FEIR that ensure geologic hazards are adequately addressed, the project would comply with Policies EC-4.2 and EC-4.4.

4.6.3 Conclusion

Implementation of the proposed project would have a less than significant geological impact. **(Less Than Significant Impact)**

Because sewers are available to dispose wastewater from the project site, the soil on-site would not need to support the use of septic tanks or alternative wastewater disposal systems. **(No Impact)**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Regulatory Background

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (GHGs) have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in temperature of the earth's atmosphere. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors.

4.7.1.1 State of California

Assembly Bill (AB) 32 – The California Global Warming Solutions Act of 2006

California Assembly Bill (AB) 32, the California Global Warming Solutions Act, was signed into law in September 2006. AB 32 requires California to reduce its total GHG emissions to 1990 levels by 2020, which represents about a 30 percent decrease from current levels. In September 2007, the Air Resources Board approved a list of Discrete Early Actions to reduce GHG emissions which includes maximizing energy efficient building and appliance standards, pursuing additional efficiency efforts, and pursuing comparable investment in energy efficiency by all retail providers of electricity in California (including both investor-owned and publicly-owned utilities).

State of California Executive Order S-3-05

Prior to adoption of AB 32, Governor Arnold Schwarzenegger signed Executive Order S-3-05, which established GHG emission reduction targets, created the Climate Action Team and directed the Secretary of CalEPA to coordinate with other state agencies to meet the emission reduction targets. The Executive Order S-03-05 requires statewide reductions in GHG emissions to 80 percent below 1990 by the year 2050.

Senate Bill 375

Senate Bill 375 (SB 375), also known as the Sustainable Communities and Climate Protection Act of 2008, builds on AB 32 by requiring California Air Resources Board (CARB) to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035. Metropolitan planning organizations (for the Bay Area, the Metropolitan Transportation Commission in partnership with the Association of Bay Area Governments) would be required to create Sustainable Community Strategies (SCS) to meet the target emissions reductions as part of the Regional Transportation Plan for that region. The SCS is a mechanism for more effectively linking a land use pattern and a transportation system together to make travel more efficient and communities more livable. 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.

4.7.1.2 Bay Area 2010 Clean Air Plan

The *Bay Area 2010 Clean Air Plan* (2010 CAP) provides an updated comprehensive plan to improve Bay Area air quality and protect public health, taking into account future growth projections to 2035. The 2010 CAP addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants, reducing exposure of sensitive receptors to TACs, and reducing greenhouse gas (GHG) emissions such that the region can meet AB 32 goals of reducing emissions to 1990 levels by 2020.

The 2010 CAP includes about 55 control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The control measures are divided into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures, Land Use and Local Impact Measures, and Energy and Climate Measures. Consistency of a project with current control measures is determined by its consistency with the CAP.

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

The City of San José has adopted localized policies to regulate GHG emissions. The *Envision San José 2040 General Plan* includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. The GHG Reduction Strategy identifies GHG reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary.

4.7.2 Setting

4.7.2.1 Existing On-Site GHG Emissions

The project site is currently developed with a one-story commercial building and an adjacent surface parking lot. GHG emissions are generated by daily traffic trips to and from the project site, electricity required for heating/cooling of the building, and lighting.

4.7.2 Environmental Checklist and Discussion of Impacts

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

4.7.3.1 Greenhouse Gas Emissions Impacts *(Checklist Question #1)*

Construction Emissions

The proposed mixed-use development would result in temporary increases in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project site. Construction related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Because construction would be temporary (approximately 25 months) and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32. **(Less Than Significant Impact)**

Operation

Per 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. Since the project is consistent with the General Plan land use designation for the site and the land use assumptions of the GHG Reduction Strategy, compliance with the mandatory measures and voluntary measures required by the City would ensure its consistency with the City's GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy (such as the proposed project) would have a less than significant impact related to GHG emissions. The project's conformance with the GHG Reduction Strategy is further described in the following section. **(Less Than Significant Impact)**

4.7.3.2 Consistency with the San José Greenhouse Gas Reduction Strategy *(Checklist Questions #1 and 2)*

The proposed development was evaluated for consistency with the City's GHG Reduction Strategy. The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction.

New development located near transit and containing a mix of uses that promote walkability and bicycle transport may reduce GHG emissions from mobile sources by approximately 10 percent. The project proposes a high level of residential and commercial density, which would facilitate neighborhood vitality and transit ridership.

Since the project is consistent with the General Plan land use designation for the site and the land use assumptions of the GHG Reduction Strategy, compliance with the mandatory measures and voluntary measures required by the City would ensure its consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

Consistency with the San José Greenhouse Gas Reduction Strategy

The City of San José General Plan contains goals and policies adopted for the purpose of reducing GHG emissions. The measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. Some measures are considered mandatory for all proposed development projects, while others are considered voluntary. The proposed project's consistency with these measures is detailed below.

Mandatory Criteria

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

2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
   - Solar Site Orientation
   - Site Design
   - Architectural Design
   - Construction Techniques
   - Consistency with City Green Building Ordinance and Policies
   - Consistency with GHGRS Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4

3. Pedestrian/Bicycle Site Design Measures
   - 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, TR-6.7

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

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

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

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

The proposed project is consistent with the General Plan land use designation for the site. New structures would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and the CALGreen. The proposed development would be designed to achieve minimum LEED certification consistent with San José Council Policy 6-32.

The project does, however, propose a General Plan Text Amendment to reduce the required minimum commercial FAR on-site. This reduction in commercial FAR could result in an increased need for residents and/or workers located within the Roosevelt Park Urban Village to drive farther

for goods, services, and housing. Nevertheless, given the proximity to transit (the site is adjacent to E. Santa Clara Street, a major bus route, and the future Five Wounds Trail, is within walking of the future BART station, and is within 2.3 miles of Diridon Transit Station) and the inclusion of green building measures, the project would be consistent with the mandatory criteria 1-3 described above.

Criteria 4 and 5 are not applicable to the proposed project because the site does not contain historic structures, the project is not an energy-intensive use. Criteria 6 and 7 are not applicable because the project is not considered a large employer and would have no vehicle serving uses.

The General Plan FEIR concluded that the City's projected GHG emissions would be below the average carbon efficiency standard necessary to meet statewide 2020 goals as established by AB 32. While the proposed General Plan Text Amendment would reduce the number of jobs assumed for the project site, the proposed project is consistent with the GHG Reduction Strategy and General Plan goals and policies intended to reduce GHG emissions and as would result in a less than significant impact. **(Less Than Significant Impact)**

4.7.3 Conclusion

Development of the proposed project would have a less than significant operational and construction related GHG emissions impact. The project would incorporate measures in applicable policies of the City's General Plan and adopted GHG Reduction Strategy. **(Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part upon a Phase I Environmental Site Assessment prepared by *Geotechnical Engineering, Inc.* in November 2015. A copy of this report is included in Appendix D of this document.

4.8.1 Overview

Hazardous materials encompass a wide range of substances including petroleum products, pesticides, herbicides, metals, asbestos, and chemical compounds used in manufacturing and other uses. Hazardous materials in various forms can cause death, serious injury, long-lasting health effects and damage to the environment. As a result, numerous laws and regulations were developed to regulate the management of hazardous materials and mitigate potential impacts.

Hazardous waste generators and hazardous materials users in the City are required to comply with regulations enforced by several Federal, State, and County agencies. The regulations are designed to reduce the risk associated with the human exposure to hazardous materials and minimize adverse environmental effects. State and Federal construction worker health and safety regulations require protective measures during construction activities where workers may be exposed to asbestos, lead, and/or other hazardous materials.

4.8.2 Setting

The project site is currently developed with a one-story commercial building and an adjacent surface parking lot. The building is partially occupied by a used car dealership which stores automobiles on the surface lot and behind the building. Groundwater depth encountered on-site ranges from approximately 15 to 20 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall, and underground drainage patterns.

4.8.2.1 On-Site Sources of Contamination

The original lumber business on the project site was constructed in 1914. Based on Sanborn Maps of the project area, it does not appear that the site was cultivated prior to development. For approximately the last 10 years, the site has been occupied by a used car dealership.

The Phase I Environmental Site Assessment (ESA) identified the project site as a small generator of waste oil, which is recycled off-site. Based on a site reconnaissance, there were several 55-gallon drums, auto repair bays, and numerous cars parking on the property consistent with the current business that occupies the site. No indications of underground storage tanks (USTs) were observed and there were no visually observable/direct evidence to suggest a potential for hazardous waste or toxic substances in the soil and/or groundwater underlying the site.

Asbestos

The on-site building was constructed in 1974. Due to the age of the building, asbestos-containing materials (ACMs) are likely present on-site. Friable asbestos is any ACM that, when dry, can easily be crumbled or pulverized to a powder by hand allowing the asbestos particles to become airborne.

Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes.

Non-friable ACMs are materials that contain a binder or hardening agent that does not allow the asbestos particles to become airborne easily. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl asbestos floor tiles, and transite siding made with cement. Non-friable ACMs can pose the same hazard as friable asbestos during remodeling, repairs, or other construction activities that would damage the material.

ACMs are of concern because exposure to ACMs has been linked to cancer. ACMs are defined by the Federal Environmental Protection Agency as material containing more than one percent asbestos. Title 8, Section 1529, of the California Code of Regulations (CCR), however, defines asbestos-containing construction material (ACCM) as any manufactured construction material which contains more than one-tenth of one percent asbestos by weight. Use of friable asbestos products was banned in 1978.

Lead-Based Paint

Given the age of the existing on-site building, lead-based paint may be present on-site. Lead-based paint is of concern both as a source of direct exposure through ingestion of paint chips, and as a contributor to lead in interior dust and exterior soil. Lead was widely used as a major ingredient in most interior and exterior oil-based paints prior to 1950. In 1972, the Consumer Products Safety Commission limited lead content in new paint to 0.5 percent (5,000 parts per million [ppm]) and in 1978, to 0.06 percent (600 ppm). In 1978, the Consumer Products Safety Commission banned paint and other surface coating materials containing lead.

4.8.2.2 Off-Site Sources of Contamination

The Phase I ESA and Geotracker[12] identified previously documented and current known hazardous materials locations within a one-eighth mile radius of the project site. Twenty-five businesses which use and/or store small quantities of hazardous materials were listed within the one-eighth mile radius, most of which were automobile repair businesses located on E. Santa Clara Street, E. San Fernando Street, and N. 25th, 26th, and 27th Streets. A laundry, dental office, drywall company, and printer were also identified. Table 4.8-1 lists the location, site, and a description of known releases within the study area.

Table 4.8-1: Hazardous Materials Releases Within 1/8 Mile Radius of Project Site

Site Location	Site Description
McDonalds E. Santa Clara Street and 27th Street 0.034 miles north down gradient	Leaking underground storage tank (LUST), case was closed in 1995. No open violations.

[12] State Water Resource Control Board. Geotracker. <http://geotracker.waterboards.ca.gov> Accessed July 21 2016.

Table 4.8-1: Hazardous Materials Releases Within 1/8 Mile Radius of Project Site	
Site Location	**Site Description**
1160 E. Santa Clara Street 0.10 miles west cross gradient	LUST, case was closed in 2010. No open violations

Given the case closure status, groundwater flow direction, type of release, and/or distance of the off-site facilities in relation to the project site, no off-site sources of significant environmental concern to the subject property were identified.

4.8.2.3 Other Hazards

Airports

Norman Y. Mineta San José International Airport is located approximately 2.7 miles northwest of the project site. Based on the Airport Comprehensive Land Use Plan, the project site is located outside the Airport Influence Area (AIA). The project is not located in the vicinity of a private airstrip. The project's proposed maximum height of 85 feet above ground is approximately 30 feet below the Federal Aviation Administration (FAA) obstruction notification surface that would require airspace safety review.

Wildfire Hazards

The proposed project is located within an urbanized area of San José that is not subject to wildland fires.

4.8.2.4 Applicable Hazards and Hazardous Materials Regulations and Policies

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José.

Policy EC-7.1: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

Policy EC-7.2: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

Policy EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-based paint and asbestos containing materials, shall be implemented in accordance with State and Federal laws and regulations.

Policy EC-7.5: In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.

Action EC-7.8: When an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazard materials found in the soil, groundwater, soil vapor, or in existing structures.

Action EC-7.9: Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

Action EC-7.10: Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Action EC-7.11: Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

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

Policy TR-14.3: For development in the vicinity of airports, take into consideration the safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports.

4.8.3 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1,2,11

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	1,2,11
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	1,2,11
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☒	☐	1,2,11
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1,2
6. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1,2
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1,2
8. 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?	☐	☐	☐	☒	1,2

4.8.3.1 Soil and Groundwater Contamination Impacts *(Checklist Questions #1, 2, 4)*

Based on the Phase I ESA, the project site is listed as a small generator of waste oil. No releases of hazardous materials have been reported at the project site and there are no visually observable/direct evidence to suggest a potential for hazardous waste or toxic substances in the soil and/or groundwater underlying the site.

This property was, however, operated as a lumber yard from approximately 1914 until 2003. The lack of detail on possible hazardous materials storage and use at the lumber yard for those years when regulatory oversight was not required is an unknown and a potential environmental risk.

Treatment of lumber for wood preservation was common practice during this time and may have occurred on the property. These practices included the use of creosote (75 – 90% Polcyclic aromatic hydrocarbons, benzene, toluene, ethylbenzene, and xylene (BTEX)) and the use of chromated copper arsenate (CCA; chromium, copper, and arsenic based chemical preservative) and copper napthenate.[13]

Development of the project would require an excavation depth of approximately 10 feet to construct the underground parking garage. While there is no evidence of hazardous waste or toxic substances in the soil or groundwater, implementation of the project could exacerbate any existing soil or groundwater contamination on-site.

Impact HAZ-1: Hazardous materials contamination from previous wood treatment and lumber practices could be present in on-site soils. **(Significant Impact)**

Mitigation and Avoidance Measures

As a condition of approval and in conformance with local, State, and Federal regulations, and program mitigation measures, the project shall implement the following project specific mitigation measures with the oversight of the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent regulatory agency, to reduce impacts associated with redevelopment of the site to a less than significant level.

MM HAZ-1.1: Prior to issuance of grading permits, shallow soils samples shall be taken on-site to determine the location of any contaminated soils with concentrations above worker safety thresholds established by the Regional Water Quality Control Board (RWQCB). Once the soil sampling analysis is complete, a report of the findings shall be provided to the Director of Planning, Building, and Code Enforcement for review and approval.

MM HAZ-1.2: Any soils with residual chemicals exceeding the RWQCB Environmental Screening Levels (ESLs) for commercial uses or hazardous waste limits would be characterized, removed, and disposed of off-site at a licensed hazardous materials disposal site.

MM HAZ-1.3: All measures will be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.

MM HAZ-1.4: If contaminated soils are found in concentrations above established thresholds, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities. The sampling results shall be compared to appropriate risk-based screening levels in the SMP. The SMP shall identify potential health, safety, and environmental exposure considerations associated with redevelopment activities and shall identify appropriate mitigation measures.

[13] Joseph Lovewell, City of San Jose Environmental Services Department.

The SMP shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and Santa Clara County Department of Environmental Health (or equivalent regulatory agency) for approval prior to commencing construction activities. The SMP shall include, but is not limited to, the following:

- Proper mitigation as needed for demolition of existing structures;
- Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Management of underground structures encountered, including utilities and/or underground storage tanks;
- Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, lead-based paint, , etc.) is discovered during excavation or demolition activities;
- Traffic control during site improvements;
- Noise, work hours, and other relevant City regulations;
- Mitigation of soil vapors (if required);
- Procedures for proper disposal of contaminated materials (if required); and Monitoring, reporting, and regulatory oversight arrangements.

With implementation of the identified mitigation measures, exposure to residual soil contamination from historic land uses on-site would be reduced to a less than significant level. **(Less Than Significant Impact With Mitigation)**

The proposed project would likely include the use and storage on-site of cleaning supplies and maintenance chemicals in small quantities consistent with residential and commercial land uses. No other hazardous materials would be used or stored on-site. The small quantities of cleaning supplies and maintenance chemicals that would be used on-site would not pose a risk to adjacent land uses. **(Less Than Significant Impact)**

4.8.3.2 Asbestos-Containing Materials and Lead-Based Paint Impacts *(Checklist Question #2)*

The building on-site likely has materials that contain ACMs and/or lead-based paint. The project proposes to demolish the building and all accessory structures on-site. During demolition, asbestos particles could be released and expose construction workers and nearby residents to harmful levels of asbestos. Suspected ACMs would be required to be properly assessed prior to demolition consistent with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. The NESHAP requires the removal of all potentially friable ACMs prior to building demolition.

If lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. It will be necessary, however, to follow the requirements outlined by Cal-OSHA Lead in Construction Standard, Title 8, California Code of Regulation (CCR) 1532.1 during demolition activities; these requirements include employee training, employee air monitoring, and dust control.

If lead based paint is peeling, flaking, or blistered, it will be removed prior to demolition. It is assumed that such paint will become separated from the building components during demolition activities and must be managed and disposed of as a separate waste stream. Any debris or soil containing lead paint or coating must be disposed of at landfills that are permitted to accept such waste.

The project is required to conform to the following regulatory programs and to implement the following standard project conditions, consistent with OSHA requirements, to reduce impacts due to the presence of ACMs and/or lead-based paint:

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

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

- All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

- Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

The General Plan FEIR concluded that conformance with Federal, State, and local regulatory requirements will result in a less than significant impact from ACMs and Lead. **(Less Than Significant Impact)**

4.8.3.3 Other Hazard Impacts *(Checklist Questions #3, 5-8)*

Schools

The proposed project is located within one-quarter mile of San José High School. New development and redevelopment allowed under the *Envision San José 2040 General Plan* could place sensitive uses in proximity to industrial, commercial or institutional hazardous materials users; however, implementation of existing regulations and adopted plans would substantially reduce hazards to people. The site would not use or store hazardous materials in sufficient quantities to pose a health risk to any nearby school. **(Less Than Significant Impact)**

Airport Operations

The proposed project is not located within an AIA or within two miles of a public or private airstrip, and would not result in substantial safety hazard for people residing or working in the project area or interfere with airport operations. **(No Impact)**

Emergency Response Plans

The proposed project would not impair or interfere with the implementation of an adopted emergency response plan or emergency evacuation plan. **(No Impact)**

Wildland Fires

The proposed project is located in an urbanized area that is not subject to any wildland fires. Implementation of the proposed project would not expose people or structures to any risk from wildland fires. **(No Impact)**

4.8.3.4 Existing Hazardous Materials Conditions Affecting the Project

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

The policies of the *City of San José 2040 General Plan* have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. General Plan Policy EC-7.2 requires the identification of existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination are required to be designed to avoid adverse human health or environmental risk, in conformance with regional, State and Federal laws, regulations, guidelines and standards.

Based on the Phase I ESA review of environmental databases, there have been no on-site releases of hazardous materials. In addition, are no off-site facilities where hazardous material releases have been reported that would significantly impact future occupants or construction workers at the site. Therefore, the project would be consistent with Policy EC-7.2 and would not pose a safety risk to future site users.

Airport Operations

The proposed project is not located within an AIA or within two miles of a public or private airstrip, and would not result in substantial safety hazard for people residing or working at the project site and would not require airspace safety review by the FAA. **(No Impact)**

4.8.4 Conclusion

The proposed project would result in a less than significant hazards and hazardous materials impact with implementation of the identified mitigation. **(Less Than Significant Impact)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

4.9.1.1 Flooding

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (Map No. 06085C0251J, dated February 19, 2014), the project site is located in Flood Zone AO. Flood Zone AO is defined as special flood hazard areas subject to inundation by the one percent annual chance flood with flood depths of one to three feet.

4.9.1.2 Dam Failure

Based on the SCVWD dam failure inundation hazard maps, the project site is within the Anderson Dam but outside the Lexington Dam failure inundation zone.[14,15]

4.9.1.3 Seiches, Tsunamis, and Mudflows

There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche. There are no bodies of water near the project site that would affect the site in the event of a tsunami.[16] The City is located on gently sloping and nearly flat valley floor topography and is not subject to the risk of mudflows.

4.9.1.4 Storm Drainage System

The City of San José owns and maintains municipal storm drainage facilities throughout the City. Storm drain lines are inspected and maintained by the Department of Transportation and are installed, rehabilitated, or replaced by the Department of Public Works. The lines that serve the project site drain into Coyote Creek. Coyote Creek flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

Currently, 100 percent of the project site is covered with impervious surfaces. There are no pervious surface areas. There are existing storm drain lines that run around the perimeter of the site that would serve the proposed development.

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[14]Santa Clara Valley Water District. *Anderson Dam EAP 2009 Flood Inundation Maps. 2009.* <http://www.valleywater.org/uploadedFiles/Services/CleanReliableWater/WhereDoesYourWaterComeFrom/Reservoirs/Anderson_Dam/Anderson%20Inundation%20Maps%202009.pdf?n=6912> Accessed February 12, 2016.

[15] Santa Clara Valley Water District. *Anderson Dam EAP 2009 Flood Inundation Maps. 2009.* <http://www.valleywater.org/uploadedFiles/Services/CleanReliableWater/WhereDoesYourWaterComeFrom/Reservoirs/Lexington/Lenihan%20Dam%201995%20FIM%20Sheet%203%20of%204.pdf?n=8536> Accessed July 19, 2016.

[16] Association of Bay Area Governments. *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region.* <http://quake.abag.ca.gov/tsunamis>. Accessed February 12, 2016.

4.9.1.5 Water Quality Regulatory Background

Nonpoint Source Pollution Program

In 1988, the SWRCB adopted the Nonpoint Source Management Plan in an effort to control nonpoint source pollution in California. In December 1999, the Plan was updated to comply with the requirements of Section 319 of the Clean Water Act and Section 6217 of the Coastal Zone Act Reauthorization Amendment (CZARA) of 1990. The Nonpoint Source Program requires individual permits to control discharge associated with construction activities. The Nonpoint Source Program is administered by the Regional Water Quality Control Board (RWQCB) under the NPDES General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if:

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

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

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed in accordance with the requirements of the 1986 San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban stormwater runoff. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Federal Environmental Protection Agency develop NPDES application requirements for storm water runoff.

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

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City's Policy No. 6-29 requires all new and redevelopment projects regardless of size and land use to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCM) to the maximum extent practicable. This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surface area.

Hydromodification

Hydromodification is the change in stormwater runoff from a watershed caused by changes in land use conditions that alter the natural cycling of water. Changes in land use can cause the runoff volume and velocity to increase, resulting in a decrease in natural vegetation, changes of river/creek bank grades, soil compaction, and the creation of new drainages.

The Municipal Regional Stormwater NPDES Permit 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.

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

The City of San José's Policy No. 8-14 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

Based on the SCVUPPP watershed map for the City of San José, the project site is exempt from the NPDES hydromodification requirements, because it is located in an area with catchments and subwatersheds greater than or equal to 65 percent impervious.[17] The project must comply with Policy 8-14 as it is applicable at the Development Permit stage.

4.9.1.6 Water Quality

As stated above, stormwater from the project site drains to Coyote Creek. The water quality of Coyote Creek is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes. Based on data from the Environmental Protection Agency (EPA)[18], Coyote Creek is currently listed on the California 303(d)[19] list and the Total Maximum Daily Load (TMDL) high priority schedule for Diazinon and trash.[20]

4.9.1.7 Groundwater

Based on a geotechnical report from a nearby project site, groundwater would likely be found at a depth of approximately 15 to 20 feet bgs. Groundwater levels would fluctuate seasonally depending on the variations in rainfall, irrigation from landscaping, and other factors. The project site is comprised entirely of impervious surfaces and does not contribute to the recharging of the groundwater aquifer.

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[17] Santa Clara Valley Urban Runoff Pollution Prevention Program website. <http://www.scvurppp-w2k.com/hmp_maps.htm> Accessed March 28, 2016.

[18] United States Environmental Protection Agency. *California 303(d) Listed Waters.* http://iaspub.epa.gov/tmdl_waters10/attains_impaired_waters.impaired_waters_list?p_state=CA&p_cycle=2012 Accessed July 27, 201.

[19] The Clean Water Act, section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies.

[20] A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards.

4.9.1.7 Applicable Hydrology and Water Quality Regulations and Policies

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José.

Policy ER-8.1: Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

Policy ER-8.3: Ensure that private development in San José includes adequate measures to treat stormwater runoff.

Policy ER-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

Policy EC-4.1: Design and build all new or remodeled habitat structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

Action EC-7.10: Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

4.9.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	1,2
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will 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 will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	1,2

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1,2
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☒	☐	1,2
5. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1,2
6. Otherwise substantially degrade water quality?	☐	☐	☒	☐	1,2
7. 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?	☐	☐	☒	☐	1,2,12
8. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☒	☐	1,2,12
9. 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?	☐	☐	☒	☐	1,2
10. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1,2

4.9.2.1 Water Quality Impacts *(Checklist Questions #1 and #6)*

Construction Impacts

The proposed project would disturb 118,178 square feet of land area which is above the one acre threshold. Construction of the proposed project would require compliance with the NPDES General Permit for Construction Activities.

Demolition and construction activities would temporarily increase the amount of debris on-site and grading activities would increase the potential for erosion and sedimentation that could be carried by runoff into the San Francisco Bay. The San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality when a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), an Erosion

Control Plan must be submitted to the Director of Public Works for review and approval. The Erosion Control Plan must detail the BMPs that would be implemented to prevent the discharge of stormwater pollutants.

Pursuant to the City's requirements, the following measures, based on RWQCB recommendations, have been included in the project as standard permit conditions to reduce potential construction-related water quality impacts:

Standard Permit Conditions

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

The General Plan FEIR concluded that with the regulatory programs currently in place, stormwater runoff from construction activities would have a less than significant impact on stormwater quality. Because construction of the proposed project would include the specific measures and actions identified above, and would be required by the City to comply with the regulatory programs, the project would have a less than significant construction-related water quality impact. **(Less Than Significant Impact)**

Post-Construction Impacts

Under existing conditions, the project is 100 percent impervious. Upon completion of the proposed development, the project site would be approximately 95 percent impervious. Construction of the project would result in the replacement of more than 10,000 square feet of impervious surface area and would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional Stormwater permit. The Municipal Regional Stormwater NPDES Permit requires all of the post-construction stormwater runoff to be treated by numerically

sized Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. The project qualifies as a Special Project (Category C- Transit Oriented Development) and currently proposes flow-through biotreatment planters and media filters. Prior to issuing any LID Reduction Credits, the City must first establish a narrative discussion submitted by the applicant that describes why and how the implementation of 100 percent LID stormwater treatment measures are not feasible, in accordance with the Municipal Regional Stormwater NPDES Permit. If it is not feasible for the project to implement 100 percent LID measures, the project shall submit an explanation to the City for confirmation.

The General Plan FEIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. Compliance with the City's regulatory policies pertaining to stormwater runoff would result in a less than significant water quality impact. **(Less Than Significant Impact)**

4.9.2.2 Groundwater Impacts *(Checklist Question #2)*

With implementation of the proposed project, the total area of impervious surfaces on the project site would decrease by five percent compared to existing conditions. The project site does not currently contribute to recharging of groundwater aquifers and this condition will not change once development is complete. **(Less Than Significant Impact)**

Construction of the mixed-use building would include one level of below-grade parking with a total depth of approximately 10 feet, and groundwater would likely be found at a depth of approximately 15 to 20 feet bgs. Based on this data, the proposed development would not interfere with overall groundwater flow or impact the deeper groundwater aquifers. **(Less Than Significant Impact)**

4.9.2.3 Drainage Pattern Impacts *(Checklist Questions #3-4)*

Implementation of the proposed project would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway. As a result, the project will not substantially increase erosion or siltation or increase the rate or amount of stormwater runoff. (**Less Than Significant Impact)**

4.9.2.4 Storm Drainage Impacts *(Checklist Question #5)*

The existing and proposed square footages of pervious and impervious surfaces are shown on Table 4.9-1 below.

Table 4.9-1: Pervious and Impervious Surfaces On-Site						
Site Surface	**Existing/Pre-Construction (sf)**	**%**	**Project/Post-Construction (sf)**	**%**	**Difference (sf)**	**%**
Impervious						
Roof Area(s)	22,800	19	80,556	68	+57,756	+49
Parking	95,378	81	-	-	-95,378	-81
Podium Deck, Plaza, etc.	-	-	31,710	27	+31,710	+27
Subtotal	118,178	100	112,266	95	-5,912	-5
Pervious						
Pavement and Landscaping	-	-	5,912	5	+5,912	+5
Total	118,178	100	118,178	100		

Under existing conditions, approximately 118,178 square feet (100 percent) of the project site is covered with impervious surfaces. Under project conditions, the project site would be covered with approximately 112,266 square feet (95 percent) of impervious surfaces. Implementation of the project would result in a five percent decrease in impervious surfaces at the project site which would reduce stormwater runoff. The existing storm drainage lines have sufficient capacity to support the current conditions on-site. As a result, the overall decrease in stormwater runoff resulting from the project would not impact the existing storm drainage system.

Installation and maintenance of the proposed stormwater treatment systems will result in a less than significant impact on water quality. **(Less Than Significant Impact)**

4.9.2.5 Seiches, Tsunamis, and Mudflows *(Checklist Question #10)*

As discussed in Section 4.9.1.3 above, there are no bodies of water near the project site that would affect the project area in the event of a seiche or tsunami. The project area is flat and there are no mountains in proximity. As a result, development of the project site would not cause mudflows that would impact adjacent properties. **(Less Than Significant Impact)**

4.9.2.6 Existing Flooding Conditions Affecting the Project *(Checklist Questions #7-9)*

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

Based on the FEMA flood insurance rate maps, most of the project site is within the 100-year floodplain for Coyote Creek. As a result, the project would be required to comply with the City's Special Flood Hazard Area Regulations (Municipal Code Chapter 17.08) as a condition of project approval. This would require the first finished floor to be elevated one foot above the identified flood elevation and elevate the building support utility systems such as HVAC, electrical, plumbing,

air conditioning equipment, including ductwork, and other service facilities above the flood level or protect from flood damage.

Because the project would be required to comply with all applicable Municipal Code requirements for construction in a flood plain, implementation of the proposed project would not expose people or structures to significant flood hazards in compliance with City policies.

The project site is located within the Anderson Reservoir dam failure inundation area. The California Division of Safety of Dams (DSOD) is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. As part of its comprehensive dam safety program, the SCVWD routinely monitors and studies the condition of each of its 10 dams, including Anderson. The *San José 2040 General Plan FEIR* concluded that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury or death.

4.9.3 Conclusion

Implementation of the project would have a less than significant hydrology impact. **(Less Than Significant Impact)**

4.10 LAND USE

4.10.1 Setting

The 2.77-acre project site is comprised of seven parcels (APNs 467-33-001, -002, -003, -004, -006, -007, and -008) located at 1260 East Santa Clara Street between South 26th Street and South 28th Street in the City of San José. The rectangular shaped parcel has three street frontages, East Santa Clara Street to the north, South 26th Street to the west, and Shortridge Avenue to the south. A non-operational rail line is located along the eastern property line. The site is currently developed with a one-story commercial building and an adjacent surface parking lot. The site is partially occupied by a used car lot. The project site is currently accessed by driveways on East Santa Clara Street and Shortridge Avenue.

4.10.1.2 Surrounding Land Uses

Development in the project area is a mix of residential, commercial, light industrial, and public/quasi-public land uses. (see Figure 2.2-3) Building in the area are primarily one- to two-stories, except for the nearby Five Wounds Church which is equivalent to a three-story building (not including the bell towers). The project site is bordered by East Santa Clara Street to the north, South 26th Street to the west, Shortridge Avenue to the south, and railroad tracks and South 28th Street to the east.

The project site is located within a mixed residential and commercial neighborhood. West of the project site, on the west side of S. 26th Street, is a commercial building, a single-family residence that has been converted to a business, and a small duplex. All the buildings to the west are one-story and back up to two apartment buildings that are two and three stories. South of the project site, on the south side of Shortridge Avenue, are primarily single-story, single-family houses and a few commercial buildings. The remainder of the area to the south and west is a residential neighborhood.

Immediately east of the project site are former Union Pacific railroad tracks. East of the rail line is S. 28th Street and a small one- to two-story commercial center, which faces the project site, and a small one-story commercial building. The buildings are separated by a shared surface parking lot.

North of East Santa Clara Street are several one-story commercial buildings. The Five Wounds Portuguese National Church (Five Wounds Church), a historic landmark, is located approximately 317 feet northeast from the project site. The three-story church is located between two accessory buildings, including Cristo Rey High School, which range in height from one to two stories.

4.10.1.3 Existing Land Use Designation and Zoning

The project site is designated *Urban Village* under the City of San José's General Plan and is located within the adopted Roosevelt Park Urban Village Plan. The site is zoned *CG – Commercial General* on the northern half of the project site and *LI – Light Industrial* on the southern half of the project site.

Under the Roosevelt Park Urban Village Plan, the *Urban Village* designation allows for a variety of uses including commercial, residential, and institutional. To meet the employment lands and job

development objectives for this village, the plan establishes a minimum FAR for the commercial/employment component of mixed-use projects in some of the plan area. The project site is located in Area D, which has a minimum 0.50 FAR requirement for the commercial portion of a mixed-use project. The density of new development would be limited by the maximum height limits established in the Roosevelt Park Urban Village Plan. For the project site, the maximum height limit is 85 feet. Building Height Policy 4 limits the area for an 85 foot building mass to 50 percent of the footprint of the block, and the reminder must be at 55 feet. Building Height Policy 5 requires all new development adjacent to property with an existing single-family home or with a General Plan designation of Residential Neighborhood with a density of 8 dwelling units to the acre or less, shall step down in height to 35 feet within 20 feet of such single-family properties.

As mentioned above, the site has two zoning designations. The northern half of the project site is zoned *CG – Commercial General* (Chapter 20.40 of the City Code) and is intended to serve the needs of the general population. The *Commercial General* zoning allows for a full range of retail and commercial uses with a local or regional market. The southern half of the project site is zoned *LI – Light Industrial* (Chapter 20.50 of the City Code) and is intended for a variety of industrial uses and excludes uses with unmitigated hazardous effects. Uses in the *LI – Light Industrial* zoning district include warehouse, wholesale, and light manufacturing.

4.10.1.4 Applicable Land Use Regulations and Policies

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

Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

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

Policy CD-1.23: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-4.5: For new development in transition areas between identified Growth Areas and non-growth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, view shed, or other land use compatibility concerns.

Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Policy CD-7.9: Build new residential development within Urban Village and Corridors areas at a minimum of four stories in height with the exception that a single row of 2-3 story development, such as townhouses, should be used when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation.

The *Roosevelt Park Urban Village Plan* includes policies applicable to all development projects within the Urban Village Boundary. The following policies are specific to land use and applicable to the proposed project.

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

Land Use Policy 5: Development of ground floor neighborhood-serving commercial uses along E. Santa Clara Street is strongly encouraged.

Land Use Policy 6: New residential development adjacent to the Five Wounds Trail corridor should provide primary unit entries, stoops, and porches facing the trail.

Land Use Policy 7: New residential development adjacent to the Five Wounds Trail corridor should provide ground floor units that face the trail.

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

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

4.10.2 Environmental Checklist and Discussion of Impacts

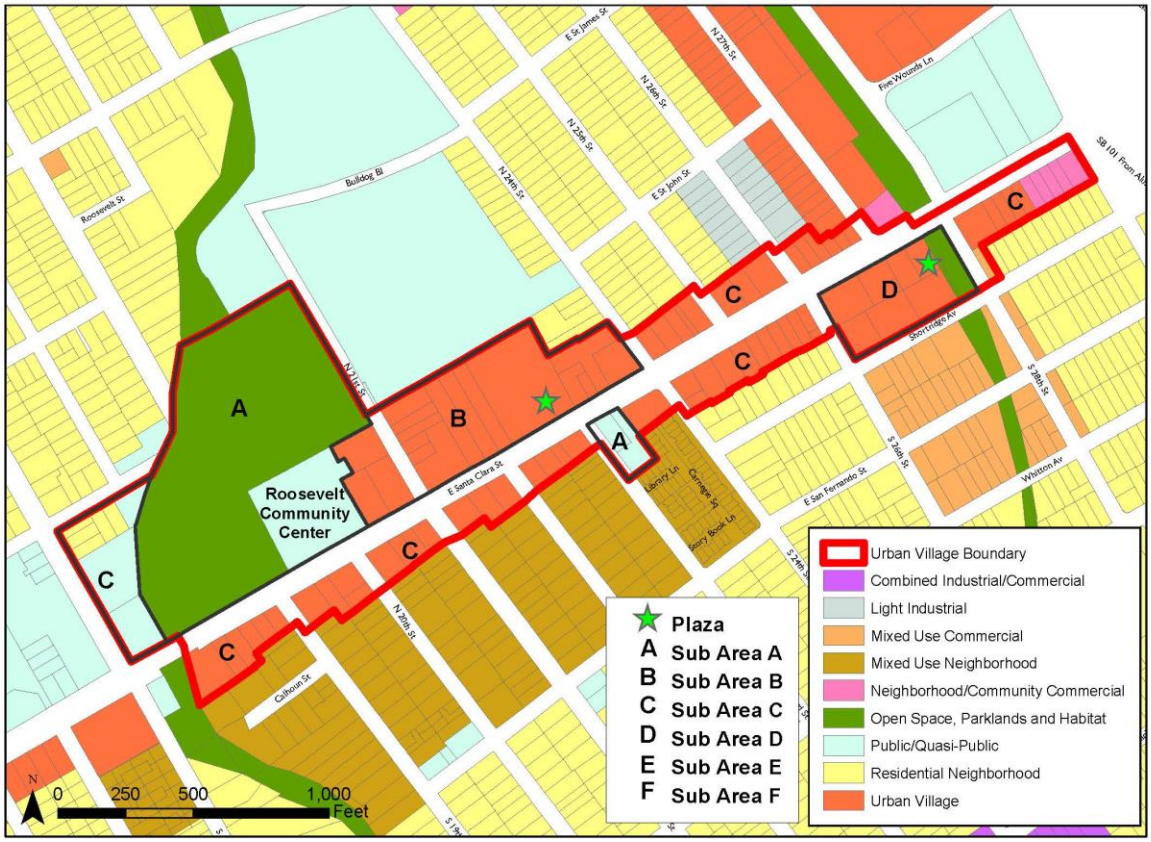
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Physically divide an established community?	☐	☐	☐	☒	1,2,3
2. Conflict with any applicable land use plan, policy, or regulation of an 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?	☐	☐	☒	☐	1,2,3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
3. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	1,2,3

4.10.2.1 Consistency with the General Plan Land Use Designation and Zoning *(Checklist Question #2)*

Commercial FAR Requirements

The Roosevelt Park Urban Village Plan establishes minimum commercial FAR requirements for all parcels within the *Urban Village* land use designation. For the project site (Area D), and another group of parcels identified as Area B, the minimum commercial FAR is 0.50. For the parcels within Area C, the minimum commercial FAR is 0.30.



While the project as analyzed in this Initial Study, would meet the 0.50 FAR requirement for commercial development (up to 60,000 square feet of commercial space on-site), the project applicant is requesting a General Plan Text Amendment to allow for a reduction in the minimum commercial FAR requirement to 0.25 (30,000 square feet of commercial space) on the project site (Area D).

With the proposed reduction in commercial FAR, the project would be inconsistent with the development goals of the Roosevelt Park Urban Village Plan and the San Jose 2040 General Plan. The intent of the Urban Villages is to provide for balanced growth of housing, jobs, and services within walkable neighborhoods. For the project site, the 0.50 commercial FAR requirement equates to 60,000 square feet of commercial space or 200 jobs.[21] The proposed reduction in commercial FAR would result in the loss of approximately 101 jobs and 31,000 square feet of commercial space on the project site.

The City of San Jose will not allow for a net reduction in planned jobs within the Roosevelt Park Urban Village because it would be inconsistent with the City's goal of a sustainable jobs/housing ratio, which was identified as a critical objective in the General Plan. Therefore, the reduction in required commercial FAR on the project site would result in a reallocation of jobs on other properties within the Urban Village.

To accommodate the reduction in commercial FAR on the project site, the commercial FAR on parcels within Area C would need to be increased from 0.30 to 0.36. An increase in the required minimum commercial FAR on parcels within Area B would not be viable because those parcels are already designated for the highest FAR within the Urban Village.

There are a total of 53 parcels of varying sizes within Area C, totaling up to 482,000 square feet of commercial space. Based on preliminary calculations, if an equal distribution of the 101 jobs (31,000 square feet of commercial space) is assumed, the parcels in Area C could accommodate the additional jobs without compromising the planned growth for this Urban Village. There are, however, some potential constraints for the reallocation of the jobs and commercial space from Area D to C because 1) the parcels in Area C are generally smaller than the parcels in Area D making it harder to successfully redevelop with a mix of land uses (commercial and residential), and 2) not all the parcels within the Urban Village would likely be redeveloped. If the development goals of the Urban Village are not met, then a balanced growth of jobs, services, and housing would not be achieved, causing residents and employees of the Urban Village to travel further for services and/or housing. This could result in increased traffic trips and vehicle miles traveled (VMT), the effect of which could be increased GHG and criteria pollutant emissions, and greater travel delays on the local roadway network.

Because the proposed General Plan Text Amendment is inconsistent with the General Plan and adopted Urban Village plan, and could result in secondary environmental effects, the proposed General Plan text amendment would likely have a significant land use impact. The secondary environmental effects of the proposed General Plan Text Amendment cannot, however, be quantified at this time and likely would not be known until additional projects are proposed.

The project as analyzed in this Initial Study meets the development goals and policies of both the General Plan and the adopted Urban Village Plan. If the proposed project is implemented without the reduction in commercial FAR, the project would have a less than significant land use impact. **(Less Than Significant Impact)**

[21] The City estimates one job per 300 square feet of commercial space.

Building Heights

The project proposes a General Plan Text Amendment that would increase the building height to 85 feet across the entire project site. The environmental effects associated with tall buildings can include: 1) blocking of designated scenic views, 2) increased shading, and 3) creating the potential for visual intrusion.

Building Height Policy 5 of the Roosevelt Park Urban Village Plan requires all portions of buildings over 55 feet in height to be stepped back from the lower portion of the building such that the massing of the building does not overwhelm the sidewalk and the street. In addition, Building Height Policy 4 required that new development on this site have no more than 50 percent of the footprint of the block, which comprises the proposed project site, shall contain, in total, building massing that exceeds 55 feet. Buildings over 55 feet in height shall provide a height and massing study to demonstrate how the views of the Church will be maintained, particularly from the south and southwest. The proposed project would have a maximum of 85 feet for all part of the building on the site.

While the proposed General Plan Text Amendment and proposed PD rezoning is inconsistent with the development standards adopted as part of the Urban Village Plan, the increase in building height across the entire project site would not result in significant aesthetic or land use compatibility impacts (see Sections 4.1.2.1 and 4.10.2.2). As a result, the proposed change in building height would have a less than significant land use impact. In addition, with the approval of the General Plan Text Amendment to increase the building height to 85 feet across the entire project site, the proposed project site would be consistent with applicable land use plan, policy, or regulations. **(Less Than Significant Impact)**

Urban Village Land Use Policies

The proposed project, as analyzed in this Initial Study, would not meet some of the land use policies of the Roosevelt Park Urban Village Plan that encourage specific configurations of residential development in Area D. Specifically, Land Use Policy 6 states that new residential development adjacent to the Five Wounds Trail corridor should provide primary unit entries, stoops, and porches facing the trail. Land Use Policy 7 states that new residential development adjacent to the Five Wounds Trail corridor should provide ground floor units that face the trail. The project, as analyzed in this Initial Study, includes the total 0.5 FAR of commercial development but does not include any residential units on the first or second floors of the building adjacent to the future trail.

With the approval of the General Plan Text Amendment to reduce the commercial FAR from 0.5 to 0.25, the proposed project would include the development of both residential and commercial space on the ground floor, facing the trail future trail.

Neither development scenario, the full 0.5 FAR of commercial space nor the reduced commercial FAR of 0.25, would be consistent with all applicable polices outlined in the Roosevelt Park Urban Village Plan. The development scenarios would, however, be consistent with the overall development goals of the adopted Urban Village Plan. **(Less Than Significant Impact)**

Zoning

The current zoning designations are not applicable to the specific development proposed for the project site. The project site would need to be rezoned to allow any future redevelopment of the site. As a result, the project proposes a rezoning to (*A)PD – Planned Development* consist with the proposed mixed-use project. **(Less Than Significant Impact)**

4.10.2.2 Land Use Compatibility Impacts *(Checklist Questions #1-2)*

Established Communities

The proposed project is a seven-story mixed-use building with ground floor commercial space located within a mixed residential/commercial neighborhood. There are residences to the east and west of the project site. There are commercial developments along East Santa Clara Street. The proposed project would be compatible with the surrounding land uses and would not interfere with the existing operations of the adjacent businesses because future residents would utilize existing businesses and restaurants that are located within walking distance of the site. The proposed project would not physically divide an established community. **(No Impact)**

Shade and Shadow

The proposed development would be comprised of a seven-story mixed-use building with a maximum height of 85 feet. There is no specific City policy which quantifies the impact of shadows from new development projects. The City of San José, however, typically identifies shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on public open spaces.

The project would shade a small portion of the adjacent rail line in the afternoon hours for most of the year, but would not shade existing public parks or open space areas in proximity to the project site. The adjacent rail line is planned as part of the future Five Wounds Trail. Because the trail is intended to be a pedestrian/bicycle transportation corridor and not standard "park" open space, shading of the area in the afternoon hours would not negatively impact future users of the trail. The General Plan and the Roosevelt Park Urban Village Plan include policies to enhance the pedestrian and bicycle experience by planting street trees to provide shade. Similarly, shading of a portion of the trail by the proposed building would also provide shade for trail users. As a result, the proposed project would have a less than significant shade and shadow impact. **(Less Than Significant Impact)**

Visual Intrusion (Privacy)

Visual intrusion addresses the general concern that windows or balconies from taller buildings would provide visual access to neighboring yards and windows of private residences. There are five existing off-site residences within 60 feet south of the project site on Shortridge Avenue. Of the five residences, one is a two-story apartment that faces away from the project site, one is a single-family residence that has been turned into a business, two are single-family houses that face the project site, and one is a single-family house that faces S. 26th Street. On S. 26th Street, there is a duplex that faces the project site. Two and three-story apartments back up to the duplex.

In urban built-out environments properties are in close proximity to one another and complete privacy is not typical. Nevertheless, implementation of the proposed project would create a greater possibility of visual intrusion from the project site on the nearby residential properties than what currently exists.

The existing development on-site includes a one-story commercial building along the northern street frontage, approximately 230 feet from the residential properties to the south. The project proposes a seven-story, 85-foot tall building covering the entire project site. Residents in the proposed building would have direct line of site to the nearest off-site residences.

The residences on Shortridge Avenue and the duplex on S. 26th Street have little to no tree cover on their properties. The adjacent apartment building has no recreational open space and the open space areas at the duplex are along the roadway frontages and not fenced. The private residences on Shortridge Avenue have varying amounts of open space, none of which is completely private. While the project would construct a building up to 85 feet tall along the southern property line, the additional height of the building would not significantly increase the likelihood of visual intrusion. Limiting the building height along Shortridge Avenue to three or four stories would not preclude views onto the nearby properties. There would not, however, be views into any windows at the rear of the residences. In adopting the Roosevelt Park Urban Village Plan and the San Jose 2040 General Plan, the City has determined that high density residential development is acceptable on the project site and compatible with the surrounding land uses. As a result, the proposed project would have a less than significant visual intrusion impact. **(Less Than Significant Impact)**

4.10.2.3 Other Land Use Impacts *(Checklist Question #3)*

The project would not conflict with any habitat conservation plan or natural community conservation plan (see Section 4.4, *Biological Resources)*. **(Less Than Significant Impact)**

4.10.3 Conclusion

The proposed project would be compatible with all adjacent and nearby land uses and would not conflict with adopted policies. Implementation of the project would not result in significant land use impacts. **(Less Than Significant Impact)**

4.11 MINERAL RESOURCES

4.11.1 Setting

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

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

4.11.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	1-3
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1-3

4.11.2.1 Impacts to Mineral Resources

The proposed project is within a developed urban area and it does not contain any known or designated mineral resources. The physical distance between the project site and the Communications Hill area is approximately 3.70 miles. Implementation of the project would not result in the loss of availability of any known mineral resources. **(No Impact)**

4.11.3 Conclusion

The project would not result in impacts to known mineral resources. **(No Impact)**

4.12 NOISE

The following analysis is based upon a Noise and Vibration Assessment prepared by *Illingworth & Rodkin* in July 2016. A copy of this report is provided in Appendix E of this document.

4.12.1 Setting

Noise is typically defined as unwanted sound and is subjective due to varying tolerances. In any one location, noise will vary over time, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. State and Federal standards have been established as guidelines for determining the compatibility of a particular land use with its noise environment.

Sound levels are usually measured in decibels (dB) with dB corresponding roughly to the threshold of hearing. Most of the sounds we hear in the environment do not consist of a single frequency, but rather a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. There are several measurements of characterizing sound. The most common in California is the A-weighted sound level or dBA.

Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq}. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration. For single-event noise sources, an L_{max} measurement is used which describes the maximum A-weighted noise level during the measurement period.

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. To describe the time-varying character of environmental noise, the statistical noise descriptors, L_{01}, L_{10}, L_{50}, and L_{90}, are commonly used. They are the A-weighted noise levels equaled or exceeded during 1, 10, 50, and 90 percent of a stated time.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can measure environmental noise levels within about plus or minus one dBA. Since the sensitivity to noise increases during the evening and at night, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Community Noise Equivalent Level (CNEL) is a measure of the cumulative noise exposure in a community, with a five dB penalty added to evening between 7:00 PM and 10:00 PM and a 10 dB addition to nighttime between 10:00 PM and 7:00 AM. The Day/Night Average Sound Level, DNL, is the average A-weighted noise level during a 24-hour day, obtained after the addition of 10 dB to noise levels measured in the nighttime between 10:00 PM and 7:00 AM.

Construction Noise

Construction is a temporary source of noise for residences and businesses located near construction sites. Construction noise can be significant for short periods of time at any particular location and generates the highest noise levels during grading and excavation, with lower noise levels occurring

during building construction. Typical hourly average construction-generated noise levels are approximately 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods. Some construction techniques, such as impact pile driving, can generate very high levels of noise (105 dBA L_{max} at 50 feet) that are difficult to control. Construction activities can elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more during construction hours.

4.12.1.2 Background Information – Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One method is the Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. For this analysis, a PPV is used to evaluate construction generated vibration for building damage and human complaints. Table 4.12-1 shows the general reactions of people and the effects on buildings from continuous vibration levels produced. As with noise, the effects of vibration on individuals is subjective due to varying tolerances.

Table 4.12-1: Effects of Vibration

PPV (in/sec)	Human Reaction	Effect on Buildings
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Virtually no risk of damage to normal buildings
0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential dwellings such as plastered walls or ceilings.
0.5	Severe – vibration considered umpleasant	Threshold at which there is a risk of damage to newer residential structures.

Source: Transportation and Construction Vibration Guidance Manual, California Department of Transportation, September 2013.

Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage.

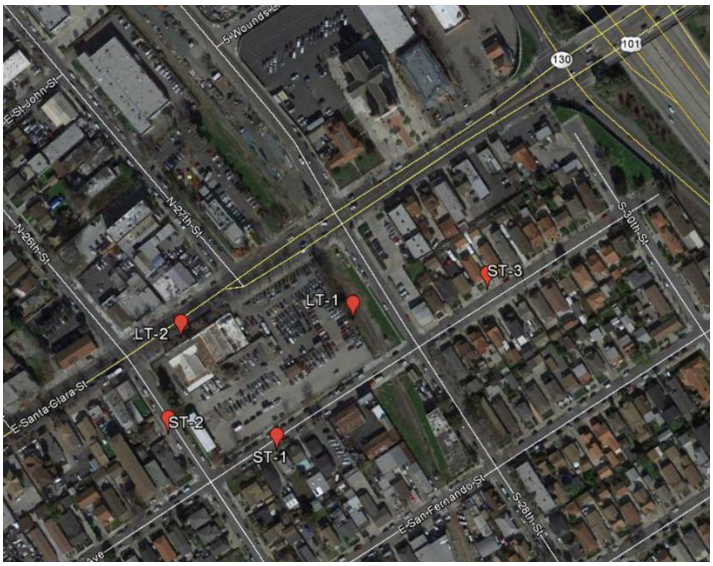
Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to induce structural damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life, are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a

function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

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

4.12.1.2 Existing Noise Conditions



The project site is located immediately east of South 26th Street between East Santa Clara Street and Shortridge Avenue. Noise in the project area is generated primarily from vehicular traffic along East Santa Clara Street and US 101.

To quantify the existing noise environment, a noise monitoring survey was completed in the vicinity of the project site from June 7th, 2016 to June 9th, 2016. The monitoring survey included two long-term (LT-1 and LT-2) noise measurements and three short-term (ST-1, ST-2, and ST-3) noise measurements. Tables 4.12-2 and 4.13-3 give a summary of the acoustical locations and measurements. The noise monitoring locations are shown in the figure above.

Table 4.12-2: Existing Long Term Noise Measurements

Measurement	Location	Noise Level (dBA)	
		Day	Night
LT-1	Approximately 100 feet west from the center of South 28th Street and approximately 25 feet west from the center of the adjacent railroad tracks	59 - 61	50 - 59
LT-2	Approximately 40 feet south of the centerline of Santa Clara Street	70 - 76	59 - 73

For LT-1, the day-night average noise level on Wednesday, June 8th, 2016 was 63 dBA DNL. For LT-2, the day-night average noise level on Wednesday, June 8th, 2016 was 75 dBA DNL.

Table 4.12-3: Existing Short Term Noise Measurements								
Measurement	**Location**	**L_{max}**	**$L_{(1)}$**	**$L_{(10)}$**	**$L_{(50)}$**	**$L_{(90)}$**	**L_{eq}**	**Calc. L_{dn}**
ST-1	Front of 1260 Shortridge Avenue, approximately 30 feet from centerline of roadway	62	58	55	53	51	53	57
ST-2	Front of 9 and 33 North 26th Street, approximately 30 feet from centerline of roadway	70	67	60	54	51	57	61
ST-3	Front of 1385 Shortridge Avenue, approximately 30 feet from centerline of roadway	68*	65	55	53	51	55	58
Notes: *Includes aircraft event, which generated a maximum noise level of 68 dBA L_{max}.								

4.12.1.3 Sensitive Receptors

The nearest sensitive receptors are the residences located approximately 65 to 75 feet west and south of the project site. The other surrounding buildings are retail/commercial and are not considered sensitive land uses.

4.12.1.4 Applicable Noise Standards and Policies

Regulatory Background - Noise

2013 California Building Code, Title 24, Part 2

The current California Building Code (CBC) does not place limits on interior noise levels attributable to exterior environmental noise sources. The July 1, 2015 Supplement to the 2013 CBC corrects this omission, reinstating limits on interior noise levels attributable to exterior environmental noise sources which had been contained in all prior versions of the CBC dating back to 1974. In keeping with the provisions of the 2015 supplement, this report considers interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA L_{dn} in any habitable room for new dwellings other than detached single-family dwellings.

City of San José General Plan

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José. The City's noise and land use compatibility guidelines are shown in Table 4.12-4, below.

Table 4.12-4: Land Use Compatibility Guidelines for Community Noise in San José

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

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

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

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

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

Policy EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

Interior Noise Levels

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meeting this standard. For sites with exterior noise levels of 60 dBA 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 *Environmental General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor

common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.

Policy EC-1.2: 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.

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

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

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

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

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

City of San José Municipal Code – Construction Standards

The City's Municipal Code contains a Zoning Ordinance that limits noise levels at adjacent properties. Chapter 20.30.700 states that sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 dBA at any property line shared with land zoned for residential use, except upon issuance and in compliance with a Conditional Use Permit. The code is not explicit in terms of the acoustical descriptor associated with the noise level limit. However, a reasonable interpretation of this standard, which is based on policy EC-1.3 of the City's General Plan, would identify the ambient base noise level criteria as a day-night average noise level (DNL). Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM and 7:00 PM Monday through Friday unless permission is

granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

Regulatory Background - Vibration

City of San José General Plan

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

4.12.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
1. 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?	☐	☐	☒	☐	1,2,3,13
2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1,2,3,13
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,2,3,13
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,2,3,13
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1,2,3
6. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A three

dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project generated noise level increases of three dBA DNL or greater are considered significant where resulting exterior noise levels will exceed the normally acceptable noise level standard. Where noise levels will remain at or below the normally acceptable noise level standard with the project, a noise level increase of five dBA DNL or greater is considered significant. The following criteria were used to evaluate the significance of environmental noise resulting from the project:

Project Generated Traffic Noise

A significant impact would be identified if project generated traffic or operational noise sources would substantially increase noise levels at sensitive receivers in the vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA DNL or greater and future noise levels would remain "Normally Acceptable" for the land use, or b) the noise level increase is 3 dBA DNL or greater where future noise levels would equal or exceed the "Normally Acceptable" level.

Construction Noise

A significant noise impact would be identified if construction-related noise would temporarily increase ambient noise levels at sensitive receptors. Hourly average noise levels exceeding 60 dBA L_{eq} at the property lines shared with residential land uses, and the ambient by at least 5 dBA L_{eq}, for a period of more than one year would constitute a significant temporary noise increase at adjacent residential land uses.

Construction Vibration

A significant impact would be identified if the construction of the project would expose persons to excessive vibration levels. Groundborne vibration levels exceeding 0.2 in/sec PPV would have the potential to result in cosmetic damage to normal buildings.

4.12.2.1 Noise Impacts from the Project *(Checklist Questions #1, 3 and 4)*

Project Generated Traffic Noise Impacts

Traffic noise levels along South 26th Street are calculated to increase by approximately four dB between East Santa Clara Street and the proposed project entrance off South 26th Street with build out of the General Plan. As mentioned previously, the noise environment in the area is generated primarily from vehicular traffic along East Santa Clara Street and US 101. Based on the noise monitoring survey, vehicles on East Santa Clara Street currently generate a noise level of approximately 75 dBA DNL at a distance of 40 feet from the center of the roadway. The traffic noise along East Santa Clara Street is calculated to increase by less than one dB as a result of project traffic and noise levels at commercial uses fronting South 26th Street and adjacent to East Santa Clara Street would continue to be exposed to an Existing Plus Project traffic noise level of 75 dBA DNL; an increase of less than one dB.

Traffic noise modeling using the Federal Highway Administration's Traffic Noise Model calculated the existing traffic noise level along South 26th Street to be approximately 53 dBA DNL at a distance

of 40 feet from the centerline. A noise increase of approximately one dB is anticipated south of the project entrance off of South 26th Street as a result of the project.

An existing noise level of approximately 65 dBA DNL is calculated at a distance of 200 feet from the center of East Santa Clara Street, resulting primarily from traffic along East Santa Clara Street. At a distance of 200 feet from the center of East Santa Clara Street, commercial uses are calculated to be exposed to an Existing Plus Project traffic noise level of 66 dBA DNL; an increase of one dB above existing levels in this area.

A traffic noise increase of about two dB is anticipated along Shortridge Avenue between South 24th Street and South 26th Street as a result of the project. Traffic noise increases of less than one dBA DNL are calculated to occur on all other the roadway segments in the network due to project traffic.

The increase in traffic noise caused by the project would not exceed the 3 dBA DNL thresholds established by the General Plan and would result in a less than significant impact. **(Less Than Significant Impact)**

Operational Noise Impacts

Mixed-use development typically include various mechanical equipment, such as air conditioners, exhaust fans, and air handling equipment for the buildings and the underground parking levels. The most substantial noise-generating equipment would likely be large exhaust fans and air conditioning units. The nearest noise sensitive uses include residences located approximately 65 to 75 feet west and south from the project site.

Under the City's Noise Element, noise levels from building equipment would be limited to a noise level of 55 dBA DNL at receiving noise-sensitive land use. Given the distance between rooftop equipment located on top of an 85 foot high structure and nearby noise-sensitive uses and the shielding provided by the roof structure, mechanical equipment noise is not anticipated to exceed 55 dBA DNL at the nearby residences or other sensitive uses.

Truck deliveries for the commercial uses on the project site have potential to generate noise. Typical noise levels generated by loading and unloading of truck deliveries would be similar to noise levels generated by existing truck movements on local roadways and by similar activities at surrounding uses. These are not anticipated to impact the nearby noise-sensitive land uses.

In accordance with the *Envision San José 2040 General Plan FEIR*, the proposed project would be required to implement the following standard permit conditions:

Standard Permit Conditions

- A detailed acoustical study shall be prepared during building design to evaluate the potential noise generated by building mechanical equipment and to identify the necessary noise controls that are included in the design to meet the City's 55 dBA DNL noise limit at the shared property line. The study shall evaluate the noise from the equipment and predict noise levels at noise-sensitive locations. Noise control features, such as sound attenuators, baffles, and barriers, shall be identified and evaluated to demonstrate that mechanical equipment

noise would not exceed 55 dBA DNL at noise-sensitive locations, such as residences. The study shall be submitted to the City of San José for review and approval prior to issuance of any building permits.

- Ensure that noise-generating activities, such as maintenance activities and loading/unloading activities, are limited to the hours of 7:00 AM and 9:00 PM.

Implementation of the above measures would reduce operational noise levels, and minimize disruption and annoyance. As a result, the project would have a less than significant operational noise impact. **(Less Than Significant Impact)**

Construction Noise Impacts

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. The calculated construction noise for each phase of development is shown in Table 4.12-6.

Table 4.12-6: Estimated Construction Noise Levels

Construction Phase	Noise Level at 100-Foot Distance	
	L_{eq}, dBA	L_{max}, dBA
Demolition (April 15 – May 15, 2017)	79	84
Site Preparation (May 15 – June 15, 2017)	70	72
Grading/Excavation (June 15 – September 1, 2017)	80	80
Trenching (August 1 – October 1, 2017)	72	75
Building Exterior (October 1, 2017 – May 15, 2019)	73	75
Building Interior (March 15, 2018 – May 15, 2019)	Minimal	Minimal
Paving (March 1 – May 15, 2018)	73	73

Construction activities for the proposed project would be carried out in stages. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating.

Construction of the proposed project would include demolition, site preparation, grading and excavation of the entire site for one level of underground parking, trenching for utilities, construction of the building, and paving. Pile driving would not be used as a method of foundation construction for this project. The total construction time, including the building interior, is estimated to be 25 months.

Construction of the proposed project would temporarily increase noise levels in the immediate vicinity of the project site and would be audible at the nearby residences located approximately 65 to 75 feet west and south.

Policy EC-1.7 of the City's General Plan states that for large or complex projects within 500 feet of residential land uses or within 200 feet of commercial land uses or offices involving substantial noise-generating activities lasting more than 12 months, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of

construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The proposed project is not considered large scale or complex. Nevertheless, construction equipment should be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project should include the following standard permit conditions to reduce noise from construction activities near sensitive land uses:

Standard Permit Conditions

- Construction activities shall be limited to the hours between 7:00 am and 7:00 pm, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. Unnecessary idling of internal combustion engines shall be strictly prohibited.

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

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. To be most effective, the barriers shall be placed as close as possible to the noise source or the sensitive receptor and be a minimum height of eight feet tall.

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

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

- Construct temporary barriers around the western and southern boundaries of the construction site adjacent to operational businesses, residences, or other noise-sensitive land uses. Temporary noise barriers would reduce construction noise levels by approximately five dBA.

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

Implementation of the proposed project would result in a temporary increase in ambient noise levels; however, implementation of the identified best management practices would result in a less than significant construction noise impact. **(Less Than Significant Impact)**

4.12.2.2 Construction Vibration Impacts *(Checklist Question #2)*

Construction activities such as drilling, the use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.89 in/sec PPV at 25 feet) may generate substantial vibration in the immediate site vicinity. As mentioned previously, pile driving would not be required for project construction.

The nearest building are located approximately 65 feet south and west from the project site. Vibration levels produced by heavy equipment (vibratory rollers, clam shovel drops) during construction are calculated to be 0.07 in/sec PPV or less at a distance of 65 feet and less than 0.05 in/sec PPV at a distance of 100 feet. These vibration levels are not anticipated to be perceptible at adjacent land uses and would not exceed the City's 0.2 in/sec PPV threshold for architectural damage. **(Less Than Significant Impact)**

4.12.2.3 Existing Noise Conditions Affecting the Project *(Checklist Questions #1, 2, 5-6)*

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

The policies of the City of San Jose 2040 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. City Policy EC-1.1 requires new development to be located in areas where noise levels are appropriate for the proposed uses, considering Federal, State and City noise standards and guidelines as a part of new development review. Within the City of San Jose, applicable standards and guidelines for land uses in San José include:

<u>Interior Noise Levels</u>
The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meeting this standard. For sites with exterior noise levels of 60 dBA 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 *Environmental General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of the plan.

<u>Exterior Noise Levels</u>
For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the

60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.

Future Exterior Noise Environment

Based on applicable noise standards and policies for the site, exterior noise levels at the proposed residential uses cannot exceed 60 dBA DNL and interior day-night average noise levels cannot exceed 45 dBA DNL (General Plan *Policy EC-1.1*). Existing noise sources generate noise levels of 57 to 75 dBA DNL at the ground level façades of the proposed building.

Residential amenities would include an outdoor pool, an outdoor patio and grilling area, and an indoor club/fitness room, all located in a courtyard area on the third floor and shielded from the surrounding roadway traffic by the proposed building. In addition, all residences would have outdoor patio/deck areas. The City's noise level goal for residential common open space is 60 dBA DNL. The common outdoor use areas are located in a courtyard area and well shielded by the proposed building from the surrounding roadway traffic.

Noise levels in the outdoor open space areas were calculated to be 55 to 60 dBA DNL, and would conform to the City's guidelines regarding compatibility with the future noise environment. Noise levels in patios/decks facing East Santa Clara Street, South 26th Street, and South 28th Street would exceed 60 dBA DNL and the City's guidelines; however, all residences would have access to common areas where exterior noise levels meet the City's criteria. As a result, exterior noise levels at residential outdoor use areas would be consistent with Policy EC-1.1.

Future Interior Noise Environment

The California Building Code and the City of San José General Plan require that interior noise levels be maintained at 45 dBA DNL or less for residences. The exterior traffic noise exposure would be up to 78 dBA DNL for the north-facing façade, 58 to 75 dBA DNL at the east- and west-facing facades, and 58 dBA DNL at the south-facing facade.

Interior noise levels would vary depending upon the design of the buildings (ratio of window area to wall area) and the selected construction materials and methods. For the proposed project, the interior noise levels with standard construction and windows open would be up to 63 dBA DNL in northern facing units, and with windows and doors closed, interior noise levels would be up to 58 dBA DNL. This would exceed the City's threshold for interior noise. Residences on the other façades would not exceed the 45 dBA noise standard.

The following standard permit conditions would be required to ensure the project is consistent with applicable City policies:

Standard Permit Conditions

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all units facing East Santa Clara Street, South 26th Street, or South 28th Street, so that windows can be kept closed to control noise.

- A qualified acoustical specialist shall prepare a detailed analysis of interior residential noise levels resulting from all exterior sources (transportation and non-transportation) during the design phase pursuant to requirements set forth in the State Building Code. The study will also establish appropriate criteria for noise levels inside the commercial spaces affected by traffic noise. The study will review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce residential interior noise levels to 45 dBA DNL or lower and reduce levels to the established criteria for the commercial uses; and, address and adequately control the noise from rooftop equipment on the adjacent building. Treatments would include, but are not limited to, sound-rated windows and doors, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments are necessary shall be completed on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.

With implementation of the conditions of approval, the project would meet the City's interior noise standards consistent with Policy EC-1.1.

Noise and Land Use Compatibility (Aircraft)

Norman Y. Mineta San José International Airport is a public-use airport located approximately 2.7 miles northwest of the project site. Although aircraft-related noise could be occasionally audible at the site, the project site lies outside the 2027 60 dBA CNEL noise contour shown in the City's General Plan. Exterior and interior noise levels resulting from aircraft would be compatible with the proposed project. The project site is not within proximity of a private airstrip.

4.12.3 Conclusion

Implementation of the proposed project conditions and conformance with General Plan policies would reduce noise impacts to existing sensitive land uses to a less than significant level. **(Less Than Significant Impact)**

4.13 POPULATION AND HOUSING

4.13.1 Setting

According to the California Department of Finance 2011-2015 census data estimates for year 2013, the City of San José had a total population of 986,575 persons.[22] As of 2013, the City of San José had approximately 306,727 households with an average of 3.16 persons per household.[23] The City's population is projected to reach 1,445,000 with 472,000 households by year 2040.[24]

The jobs/housing relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and jobs. The jobs/housing resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

The current ratio of jobs to employed residents in San José is 0.8 to 1; however, build-out of the General Plan would result in 1.3 jobs per employed resident.

4.13.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. 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)?	☐	☐	☒	☐	1,2
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1,2
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1,2

4.13.2.1 Impacts to Population and Housing *(Checklist Questions #1-3)*

The project proposes a seven-story mixed-use building that includes 343 residential dwelling units and a parking structure. Assuming 3.16 persons per household[25] for each of the 343 residential units,

[22] California Department of Finance. "E-4 Population Estimates for Cities, Counties, and the State, 2011-2015 with 2010 Census Benchmark". 2015. Accessed March 18, 2016. <http://www.dof.ca.gov/research/demographic/reports/estimates/e-4/2011-20/view.php>

[23] City of San José. "Fact Sheet: History & Geography". 2013. Accessed March 18, 2016. <http://www.sanjoseca.gov/DocumentCenter/View/780>

[24] Center for the Continuing Study of the California Economy, *Projections of Jobs, Populations, and Households for the City of San José*, August 2008. Accessed July 19, 2016. <http://www.sanjoseca.gov/DocumentCenter/View/3326>

[25] City of San José. "Fact Sheet: History & Geography". 2013. Accessed March 18, 2016.

the project would generate a maximum of 1,084 new residents in the City of San José. The 343 dwelling units are a part of the 120,000 new dwelling units planned for in the *Envision San José 2040 General Plan*.

The proposed reduction in required commercial FAR would reduce the total number of jobs assumed on the project site. The reduction would not, however, result in a measurable decrease in jobs Citywide.

New development and redevelopment allowed under the General Plan would not result in unplanned residential growth and would not have a significant impact on the jobs/housing balance. **(Less Than Significant Impact)**

The project is currently developed with a one-story commercial building and an adjacent surface parking lot. The project would not displace people or necessitate the construction of housing elsewhere. **(Less Than Significant Impact)**

4.13.3 Conclusion

Implementation of the proposed project would have a less than significant impact on population and housing. **(Less Than Significant Impact)**

<http://www.sanjoseca.gov/DocumentCenter/View/780>

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 Fire Protection Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the project site is Station No. 8, located at 802 East Santa Clara Street. The physical distance between the project site and Station No. 8 is approximately 0.53 miles. Emergency response is provided by 30 engine companies, nine truck companies, one urban search and rescue company, one hazardous incident team company, and numerous specialty teams and vehicles.

The General Plan identifies a service goal of a total response time of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

4.14.1.2 Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD). The police station is located at 201 West Mission Street, approximately 2.2 miles from the project site.

The General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes of less for 60 percent of all Priority 2 (nonemergency) calls.

4.14.1.3 Schools

The City of San José includes 22 public school districts that currently operate 222 public schools. The project site is located within the San José Unified School District (SJUSD). SJUSD has 27 elementary schools, six middle schools, and nine high schools in operation. The project site would be served by the schools listed in Table 4.14-1 below.

Table 4.14-1: Local Schools

School	Location	Distance from Site
Selma Olinder Elementary School	890 East William Street, San José	0.6 miles southwest
Peter Burnett Middle School	850 North 2nd Street, San José	1.9 miles northwest
San José High School	275 North 24th Street, San José	0.2 miles northwest

4.14.1.4 Parks

The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. The City of San José own approximately 180 neighborhood-serving parks and nine regional parks.

The City has a Parkland Dedication Ordinance (PDO) with the goal of providing 3.5 acres of neighborhood/community serving parkland per 1,000 residents anticipated to live in the proposed development. The General Plan estimated a population of 1,313,811 by 2035 which would increase the demand for park and recreational facilities and create a parkland deficit of 2,187.40 acres (including regional and local park lands).

The closest parks to the project site are Roosevelt Community Center and Park and Bonita Park located approximately 0.4 west and 0.5 miles south from the project site, respectively.

4.14.1.5 Libraries

The San José Public Library is the largest public library system between San Francisco and Los Angeles. The San José Public Library System consists of one main library and 22 branch libraries. The Dr. Martin Luther King Jr. Main Library (approximately 1.3 miles west of the site) is located in Downtown San José. Residents in the project area are served by the East San José Carnegie Branch Library. The East San José Carnegie Branch Library is approximately 0.2 miles west of the project site.

4.14.1.6 Applicable Public Services Regulations and Policies

The *Envision San José 2040 General Plan* includes the following policies applicable to the project:

Policy CD-5.5: Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.

Policy ES-3.1: Provide rapid and timely Level of Service response time to all emergencies:

a. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
b. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
c. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
d. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
e. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

Policy ES-3.9: Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.

Policy ES-3.11: Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.9: As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as a part of new development projects; privately or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

Policy PR-1.12: Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.

Policy PR-2.4: To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

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

Policy PR-2.6: Locate all new residential development over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

4.14.2 Environmental Checklist and Discussion of Impacts

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

4.14.2.1 Impacts to Public Services *(Checklist Question #1)*

Fire Protection Services

The proposed development would increase the resident population of San José. The project is consistent with the planned growth in the General Plan and construction of new fire stations, other than those already planned, would not be required to provide service to the site. The *Envision San José 2040 General Plan FEIR* concluded that planned growth under the General Plan would result in an increase in calls for fire protection services and may result in the need for additional staffing and equipment to adequately serve the City's planned growth envisioned under the General Plan. The increased population would not, however, require the construction of new fire stations beyond what is already planned.

The proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies identified in the *Envision San José 2040 General Plan* to avoid unsafe building conditions and promote public safety. **(Less Than Significant Impact)**

Police Protection Services

The proposed residential development would increase the resident population of San José. Growth resulting from the General Plan would result in the need for additional police officers and equipment, but no additional facilities would be required.

The proposed project would be constructed in accordance with current building codes and would be

required to be maintained in accordance with applicable City policies identified in the *San José 2040 General Plan FEIR* to avoid unsafe building conditions and promote public safety. The proposed development would not require new police stations to be constructed or existing police stations to be expanded to serve the development while maintaining City service goals. **(Less Than Significant Impact)**

Schools

Build-out of the General Plan would generate approximately 11,079 new students in the SJUSD. Based on the student generation rates for SJUSD[26,27], future residential development on-site would generate 48 new elementary school students, 20 middle school students, and 254 high school students in the school district. It should be noted that while the district is currently over capacity, individual schools that would serve the project site are not, as show in Table 4.14-2 below. All three schools would have sufficient capacity to support multi-family residential development on-site.

Table 4.14-2: School Capacity and Enrollment

School	Current Capacity	Current Enrollment
Selma Olinder Elementary School[28]	841	430
Peter Burnett Middle School[29]	928	877
San José High School[30]	1,421	1,034

According to California Government Code Section 66000, a qualified agency, such as a local school district, may impose fees on developers to compensate for the impact a project would have on existing facilities and services. The California Legislature passed Senate Bill 50 (SB 50) in 1998 to insert new language into the Government Code (Sections 65995.5-65885.7), which authorized school districts to impose fees on developers of new residential construction in excess of mitigation fees authorized by Government Code Section 66000. School districts must meet a list of specific criteria in order to impose additional fees.

The addition of up to 392 students to the SJUSD would make up a small percentage of the total student population. The project is part of the planned growth in the City and would not increase students in the SJUSD beyond what was anticipated in the General Plan. While the project would increase the number of students attending local schools, the *San José 2040 General Plan FEIR* concluded that implementation of applicable General Plan policies and programs and payment of

[26] Multi-family residential development generates approximately 0.139 elementary students, 0.059 middle school students, and 0.74 high school students per unit.
[27] Student generation rates for San José Unified School District was provided by the school district via personal communication with Jill Case, Director of Student Operational Services (March 1st, 2016).
[28] Capacity and enrollment data for Selma Olinder Elementary School was provided by the school district via personal communication with Jill Case, Director of Student Operational Services (March 30th, 2016).
[29] Capacity data for Peter Burnett Middle School was provided by the school district via personal communication with Jill Case, Director of Student Operational Services (February 8th, 2016). Enrollment data was derived from the Peter Burnett Middle School Accountability Report Card. http://www.sarconline.org/SarcPdfs/Temp/43696666062103.pdf Accessed February 4th, 2016.
[30] Capacity data for San José High School was provided by the school district via personal communication with Jill Case, Director of Student Operational Services (February 8th, 2016). Enrollment data was derived from the San José High School Accountability Report Card. http://www.sarconline.org/SarcPdfs/Temp/43696664337200.pdf Accessed February 4th, 2016.

impact fees would reduce impacts to local schools to a less than significant level. **(Less Than Significant Impact)**

Parks

Development approved under the City's General Plan would increase the City's residential population to 1,313,811 by the year 2035. Residential development allowed under the General Plan would increase the demand for park facilities. The City of San José has a PDO which requires new housing projects to provide 3.5 acres of neighborhood/community serving parkland per 1,000 population or pay an in-lieu fee. Because the 343 dwelling units proposed under the project have been accounted for in the General Plan and the project would comply with the PDO requirements, the proposed project would not impact park facilities in San José. In addition, the project proposes a pool deck, podium garden, a fitness center, and a club room for private recreation use. These on-site facilities may reduce some use of public parks in the area. The proposed project would not increase the use of existing parks or other recreational facilities such that substantial physical deterioration would occur. **(Less Than Significant Impact)**

Libraries

The City has been expanding and constructing new library facilities over the last decade to meet the needs of current residents. As mentioned above, development and redevelopment under the General Plan would increase the City's residential population to 1,313,811. The existing and planned library facilities in San José would provide approximately 0.68 square feet of library space per capita for the anticipated population under the General Plan by the year 2035. The *San José 2040 General Plan FEIR* concluded that development and redevelopment allowed under the General Plan would be adequately served by existing and planned library facilities. **(Less Than Significant Impact)**

4.14.3 Conclusion

Implementation of the proposed project would have a less than significant impact on public services in the City. **(Less Than Significant Impact)**

4.15 RECREATION

4.15.1 Setting

The City of San José currently operates 184 neighborhood parks (including skate parks), 13 neighborhood community centers, nine regional parks, and over 57 miles of trails. The City's Departments of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. Amenities within the neighborhood parks can include basketball courts, exercise courses, picnic tables, playgrounds, restrooms, soccer fields, softball fields, swimming pools, and tennis courts.

The closest parks to the project site are Roosevelt Community Center and Park and Bonita Park located approximately 0.4 west and 0.5 miles south from the project site, respectively. Roosevelt Community Center and Park is an 11-acre park that contains a picnic/BBQ area, skate park, basketball court, lighted softball field, two handball courts, two playgrounds, and restroom facilities. Amenities at the Roosevelt Community Center include a fitness center, art studio, computer lab, teen lounge, and a multipurpose room. Bonita Park is a 0.84-acre park with a half basketball court and a playground.

4.15.1.1 Applicable Recreation Regulations and Policies

The *Envision San José 2040 General Plan* includes the following policies applicable to the project:

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public parks and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.

Policy PR-1.9: As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as a part of new development projects; privately or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

Policy PR-2.4: To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

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

Policy PR-2.6: Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space, or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

4.15.2 Environmental Checklist and Discussion of Impacts

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

4.15.2.1 Impacts to Recreational Facilities *(Checklist Questions #1 and #2)*

The General Plan FEIR concluded that the City's PDO would be satisfied through a combination of several means including: dedication of land; payment of a fee; credit for qualifying recreational amenities; and improvement of existing parkland or recreational facilities. Development of the project would increase the resident population in San José and result in increased use of existing and planned parks, trails, and community centers within the City. The recreational facilities would be maintained and expanded through application of PDO/PIO fees in accordance with General Plan policies. Implementation of the project would not result in substantial physical deterioration of these facilities. **(Less Than Significant Impact)**

4.15.3 Conclusion

The project would not result in a significant impact on recreational facilities in the City of San José. **(Less Than Significant Impact)**

4.16 TRANSPORTATION

The following discussion is based on a Traffic Impact Analysis (TIA) completed by *Hexagon Transportation Consultants* in September, 2016. A copy of the report is provided in Appendix F.

4.16.1 Setting

4.16.1.1 Roadway Network

Regional Access

Regional access to the project site is provided via US 101, Interstate 280 (I-280), and Interstate 680 (I-680). These roadway facilities are described below.

US 101 is an eight-lane freeway (three mixed-flow lanes and one HOV lane in each direction) that extends northward through San Francisco and southward through Gilroy. Access to and from the project site is provided via full interchanges at Santa Clara Street and McKee Road.

I-280 is an eight-lane freeway (with auxiliary lanes between some interchanges) oriented in an east-west direction in San José and transitions to I-680 at U.S. 101. The section of I-280 north of the Bascom Avenue overcrossing has six mixed-flow lanes and two high occupancy vehicle (HOV) lanes. I-280 provides access to the project site via a partial interchange at McLaughlin Avenue, west of US 101.

I-680 is a north-south freeway that begins at U.S. 101 in San José, where I-280 transitions to I-680, and ends at Interstate 80 (I-80) in Solano County. I-680 provides access to the project site via the Alum Rock Avenue and McKee Road interchanges. The section of I-680 near the Alum Rock Avenue and McKee Road interchanges is eight lanes, with four mixed-flow lanes in both directions.

Local Access

Local access to the project site is provided by 24th Street, 26th Street, 28th Street, E. Santa Clara Street, Julian Street, and Shortridge Avenue. These roadway facilities are described below.

24th Street is a two-lane north-south roadway that extends from Julian Street southward to William Street, where it becomes McLaughlin Avenue. McLaughlin Avenue is a four-lane north-south roadway that begins at William Street and extends southward to Tuers Road, just south of Yerba Buena Road. McLaughlin Avenue provides access to westbound and eastbound I-280 via a partial interchange.

26th Street is a two-lane north-south roadway that extends from Tripp Avenue southward to San Antonio Street.

28th Street is a two-lane north-south roadway that extends from Julian Street southward to San Antonio Street.

E. Santa Clara Street is a four-lane east-west roadway that serves as the north boundary of the project site. It extends from US 101 westward through Downtown San José. East of US 101, Santa Clara Street becomes Alum Rock Avenue. Alum Rock Avenue is an east-west roadway with interchanges at US 101. Alum Rock Avenue consists of four travel lanes within the project area. Santa Clara Street provides direct access to the project site as well as 26th Street and 28th Street.

Julian Street is a four-lane east-west roadway from 24th Street to 28th Street and becomes a two-lane roadway westward through Downtown San José. Julian Street becomes McKee Road east of 28th Street. McKee Road is an east-west roadway with full freeway interchanges at US 101 and I-680 and extends from the 28th Street to the foothills in East San José. McKee Road consists of four travel lanes within the study area. Julian Street/McKee Road provides access to the project site via 26th Street and 28th Street.

Shortridge Avenue is a two-lane east-west local street that extends between 24th Street and 30th Street.

4.16.1.2 Existing Pedestrian and Bicycle Facilities

Pedestrian Facilities

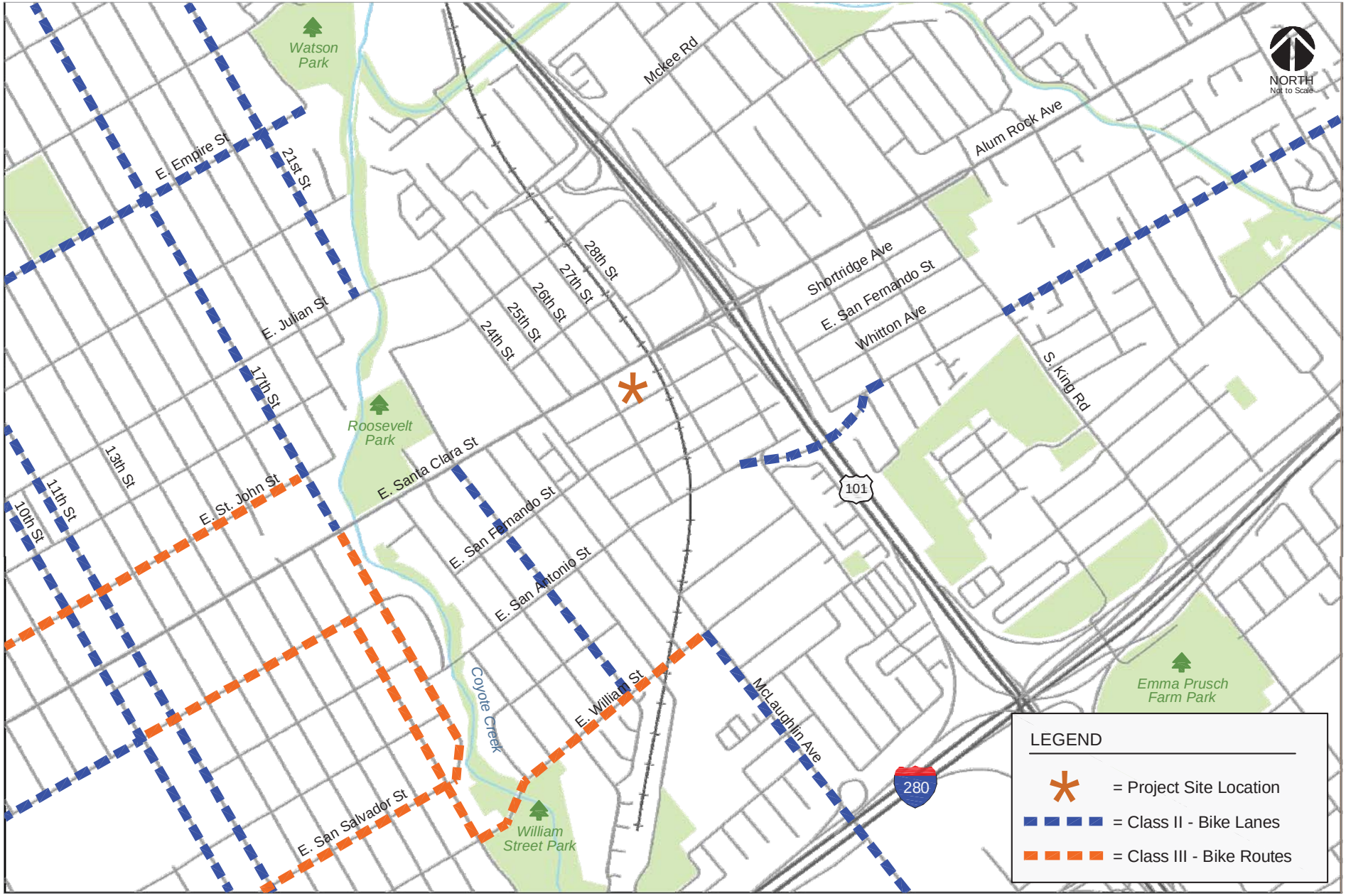
Sidewalks are present along all local roadways within the project area, except on the west side and most of the east side of North 28th Street between East Santa Clara Street and East Julian Street. The signalized intersections in the vicinity of the project site have crosswalks on all or most of the legs of the intersections, combined with pedestrian signal heads. Overall, the existing network of sidewalks and crosswalks have good connectivity and provide pedestrians with adequate routes to the project site and transit stops.

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III). There are no designated bike lanes or bike routes on streets in the immediate vicinity of the project site**.** Currently, Class II bike lanes are provided on the following roadway segments:

- South 21st Street between East Santa Clara Street and East William Street and North 21st Street between East Taylor Street and East Julian Street
- McLaughlin Avenue between East William Street and Creston Lane
- North 17th Street between East Santa Clara Street and East Hedding Street
- East San Antonio Street between Bonita Avenue and South 33rd Street, between King Road and Capitol Avenue

Existing bicycle facilities are shown on Figure 4.16-1.



Hexagon Transportation Consultants, July 6, 2016.

EXISTING BICYCLE FACILITIES

FIGURE 4.16-1

4.16.1.3 Existing Transit Service

Existing transit service in the project area is provided by the Santa Clara Valley Transportation Authority (VTA). The project area is served by two local bus routes (Routes 22 and 23) and one limited stop bus route (Route 522). The bus stops closest to the project site are located on Santa Clara Street near 28th Street for the eastbound direction and near 26th Street for the westbound direction.

Local Route 22 provides service between the Palo Alto Transit Center and the Eastridge Transit Center. Route 22 operates along Santa Clara Street in the project area, with 12-minute headways during the weekday peak commute hours and 15-minute headways during most of the day on weekends.

Local Route 23 provides service between the DeAnza College and the Alum Rock Transit Center. Route 23 operates along Santa Clara Street in the project area, with 12-minute headways during the weekday peak commute hours and 15-minute headways during most of the day on weekends.

Rapid Route 522 provides service between the Palo Alto Transit Center and the Eastridge transit center. It operates along Santa Clara Street in the project area. Rapid Route 522 operates on 15-minute headways during the weekday peak commute hours and most of the day on weekends.

The proposed Bay Area Rapid Transit (BART) Silicon Valley Phase II Extension project would extend BART service through the project vicinity to the proposed Alum Rock BART station on 28th Street, between Five Wounds Lane and East St. James Street, approximately 1,000 feet from the project site.

Existing transit facilities are shown on Figure 4.16-2.

4.16.1.4 Existing Intersection Operations

Methodology

The impacts of the proposed development were evaluated following the methodologies established by the City of San José and the VTA. The VTA oversees the Santa Clara County Congestion Management Program (CMP).

Traffic conditions were evaluated for the weekday AM and PM Peak Hours of adjacent street traffic. The AM Peak Hour is generally between 7:00 AM and 9:00 AM, and the PM Peak Hour is generally between 4:00 PM and 6:00 PM. Traffic conditions were evaluated for the following scenarios to determine if the level of service (LOS) of the local intersections in the project area would be adversely affected by project generated traffic:

Scenario 1: Existing – Existing traffic conditions.

Scenario 2: Existing Plus Project – Scenario 1 plus traffic generated by the project.

Hexagon Transportation Consultants, July 6, 2016.

EXISTING TRANSIT FACILITIES

FIGURE 4.16-2

Scenario 3: Background – Scenario 1 plus traffic from approved but not yet constructed development.

Scenario 4: Background Plus Project - Scenario 3 plus traffic generated by the project.

Traffic conditions at the study intersections were evaluated using LOS. LOS is a qualitative description of operating conditions ranging from LOS A, or free-flowing conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. Intersection LOS was evaluated using TRAFFIX software, which is based on the Highway Capacity Manual (HCM) 2000 method for signalized intersections. The correlation between average delay and LOS is shown in Table 4.16-1.

Table 4.16-1: Intersection Level of Service Definitions Based on Delay

Level of Service	Description	Average Control Delay per Vehicle[31]
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	10.0 or less
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	Operations with high delay indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.1 to 80.0
F	Operation with delays unacceptable to most drivers occurring due to over saturation, poor progression, or very long cycle lengths.	Greater than 80.0

Source: Transportation Research Board, 2000 Highway Capacity Manual (Washington, D.C., 2000) p10-16

Based on the City of San José's policies, an acceptable LOS standard is LOS D or better at all signalized intersections, including city, expressway, and CMP intersections. The CMP LOS standard for signalized intersections is LOS E or better; however, the City of San José LOS D standard and impact criteria is applied to CMP intersections located within the City of San José limits. The City of San José does not have a LOS standard for unsignalized intersections.

Unsignalized study intersections were analyzed based on the Peak-Hour Volume Signal Warrant, described in the *California Manual on Uniform Traffic Control Devices* (MUTCD), 2010 Edition. The Peak Hour Volume Signal Warrant does not evaluate study intersections using LOS, but provides an indication whether peak-hour traffic volumes are sufficient to justify installation of a traffic signal. Intersections that meet the Peak Hour warrant are subject to further analysis before determining that a traffic signal is necessary.

[31] Measured in seconds.

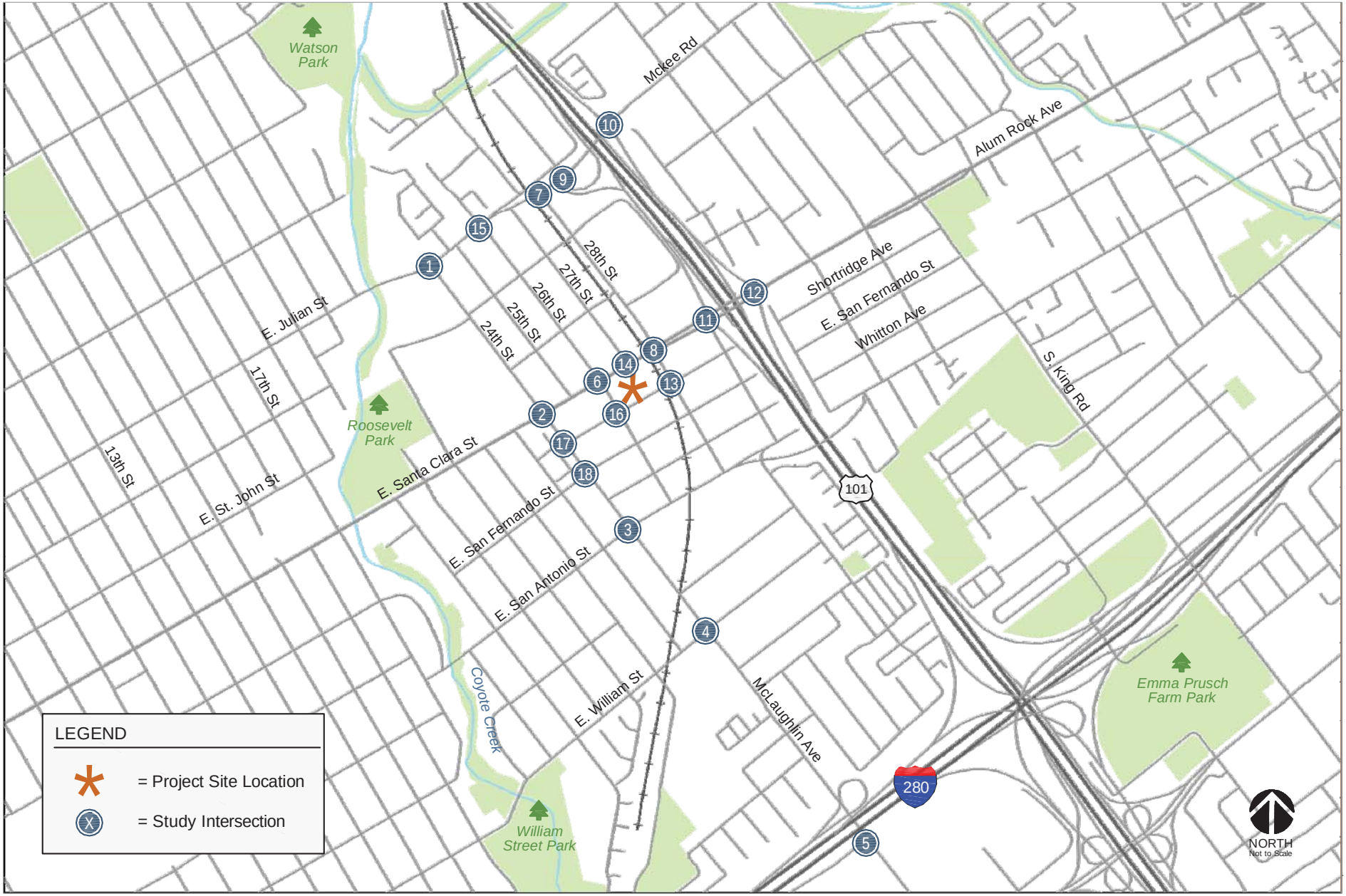
Existing LOS of Study Intersection

The traffic study analyzed AM and PM Peak Hour traffic conditions for 12 signalized intersections and six unsignalized intersections in the vicinity of project site. The locations of the study intersections are shown on Figure 4.16-3. The 12 signalized study intersections are listed in Table 4.16-2 and the six unsignalized intersections are listed in Table 4.16-3 below.

Table 4.16-2: Signalized Study Intersections Level of Service – Existing Conditions

No.	Intersection	Peak Hour	Delay	LOS
1	North 24th Street and East Julian Street (SJ)	AM	17.2	B
		PM	17.1	B
2	North 24th Street and East Santa Clara Street (SJ)	AM	19.5	B
		PM	21.1	C
3	South 24th Street and East San Antoni Street (SJ)	AM	17.0	B
		PM	14.4	B
4	McLaughlin Avenue and East Willian Street (SJ)	AM	15.8	B
		PM	19.4	B
5	McLaughlin Avenue and I-280 (SJ, CMP)	AM	9.9	A
		PM	14.5	B
6	North 26th Street and East Santa Clara Street (SJ)	AM	16.5	B
		PM	14.4	B
7	North 28th Street and East Julian Street (SJ)	AM	28.4	C
		PM	15.2	B
8	North 28th Street and East Santa Clara Street (SJ)	AM	20.9	C
		PM	18.4	B
9	US 101 and East Julian Street (SJ)	AM	23.1	C
		PM	26.8	C
10	US 101 and McKee Road (SJ)	AM	22.1	C
		PM	26.9	C
11	US 101 and East Santa Clara Street (SJ, CMP)	AM	11.0	B
		PM	16.2	B
12	US 101 and Alum Rock Avenue (SJ, CMP)	AM	12.5	B
		PM	15.9	B

Notes: (CMP) VTA Congestion Management Program, (SJ) City of San José



Hexagon Transportation Consultants, July 6, 2016.

STUDY INTERSECTIONS

FIGURE 4.16-3

Table 4.16-3: Unsignalized Study Intersections – Existing Conditions			
No.	**Intersection**	**Peak Hour**	**Warrant Met?**
13	North 28th Street and Shortridge Avenue (SJ, unsignalized)	AM PM	No No
14	North 27th Street and East Santa Clara Street (SJ, unsignalized)	AM PM	No No
15	North 26th Street and East Julian Street (SJ, unsignalized)	AM PM	**Yes** No
16	North 26th Street and Shortridge Avenue (SJ, unsignalized)	AM PM	No No
17	North 24th Street and Shortridge Avenue (SJ, unsignalized)	AM PM	No No
18	North 24th Street and East San Fernando Street (SJ, unsignalized)	AM PM	No No
Notes: Signal warrant analysis based on the Peak Hour Signal Warrant #3, Figure 4C Caltrans MUTCD 2014 Edition.			

Under existing conditions, most of the unsignalized study intersections (except for No. 15, North 26th Street and East Julian Street) do not warrant signalization. At the North 26th Street and East Julian Street intersection, the Peak Hour signal warrant is satisfied in the AM Peak Hour.

4.16.1.5 Background Intersection Operations

Background traffic conditions are based on existing volumes plus the estimated traffic from approved, but not yet constructed, developments. Analysis of the background intersection operations found that all signalized intersections would operate at an acceptable LOS C or better during both AM and PM Peak Hours.

The results of the analysis under background conditions are summarized in Table 4.16-4 and Table 4.16-5 below.

Table 4.16-4: Study Intersections Level of Service – Background Conditions						
No.	**Intersection**	**Peak Hour**	**Existing**		**Background**	
			Delay	**LOS**	**Delay**	**LOS**
1	North 24th Street and East Julian Street (SJ)	AM PM	17.2 17.1	B B	17.5 17.4	B B
2	North 24th Street and East Santa Clara Street (SJ)	AM PM	19.5 21.1	B C	19.7 21.4	B C
3	South 24th Street and East San Antoni Street (SJ)	AM PM	17.0 14.4	B B	17.1 14.4	B B
4	McLaughlin Avenue and East Willian Street (SJ)	AM PM	15.8 19.4	B B	15.9 19.4	B B
5	McLaughlin Avenue and I-280 (SJ, CMP)	AM PM	9.9 14.5	A B	10.3 15.1	B B
6	North 26th Street and East Santa Clara Street (SJ)	AM PM	16.5 14.4	B B	16.5 14.4	B B

Table 4.16-4: Study Intersections Level of Service – Background Conditions						
No.	**Intersection**	**Peak Hour**	**Existing**		**Background**	
			Delay	**LOS**	**Delay**	**LOS**
7	North 28th Street and East Julian Street (SJ)	AM PM	28.4 15.2	C B	28.4 15.2	C B
8	North 28th Street and East Santa Clara Street (SJ)	AM PM	20.9 18.4	C B	20.9 18.4	C B
9	US 101 and East Julian Street (SJ)	AM PM	23.1 26.8	C C	27.0 31.0	C C
10	US 101 and McKee Road (SJ)	AM PM	22.1 26.9	C C	23.0 28.7	C C
11	US 101 and East Santa Clara Street (SJ, CMP)	AM PM	11.0 16.2	B B	11.3 16.3	B B
12	US 101 and Alum Rock Avenue (SJ, CMP)	AM PM	12.5 15.9	B B	12.4 15.9	B B
Notes: (CMP) VTA Congestion Management Program, (SJ) City of San José,						

Table 4.16-5: Unsignalized Study Intersections – Background Conditions				
No.	**Intersection**	**Peak Hour**	**Warrant Met?**	
			Existing	**Background**
13	North 28th Street and Shortridge Avenue (SJ, unsignalized)	AM PM	No No	No No
14	North 27th Street and East Santa Clara Street (SJ, unsignalized)	AM PM	No No	No No
15	North 26th Street and East Julian Street (SJ, unsignalized)	AM PM	Yes No	Yes No
16	North 26th Street and Shortridge Avenue (SJ, unsignalized)	AM PM	No No	No No
17	North 24th Street and Shortridge Avenue (SJ, unsignalized)	AM PM	No No	No No
18	North 24th Street and East San Fernando Street (SJ, unsignalized)	AM PM	No No	No No
Notes: Signal warrant analysis based on the Peak Hour Signal Warrant #3, Figure 4C Caltrans MUTCD 2014 Edition.				

Under background conditions, most of the unsignalized study intersections (except for No. 15 North 26th Street and East Julian Street) do not warrant signalization. The Peak Hour signal warrant is satisfied in the AM Peak Hour under existing and background conditions at the North 26th Street and East Julian Street intersection.

Freeway Segment Capacity

According to VTA's TIA Guidelines, a freeway segment LOS analysis is required when a project would add trips equal to or greater than one percent of a segment's capacity. The TIA concluded that the proposed project trips represent less than one percent of capacity to all freeway segments in the area and, as a result, a freeway segment LOS analysis is not required.

4.16.1.6 Applicable Transportation Regulations and Policies

Metropolitan Transportation Commission

Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency or the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and Association of Bay Area Governments (ABAG) adopted the final *Plan Bay Area* in July 2013 which includes the region's Sustainable Communities Strategy and the most recently adopted Regional Transportation Plan (2040).

Congestion Management Program

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

Level of Service Standards and City Council Policy 5-3

As established in City Council Policy 5-3 "Transportation Impact Policy" (2005), the City of San José uses the same LOS method as the CAMP, although the City's standard is LOS D rather than LOS E. According to this policy and GP Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities). The City's Transportation Impact Policy (also referred to as the Level of Service Policy) protects pedestrian and bicycle facilities from undue encroachment by automobiles.

Envision San José 2040 General Plan

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

Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

Policy TR-1.4: Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

Policy TR-5.3: The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas.

Policy TR-8.4: Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

Policy TR-8.6: Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.

Policy TR-8.9: Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

Policy TR-9.1: Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

a. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.

b. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.

c. Provide pedestrian connections as outlined in the Urban Community Design Connections Goal and Policies.

d. Locate retail and other active uses at the street level.

e. Create easily identifiable and accessible building entrances located on street frontages or paseos.
f. Accommodate the physical needs of elderly populations and persons with disabilities.

g. Integrate existing or proposed transit stops into project designs.

Policy CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.

Policy CD-3.6: Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

4.16.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. 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?	☐	☐	☒	☐	1,2,14
2. 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?	☐	☐	☒	☐	1,2,14
3. 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?	☐	☐	☒	☐	1
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	1,2,14
5. Result in inadequate emergency access?	☐	☐	☒	☐	1,2,14
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐	1,2,14

4.16.2.1 Trip Generation Estimates

Traffic trips generated by the proposed project were estimated using rates obtained from the Institute of Transportation Engineers' (ITE's) *Trip Generation Manual*, Ninth Edition. The project trip estimates include a 15 percent reduction due to internalization of trips, a 25 percent pass-by reduction for the proposed retail development, and a two percent transit reduction. Implementation of the project would generate 3,783 daily vehicle trips, with 221 trips in the AM Peak Hour and 317 trips in the PM Peak Hour. No trips were subtracted for the existing automobile business on-site.

A summary of project trip generation estimates is shown in Table 4.16-6 below.

Table 4.16-6: Project Trip Generation Estimates

Land Use	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Project							
Residential	2,241	38	159	197	146	76	222
Retail	1,542	15	10	24	43	52	95
Project Trips	**3,783**	**53**	**168**	**221**	**188**	**128**	**317**

The trip distribution pattern for the project was developed based on existing travel patterns on the surrounding roadway system and the locations of complementary land uses. The project trip distribution pattern is shown on Figure 7 of Appendix F.

The peak hour vehicle trips generated by the project were assigned to the roadway network in accordance with the trip distribution pattern and proposed project access points. Vehicular access to the project site would be provided via two full-access driveways on S. 26th Street and Shortridge Avenue.

4.16.2.2 Existing Plus Project Intersection Operations *(Checklist Questions #1 and 2)*

The LOS of the study intersections was calculated under project conditions by adding the project trips from the proposed developments to existing conditions. The results of the existing plus project conditions analysis are summarized in Table 4.16-7 below.

Table 4.16-7: Study Intersections Level of Service – Existing Plus Project Conditions

No.	Intersection	Peak Hour	Existing		Existing Plus Project	
			Delay	LOS	Delay	LOS
1	North 24th Street and East Julian Street (SJ)	AM	17.2	B	17.5	B
		PM	17.1	B	17.6	B
2	North 24th Street and East Santa Clara Street (SJ)	AM	19.5	B	19.5	B
		PM	21.1	C	21.4	C
3	South 24th Street and East San Antoni Street (SJ)	AM	17.0	B	17.0	B
		PM	14.4	B	14.4	B
4	McLaughlin Avenue and East Willian Street (SJ)	AM	15.8	B	15.8	B
		PM	19.4	B	19.3	B

Table 4.16-7: Study Intersections Level of Service – Existing Plus Project Conditions						
No.	**Intersection**	**Peak Hour**	**Existing**		**Existing Plus Project**	
			Delay	**LOS**	**Delay**	**LOS**
5	McLaughlin Avenue and I-280 (SJ, CMP)	AM	9.9	A	9.9	A
		PM	14.5	B	14.5	B
6	North 26th Street and East Santa Clara Street (SJ)	AM	16.5	B	19.5	B
		PM	14.4	B	17.7	B
7	North 28th Street and East Julian Street (SJ)	AM	28.4	C	28.4	C
		PM	15.2	B	15.7	B
8	North 28th Street and East Santa Clara Street (SJ)	AM	20.9	C	21.1	C
		PM	18.4	B	18.3	B
9	US 101 and East Julian Street (SJ)	AM	23.1	C	23.3	C
		PM	26.8	C	27.0	C
10	US 101 and McKee Road (SJ)	AM	22.1	C	22.1	C
		PM	26.9	C	26.9	C
11	US 101 and East Santa Clara Street (SJ, CMP)	AM	11.0	B	10.7	B
		PM	16.2	B	16.5	B
12	US 101 and Alum Rock Avenue (SJ, CMP)	AM	12.5	B	13.3	B
		PM	15.9	B	16.0	B
Notes: (CMP) VTA Congestion Management Program, (SJ) City of San José						

Analysis of the existing plus project conditions intersection operations concluded that all signalized study intersections would operate at an acceptable LOS C or better during both the AM and PM Peak Hour. **(Less Than Significant Impact)**

4.16.2.3 Background Plus Project Intersection Operations *(Checklist Questions #1 and #2)*

The LOS of the study intersection was calculated under background plus project conditions by adding the new project trips from the proposed developed to the background conditions traffic volumes. The results of the analysis of background plus project signalized study intersections are summarized in Table 4.16-8, below. In addition, the results of the analysis of background plus project unsignalized study intersections are summarized in Table 4.16-9.

Table 4.16-8: Study Intersections Level of Service – Background Plus Project Conditions								
No.	**Intersection**	**Peak Hour**	**Existing**		**Background Plus Project**			
			Delay	**LOS**	**Delay**	**LOS**	**Increase Critical Delay**	**Increase V/C**
1	North 24th Street and East Julian Street (SJ)	AM	17.2	B	17.5	B	0.4	0.008
		PM	17.1	B	17.6	B	0.7	0.015
2	North 24th Street and East Santa Clara Street (SJ)	AM	19.5	B	19.5	B	0.0	0.005
		PM	21.1	C	21.4	C	0.5	0.015
3	South 24th Street and East San Antoni Street (SJ)	AM	17.0	B	17.0	B	0.0	0.002
		PM	14.4	B	14.4	B	0.0	0.008
4	McLaughlin Avenue and East Willian Street (SJ)	AM	15.8	B	15.8	B	0.0	0.002
		PM	19.4	B	19.3	B	-0.1	0.006
5	McLaughlin Avenue and I-280 (SJ, CMP)	AM	9.9	A	9.9	A	0.0	0.001
		PM	14.5	B	14.5	B	0.0	0.003

Table 4.16-8: Study Intersections Level of Service – Background Plus Project Conditions								
No.	**Intersection**	**Peak Hour**	**Existing**		**Background Plus Project**			
			Delay	**LOS**	**Delay**	**LOS**	**Increase Critical Delay**	**Increase V/C**
6	North 26th Street and East Santa Clara Street (SJ)	AM	16.5	B	19.5	B	3.6	0.086
		PM	14.4	B	17.7	B	4.6	0.073
7	North 28th Street and East Julian Street (SJ)	AM	28.4	C	28.4	C	0.0	0.001
		PM	15.2	B	15.7	B	1.0	0.008
8	North 28th Street and East Santa Clara Street (SJ)	AM	20.9	C	21.1	C	0.2	0.017
		PM	18.4	B	18.3	B	0.3	0.034
9	US 101 and East Julian Street (SJ)	AM	23.1	C	23.3	C	0.2	0.004
		PM	26.8	C	27.0	C	0.3	0.008
10	US 101 and McKee Road (SJ)	AM	22.1	C	22.1	C	0.0	0.001
		PM	26.9	C	26.9	C	-0.1	0.003
11	US 101 and East Santa Clara Street (SJ, CMP)	AM	11.0	B	10.7	B	-0.4	0.048
		PM	16.2	B	16.5	B	1.0	0.030
12	US 101 and Alum Rock Avenue (SJ, CMP)	AM	12.5	B	13.3	B	0.9	0.020
		PM	15.9	B	16.0	B	0.2	0.011
Notes: (CMP) VTA Congestion Management Program, (SJ) City of San José								

Table 4.16-9: Unsignalized Study Intersections – Background Plus Project Conditions				
No.	**Intersection**	**Peak Hour**	**Warrant Met?**	
			Existing	**Background Plus Project**
13	North 28th Street and Shortridge Avenue (SJ, unsignalized)	AM	No	No
		PM	No	No
14	North 27th Street and East Santa Clara Street (SJ, unsignalized)	AM	No	No
		PM	No	No
15	North 26th Street and East Julian Street (SJ, unsignalized)	AM	Yes	Yes
		PM	No	No
16	North 26th Street and Shortridge Avenue (SJ, unsignalized)	AM	No	No
		PM	No	No
17	North 24th Street and Shortridge Avenue (SJ, unsignalized)	AM	No	No
		PM	No	No
18	North 24th Street and East San Fernando Street (SJ, unsignalized)	AM	No	No
		PM	No	No
Notes: Signal warrant analysis based on the Peak Hour Signal Warrant #3, Figure 4C Caltrans MUTCD 2014 Edition.				

Analysis of the background plus project intersection operations concluded that all signalized study intersections would continue to operate at an acceptable LOS C or better during both the AM and PM Peak Hour.

Under background plus project conditions, the North 26th Street and East Julian Street intersection would continue to meet thresholds that warrant signalization in the AM Peak Hour. The need for signalization at this intersection is primarily due to the existing northbound right-turn, 26th Street to eastbound Julian Street, which is considered the critical minor approach at the intersection. The

proposed project would not result in the addition of trips to the northbound right-turn approach and would only add three trips to the entire Julian Street intersection during the AM Peak Hour. Therefore, the project would not warrant signalization at the North 26th Street and East Julian Street intersection. **(Less Than Significant Impact)**

4.16.2.4 Other Transportation Issues *(Checklist Questions #3-6)*

Airport Operations

The proposed project is located approximately 2.7 miles southeast of the Norman Y. Mineta San José International Airport. The proposed project would not result in a change in air traffic patterns or obstruct airport operations. **(Less Than Significant Impact)**

Site Design

The site design does not have any sharp curves, dangerous intersections, or other design features that would result in circulation hazards on the project site or in the immediate project area. **(Less Than Significant Impact)**

Emergency Vehicle Access

Fire code requires driveways to provide 32 feet of clearance for fire access. As proposed, the project would have one level of below-grade parking and two levels of above-grade parking with one full-access driveway on South 26th Street and one-full access driveway on Shortridge Avenue. Both driveways are proposed to be 26 feet wide. As a result, the project would be required to paint red fire lanes on the adjacent curb faces. The City of San José Fire Department requires all portions of buildings to be within 150 feet of a fire department access road, and requires a minimum of six feet clearance from the property line along all sides of the building. By complying with the City code requirements, the project would have a less than significant emergency vehicle access impact. **(Less Than Significant Impact)**

Pedestrian and Bicycle Access and Transit

There are existing sidewalks and crosswalks in the immediate vicinity of the project site, except on the west side and most of the east side of North 28th Street between East Santa Clara Street and East Julian Street. The network of sidewalks and crosswalks in the study area has good connectivity and would provide residents with safe routes to transit services and other destinations in the area.

As mentioned previously, there are no designated bike lanes or bike routes on streets in the immediate vicinity of the project site. The *San José Bike Plan 2020* and *Envision 2040 San José General Plan* identified planned improvements, as described below, to the bicycle network within the City and provide policies and goals to promote the use of multi-modal travel options and reduce impacts to the roadway system.

Pedestrian and Bicycle Facility Improvements

- Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments.
- Build pedestrian and bicycle improvements at the same time as improvements for vehicular circulation.
- Give priority to pedestrian improvement projects that improve pedestrian safety, improve pedestrian access to and within the Urban Villages and other growth areas.

Transit Facility Improvements

- Pursue development of BRT, bus, shuttle, and fixed guideway services on designated streets and connections to major destinations.
- Ensure that roadway designated as Grand Boulevards adequately accommodate transit vehicle circulation and transit stops. Prioritize bus mobility along Santa Clara Street and Alum Rock Avenue and other heavily traveled transit corridors.

Santa Clara Street has been designated as a Grand Boulevard within the City's General Plan. Grand Boulevards are intended to serve as major transportation corridors with priority given to public transit. The project shall be required to implement the following Grand Boulevard design principles:

- Provide a minimum 15 feet sidewalk width along its frontage on Santa Clara Street
- Minimize driveway cuts to minimize transit delay
- Provide enhanced shelters for transit services

The project would not preclude installation of future pedestrian and bicycle improvements and has been designed to meet the City's Grand Boulevard design principles. As a result, the project would have a less than significant pedestrian and bicycle access and transit impact. **(Less Than Significant Impact)**

4.16.2.5 Operational Transportation Issues Not Covered Under CEQA

Queuing – Intersection Operations

Operations at nearby intersections were evaluated under project conditions to assess whether the project would create a safety issue. From a CEQA standpoint, there are no thresholds specific to queuing. There is, however, a threshold which states that the project would have a significant impact if the project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). It is important to note that lengthening a left-turn queue does not in itself create a safety issue. The following discussion evaluates projected queuing at several intersections and identifies measures that could be employed to accommodate existing and projected queues. Queues are based on the 95th percentile queue length value, which is the peak queue length that would occur during 95 percent of the signal cycles, with a car length assumed to be 25 feet.

It should also be noted that the project site is located within a designated Urban Village. The Urban Village land use designation is characterized by mixed land uses and high rise buildings that create

opportunities for multi-modal travel and strong transit demand. The project's proximity to existing and future major transit services and improved pedestrian and bicycle facilities in the project area could reduce single-occupant automobile trips. As a result, the identified operational issues discussed below may represent an over-estimation of traffic associated with the proposed project and the identified operational issues may be reduced as the Urban Village is built out.

Seven intersections were assessed to determine if the project would cause any turn-movements to exceed existing queue lengths. The study intersections included:

- 26th Street and East Santa Clara Street
- 28th Street and East Santa Clara Street
- US 101 and Julian Street
- US 101 and Alum Rock Avenue
- S. 24th Street and Shortridge Avenue
- S. 26th Street and Shortridge Avenue
- S. 28th Street and Shortridge Avenue

The project would not cause left-turn queues to exceed queue lengths at the intersections at US 101 and along Shortridge Avenue. The effects of project traffic at the remaining two intersections is addressed below.

26th Street/East Santa Clara Street Intersection

The westbound left-turn pocket provides 125 feet of vehicle storage, which can accommodate approximately five vehicles. The queuing analysis determined that the maximum vehicle queues for the westbound left-turn lane would not exceed the existing vehicle storage capacity under any traffic scenarios in the AM Peak Hour. The maximum vehicle queues for the westbound left-turn lane would be three vehicles (75 feet) under existing and background conditions in the PM Peak Hour. Under background plus project conditions, the queue length would increase to seven vehicles (175 feet) in the PM Peak Hour.

The exceedance of the westbound left-turn lane in the PM Peak Hour 95th percentile queue would result in turning vehicles blocking one of the two through lanes. The queue could only be lengthened by shortening the eastbound left-turn pocket at 27th Street and East Santa Clara Street. Based on existing and background traffic volumes, the eastbound left-turn pocket at 27th Street and East Santa Clara Street could be shortened and still provide sufficient storage capacity for the maximum queues in this direction. Alternatively, the interior garage access gates on the ground floor of the parking structure could be removed or the 26th Street driveway could be relocated to Shortridge Avenue.

If the identified improvement is determined to be infeasible, the increased queue length at 26th Street and East Santa Clara Street would not result in a new hazard or substantially worsen safety conditions. For this reason, the additional queuing cause by the project is considered an operational rather than an environmental issue.

The westbound left-turn pocket provides 125 feet of vehicle storage, which can accommodate approximately five vehicles. The queuing analysis determined that the maximum vehicle queues for the westbound left-turn lane would not exceed the existing vehicle storage capacity under any traffic scenarios in the AM Peak Hour. The maximum vehicle queues for the westbound left-turn lane would be six vehicles (150 feet) under existing and background conditions in the PM Peak Hour, exceeding the available storage capacity. Under background plus project conditions, the queue length would increase to seven vehicles (175 feet) in the PM Peak Hour.

The exceedance of the westbound left-turn lane in the PM Peak Hour 95th percentile queue would result in turning vehicles blocking one of the two through lanes. There is no restriction within the existing roadway configuration to lengthening the westbound left-turn pocket. The existing westbound left-turn pocket at the 28th Street/E. Santa Clara intersection should be extended 50 feet by restriping the turn pocket and center lane along Santa Clara Street to provide the additional queue storage needed.

If the identified improvement is determined to be infeasible, the increased queue length at 28th Street and East Santa Clara Street would not result in a new hazard or substantially worsen safety conditions. For this reason, the additional queuing cause by the project is considered an operational issue rather than an environmental issue.

Parking

According to the City of San José Municipal Code (Chapter 20.70, Table 20-140), the project is required to provide 692 off-street parking spaces. Because the project is located within the Roosevelt Park Urban Village Plan, the City of San José Urban Village Overlay would allow for a reduction in the required on-site parking by 20 percent for residential land use. The 20 percent reduction would result in the requirement of 583 on-site parking spaces.

Per City of San José Municipal Code (Chapter 20.90.220, Reduction in Off-Street Parking Spaces), the project may reduce its required off-street parking with the implementation of a TDM program. A 20 percent reduction to the proposed residential land use would result in the 496 on-site required parking spaces. The project proposes approximately 490 parking stalls, which is six stall less than the City's requirement. The project would be required to provide sufficient parking spaces to meet the City's requirements.

4.16.3 Conclusion

The proposed project would not result in significant transportation impacts. **(Less Than Significant Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

4.17.1.1 Water Services

Water service is provided to the City of San José by three water retailers, San José Water Company, the City of San José Municipal Water System, and the Great Oaks Water Company. Water services to the project site is provided by the San José Water Company (SJWC). It is estimated that the existing one-story commercial building uses approximately 371 gallons per day (gpd) of water.[32]

4.17.1.2 Wastewater

The City's sanitary sewer system includes approximately 2,200 miles of sewer pipelines ranging from six to 90 inches in diameter. The majority of water used in San José ends up in the sanitary sewer system. Average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purpose of this analysis, wastewater flow rates are assumed to be 95 percent of the total on-site water use to account for the minimal amount of landscaping on-site. The current land uses on-site generate approximately 352 gpd of wastewater.

The San José/Santa Clara Water Pollution Control Plan (WPCP) is a regional wastewater treatment facility that is operated by the City of San José's Department of Environmental Services. The average daily dry weather sewage flow treated by WPCP from sources in the City of San José is approximately 69.8 million gallons per day (mgd). The City's capacity allocation at the San José Santa Clara Regional Wastewater Facility (Facility) is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity.

4.17.1.3 Storm Drainage

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. The lines that serve the project site drain into Coyote Creek and carry stormwater from the storm drains into San Francisco Bay. The physical distance between the project site and Coyote Creek is approximately 0.50 miles. There is no overland release of stormwater directly into any water body from the project site.

Currently, the project site is 100 percent impervious. There are existing storm drain lines along the eastern, western, and southern border of the site that would serve the proposed development.

4.17.1.4 Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004 and 2007. Each jurisdiction

[32] Water Supply Assessment for Envision San José 2040 General Plan Update. September 2010. <https://www.sanjoseca.gov/DocumentCenter/Home/View/494> Accessed July 12, 2016. The total daily water usage was conservatively based on the jobs water demand of 371 gpd per employee (listed as Edenvale office and industrial jobs) in the Envision San José 2040 WSA (page 5).

in the county has a diversion requirement of 50 percent each year. According to the IWMP, the County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The City landfills approximately 700,000 tons per year of solid waste including 578,000 tons per year at landfill facilities in San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year.

The project site is currently developed with a one-story commercial building and an adjacent surface parking lot. It is estimated that the existing use generates approximately 57 pounds of solid waste per day.[33]

4.17.1.5 Applicable Utilities and Service Systems Regulations and Policies

The *Envision San José 2040 General Plan* includes the following policies applicable to all development projects in San José.

Policy MS-1.4: Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

Policy MS-3.2: Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Policy IN-3.10: Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES).

4.17.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	1,2

[33] Based on 2.5 pounds of waste per day per 1,000 square feet of building space for commercial retail development. California Department of Resources Recycling and Recovery website. <http://www.calrecycle.ca.gov/wastechar/wastegenrates/Commercial.htm> Accessed July 12, 2016.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
2. 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?	☐	☐	☒	☐	1,2
3. 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?	☐	☐	☒	☐	1,2
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1,2
5. 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?	☐	☐	☒	☐	1,2
6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1,2
7. Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☒	☐	1,2

4.17.2.1 Water Supply *(Checklist Questions #2 and 4)*

Currently, the project site uses 371 gpd of water. Based on the usage numbers from the Water Supply Assessment (WSA) prepared for the *Envision San José 2040 General Plan*, the proposed project would use approximately 129,549 gpd of water.[34]

The General Plan FEIR determined that the three water suppliers for the City Water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The General Plan policies, existing regulations, adopted plans and other City policies would continue to require water conservation measures be incorporated in new development which would substantially reduce water demand. The General Plan FEIR concluded that with implementation of General Plan policies and regulations, full build out under the General Plan would not exceed the available water supply under standard conditions and drought conditions.

The proposed project would be consistent with planned growth in the General Plan and would comply with the policies and regulations identified in the *San José 2040 General Plan FEIR*.

[34] The total daily water usage was conservatively based on the multi-family water demand of 183 gpd per unit and jobs water demand of 57.6 gpd per employee in the Envision San José 2040 WSA (page 5).

Therefore, implementation of the proposed project would have a less than significant impact on the City's water supply. **(Less Than Significant Impact)**

4.17.2.2 Sanitary Sewer Capacity *(Checklist Questions #1, 2, and 5)*

As mentioned above, the site currently generates 352 gpd of wastewater. Project wastewater generation is estimated to be 85 percent of total on-site water usage (the remaining 15 percent of water is utilized for landscaping). Based on this rate, the proposed project would generate approximately 110,117 gpd of wastewater.

The City currently has approximately 38.8 mgd of excess wastewater treatment capacity. Development allowed under the General Plan would not exceed the City's allocated capacity at the City's wastewater treatment facility; therefore, implementation of the proposed project would have a less than significant impact on wastewater treatment capacity. **(Less Than Significant Impact)**

4.17.2.3 Storm Drainage System *(Checklist Question #3)*

Under existing conditions, the project is assumed to have 100 percent impervious surface coverage, approximately 118,178 square feet. Under project conditions, the project would have 95 percent impervious surface coverage, approximately 112,266 square feet. Implementation of the project would result in a five percent decrease in imperious surfaces which would reduce stormwater runoff. The existing storm drainage lines have sufficient capacity to support the current conditions on-site. As a result, the overall decrease in stormwater runoff resulting from the project would not impact the existing storm drainage system.

The General Plan FEIR concluded that General Plan policies, existing regulations, and local programs would not result in significant impacts from the provision of stormwater drainage facilities. **(Less Than Significant Impact)**

4.17.2.4 Solid Waste *(Checklist Questions #6 and 7)*

The proposed project would generate approximately 2,295 pounds per day of solid waste.[35] The General Plan FEIR concluded that the increase in waste generated by full build out under the General Plan would not cause the City to exceed the capacity of existing landfills that serve the City. Future increases in solid waste generation from developments allowed under the General Plan would be avoided through implementation of the City's Zero Waste Strategic Plan. The plan, in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts from the provision of landfill capacity to accommodate the City's increase service population. Therefore, implementation of the proposed project would have a less than significant impact on the solid waste disposal capacity. **(Less Than Significant Impact)**

[35] Cal Recycle Web Site. <http://www.calrecycle.ca.gov/wastechar/WasteGenRates/Residential.htm> Accessed May 10, 2016. Based on the generation rate of 5.31 pounds per unit per day for multi-family units and 2.5 pounds per 1000 square feet per day for commercial retail.

4.17.3 Conclusion

Implementation of the project would not require new utility lines or facilities and would not exceed the capacity of existing utility and service systems. **(Less Than Significant Impact)**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. 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?	☐	☐	☒	☐	1-14
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	1-14
3. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☒	☐	1-14
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-14

4.18.1 **Project Impacts** *(Checklist Question #1)*

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified standard permit conditions and mitigation measures. As discussed in *Section 4.4 Biological Resources,* the project would not impact sensitive habitat or species.

Identified mitigation measures in *Section 4.8 Hazardous Materials* would avoid or reduce possible exposure of soil and/or groundwater contamination to construction workers to a less than significant level. The project would not result in new or more significant impacts than identified in the Envision San José 2040 General Plan Final EIR.

4.18.2 **Short-term Environmental Goals vs. Long-term Environmental Goals** *(Checklist Question #3)*

The site is currently developed with a one-story commercial building and an adjacent surface parking lot. Urban development, including the proposed uses, are consistent with the long-term goals for the

site outlined in the *Envision San José 2040 General Plan*. The construction of the project would result in the temporary disturbance of developed land as well as an irreversible and irretrievable commitment of resources and energy during construction.

Construction of the proposed project would not result in the conversion of a greenfield site to urban uses or otherwise commit resources in a wasteful or inefficient manner. The project proposes to redevelop an infill location in San José and it is anticipated that short-term effects resulting from construction would be substantially off-set by meeting the long-term environmental goals (such as increased building energy efficiency) for this site. The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The project would result in an increase in demand upon nonrenewable resources; however, the project is required to comply with the City's Green Building Policy. The proposed building would be designed to achieve minimum LEED certification consistent with San José Council Policy 6-32. The project shall incorporate a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections to reduce energy use and conserve water.

With implementation of the mitigation measures included in the project and compliance with City General Plan policies, the proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

4.18.3 **Cumulative Impacts** *(Checklist Question #2)*

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

The proposed mixed-use development would result in temporary air quality, water quality, biological (potential disturbance of bird nests), and noise impacts during construction. With the implementation of identified Standard Permit Conditions and measures identified in the General Plan FEIR, BMPs, and mitigation measures, and consistency with adopted City policies, the construction impacts would be mitigated to a less than significant level. Because the nature of the identified impacts are temporary and would be mitigated, the proposed project would not have a cumulatively considerable impact on air quality, water quality, biological, and noise impacts in the project area,

Implementation of the proposed project could result in the loss of up to 41 trees on-site. Any trees removed would be replaced on-site consistent with City and Roosevelt Park Urban Plan policies. The project would have no long-term effect on the urban forest or the availability of trees as nesting and/or foraging habitat. Therefore, the project would not have a cumulatively considerable impacts on biological resources.

There are no known subsurface resources on or adjacent to the project site and the site has a low potential for buried historic and/or prehistoric resources. Because the potential cultural resource impacts from implementation of the project would be mitigated, the proposed project would not have a cumulatively considerable impact on cultural resources in the project area.

As discussed in the respective sections, the proposed project would have no impact or a less than significant impact on aesthetics, agriculture and forestry resources, geology and soils, mineral resources, noise, population and housing, public services, recreation, transportation, and utility and service facilities. The increase in dwelling units would not result in the City having substantially more housing that was planned for in the General Plan. The cumulative impacts to utilities, public services, and population and housing have been addressed in the General Plan EIR and accounted for in the City's long-term infrastructure service planning. The project would not have a cumulatively considerable impact on these resources areas.

The proposed project would not generate regional criteria pollutants and GHG emissions above BAAQMD's thresholds and, therefore, would not have a cumulatively considerable impact on air quality or global climate change.

The proposed project and all future development under the proposed General Plan would be required to comply with all applicable City land use regulations

4.18.4 Direct or Indirect Adverse Effects on Human Beings *(Checklist Question #4)*

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include hazardous materials and noise. However, implementation of mitigation measures and General Plan policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

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