

INITIAL STUDY

Evans Lane Transitional Housing Project

General Plan Amendment and Planned Development
Rezoning

Prepared by the



March 2016

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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 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.

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

Evans Lane Transitional Housing

2.2 PROJECT LOCATION

The 5.9-acre project site is comprised of two parcels (APNs 455-31-053 and 455-31-055) located on the east side of Evans Lane, north of Curtner Avenue, between Almaden Expressway and State Route (SR) 87, in the City of San José. 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

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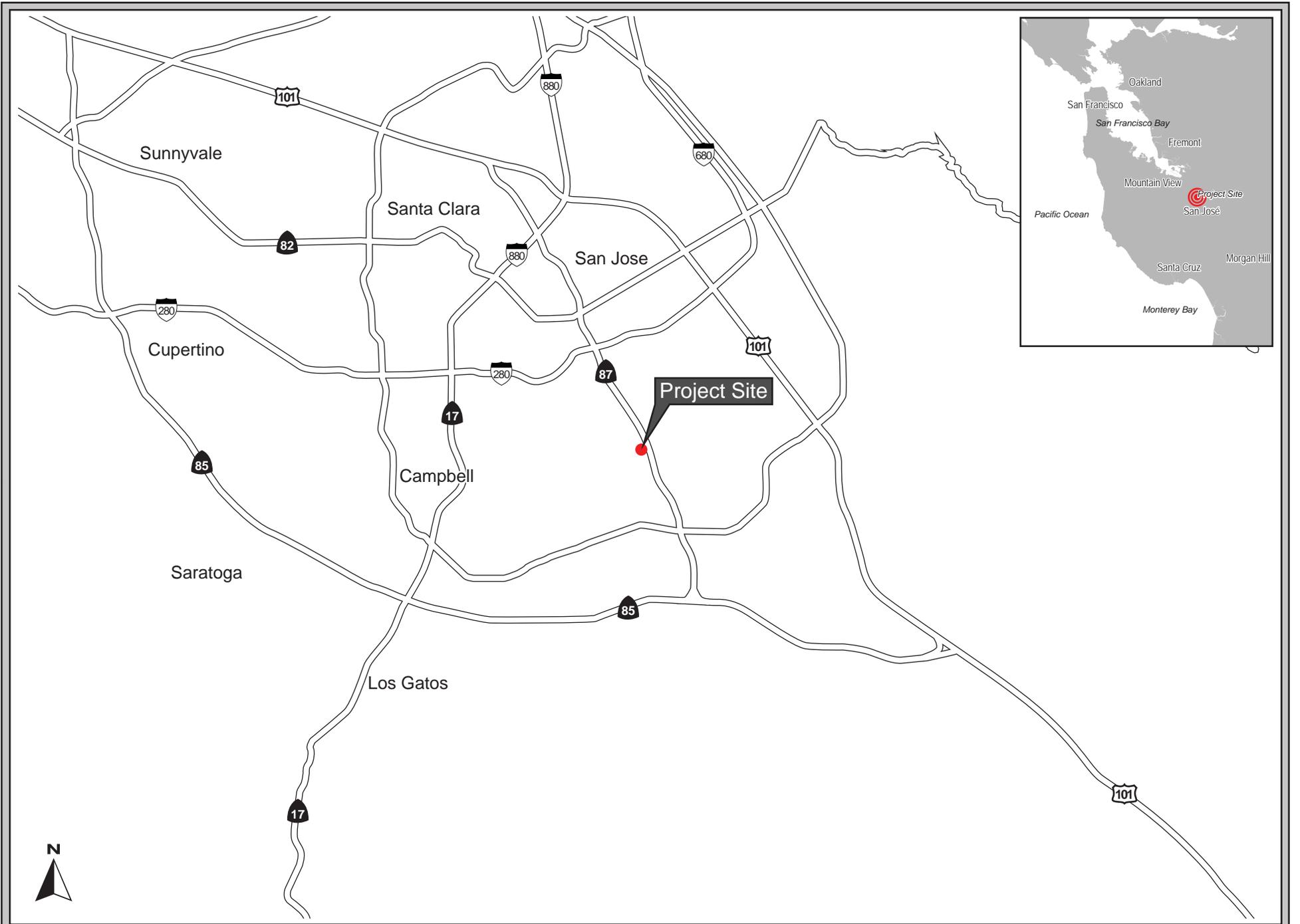
2.4 ASSESSOR'S PARCEL NUMBERS

455-31-053

455-31-055

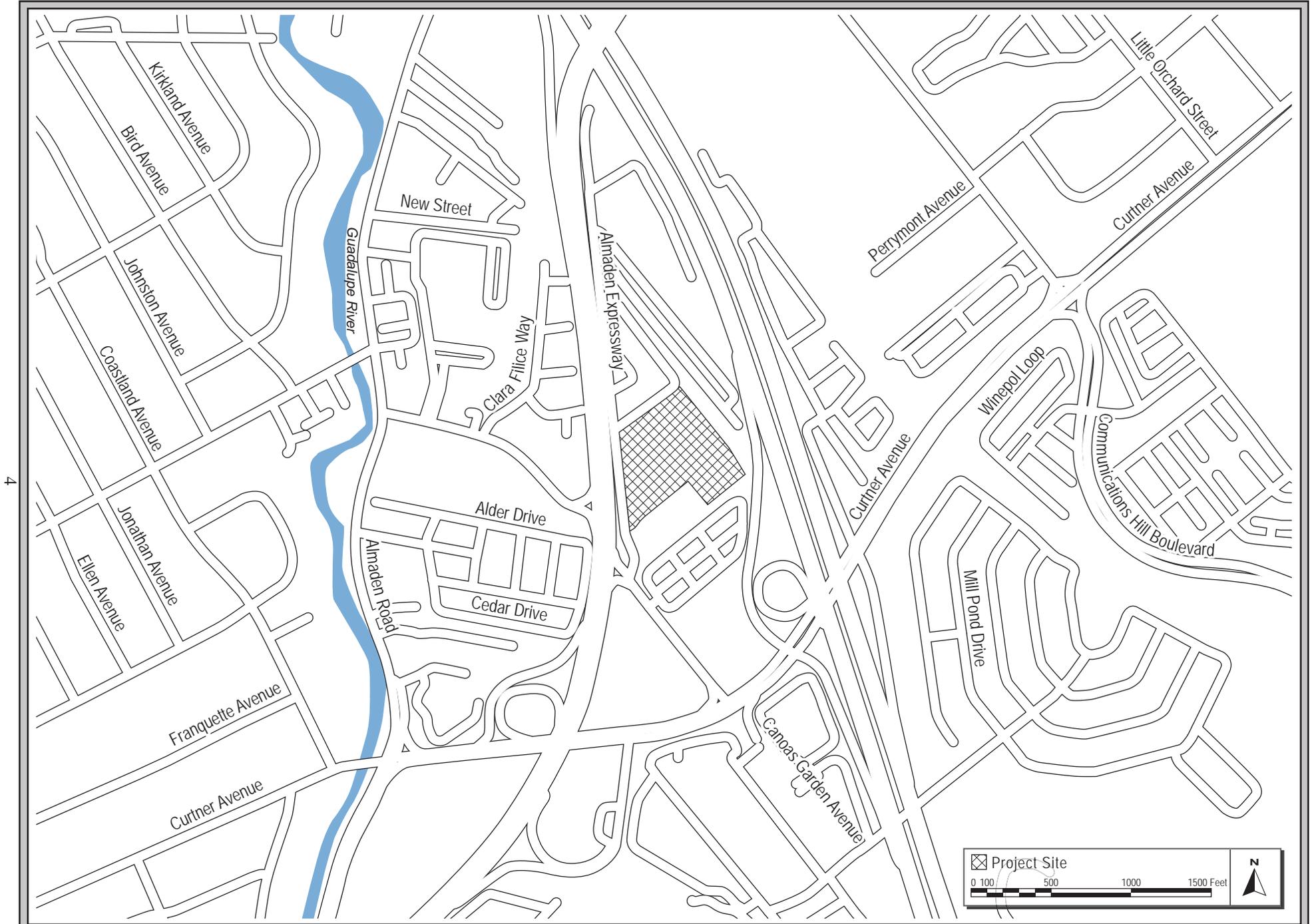
2.5 ZONING DISTRICT AND GENERAL PLAN DESIGNATIONS

The site is currently designated *Neighborhood Community Commercial* under the City of San José's adopted General Plan and zoned *A(PD) – Planned Development*.



REGIONAL MAP

FIGURE 2.2-1



VICINITY MAP

FIGURE 2.2-2

SECTION 3.0 PROJECT DESCRIPTION

The 5.9-acre project site is comprised of two parcels (APNs 455-31-053 and 455-31-055) located on the east side of Evans Lane, north of Curtner Avenue, between Almaden Expressway and SR 87, in the City of San José. The site is currently designated *Neighborhood Community Commercial* under the City of San José's adopted General Plan and zoned *A(PD) – Planned Development*.

The project site has one street frontage, Evans Lane, and backs up to a mobile home park and SR 87. The entire site is currently vacant and fenced. The project site is accessible by one driveway on Evans Lane. A substandard sidewalk is located along the project site frontage.

As proposed, the project would develop the project site with transitional housing units and parking. The intent of the project is to provide temporary housing for currently homeless residents of San Jose for a period of approximately 18 months and to provide services to assist with permanent housing placement, employment, and general health. The housing, which will be similar to single room occupancy (SRO) dwellings, will serve up to 170 people at any one time.

The housing units would be prefabricated residential buildings which will be modified to provide up to eight bedrooms per unit. Each unit would be single-story and would be 2,000 to 3,000 square feet in size. The services to be provided on-site will be located within two of the prefabricated buildings converted for use as office space. Up to two live-in site managers will also be housed within the services buildings. Based on the service goals of the project, it is estimated that the project would include a maximum of 30 units on-site; 28 residential buildings and the two services buildings.

The buildings will be manufactured off-site and will be brought to the site and installed. Installation will require up to two weeks per building to install on-site. Installation includes preparation of the building "pad" and placement of the unit. The building pad is comprised of densely packed gravel and a vapor barrier¹. The project will require installation of water lines, sanitary sewer lines, and storm drainage lines to serve the proposed development.

Based on the known demographics of the target population for the project, it is reasonable to assume that most residents would not have automobiles. The project will provide parking for the two on-site managers, 10 service employees, and up to 28 of the on-site residents for a total of 40 parking spaces.

The exact layout of the site has not yet been determined, but the total development on-site would not exceed 90,000 square feet². The remainder of the site will be comprised of internal roads, parking, and passive open space.

It is estimated that the useful life of the project would be a maximum of 15 years. Any future development proposed for the project site after the transitional housing program has ended would be outside the scope of the proposed project and project specific environmental analysis under CEQA would be required.

¹ While vapor barriers are not standard for new residential construction, and have not been determined to be needed (see Section 4.8), the City has included the installation of vapor barriers as a protective measure.

² This assumes all buildings to be 3,000 square feet, which overestimates the total square footage as some buildings will be 2,000 square feet. The analysis is, however, based on the assumed maximum of 90,000 square feet.

Land Use Designation and Zoning

As noted above, the project site is designated *Neighborhood Community Commercial* in the *San Jose 2040 General Plan* and is zoned *A(PD) – Planned Development*. The General Plan designation allows for a broad range of commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. General office uses, hospitals and private community gathering facilities are also allowed in this designation. The maximum density is one to four stories with a floor area ratio (FAR) of 2.0. The project is inconsistent with the existing General Plan designation as residential is not an allowable use. The project proposes a General Plan amendment to *Mixed Use Neighborhood*.

The current PD zoning is not applicable to the specific development proposed for the project site. As a result, a new PD zoning would be required for the transitional housing proposal. As there is no specific site plan at this time, the general development parameters of the proposed PD zoning are outlined below.

- All structures shall be setback a minimum of 15 feet from all property lines.
- No structures shall be constructed within the designed AE flood zone along the eastern boundary of the project site.
- On-site parking shall be limited to 40 spaces. Twelve of the parking spaces shall be designated for on-site employees and managers. The remaining 28 parking spaces shall be designated for residents.
- Services buildings shall be located along the Evans Lane frontage.
- No structure shall exceed 3,000 square feet in size.
- No structure shall exceed one-story or 14 feet in height.
- No residential structure shall have more than eight bedrooms.
- Internal access roads shall be a minimum of 20 feet wide.

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

The City of San José 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 “planning considerations” 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 a vacant lot enclosed by a six-foot wood and chain-link fence. Wood fences are located along the north and east property lines. Chain-link fences with barbed wire are located along the south and west property lines. Along the street frontage (west side of the property),

the fence also has privacy slats. Dense vegetation, comprised of trees and large shrubs, is located along the street frontage between the fence and the sidewalk. (see Photos 1 and 2)

4.1.1.2 Surrounding Land Uses

The project area is primarily a residential neighborhood with some commercial/office businesses. Residences include multi-family dwellings ranging from three to four stories and a mobile home park. The Catalonia Apartments, located immediately north of the project site, are three-story buildings with facades of varying depths. (see Photo 3) The complex is well maintained with extensive landscaping along the Evans Lane street frontage. A row of mature trees is located along the shared property line with the project site.

The mobile home park, located immediately east of the site is comprised of small mobile homes oriented along an internal access road. (see Photo 4) The mobile home park is well maintained with landscaping along the Evans Lane street frontage and a row of mature trees along the eastern property line. The mobile home park has limited vegetation along the shared property line with the project site due to the minimal setback between the residential units and the fence.

The Santa Clara County (SCC) Evans Lane Wellness and Recovery Center is located immediately south of the project site. The center is comprised of two L-shaped, two-story buildings around a central courtyard. The buildings are set back from Evans Lane by a surface parking lot. There is mature landscaping along the sidewalk and within the parking lot. (see Photo 5)

Evans Lane runs parallel to Almaden Expressway, which is visible from the project site. A six-foot chain-link fence and a small landscape strip separate the expressway from Evans Lane. (see Photo 6) The chain-link fence ends near the northern boundary of the project site and a solid, cement sound wall extends north along the remaining segment of Evans Lane. In the vicinity of the project site, Almaden Expressway is a six-lane roadway with a three-foot tall concrete barrier separating northbound and southbound traffic.

Commercial businesses south of the project site include a self-storage facility and a flooring store. The storage facility is comprised of eight one-story buildings with a two-story office at the gated entrance. The flooring store is a two-story warehouse style building with a large surface parking lot.

There is no specific architectural style prominent within the immediate project area and no designated scenic resources. A portion of Almaden Expressway near the site is designated as a gateway, and SR 87 is designated as a scenic corridor.

4.1.1.3 Applicable Aesthetics 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 visual character and scenic resources and applicable to the proposed project.

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



PHOTO 1: View of the project site, looking east from Evans Lane.



PHOTO 2: View of the project site street frontage, looking east from Evans Lane.



PHOTO 3: View of the apartment complex north of the project site, looking east from Evans Lane.



PHOTO 4: View of the mobile home park on Evans Lane, looking east from Evans Lane.



PHOTO 5: View of the County Wellness Center, looking east from Evans Lane.



PHOTO 6: View of Evans Lane, Almaden Expressway, and the project site street frontage, looking north from Evans Lane.

Policy CD-1.8: Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.

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

Policy CD-1.13: Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

Policy CD-1.17: Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

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

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.1.2.1 Aesthetic Impacts

The proposed project is an infill development located within an urban area (primarily residential with some commercial uses) that has no designated scenic resources. The project proposes to install up to 30 mobile home on a currently vacant site. Future development under the proposed General Plan amendment would include multi-family residential and/or mixed use development with building heights up to 3.5 stories.

Scenic Vistas and Resources

(Checklist Questions #1 and 2)

The General Plan FEIR defines scenic vistas in the City as views of the Santa Clara Valley and the surrounding hillsides. These scenic vistas can be viewed from Communications Hill, extensions of the Silver Creek Hills, and the Santa Teresa Hills. In addition, views of the valley and the hillsides are visible from public roadways in these areas.

The General Plan FEIR also defines scenic urban corridors such as segments of major highways that provide gateways into the City. The project site is not located in a designated scenic area, but is near a designated gateway (Almaden Expressway at SR 87) and a scenic urban corridor (SR 87) as defined by the General Plan.

While the project site is near a designated gateway and scenic urban corridor, the placement of single-story mobile home units and landscaping on approximately half of the available land area on-site would be consistent with other development in the immediate area and would not damage or diminish scenic views in the project area. **(No Impact)**

Future development under the proposed General Plan amendment would be limited to 3.5 stories and an FAR of 2.0, compared to the four stories and 2.0 FAR allowed under the current land use designation. Because future development under the proposed General Plan amendment would be slightly smaller in scale than what is currently allowed, future development under the proposed General Plan amendment would have no impact on scenic views in the project area. **(No Impact)**

Visual Character

(Checklist Question #3)

The project site is currently vacant and is partially blocked from public view by a fence and dense landscaping. The project area is a mix of housing types and commercial businesses, with varying architectural styles. The placement of up to 30 mobile home units, with associated landscaping and hardscape, will change the visual character of the immediate project area. The development would, however, be consistent with the nearby residential development, including adjacent and nearby mobile home parks. Future development under the proposed General Plan amendment would also change the visual character of the project area but would be consistent with the nearby residential development and comparable in scale and massing to development allowed under the current land use designation.

New development and redevelopment under the General Plan will alter the appearance of the City; however, implementation of adopted policies and existing regulations, including the City's Design Guidelines and the policies identified in *Section 4.1.1.3*, would reduce the degradation of visual character or quality of the City to a less than significant level. Through the City's development review process, the proposed project and any future development on-site would be evaluated for compliance with the adopted plans, policies and regulations outlined in the General Plan FEIR. Therefore, the final design of the proposed project and any future development under the proposed General Plan amendment would have a less than significant impact on the visual character of the City. **(Less Than Significant Impact)**

Light and Glare

(Checklist Question #4)

The final site design has not yet been determined. The project would likely include outdoor security lighting on-site, along the driveways, entrance areas, and within the parking areas. The outside lighting would be comparable in brightness to the ambient lighting in the surrounding residential area.

The General Plan FEIR states that new development and redevelopment must comply with adopted policies, regulations, and General Plan Policies to avoid substantial light and glare impacts. The proposed project will be required, as a condition of approval, to comply with applicable General Plan policies and City Council Lighting Policy 4-2 to avoid substantial light and glare impacts. This condition would also apply to any future development under the proposed General Plan amendment.

Therefore, the proposed project would not create significant impacts to adjacent properties from increased lighting or glare. **(Less Than Significant impact)**

4.1.3 Conclusion

Compliance with adopted General Plan policies would result in a less than significant impact on the visual character of the project area. The project would not create significant additional sources of light or glare, and it would not impact any designated scenic resources or view corridors. Therefore, the project would not result in any significant visual impacts. **(Less Than Significant Impact)**

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

The project site is located in San José in an area designated for urban uses. According to the California Department of Conservation³, the project site is designed as “Urban and Built-up Land”.⁴ The project site is not subject to a Williamson Act contract. There are no forest lands on or adjacent to the project site.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-4
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-4
4. Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-4

³ California Department of Conservation Website. <http://maps.conservation.ca.gov/ciff/ciff.html> Accessed November 19, 2015.

⁴ “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.

4.2.2.1 Agricultural and Forest Resources Impacts

(Checklist Questions #1-5)

The proposed project would install up to 30 mobile home units in an area that is fully developed with residential and commercial land uses including apartments, townhouses, and single-family residences. As noted above, the project site is designated “Urban and Built-up Land”. As a result, the project will not convert any existing farmland to non-agricultural use. There is no conflict with existing zoning for agricultural use, and the project site is not subject to a Williamson Act contract. There are no forest lands or farm lands (designated by the California Natural Resources Agency) on or adjacent to the project site or in the project area. The proposed project will not convert forest land to non-forest use or farm land into non-agricultural use. Therefore, project implementation and any future development under the proposed General Plan amendment would have no impact on agricultural or forest resources or result in the loss of designated agricultural land. **(No Impact)**

4.2.3 Conclusion

The project would not result in agricultural or forest land impacts. **(No Impact)**

4.3 AIR QUALITY

4.3.1 Setting

4.3.1.1 Background Information

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

The Bay Area Air Quality Management District (BAAQMD) monitors air quality at several locations within the San Francisco Bay Air Basin. As shown in Table 4.3-1, violations of State and Federal standards at the downtown San José monitoring station (the nearest monitoring station to the project site) during the 2012-2014 period (the most recent years for which data is available) include high levels of ozone, PM₁₀ and PM_{2.5}.⁵ Violations of carbon monoxide (CO) standards have not been recorded since 1992.

TABLE 4.3-1 Number of Ambient Air Quality Standards Violations and Highest Concentrations (2012-2014)⁶				
Pollutant	Standard	Days Exceeding Standard		
		2012	2013	2014
SAN JOSÉ STATION				
Ozone	State 1-hour	1	1	0
	Federal 8-hour	0	1	0
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	1	5	1
PM _{2.5}	Federal 24-hour	2	6	2

The pollutants known to exceed the State and Federal standards in the project area are regional pollutants. Ozone (O₃), PM₁₀, and PM_{2.5} are all considered regional pollutants because the concentrations are not determined by proximity to individual sources, but rather show a relative uniformity over a region.

⁵ 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.

⁶ Bay Area Air Quality Management District. Annual Bay Area Air Quality Summaries. <<http://www.baaqmd.gov/~media/Files/Communications%20and%20Outreach/Annual%20Bay%20Area%20Air%20Quality%20Summaries/pollsum2014.ashx?la=en>> Accessed December 7, 2015.

The Bay Area as a whole does not meet State or Federal ambient air quality standards for ground level O₃ or State standards for PM₁₀, and PM_{2.5}. Based on air quality monitoring data, the California Air Resources Board (CARB) has designated Santa Clara County as a “nonattainment area” for O₃ and PM₁₀ under the California Clean Air Act. The County is either in attainment or unclassified for other pollutants.

4.3.1.2 Toxic Air Contaminants

The Federal Clean Air Act defines Hazardous Air Pollutants (HAPs) as air contaminants identified by the United States Environmental Protection Agency (U.S. EPA) as known or suspected to cause cancer, serious illness, birth defects, or death. In California, Toxic Air Contaminants (TACs) include all HAPs, plus other contaminants identified by CARB as known to cause morbidity or mortality (cancer risk). TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and Federal level. Unlike other emissions, TACs are measured based on the risk of human health rather than a set emission standard.

Diesel exhaust, a mixture of gases, vapors, and fine particles, 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 particulate matter (DPM) 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 DPM.

4.3.1.3 Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where population groups that are particularly sensitive to the effects of air pollutants (i.e., children, the elderly, and people with illnesses) are likely to be located. Examples include schools, hospitals, parks, and residential areas. The nearest sensitive receptors to the project site would be the residences north, east, and south (at the County facility) of the project site. The other nearby buildings are commercial businesses and offices, which are not considered sensitive land uses.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3,6
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3,5,6
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3,6
4. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
5. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.3.3 Air Quality Impacts

4.3.3.1 Bay Area 2010 Clean Air Plan

(Checklist Question #1)

The most recent clean air plan is the *Bay Area 2010 Clean Air Plan* (2010 CAP) that was adopted by BAAQMD in September 2010. This plan addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants (i.e., O₃, PM₁₀ 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 consistency of the proposed General Plan amendment and the proposed project with this regional plan is primarily a question of the consistency with the population/employment assumptions utilized in developing the 2010 CAP, which were based on Association of Bay Area Governments (ABAG) Projections⁷. The proposed project is not consistent with the City's General Plan because it proposes to change the land use from commercial to residential mixed use.

The development assumptions for the project site under the current *Neighborhood Community Commercial* designation is 74 jobs. The proposed General Plan amendment is estimated to result in up to 148 dwelling units on-site. The change in land use would not substantially increase the total number of daily traffic trips (see Section 4.16.2.1) and would not conflict with the assumptions of the 2010 CAP.

As proposed, the project would install up to 30 transitional housing units in place of more than 500,000 square feet of commercial development currently allowed under the General Plan. Therefore, overall development under the proposed project would be less than the overall population/employment assumptions and would not result in a substantial change relative to ABAG projections.

Because the project will not exceed the development assumptions of the General Plan and future development under the proposed General Plan amendment would not conflict with the assumptions in the CAP, the proposed project would not impede implementation of the 2010 CAP. **(Less Than Significant Impact)**

4.3.3.2 Operational Impacts to Regional and Local Air Quality

Operational Emissions – Criteria Pollutants

(Checklist Questions #2, 3)

The proposed project would install up to 30 mobile home units. BAAQMD developed screening criteria to provide a conservative indication of whether a project could result in potentially significant operational air quality impacts for criteria pollutants (e.g., emissions of 54 pounds per day of ROG, NO_x, PM_{2.5}, and 82 pounds per day of PM₁₀). The proposed project does not fit into any standardized land use category. For the purposes of this analysis, the project was conservatively categorized as

⁷ ABAG projections are based on the planned growth identified in the City's General Plan.

“mobile home park”⁸. For operational impacts from criteria pollutants, the screening size for mobile home parks is 450 dwelling units. Projects that are smaller than the screening size would have a less than significant operational air quality impact.

The proposed 30 unit transitional housing project is well below the screening size for the proposed land use. Therefore, the project will have a less than significant operational criteria air quality impact. **(Less Than Significant Impact)**

It is assumed that the proposed transitional housing project would have a useful life of 15 years. After 15 years, the City could allow redevelopment of the site. Based on the City’s development assumptions, full development of the project site under the proposed General Plan amendment would result in approximately 148 multi-family dwelling units. For operational impacts from criteria pollutants, the screening size for multi-family residential is 494 dwelling units. The 148 dwelling units is well below the screening size for the proposed land use. Therefore, the General Plan amendment will have a less than significant operational criteria air quality impact. **(Less Than Significant Impact)**

Carbon Monoxide Emissions

(Checklist Question #4)

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

1. The project is consistent with a local congestion management plan;⁹
2. Project traffic would not increase traffic levels at any affected intersection to more than 44,000 vehicles per hour; or
3. Project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where traffic margining is substantially limited.

The proposed General Plan amendment and project are in compliance with City Council Policy 5-3 (Level of Service Policy) in that implementation will not cause any local intersection to degrade to an unacceptable level of service (see Section 4.17, *Transportation*). Future development under the proposed General Plan amendment would result in less than 740 net new daily traffic trips.¹⁰ The proposed project would result in a net increase of approximately 51 new daily traffic trips. Under the

⁸ The classification of “mobile home park” is considered conservative because this land use classification assumes long-term residential occupancy with automobiles whereas the project would be short-term occupancy mostly without cars. The only other land use classification which may be considered similar to the proposed project is “congregate care facility”. This land use category was not used, however, because the threshold for significance was higher than the mobile home park designation.

⁹ The City of San Jose uses its Level of Service policy in-lieu of the Santa Clara Valley Transportation Authorities Congestion Management Plan.

¹⁰ Based on the Institute of Transportation Engineers Trip Generation Manual, 9th Edition. Land use 220, Apartment, which estimates 6.65 daily trips per unit and land use 710, General Office, which estimates 3.32 daily trips per employee.

proposed development scenario or with build out under the proposed General Plan amendment, the project would not cause any intersections to exceed 44,000 vehicles per hour. Therefore, the project would not result in significant CO impacts. **(Less Than Significant Impact)**

4.3.3.3 Construction Impacts to Regional and Local Air Quality

Criteria Pollutants and Dust Generation

(Checklist Questions #2, 3)

As with operational emissions, BAAQMD has developed screening criteria¹¹ to provide a conservative indication of whether construction activities associated with a project could result in a potentially significant air quality impact. For construction impacts from criteria pollutants, the screening size is 114 mobile home units and 451 apartment units. Projects that are smaller than the screening size are considered to have a less than significant operational air quality impact.

The 30-unit project is well below the screening size for the proposed land use. Future development under the General Plan amendment would also be below the screening size. Therefore, the project will have a less than significant construction air quality impact. **(Less Than Significant Impact)**

Construction activities on-site would include grading of a portion of the site and trenching for utilities which will generate dust and other particulate matter. The generation of dust and other particulate matter could temporarily impact nearby receptors.

Consistent with the General Plan FEIR, the following Standard Permit Conditions are required to be implemented during construction to reduce exposing nearby residents to dust and other particulate matter 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.
- 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.

¹¹ BAAQMD Website.

http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/Draft_BAAQMD_CEQA_Guidelines_May_2010_Final.ashx. Table 3-1 Accessed February 29, 2016.

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five 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.

With implementation of the standard permit conditions, dust and other particulate matter generated during construction that could affect adjacent and nearby sensitive land uses will be reduced to a less than significant level. **(Less Than Significant Impact)**

Community Risk Impacts – Toxic Air Contaminants

(Checklist Question #4)

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to release of DPM, organic TACs from all vehicles, and PM_{2.5}, which is a regulated air pollutant. There are sensitive receptors surrounding the project site.

Construction activities associated with the proposed project would expose nearby sensitive receptors to TAC emissions. Consistent with the General Plan FEIR, the Standard Permit Conditions noted above would be implemented during construction to reduce TAC emissions.

Implementation of the Standard Permit Conditions will reduce exhaust and fugitive dust emissions. Furthermore, unlike standard housing developments, construction activities would be limited to minor site grading, trenching for utilities, preparation of building pads, and installation of prefabricated units, which would occur over an approximately two to three month period. As a result, the proposed project would result in a less than significant community risk impact due to construction activities. **(Less Than Significant Impact)**

4.3.3.4 Existing Air Quality Conditions Affecting the Project

(Checklist Question #4)

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. air quality) affecting a proposed project, which are addressed below.

Community Risk Impacts – Toxic Air Contaminants

Local community risk and hazards are associated with TACs and PM_{2.5} because emissions of these pollutants can have significant health impacts at the local level. The City of San Jose General Plan Policy MS-11.1 requires 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. The policy also requires 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 TACs to avoid significant risks to health and safety.

The project would include sensitive receptors that could be exposed to TACs due to the site's proximity to Almaden Expressway and SR 87.

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 criteria used by the City of San José are that a project would result in TAC or PM_{2.5} health risks 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 PM_{2.5}.

Based on the BAAQMD Roadway Screening Analysis Tables, emissions on the site currently exceed the excess cancer risk criteria. The cancer risk is, however, based on a 70-year exposure.

While future residents of the project site would be exposed to TACs, the proposed housing is transitional in nature and exposure would be limited in time. As a result, operation of the proposed project will not adversely impact the health of future transitional housing residents as a result of automobile and truck emissions on Almaden Expressway and SR 87 and, therefore, would not conflict with Policy MS-11.1.

Future permanent residential development under the proposed General Plan amendment would be exposed to TAC emissions due to the site's proximity to Almaden Expressway and SR 87. The overall effect to long-term residences on this site would be dependent on the final site design (including placement and height of the residential buildings) and the overall emissions at the time a project is proposed.

While emissions on the site currently exceed the excess cancer risk criteria, roadway volumes and transportation related emissions will likely change over time. As there is no timeframe or site plan for future permanent residential development under the proposed General Plan amendment, it would be speculative to try to quantify the exact health risks to future long-term residents. Nevertheless, based on available data, it must be assumed that future development on-site would be exposed to TAC emissions above established thresholds.

Consistent with General Plan Policy MS-11.1, the following measures would be required for all future long-term residential development proposals on the project site as a condition of project approval to reduce exposure to TAC emissions and avoid significant risks to health and safety:

- Project-specific analysis for all future development proposals on the project site shall include a detailed TAC emissions analysis completed by a qualified air quality consultant, consistent with BAAQMD standards.
- Based on the findings of the TAC emissions analysis, the qualified air quality consultant will determine performance standards for air filtration systems for all residential buildings on-site, if required.
- Once building construction is complete, the air filtration systems shall be tested by a qualified air quality consultant to ensure that the systems are operating as designed. A report of the findings will be submitted to the Director of Planning, Building and Code Enforcement for review and approval prior to issuance of occupancy permits.
- An ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration systems shall be prepared and submitted to the Director of Planning, Building, and Code Enforcement for review and approval prior to issuance of a building permit. This maintenance plan is typically developed by the contractor responsible for designing and constructing the HVAC system for the project.
- The use agreement and other property documents shall: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks; (2) include assurance that new owners or tenants are provided information on the ventilation system; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

With implementation of these measures, the health risk to future on-site residents from TAC emissions would be avoided consistent with General Plan Policy MS-11.1

4.3.3.5 Odor Impacts

(Checklist Question #5)

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. **(Less Than Significant Impact)**

4.3.3.6 Cumulative Air Quality Impacts

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

4.3.4 Conclusion

The project would not result in significant operational regional or local air quality impacts. Implementation of the standard permit conditions would reduce short-term construction-related

diesel emissions and dust impacts to a less than significant level. The project would not expose sensitive receptors to substantial pollutant concentrations. **(Less Than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

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 is 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

The City of San José Tree Removal Controls (San José City Code Section 13.32.010 to 13.32.100) protect all trees having a trunk that measures 56 inches or more in circumference (18 inches in diameter) at a height of 24 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City of San José for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance can be designated as a Heritage tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such Heritage trees.

4.4.2 Existing Setting

4.4.2.1 Overview of Habitat Found on the Project Site

The project site is currently a vacant lot. There are trees along the street frontage and approximately six trees dispersed throughout the site. There is no native vegetation on-site.

4.4.2.2 Special Status Animal Species

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

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

Trees located on the project site are non-native species that vary in sizes and levels of health. No native trees are present on the project site. 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.

Table 4.4-1 lists the trees on-site based on a tree survey prepared by David J. Powers & Associates on December 15, 2015. The location of the trees are shown on Figure 4-4.1. Of the 18 trees on-site, there are six tree of heaven, four black walnut, two glossy privet, and one each of cherry laurel, wilga, fruit tree, elderberry, purple leaf plum, and box elder. Ten of the trees are ordinance sized.

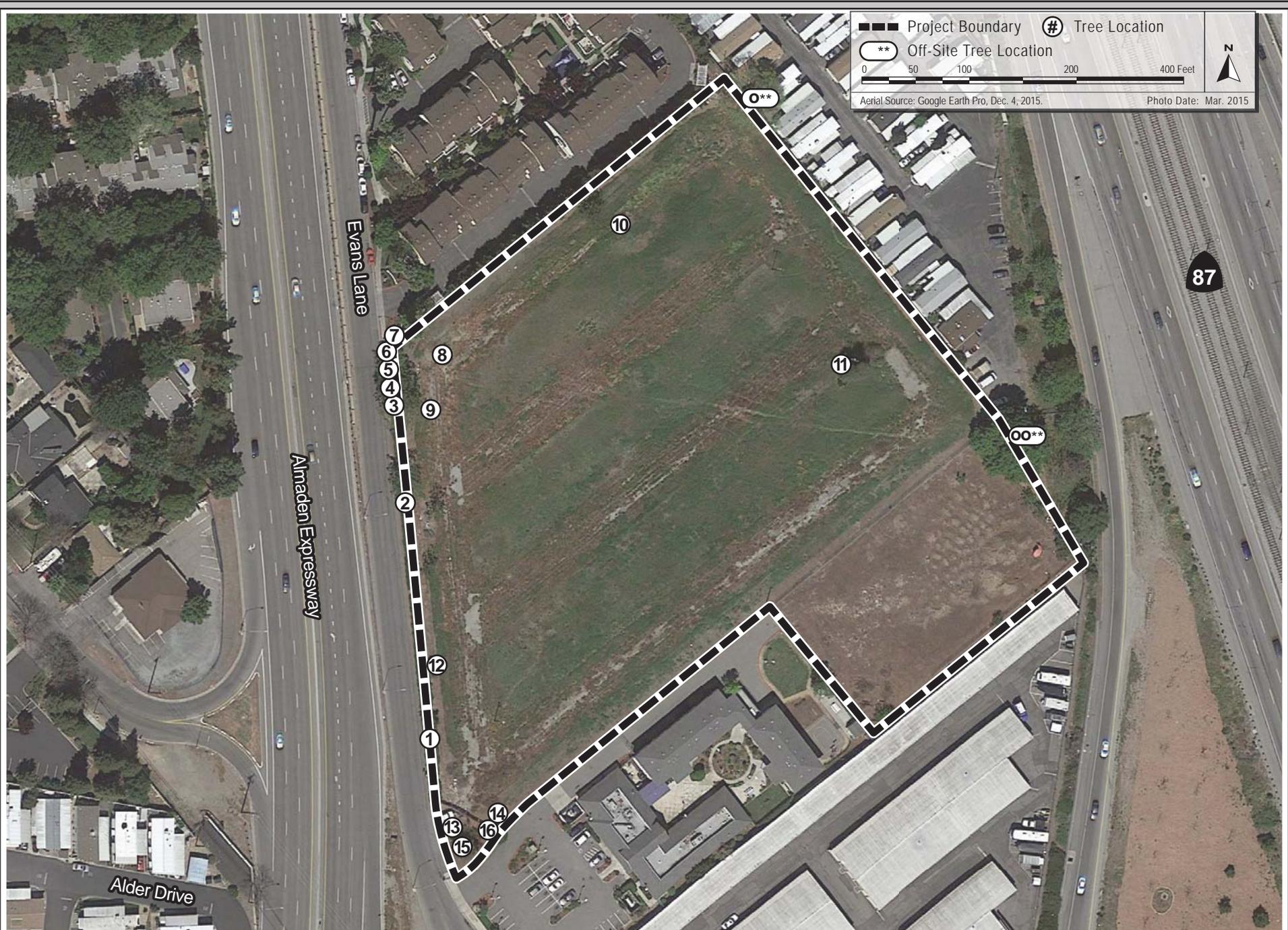
Tree No.	Scientific Name	Common Name	Size In Circumference
1	<i>Prunus caroliniana</i>	Cherry Laurel	22
2	<i>Juglans nigra</i>	Black Walnut	85
3	<i>Ailanthus altissima</i>	Tree of Heaven	57
4	<i>Ailanthus altissima</i>	Tree of Heaven	140
5	<i>Geigera parviflora</i>	Wilga	65
6	<i>Juglans nigra</i>	Black Walnut	70
7	<i>Ailanthus altissima</i>	Tree of Heaven	18
8	<i>Ailanthus altissima</i>	Tree of Heaven	22
9	<i>Prunus sp.</i>	Fruit Tree	17
10	<i>Ailanthus altissima</i>	Tree of Heaven	19
11	<i>Sambucus mexicana</i>	Elderberry	160
12	<i>Juglans nigra</i>	Black Walnut	38
13	<i>Ligustrum lucidum</i>	Glossy Privet	88
14	<i>Ligustrum lucidum</i>	Glossy Privet	57
15	<i>Ailanthus altissima</i>	Tree of Heaven	72
16	<i>Prunus cerasifera</i>	Purple leaf plum	30
O*	<i>Acer negundo</i>	Box Elder	>56
OO*	<i>Juglans nigra</i>	Black Walnut	>56

*Unable to measure tree due to access. Both trees estimated to be greater than 56 inches.

4.4.2.4 Applicable Biological Regulations and Policies

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (HCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA),



TREE LOCATIONS MAP

FIGURE 4.4-1

U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). It is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County.

The project site is located within the HCP area which is defined as the area where all covered activities would occur, impacts evaluated, and conservation activities would be implemented. Covered activities are public and private projects or ongoing activities that will receive incidental take authorization by the ESA and Natural Community Conservation Plan (NCCP) permits for impacts to threatened and endangered species and associated habitats. Covered activities in the HCP fall into seven general categories.

- Urban development.
- In-stream capital projects.
- In-stream operations and maintenance.
- Rural capital projects outside streams.
- Rural development.
- Rural operation and maintenance of public infrastructure outside streams.
- Conservation strategy implementation (i.e., activities within the lands managed, enhanced, restored, and monitored to conserve the natural resources targeted by this Plan).

The project site has a designation of Urban Development according to the HCP Land Use Category and is subject to the applicable conditions, fees, and avoidance and minimization measures, in order to be considered a covered activity and eligible for take authorization under the Plan. This Plan utilizes a variety of private and public development-based fees to fund mitigation that will offset losses of land cover types, covered species habitat, and other biological values. These one-time fees pay for the full cost of mitigating project effects on the covered species and natural communities.

Envision San José 2040 General Plan

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

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.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
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, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-3
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3,7

4.4.3.1 Biological Resources Impacts

Vegetation, Habitats, and Wildlife

(Checklist Questions #1-4)

The project site is a vacant lot with trees along the street frontage and a few trees within the boundary of the site. Vegetation in the surrounding area consists solely of landscape trees and plants. Because of the history of development in the immediate project area, no natural or sensitive habitats exist that would support endangered, threatened, or special status wildlife species. There are no wetlands on-site and, as a result, the project will not affect any federally protected wetlands as defined by Section 404 of the Clean Water Act. Therefore, the proposed project would not adversely affect special status species, riparian habitat, or wetland habitat. **(Less Than Significant Impact)**

Habitat Conservation Plan

(Checklist Question #6)

The project site is within the HCP area. Private development in the plan 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 or one of the cities;
- The activity is described in Section 2.3.2 *Urban Development* or in Section 2.3.7 *Rural Development*;¹² and
- 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 acres 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 the 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 project will require discretionary approval by the City and is consistent with activity described in Section 2.3.2 of the HCP. Therefore, the project and all future development under the General Plan amendment will be subject to all applicable HCP fees and would have no impact on implementation of the HCP. **(No Impact)**

¹² Covered activities in urban areas include residential, commercial, and other types of urban development within the Cities of Gilroy, Morgan Hill, and San Jose planning limits of urban growth in areas designated for urban or rural development, including areas that are currently in the unincorporated County (i.e., in “pockets” of unincorporated land inside the cities’ urban growth boundaries).

Raptor Impacts

(Checklist Question #1)

While the project site is located within an urban environment, the mature trees on-site (along the street frontage and within the project boundary) and on the adjacent properties 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 Department of Fish and Game Code Sections 3503, 3503.5, and 2800. Construction activities, including equipment noise and tree removal, may result in the loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. The California Department of Fish and Wildlife (CDFW)¹³ defines “taking” as causing abandonment and/or loss of reproductive efforts through disturbance.

Impact BIO-1: Construction activities associated with the proposed project and all future development under the General Plan amendment could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.
(Significant Impact)

Mitigation and Avoidance Measures

General Plan Policies

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. Development under the proposed General Plan amendment would be subject to existing General Plan policies, including those listed below.

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.

Project-Specific Mitigation Measures

Consistent with the General Plan FEIR, the following mitigation measures would be implemented during construction 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.

¹³ Formerly the California Department of Fish and Game.

MM BIO 1-2:

If it is not possible to schedule demolition and construction between September and January, 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 30) and no more than 30 days prior to the initiation of these activities during the latter 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 shall, in consultation with CDFW, designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified biologist or ornithologist has determined that the young birds have fledged. The biologist/ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any grading or building permit.

With implementation of the identified General Plan policies and mitigation measures, the project's impact to nesting birds and raptors would be less than significant. **(Less Than Significant Impact With Mitigation)**

4.4.3.2 Trees

(Checklist Question #5)

The project site has trees along the street frontage and approximately six trees within the site boundary. The trees on-site combined with trees and vegetation within the project area are part of the urban forest. Within the City of San José, the urban forest as a whole is considered an important biological resource because most mature trees provide some nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. While the urban forest is not as favorable an environment for native wildlife as extensive tracts of native vegetation, trees in the urban forest are often the only or best habitat commonly or locally available within urban areas.

The final site design has not yet been determined. As a condition of approval, the final site design will place all proposed structures to avoid existing trees within the project site boundary. Trees along the street frontage will be retained to the extent feasible. Any trees on-site or adjacent to the site that would be damaged or removed as a result of the project would be required to be replaced in accordance with all applicable laws, policies, or guidelines, including:

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

TABLE 4.4-2 Tree Mitigation 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				

The species of replacement trees to be planted will be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement. If all trees on-site were removed, 10 trees would be replaced at a 4:1 ratio and eight trees would be

replaced at a 2:1 ratio with minimum 24-inch box trees, for a total of 48 trees.

The proposed project would be required to meet the minimum tree replacement standard through on-site tree plantings. Any future development under the proposed General Plan amendment would also be required to meet the City’s minimum tree replacement standards applicable at the development permit stage. The General Plan FEIR concluded that compliance with local laws, policies, or guidelines, as proposed by the project, would result in less than significant impacts to the urban forest. **(Less Than Significant Impact)**

4.4.4 Conclusion

Implementation of the project would not have a substantial adverse effect on any riparian, wetland, or sensitive habitats. The proposed project would not conflict with adopted conservation plans, local policies, and local ordinances including the HCP and City of San José Tree Removal Controls. **(Less Than Significant Impact)**

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

4.5 CULTURAL RESOURCES

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 lived in small villages referred to as tribelets. Each tribelet occupied a permanent primary habitation site and also had smaller resource procurement camps. The Ohlone, who were hunter/gatherers, traveled between their various village sites to take advantage of seasonal food resources (both plants and animals). During winter months, tribelets would merge to share food stores and engage in ceremonial activities.

Artifacts pertaining to the Ohlone occupation of San José have been found primarily along the City's major waterways. The project site is located approximately 0.25 miles from the Guadalupe River.

4.5.1.2 Historic Subsurface Resources

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 pueblo was originally located north of the project site, near the old San José City Hall. This location was prone to flooding and 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 project site is approximately 2.7 miles from the second pueblo.

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.

There is no documented use of the project site prior to 1960. The project site was farmland from at least the 1960s until 1975. The site remained vacant until 1985 when it became RV storage. The site was utilized as RV storage until 2003. The site has remained vacant since closure of the storage facility.

4.5.1.3 Existing Structures

The project site is currently vacant; there are no existing structures on-site. Adjacent structures include the Catalonia Apartments (constructed in 1990), the Willow Glen Mobile Estates, and the Evans Lane Wellness and Recovery Center (constructed in 1995).

4.5.1.4 Applicable Cultural Resources 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 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
4. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-3

4.5.2.1 Impacts to Historic Structures

(Checklist Question #1)

The project site is currently vacant; there are no existing structures on-site. Buildings adjacent to the project site are less than 50 years old and do not qualify as historic resources. Therefore, implementation of the proposed project would have no impact on historic structures. **(No Impact)**

4.5.2.2 Impacts to Subsurface Cultural Resources

Prehistoric and Historic Resources

(Checklist Questions #1, 2, and 4)

The 2040 General Plan Final EIR concluded that with implementation of existing regulations and adopted General Plan policies, new development within San José would have a less than significant impact on subsurface prehistoric and historic resources.

Policy ER-10.1 states that for proposed development sites that have been identified as archaeologically or paleontologically sensitive, the City will 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.

The project site is located near Guadalupe River, which is considered a highly sensitivity area for prehistoric resources. Even with previous disturbance of the subsurface layers, grading/trenching of the site could damage as yet unrecorded subsurface resources.

Impact CUL – 1: Subsurface cultural resources could be uncovered and disturbed during construction of the proposed project or future development projects under the proposed General Plan amendment, resulting in a significant impact to archaeological materials. **(Significant Impact)**

Mitigation and Avoidance Measures

General Plan Policies

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. Development under the proposed General Plan amendment would be subject to existing General Plan policies, including those listed below.

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.

Project-Specific Mitigation Measures

The following project-specific mitigation measures will be implemented during construction to avoid significant impacts to unknown subsurface cultural resources:

MM CUL 1-1: A qualified archaeologist will be on-site to monitor the initial excavation of the project site. After monitoring the initial excavation, the archaeologist will make recommendations for further monitoring if it is determined that the site has cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required.

If no resources are discovered, the archaeologist shall submit a report to the Supervising Planner of the Environmental Review Team verifying that the required monitoring occurred and that no further mitigation is necessary.

MM CUL 1-2: 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 will be stopped, the Director of Planning, Building and Code Enforcement will 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. The archaeologist shall submit reports, to the

satisfaction of the Supervising Planner of the Environmental Review Team, describing the testing program and subsequent results. These reports shall identify any program mitigation to be completed in order to mitigate archaeological impacts (including resource recovery and/or avoidance, testing and analysis, removal, reburial, and curation of archaeological resources at a recognized storage facility). A final report shall verify completion of the mitigation program to the satisfaction of the Supervising Planner of the Environmental Review Team.

MM CUL 1-3: 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 will be stopped. The Santa Clara County Coroner will be notified and shall 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 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.

With implementation of the identified mitigation measures, the proposed project and any future development under the proposed General Plan amendment would have a less than significant impact on subsurface cultural resources. **(Less Than Significant Impact with Mitigation)**

Paleontological Resources

(Checklist Question #3)

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Geologic units of Holocene age are generally not considered sensitive for paleontological resources because biological remains younger than 10,000 years are not usually considered fossils. These sediments have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources. These recent sediments, however, may overlie older Pleistocene sediments with high potential to contain paleontological 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. Based on the underlying geologic formation of the project site, the *2040 General Plan Final EIR* found the project site to have a high sensitivity (at depth) for paleontological resources. Geologic units of Holocene age are generally not considered sensitive for paleontological resources, however, mammoth remains were found along the nearby Guadalupe River in San José in 2005.

The *2040 General Plan Final EIR* concluded that with implementation of existing regulations and adopted General Plan policies, new development within San José would have a less than significant impact on paleontological resources.

The project does not propose any underground structures (such as parking) and trenching for new utilities would not exceed 10 feet in depth. In addition, it is assumed that future development under

the proposed General Plan amendment would not include underground parking. Due to the limited subsurface disturbance that will occur and the distance of the site from the bay, the potential for discovery of significant paleontological resources on the project site is low. Implementation of the proposed project will have a less than significant impact on paleontological resources. **(Less Than Significant Impact)**

4.5.3 Conclusion

Implementation of the proposed project would have no impact on historic structures. **(No Impact)** With implementation of applicable General Plan policies and the identified mitigation measures, the project will have a less than significant impact on subsurface prehistoric and historic archaeological resources, including human remains. **(Less Than Significant Impact With Mitigation)**

Implementation of the proposed project will have a less than significant impact on paleontological resources. **(Less Than Significant Impact)**

4.6 GEOLOGY AND SOILS

4.6.1 Setting

4.6.1.1 Geology and Soils

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 Mountains 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. The site lies at an elevation of approximately 125 feet above mean sea level and slopes gently to the west. Site specific ground water data was not reviewed but the shallow water-bearing zone is generally encountered at depths of approximately 30 to 40 feet in the area. Groundwater beneath the area flows north toward the San Francisco Bay.

Soils on-site are comprised primarily of the Yolo complex and near surface soils consist of gravel, sand, and clay. The soils in the project area contain weak soil layers with a moderate to high expansion potential. There is no risk of landslide hazards in the project site area. The project site has a low susceptibility to liquefaction.¹⁴ The potential for vertical and lateral ground failure on the site is considered moderately low and low, respectively.¹⁵

4.6.1.2 Seismicity and Seismic Hazards

Fault	Distance from Site
Silver Creek	4.0 miles
San Andreas	11.0 miles
Hayward	7.0 miles
Calaveras	9.0 miles

The project area is not located within the Alquist-Priolo Earthquake Fault Zone¹⁶, the Santa Clara County Geologic Hazard Zone, or the City of San José Potential Hazard Zone,¹⁷ and no active faults have been mapped on the project site. As a result, the risk of fault rupture is low. Faults in the region

are, however, capable of generating earthquakes of magnitude 6.7 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. Active faults near the project site are shown in Table 4.6-1.

4.6.1.3 Applicable Geological Regulations and Policies in the General Plan

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

¹⁴ *Geomatrix Consultants, Inc.* Evaluation of Liquefaction Potential in San José, CA. May 1992.

¹⁵ Cooper-Clark and Associates. *Geotechnical Investigation City of San Jose's Sphere of Influence*. Technical Report and Maps. 1974.

¹⁶ California Department of Conservation Website.

<<http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>> Accessed December 7, 2015.

¹⁷ Santa Clara County, *Santa Clara County Geologic Hazard Zones*, Map 19, 2002. <

www.sccgov.org/sites/PLANNING/GIS/GEOHAZARDZONES/Pages/SCCGeoHazardZoneMaps.aspx > Accessed December 7, 2015

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 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: <ol style="list-style-type: none"> Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 					

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3, 8
b. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3, 8
c. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3, 8
d. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3, 8
2. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
3. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3, 8
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3, 8
5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

4.6.2.1 Geological Impacts

(Checklist Questions #1, 3-5)

The project site and surrounding areas are relatively flat and has a low potential for liquefaction and a low to moderate potential for lateral spreading during large seismic events. As a result, development of the project site would not expose adjacent or nearby properties to landslide or erosion related hazards. **(Less Than Significant Impact)**

The project site is located in an area of moderate to high 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 will not need to support septic tanks or alternative wastewater disposal systems. **(No Impact)**

4.6.2.2 Erosion Impacts

(Checklist Question #2)

Implementation of the proposed project would require ground disturbance due to grading and implementation and trenching for utilities. Construction activities could loosen currently compacted soils, thereby increasing 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 will 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.

Since the proposed project and all future development under the proposed General Plan amendment would be required to comply with regulations identified in the General Plan FEIR and implement the above Standard Permit Conditions, implementation of the proposed project would have a less than significant soil erosion impact. **(Less Than Significant Impact)**

4.6.2.3 Existing Geologic Conditions Affecting the Project

(Checklist Question #1)

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. geologic hazards) 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.

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 soil layers with a moderate to high expansion potential. The project site has a low susceptibility to liquefaction and moderately low and low potential for vertical and lateral ground failure, respectively. The site is also subject to very strong ground shaking during an earthquake.

Once the final location of the mobile home units is determined, a design-specific geotechnical report shall be completed to determine the requirements for the building pads, site preparation, and excavation. 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 impacts 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

Development on the project site would have a less than significant impact due to existing geologic conditions on-site. **(Less Than Significant Impact)**

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

4.7 GREENHOUSE GAS EMISSIONS

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 associated with the “greenhouse effect” is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth’s atmosphere. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial and manufacturing, utility, residential, commercial, and agricultural sectors.

4.7.1 Regulatory Background

4.7.1.1 State of California

AB 32, CEQA, and Other Laws and Regulations

The Global Warming Solutions Act (also known as “Assembly Bill (AB) 32”) sets the State of California’s 2020 GHG emissions reduction goal into law. The Act requires that the GHG emissions in California be reduced to 1990 levels by 2020. Prior to adoption of AB 32, the Governor of California also signed Executive Order S-3-05 which identified CalEPA as the lead coordinating State agency for establishing climate change emission reduction targets in California. Under Executive Order S-3-05, the State plans to reduce GHG emissions to 80 percent below 1990 levels by 2050. Additional State laws and regulations related to the reduction of GHG emissions include SB 375, the Sustainable Communities and Climate Protection Act (see discussion below), the State’s Renewables Portfolio Standard for Energy Standard (Senate Bill 2X), and fleet-wide passenger car standards (Pavley Regulations).

The California Natural Resources Agency, as required under State law (Public Resources Code Section 21083.05) has amended the State CEQA Guidelines to address the analysis and mitigation of GHG emissions. In these changes to the CEQA Guidelines, Lead Agencies, such as the City of San José, retain discretion to determine the significance of impacts from GHG emissions based upon individual circumstances. Neither CEQA nor the CEQA Guidelines provide a specific methodology for analysis of GHGs and under the amendments to the CEQA Guidelines, a Lead Agency may describe, calculate, or estimate GHG emissions resulting from a project and use a model and/or qualitative analysis or performance based standards to assess impacts.

Senate Bill 375

Senate Bill 375 (SB 375), also known as the Sustainable Communities and Climate Protection Act of 2008, requires regional transportation plans to include a Sustainable Communities Strategy (SCS) that links transportation and land use planning together into a more comprehensive, integrated process. 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 result is reduced GHG emissions from passenger vehicles along with other benefits.

The target for the Bay Area is a seven percent per capita reduction in GHG emissions attributable to automobiles and light trucks by 2020 and a 15 percent per capita reduction by 2035. The base year for comparison of emission reductions is 2005. The 2013 Regional Transportation Plan will be the Bay Area's first plan that is subject to SB 375.¹⁸

Plan Bay Area has been prepared and approved in April 2014 as the region's SCS. The project site is within an area designated as a *City Center* in a Priority Development Area. Priority Development Areas are those areas where most of the growth in the Bay Area is anticipated to occur.

4.7.1.2 BAAQMD CEQA Guidelines and 2010 Bay Area Clean Air Plan

BAAQMD identifies thresholds of significance for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines. These guidelines include recommended significance thresholds, assessment methodologies, and mitigation strategies for GHG emissions. The BAAQMD CEQA Guidelines also outline a methodology for estimating GHGs.

The Bay Area 2010 CAP addresses GHG emissions along with other air emissions in the San Francisco Bay Area Air Basin. One of the key objectives in the CAP is climate protection. The 2010 CAP includes emission control measures in 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 one measure of its consistency with the CAP. The current CAP also includes performance objectives, consistent with the State's climate protection goals under AB 32 and SB 375, designed to reduce emissions of GHGs to 1990 levels by 2020 and 40 percent below 1990 levels by 2035.

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 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 a vacant lot and does not generate GHG emissions.

¹⁸ One Bay Area. "One Bay Area Fact Sheet". <http://www.onebayarea.org/pdf/SB375_OneBayArea-Fact_Sheet2.pdf> Accessed December 8, 2015.

4.7.3

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. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,5
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,5

4.7.3.1 Greenhouse Gas Emissions Impacts

(Checklist Questions #1-2)

The project involves a General Plan amendment and therefore would not be consistent with development assumptions in the City’s General Plan and adopted Greenhouse Gas Reduction Strategy. The following discussion focuses on whether project operational emissions associated with the implementation of the proposed General Plan amendment would represent a cumulatively considerable contribution to climate change as determined by consistency with City of San José and statewide efforts to curb GHG emissions. The BAAQMD *CEQA Air Quality Guidelines* (dated May 2011) include quantitative thresholds for GHG emissions that the City of San José uses to assess impacts of individual General Plan amendments. The 2011 BAAQMD Guidelines identifies a significance threshold of a net increase of 1,100 metric tons of carbon dioxide equivalents per year. In addition to this bright line threshold, the Guidelines include an “efficiency” threshold used for urban projects that result in overall emissions greater than 1,100 metric tons per year. This efficiency threshold is 4.6 metric tons of carbon dioxide equivalents per service population (e.g., residents and employees) per year.

In BAAQMD’s CEQA Air Quality Guidelines, the Air District provides screening thresholds by project size and land use type for operational GHG emissions. Projects below these screening thresholds are considered to have a less than significant contribution to GHG emissions (e.g., GHG emissions are above the bright line threshold discussed above). The proposed project does not fit into any standardized land use category. For the purposes of this analysis, the project was conservatively categorized as “mobile home park”¹⁹ and has a screening size of 82 dwelling units for operational GHG emissions. The project proposes a maximum of 30 mobile home units on-site and, therefore, the project would have a less than significant GHG emissions impact.

¹⁹ The classification of “mobile home park” is considered conservative because this land use classification assumes long-term residential occupancy with automobiles whereas the project would be short-term occupancy mostly without cars. The only other land use clarification which may be considered similar to the proposed project is “congregate care facility”. This land use category was not used, however, because the threshold for significance was higher than the mobile home park designation.

Because the project residences are similar to SRO units, the number of occupants per unit is not typical of other housing types in San Jose. To address this inconsistency, the number of units on-site was calculated relative to the City's average number of residents per dwelling. In San Jose, the average number of residents per dwelling is 3.09 (taking into account both single-family and multi-family residences). Given a maximum of 172 residents on-site at any given time (170 residents and two on-site managers), the total number of residents equates to 56 dwelling units. Using this alternative unit count, the project would still be well below the BAAQMD thresholds for operational GHG emissions. Therefore, the project would have a less than significant GHG emissions impact. **(Less Than Significant Impact)**

Future development under the proposed General Plan amendment would be required to comply with the reduction measures identified in the City's adopted GHG Reduction Strategy. Consistency with the GHG Reduction Strategy would result in a less than significant GHG emissions impact for projects implemented before 2020. **(Less Than Significant Impact)**

Construction Emissions

The proposed residential 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. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Because project construction will be a temporary condition (approximately two to three months) and would not result in a permanent increase in emissions that would interfere with the implementation of AB 32, the increase in emissions would be less than significant. **(Less Than Significant Impact)**

4.7.4 Conclusion

Development of the proposed project would have a less than significant operational and construction-related GHG emissions impact. **(Less than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

Information in this section is based on an *Environmental Database Resources* report prepared in December 2015. The report is attached as Appendix A.

4.8.1 Overview

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing and other uses. Determining if such substances are present on or near project sites is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

Because these substances have properties that are toxic to humans and/or the ecosystem, there are multiple regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposures to occur. Other programs set forth remediation requirements at sites where contamination has occurred.

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

4.8.2.1 Project Site

The project site is currently vacant but was most recently used for RV storage. Based on available records, the project site was orchard land from at least 1939 until approximately 1975 (approximately 36 years). By the early 1980's the site was vacant. The site was purchased by the City of San Jose in 1981 and the site was leased to Almaden RV and Board Storage from 1985 to 2003.

The project site is not listed on any hazardous materials regulatory databases.

4.8.2.2 Surrounding Land Uses

Prior to development of the adjacent residential land uses and the County facility, the immediate project area was utilized as orchard land. The mobile home park was constructed around 1969 and the apartments north of the site were constructed in 1990. The County facility was constructed in 1995.

4.8.2.3 Off-Site Sources of Contamination

The Phase I Environmental Site Assessment identified previously documented and currently known hazardous materials locations within a one-eighth mile radius of the project site. Generally, hazardous materials sites beyond one-eighth mile radius would not be considered significant because concentrations of contaminants in groundwater dissipate with distance. Two sites were identified within the one-eighth mile radius. For more information on hazardous materials sources beyond the one-eighth mile radius, refer to Appendix A.

The San Jose Unified Corporation Yard is located at 2222 Unified Way, approximately 0.059 miles east (cross gradient) of the project site. The corporation yard is considered a large quantity generator. A leaking underground storage tank (LUST) containing diesel fuel was previously reported. The LUST was remediated and a case closure was issued in 2005.

Riandas Painting is located at 2270 Canoas Garden Avenue, approximately 0.125 miles south (up gradient) of the project site. The business is considered a small quantity generator with no violations reported.

4.8.2.4 Applicable Hazards and Hazardous Materials Regulations and Policies in the General Plan

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-7.5: 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.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3, 9
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3, 9
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3, 9
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3, 9
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

4.8.3.1 Soil and Groundwater Contamination Impacts

Soil Contamination

(Checklist Questions #1-2, 4)

As discussed in Section 4.8.2, the project site was formerly agricultural land and then utilized as RV storage. Because of the past agricultural uses on-site, it is reasonable to assume that pesticides and other agricultural chemicals were used on-site. It is common to find arsenic, lead, and dichlorodiphenyltrichloroethane (DDT) residue in the soil in Santa Clara County from historic farming operations. While contaminant concentrations become diluted over time, particularly when located in exposed soils, there is some potential for residual soil contamination to be on-site.

The EDR report identified no open violations within one-eighth mile radius of the project site. Of the sites within one-eighth mile radius of the project site, the San Jose Unified Corporation Yard had a previous LUST case which was remediated and closed in 2005. The site is cross gradient to the project and poses no contamination risk to the site because the direction of groundwater flow is away from the site.

The painting business located up gradient of the site has no reported violations and is a small quantity generator. Any potential release from this site is unlikely to impact the groundwater and, due to the distance between the sites, is too far away for soil contamination to migrate to the project site.

Development of the project site under the proposed General Plan amendment would require grading and trenching on-site and likely require some off-haul of soil. While no off-site sources of contamination have been identified, on-site soils likely contain residual pesticides and other agricultural chemicals. The movement of soil on-site during construction would cause dust to be generated. The project will, however, be required to comply with General Plan Policy MS-13.1 which requires 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. The project would be required to conform to Action EC-7.10 which requires 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. Furthermore, the project includes standard permit conditions for dust control (see Section 4.3.3.3, *Air Quality*). As a result, construction activities on-site would not expose adjacent residences and other sensitive receptors to known soil contaminants. **(Less Than Significant Impact)**

As noted above, redevelopment of the site would require site grading and trenching for utilities, which may expose construction workers to contaminated soil.

Impact HAZ-1: Earthmoving activities on-site during construction could expose construction workers to contamination above established worker safety thresholds.

Mitigation and Avoidance Measures

The following mitigation measures are proposed to reduce impacts to construction workers:

MM HAZ 1-1: Prior to issuance of development permits, a Phase I Environmental Site Assessment (ESA) shall be completed by a qualified consultant to confirm the findings of the Environmental Database Resources report. The report must be reviewed and approved by the Director of Planning, Building and Code Enforcement and the Environmental Service Department's Environmental Compliance Officer prior to approval of the development permit.

MM HAZ 1-2: If required by the City, upon completion of the Phase I ESA, shallow soil samples shall be taken to determine if contaminants from previous agricultural operations (organochlorine pesticides and/or pesticide based metals including lead and arsenic) are located on-site in concentrations above established construction worker and residential thresholds. The soil sampling plan must be reviewed and approved by the Director of Planning, Building and Code Enforcement and the Environmental Service Department's Environmental Compliance Officer prior to initiation of work.

MM HAZ 1-3: If the Phase I ESA identifies environmental concerns other than agricultural chemicals, shallow soil samples shall be taken to determine if non-agricultural contaminants are located on-site in concentrations above established construction worker and residential thresholds. The soil sampling plan must be reviewed and approved by the Director of Planning, Building and Code Enforcement and the Environmental Service Department's Environmental Compliance Officer prior to initiation of work.

MM HAZ 1-4: If contaminated soils are found in concentrations above regulatory thresholds for worker safety and/or residential thresholds, it shall be reported to the appropriate regulatory agency for oversight and a Site Management Plan (SMP) will be prepared and implemented (as outlined below) and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste

Regulations. The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.

A SMP will be prepared to establish management practices for handling impacted soil material that may be encountered during site development and soil-disturbing activities. Components of the SMP will include: a detailed discussion of the site background; preparation of a Health and Safety Plan by an industrial hygienist; notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction; on-site soil reuse guidelines based on the California Regional Water Quality Control Board, San Francisco Bay Region's reuse policy; sampling and laboratory analyses of excess soil requiring disposal at an appropriate off-site waste disposal facility; soil stockpiling protocols; and protocols to manage groundwater that may be encountered during trenching and/or subsurface excavation activities. Prior to issuance of grading permits, a copy of the SMP must be approved by the Santa Clara County Department of Environmental Health, the City's Director of Planning, Building and Code Enforcement, and copied to the Environmental Service Department's Environmental Compliance Officer.

With implementation of the identified mitigation, impacts to construction workers would be reduced to less than significant. **(Less Than Significant Impact With Mitigation)**

Construction activities could result in the need to off-haul soil from the project site. Because the project site has direct access to Almaden Expressway, trucks hauling contaminated soils would not need to travel through residential areas and, therefore, would not expose the public to a significant hazard impact. **(Less Than Significant Impact)**

The proposed transitional housing project and any future development under the proposed General Plan amendment would likely include the use and storage on-site of cleaning supplies and maintenance chemicals in small quantities consistent with residential 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 Other Hazard Impacts

Schools

(Checklist Question #3)

The proposed project is not located within one-quarter mile of an existing school. The site would not use or store hazardous materials in sufficient quantities to pose a health risk to any nearby school. **(No Impact)**

Airport Operations

(Checklist Questions #5-6)

The project site is not located within an airport influence area or a private airstrip and would not result in a substantial safety hazard for people residing or working at the project site. **(No Impact)**

Emergency Response Plans

(Checklist Question #7)

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

(Checklist Question #8)

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

4.8.3.3 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 Jose 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.

In the near-term, the project proposes to install up to 30 mobile home units on-site for use as transitional housing. Future development could result in permanent multi-family housing on-site. It is reasonable to assume that all residential development on the site would include areas of exposed soil, including landscaping and outdoor activity areas.

Implementation of the mitigation measures (HAZ-1.1 through HAZ-1.4) identified above would reduce identified human health and environmental hazards to future users in compliance with Policy EC-7.2 and Action EC-7.11.

4.8.4 Conclusion

The proposed project will not result in significant hazards and hazardous materials impacts. (**Less Than Significant Impact With Mitigation**)

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 (Maps 06085C0242H and 06085C0261H), most of the project site is located in Flood Zone D.²⁰ Zone D is an area of undetermined but possible flood hazard that is outside the 100-year floodplain. There are no floodplain requirements for Zone D.

A portion of the site adjacent to State Route 87 (SR 87) is located in Zone AH. Zone AH is an area within the 100-year floodplain with flood depths of one to three feet. Flooding in this area is from Canoas Creek, a small tributary of Guadalupe River located approximately 0.5 miles south of the project site.

4.9.1.2 Dam Failure

Based on the Santa Clara Valley Water District dam failure inundation hazard maps, the project site is outside the Lexington Reservoir and Andersen Dam failure inundation hazard zones.^{21, 22}

4.9.1.3 Seiches, Tsunamis, and Mudflows

There are no landlocked bodies of water near the project site that will affect the site in the event of a seiche. There are no bodies of water near the project site that will affect the site in the event of a tsunami.²³ The project area is flat and there are no mountains in proximity that will affect the site in the event of a mudflow.

4.9.1.4 Storm Drainage System

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into Guadalupe River. Guadalupe River flows carries stormwater from the storm drains into San Francisco Bay. Therefore, there is no overland stormwater flow from the project site to the creek.

Currently, 100 percent of the project site is pervious. There are existing storm drain lines that run along the western border of the site, in Evans Lane, that serve the site.

²⁰ Federal Emergency Management Agency. <http://msc.fema.gov/portal> Accessed November 25, 2015.

²¹ Santa Clara Valley Water District. *Andersen 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 November 25, 2015.

²² Santa Clara Valley Water District. *Lexington Reservoir 2009 Flood Inundation Maps. 2009.* <http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx> Accessed November 25, 2015.

²³ Association of Bay Area Governments. *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region.* <<http://quake.abag.ca.gov/tsunamis>>. Accessed November 25, 2015.

4.9.1.5 Water Quality

As stated above, stormwater from the project site drains to Guadalupe River. The water quality of Guadalupe River 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)²⁴, the Guadalupe River is currently listed on the California 303(d)²⁵ list and the Total Maximum Daily Load (TMDL) high priority schedule for mercury, Diazinon, and trash.²⁶ A TMDL for mercury was established in 2010.

Nonpoint Source Pollution Program

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

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction.

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

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

²⁴ 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 November 25, 2015.

²⁵ The Clean Water Act, section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies.

²⁶ A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards.

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

The City of San José's Policy No. 6-29, Post Construction Urban Runoff Management, implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy No. 6-29 requires all new and redevelopment project to implement post-construction Best Management Practices (BMPs), Source Control Measures, and Treatment Control Measures (TCMs) such as Low Impact Development (LID) measures to treat stormwater runoff. These measures are also utilized to reduce the total amount of stormwater runoff from a site. 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 surfaces. Projects that will result in an alteration of more than 50 percent of the impervious surface of the existing development that were not subject to stormwater treatment measures will be required to implement this Policy for the entire project area; otherwise, only the amount of impervious surface area that is being created or replaced is subject to this Policy.

Hydromodification

In addition to water quality controls, 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. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchments areas that are greater than or equal to 65 percent impervious (per the Santa Clara Permittees Hydromodification Management Applicability Map).

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

The City of San José's Policy No.8-14, Post Construction Hydromodification Management, 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.²⁷ The project must comply with Policy 8-14 as it is applicable at the Development Permit stage.

²⁷ Santa Clara Valley Urban Runoff Pollution Prevention Program web site. http://www.scvurppp-w2k.com/hmp_maps.htm Accessed November 25, 2013.

4.9.1.6 Groundwater

Based on previous environmental investigations completed at the site, groundwater is approximately 30 to 40 feet bgs.

4.9.1.7 Applicable Hydrology and Water 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.

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-5.1: The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the “100-year” flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
6. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3, 9
8. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3, 9
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3, 9, 11
10. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3, 10

4.9.2.1 Water Quality Impacts

(Checklist Questions #1 and 6)

Construction Impacts

The proposed residential development will disturb approximately 5.9 acres 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.

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. As a result, construction activities on-site would result in a temporary increase in stormwater runoff pollutants. All development projects in San José must comply with the City's Grading Ordinance. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), an Erosion Control Plan must be submitted to the Director of Public Works for review and approval. The Plan must detail the BMPs that will 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 shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered.
- All paved access roads, parking areas, staging areas, and residential streets adjacent to the construction sites shall be swept daily with water sweepers.
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system may also be 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 and any future development under the proposed General Plan amendment would include the specific measures and actions identified above, and will 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 site is 100 percent pervious. Upon completion of the proposed development, the project site could be up to 95 percent impervious.²⁸ Construction of the project would result in the replacement of more than 10,000 square feet of impervious surface area. Therefore, the project will 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. In order to meet these requirements, the final site design will be required to include bioretention areas on-site. Stormwater runoff would drain into the treatment areas prior to entering the storm drainage system. The on-site treatment facilities would be numerically sized and required, as a condition of project approval, to have sufficient capacity to treat the roof and parking lot runoff entering the storm drainage system, consistent with the NPDES requirements.

The General Plan FEIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project and any future development under the proposed General Plan amendment would have 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 quantity of impervious surfaces on the project site would increase compared to the existing condition. While the site is currently undeveloped, it is not a major contributor to recharging the groundwater aquifers due primarily to the clay soils on-site. This condition will not change once the proposed development is complete. As a result, implementation of the proposed project would not interfere with groundwater recharge or cause a reduction in the overall groundwater supply. **(Less Than Significant Impact)**

Construction of the proposed project will include trenching for new on-site utility lines. Groundwater on-site is found at 30 to 40 feet bgs. Based on this data, the proposed development would not interfere with the groundwater aquifer and would not interfere with overall groundwater flow or impact the deeper groundwater aquifers. **(Less Than Significant Impact)**

²⁸ This assumes that 95 percent of the 5.9 acres would be covered with impervious surfaces. The final site design will include landscaping and possibly communal open space areas and, therefore, the assumption that 95 percent of the site would be impervious represents the most conservative estimate for the project.

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)

Under existing conditions, the entire 257,004 square foot site is pervious. Prior to 2003, the site was nearly 100 percent paved (based on aerial photographs) and utilized for RV storage. The storm drainage system had sufficient capacity to support the project site when it was previously paved. Under project conditions, the project site would be covered with up to 244,153 square feet of impervious surfaces, which will result in a net increase in stormwater runoff.

The General Plan FEIR concluded that although new development may increase impervious surfaces, with planned improvements to the City storm drainage system and the implementation of stormwater best management practices (BMPs), new development would not significantly impact the storm drainage system. Even with full build out under the proposed General Plan amendment, the project site would not be 100 percent impervious. Because the existing system had sufficient capacity to support the project site when it was paved and because the project will be required to conform to all applicable City policies, including Policy 6-29, the project would not exceed the capacity of the local drainage system. **(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. **(No Impact)**

4.9.2.6 Existing Flooding Conditions Affecting the Project

(Checklist Questions #7 and 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 outside the 100-year floodplain. If, however, the final site design includes residences or other structures within the flood zone (along the eastern boundary of the site), 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. Because the development would consist of mobile home units and no permanent structures are proposed, the regulations for mobile home parks and subdivisions would apply, as listed below.

- Adequate surface drainage and access for a refuse hauler shall be provided;
- All manufactured homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the manufactured home is at or above the base flood level. If elevated on pilings:
 1. The lots shall be large enough to permit steps;
 2. The pilings shall be placed in stable soil no more than ten feet apart; and
 3. Reinforcement shall be provided for pilings more than six feet above the ground level; and
- No manufactured homes shall be placed within a regulatory floodway except in existing manufactured home parks and subdivisions pursuant to regulations promulgated by the Federal Emergency Management Agency (Title 44, Emergency Management and Assistance Section 60.3, subsection (d)(4)).

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 will not expose people or structures to significant flood hazards in compliance with City policies.

Based on the Association of Bay Area Governments Dam Failure Inundation Hazards Maps, the project site is not located within a dam failure inundation area.

4.9.3 Conclusion

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

4.10 LAND USE

4.10.1 Setting

4.10.1.1 Existing Land Uses

The 5.9-acre project site is comprised of two parcels (APNs 455-31-053 and 455-31-055) located on the east side Evans Lane, north of Curtner Avenue, between Almaden Expressway and State Route (SR) 87. The site is currently a vacant lot and was previously used for RV Storage. There is a substandard sidewalk, approximately two feet wide, along the street frontage of the project site. There is no sidewalk on the opposite side of the street, as Evans Lane runs parallel to Almaden Expressway and is separated from the expressway by only a chain link fence in this location.

4.10.1.2 Surrounding Land Uses

The project area is primarily a residential neighborhood with some commercial/office businesses. Residences include multi-family dwellings ranging from three to four stories and a mobile home park. The nearest residences are the Catalonia Apartments, located immediately north of the project site, and the mobile home park, located immediately east of the site. The apartments are three stories and separated from the shared property line by an access road. The apartments face north with the back of the apartments facing the project site. A six-foot wood fence separates the properties.

Ten mobile homes are located adjacent to the property line shared with the project site. The units face east with the backs of the units located within a few feet of the property line. A six-foot wood fence separates the properties.

The Santa Clara County Evans Lane Wellness and Recover Center is located immediately south of the project site.²⁹ The center is comprised of two L-shaped, two-story buildings around a central courtyard, and a surface parking lot. The project site borders the center to the north and east.

Commercial businesses south of the project site include a self-storage facility and a flooring store. The storage facility is comprised of eight one-story buildings with a two-story office at the gated entrance. The flooring store is a two-store building with a large surface parking lot.

4.10.1.3 Existing Land Use Designation and Zoning

The project site is designated *Neighborhood Community Commercial* in the *San Jose 2040 General Plan* and is zoned *A(PD) – Planned Development*. The General Plan designation allows for a broad range of commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. General office uses, hospitals and private community gathering facilities are also allowed in this designation. The maximum density is one to four stories with a floor area ratio (FAR) of 2.0.

²⁹ Evans Lane Wellness and Recovery Center serves adults with mental health illness, substance abuse issues, and involvement through the criminal justice system. The Center provides transitional housing and outpatient programs.

4.10.1.4 **Applicable Land Use 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 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).

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
3. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3,7

4.10.2.1 Consistency with the General Plan Land Use Designation and Zoning

(Checklist Question #2)

The project site is currently designated *Neighborhood Community Commercial* in the General Plan. The *Neighborhood Community Commercial* designation allows for commercial development with an FAR of up to 2.0 and building heights from one to four stories. Implementation of the proposed project will result in the construction of up to 30 mobile home units on the 5.9-acre site. The *Neighborhood Community Commercial* designation only allows commercial uses and the proposed transitional housing is not consistent with the General Plan designation. The project proposes a General Plan amendment to *Mixed Use Neighborhood* to allow for up to 30 manufactured housing units (including the manager unit).

The proposed General Plan amendment would allow a mix of residential and commercial land uses on-site with a residential density of 30 dwelling units per acre and a commercial FAR of 0.25 to 2.0 with buildings ranging from one to 3.5 stories.

The proposed project is below the 30 dwelling units per acre allowed by the General Plan. The project would, however, provide transitional housing for currently homeless residents of San Jose for a time frame of approximately 15 years. After the useful life of the project, it is reasonable to assume that the project site would be redeveloped consistent with the General Plan. Therefore, while the project is not consistent with the General Plan land use density, on balance, future permanent development would meet the development goals of the General Plan.

The project site is currently zoned (A)PD – *Planned Development*, but is not applicable to the specific development currently proposed for the project site. Therefore, the project proposes to rezone the site to (A)PD – *Planned Development*, consistent with the proposed transitional housing development. **(Less Than Significant Impact)**

4.10.2.2 Land Use Compatibility Impacts

(Checklist Questions #1 and 2)

Changes in land use are not adverse environmental impacts in and of themselves, but they may create conditions that adversely affect existing uses in the immediate vicinity. The proposed project is a transitional housing project with up to 30 mobile home units in a primarily residential neighborhood with some commercial/office businesses. The project, as proposed, would require a General Plan amendment. The amendment would allow housing on the project site, which is not permitted under the existing land use designation.

The General Plan FEIR concluded that land use conflicts, including impacts to adjacent residential development and existing businesses, can be substantially limited or precluded with implementation of applicable General Plan policies and actions for planning and implementation as well as conformance with identified ordinances and adopted design guidelines. The proposed project would comply with all applicable City policies, actions and ordinances, and would be consistent with adopted design guidelines. In addition, the project would allow for residential and mixed residential/commercial development in a primarily residential area in proximity to commercial development. Building heights would be limited to 3.5 stories, which is consistent with adjacent and nearby multi-family housing development. In addition, a mixed use development on this site would provide a better transition between the residential development to the north and the commercial development to the south. The proposed land use designation would be more compatible with the adjacent land uses than a strictly commercial development and would have a less than significant compatibility impact. **(Less Than Significant Impact)**

Established Communities

The proposed project is a 30-unit transitional housing development with up to 5,000 square feet of support services located within a mixed residential/commercial neighborhood. There are residences to the east and north of the project site. The project would be comparable to the adjacent County facility and mobile home park and would not physically divide an established community. **(No Impact)**

Visual Intrusion (Privacy)

Visual intrusion addresses the general concern that windows or balconies from taller buildings will provide visual access to neighboring yards and windows of private residences. The project site is currently vacant. The proposed transitional housing would include up to 30 one-story mobile home units on the project site. The proposed buildings would be shorter than or equal to the heights of the adjacent buildings and windows in the residential units would not afford visual access over the privacy fences along the property lines. While the final location of the mobile home units has not been determined, the proposed project would not provide future residents visual access into adjacent properties. As a result, the proposed project would have a less than significant visual intrusion impact. **(Less Than Significant Impact)**

Shade and Shadow

The proposed development would be comprised of one-story units with a maximum height of 14 feet. All buildings will be setback a minimum of 15 feet from the shared property lines.

The City of San José typically identifies significant shade and shadow impacts as occurring when a building or structure substantially reduces natural sunlight on public parks or open space areas. There are no public parks or open space areas in proximity to the project site that would be affected by the shadows of the proposed development. In addition, the one-story buildings would not create substantial shadows on any adjacent property.

Shading from the project would not occur year-round and would not substantially impair the beneficial use of adjacent properties by the residents. The General Plan has addressed shade and

shadow impacts due to building elevation in the Community Design Policies. The proposed project will conform to the General Plan policies to minimize shade and shadow impacts to a less than significant level. **(Less Than Significant Impact)**

Other Land Use Issues

(Checklist Question #3)

The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan. Please see *Section 4.4, Biological Resources* for a complete discussion. **(No Impact)**

4.10.3 **Conclusion**

The project would not divide an established community or conflict with any habitat conservation plans. **(No Impact)**

Implementation of the proposed project would not conflict with adopted policies and 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 General Plan FEIR states that an area of Communications Hill in central San José is designated by the State Mining and Geology Board under the Surface Mining and Reclamation Act of 1975 as containing mineral deposits of regional significance.³⁰ Communications Hill is the only area in the City with this designation

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

4.11.2.1 Mineral Resources Impacts

(Checklist Questions #1 and 2)

The project site is in a developed urban area that does not contain any known or designated mineral resources. While the proposed project is located approximately 600 feet from the lowest northern slope of Communications Hill, mineral resources have not been previously found on the valley floor. Implementation of the proposed project will not result in the loss of availability of any known mineral resource. **(No Impact)**

4.11.3 Conclusion

Implementation of the project would not result in the loss of availability of any known mineral resources. **(No Impact)**

³⁰ City of San José. *Envision 2040 General Plan FPEIR*. September 2011. Page 516.

4.12 NOISE

4.12.1 Setting

4.12.1.1 Background Information

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a “decibel” scale which serves as an index for loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the “A-weighted” decibel or dBA.

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a conglomeration of noise from distant sources that create a relatively steady background noise in which no particular source is identifiable. To describe the time-varying character of environmental noise, the statistical noise descriptors, L₀₁, L₁₀, L₅₀, and L₉₀, are commonly used. They are the A-weighted noise levels equaled or exceeded during one, 10, 50, and 90 percent of a stated time period. A single number descriptor called the Leq is also widely used. The Leq is the average A-weighted noise level during a stated period of time. An A-weighted maximum noise level is L_{max}.

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than daytime levels. Most people sleep at night and are very sensitive to noise intrusion. To account for human sensitivity to nighttime noise levels, a descriptor, DNL (day/night average sound level), was developed. The DNL, divides the 24-hour day into the daytime of 7:00 a.m. to 10:00 p.m. and the nighttime of 10:00 p.m. to 7:00 a.m. The nighttime noise level is weighted to 10 dB higher than the daytime noise level.

Construction Noise

Construction is a temporary source of noise impacting 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. Large pieces of earth-moving equipment, such as graders, scrapers, and bulldozers generate maximum noise levels of 85 to 90 dBA at a distance of 50 feet. 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 Existing Noise Conditions

Noise levels in the project area are primarily influenced by vehicular noise on the surrounding roadways, including SR 87 and Almaden Expressway. Based on the General Plan FEIR, the existing

ambient noise levels at the project site are 65 to 70 dBA DNL. The project site is approximately 4.3 miles south of the Norman Y. Mineta San José International Airport and is outside the airport's noise contours.

The project site is surrounded by multi-family residences, a mobile home park, the SCC Evans Lane Wellness and Recovery Center, and a self-storage facility. The residences are considered sensitive receptors.

4.12.1.3 Applicable Noise Standards and Policies

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 4.12-1, below.

TABLE 4.12-1 Land Use Compatibility Guidelines for Community Noise in San José (GP Table EC-1)						
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-1.7: 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.

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.

Municipal Code – Construction Standards

According to San José Municipal Code Title 20 (Zoning Ordinance), construction hours within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

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.

4.12.2.1 Noise Impacts from the Project

(Checklist Questions #1, 3, 4)

Project Generated Traffic Noise Impacts

An increase of three dBA at noise-sensitive receptors would result in a noticeable increase in the ambient noise levels and a significant noise impact. Some but not all of the estimated 170 residents on-site would have automobiles. The project would have to double the existing traffic volume in the project area to reach that threshold. The proposed General Plan amendment would result in less than 200 additional peak hour trips and the transitional housing project would generate approximately 61 daily traffic trips. These volumes would not be sufficient to double existing traffic volumes and substantially increase noise levels (by three dBA DNL or more) in the immediate project area. Therefore, the project will have a less than significant long-term noise impact on the nearby residential land uses. **(Less Than Significant Impact)**

Construction Noise Impacts

It is estimated that the transitional housing project will take approximately two months to construct. The project will not have a significant noise construction impact because the project will not involve substantial noise generating activities for more than 12 months. Nevertheless, construction activities associated with implementation of the proposed project would temporarily increase noise levels in the project area. Construction activities would generate considerable amounts of noise, especially during the construction of project infrastructure when heavy equipment is used. Because the buildings will be manufactured off-site, noise associated with building construction will be less than a standard housing project.

Typical average construction-generated noise levels are about 81 – 89 dB measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.) Construction-generated noise levels drop off at a rate of about six dB per doubling of distance between the source and receptor.

The construction of the proposed project would temporarily increase noise levels in the immediate vicinity of the project site and would be audible at the adjacent and nearby residences. In addition, future development projects under the proposed General Plan amendment would likely take 12 months or longer to complete and would use more heavy equipment than the transitional housing project. The General Plan FEIR concluded that short-term construction noise would be mitigated by identified General Plan policies.

Consistent with the Municipal Code and in accordance with the General Plan FEIR, particularly Policy EC-1.7, the proposed project and all future development projects under the proposed General

Plan amendment will be required to implement the following measures as Standard Permit Conditions during all phases of construction on the project site:

Standard Permit Conditions

- Demolition and construction activities on- or off-site, within 500 feet of sensitive receptors, such as residential development, shall be restricted to the hours of 7 AM to 7 PM Monday through Friday, non-holidays only.
- Staging areas and construction material areas shall be located as far away as possible from adjacent land uses.
- All internal combustion engines for construction equipment used on the site shall be properly muffled and maintained.
- All unnecessary idling of internal combustion engines is prohibited.
- All stationary, noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as practical from existing residences and businesses.
- The Director of Planning and residential neighborhoods within proximity of the project site shall be notified in writing by the developer of the construction schedule at least seven days prior to the start of construction.
- A noise disturbance coordinator shall be designated who is responsible for responding to complaints about construction noise. The telephone number of the disturbance coordinator shall be posted in a conspicuous place at the construction site and shall also be included in the notice sent to neighbors and the Director of Planning regarding the schedule.

With implementation of the identified Standard Permit Conditions, the project will have a less than significant impact on the temporary increase in ambient noise levels in the project area. **(Less Than Significant Impact)**

Groundborne Vibration Impact

(Checklist Question #2)

Construction activities such as drilling, 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. Construction of the project is not anticipated to be a source of substantial vibration.

There are no sensitive historic buildings within 25 feet of the project site. For standard buildings, the City's vibration threshold is 0.20 in/sec PPV. As noted above, none of the construction equipment that may be used on-site for the transitional housing project would exceed that threshold.

Construction of future development projects under the proposed General Plan amendment would likely use more heavy equipment than the transitional housing project. Construction would not, however, require pile driving as the structures could not exceed 3.5 stories. Therefore, vibration impacts would be less than significant. **(Less Than Significant Impact)**

4.12.2.2 Airport Noise

(Checklist Questions #5 and 6)

The project site is located approximately 4.3 miles south of the nearest airport (the Mineta San José International Airport) and is not within the Airport Influence Area or the Airport Noise Contours. **(No Impact)**

4.12.2.3 Existing Noise 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. 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:

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 the 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.

Interior Use Areas

Ambient noise levels on the project site would be influenced primarily by automobile traffic. The General Plan states that current noise levels around the project site range from 65 to 70 dBA DNL. Based on estimated future traffic volumes associated with planned growth, the General Plan FEIR

concluded that ambient noise levels on the project site will be approximately 70 to 75 dBA DNL by 2035.

Existing noise levels at the project site are within the “conditionally acceptable” limit of 60 dBA to 75 dBA for residential land uses. The proposed transitional housing would have a useful life of 15 years and would no longer be on-site by 2035.

Standard building construction techniques and materials attenuate approximately 15 to 20 dBA of exterior noise for interior areas.³¹ The residential units on-site would be required to comply with the California Building Code and the interior 45 dBA DNL per City and State standards. It is likely that units nearest Almaden Expressway and SR 87 may require additional sound proofing while units in the interior of the site may meet the 45 dBA interior noise requirements with standard building construction. Consistent with City requirements, an acoustical analysis following protocols in the City-adopted California Building Code would be required, as a condition of project approval, after final site design and prior to issuance of building permits for the proposed project and all subsequent development projects under the proposed General Plan amendment to demonstrate that residential development on-site can meet interior noise standards consistent with Policy EC-1.1.

Outdoor Use Areas

As proposed, the project would include communal open space areas for on-site residents. Based on available data, the outdoor use areas on the project site would be exposed to existing noise levels between 65 and 70 dBA DNL.³² This is within the conditionally acceptable exterior noise limit for residential uses.

Because the project is transitional housing, future residents would have limited exposure to the ambient noise levels on the project site. As a condition of project approval, the final site design will require some open space areas to be shielded from traffic noise by the proposed mobile home units. Therefore, traffic noise will not preclude the use of outdoor spaces on-site because some areas will be within the conditionally acceptable range for residential development.

As noted above, ambient noise levels on the project site range from 65 to 70 dBA DNL and will increase to approximately 70 to 75 dBA DNL by 2035. Outdoor use areas (excluding balconies, residential stoops, and porches facing existing roadways) of future residential development projects (under the proposed General Plan amendment) could be exposed to noise levels up to 75 dBA.

The following measures would be required as a condition of project approval to ensure future development is located in areas where noise levels are appropriate for the proposed use:

- Project-specific analysis for all future development proposals on the project site shall include a detailed noise analysis completed by a qualified noise consultant, consistent with City and State standards.

³¹ Envision San José 2040 General Plan Program Environmental Impact Report. Noise and Vibration. June 2011.

³² Ibid.

- Based on the findings of the noise analysis, project design features will be identified to reduce ambient noise levels in outdoor use areas to acceptable levels, per City standards.
- Once building construction is complete, noise measurements will be taken by a qualified noise consultant in all outdoor use areas to ensure that City noise standards have been met. A report of the findings will be submitted to the Director of Planning, Building and Code Enforcement for review and approval prior to issuance of occupancy permits.

With implementation of these measures, exterior noise levels at residential outdoor use areas would be consistent with Policy EC-1.1.

4.12.3 Conclusion

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

4.13 POPULATION AND HOUSING

4.13.1 Setting

According to California Department of Finance 2010 census data, San José’s population for 2010 was 945,942 persons. In 2010, there were 314,038 households with an average of 3.09 persons per household.³³ According to the City’s General Plan, the projected population in 2035 will be 1.3 million persons occupying 429,350 households.

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

San José currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current General Plan.

4.13.2 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3

4.13.2.1 Population and Housing Impacts

(Checklist Questions #1-3)

Currently the project site is a vacant lot. Implementation of the transitional housing project would result in temporary housing for currently homeless residents in San Jose for an approximately 15 year

³³ State of California Department of Finance. *Census 2010*.

http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml Accessed November 30, 2015.

period. The construction of temporary housing would not result in an increase in the local population. **(No Impact)**

The intent of the project is to provide transitional housing while providing services to assist on-site tenants in obtaining permanent housing. The placement of up to 170 currently homeless individuals per year in permanent housing would not require additional housing to be constructed beyond the residential growth identified in the General Plan. Therefore, the project would not induce population growth in the City of San José. **(No Impact)**

Future development under the proposed General Plan amendment would result in approximately 148 residential units on-site. This increase in housing units could increase the local population in the City. Nevertheless, the development of up to 148 dwelling units in place of 74 jobs will not significantly alter the jobs/housing balance in the City and will not result in substantial population growth. **(Less Than Significant Impact)**

Since there are no residences on-site, the propose project would not result in a displacement of residents and would not require replacement housing to be constructed elsewhere. **(No Impact)**

4.13.3 Conclusion

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

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). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the project site is Station No. 26 located at 528 Tully Road, approximately 1.6 miles northeast of the project site.

For fire protection services, the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls. Based on the most recent response data (January to September 2015), Station 26 has an average response time (turnout time plus travel time) for all calls (Priority 1 and 2) of 6.38 minutes for medical calls and 6.55 minutes for fire and other calls.³⁴

4.14.1.2 Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately 3.9 miles north of the project site. SJPD is divided into four geographic divisions: Airport, Western, Foothill, and Southern. The project site is directly served by the SJPD Southern Division. For the last several years, the most frequent calls for service in the City have dealt with larceny, burglary, vehicle theft, and assault.

For police protection services, the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

4.14.1.3 Schools

The project site is located within the San Jose Unified District (SJUSD) and is served by Galarza Elementary School, Willow Glen Middle School, and Willow Glen High School. The current enrollment and capacity for these schools is listed in Table 4.14-1 below.

School	2013-2014 Enrollment	Capacity
Galarza Elementary School - 1610 Bird Avenue	833	986
Willow Glen Middle School - 2105 Cottle Avenue	1,262	1,363
Willow Glen High School - 2001 Cottle Avenue	1,598	1,914

Source: Case, Jill. Student Assignment/Demographics Director, San José Unified School District. Personal Communication. January 14, 2015

³⁴ City of San Jose Website. <http://www.sanjoseca.gov/DocumentCenter/View/36886> Accessed November 19, 2015.

4.14.1.4 Parks

The City of San José currently operates 184 neighborhood parks (including skate parks), 13 community centers, nine regional parks, and over 55 miles of trails. The nearest parks to project site are Lincoln Glen Park (approximately 0.8 miles southwest of the project site) and Roy Avenue Park (approximately 0.6 miles southwest of the project site).

Lincoln Glen Park is a 0.2-acre park located at Radio Avenue and Curtner Avenue. This park includes playgrounds, water play features, and picnic sites. Roy Avenue Park is a one-acre park located at Roy Avenue and Spadafore Avenue. This park also includes a playground, water play feature, and picnic sites.

4.14.1.5 Libraries

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 22 branch libraries. The nearest library to the project site is the Willow Glen Branch Library located at 1157 Minnesota Avenue, approximately 1.3 miles northwest of the site.

4.14.1.6 Applicable Public Services Regulations and Policies in the General Plan

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-3.9: 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-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 ¼ mile radius of the project site that generates the funds.

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

4.14.2 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.14.2.1 **Impacts to Public Services**

(Checklist Question #1)

Fire Protection Services

The General Plan FEIR concluded that planned growth under the General Plan would increase calls for fire protection services in the City. The higher density development envisioned in the General Plan may require additional staffing and equipment to adequately serve the larger population but no new stations would be required other than those already planned.

The proposed transitional housing project would increase the housed population of the City, but not the overall resident population because the people served by the project would already be located in San Jose. While the proposed development is not specifically accounted for in the planned growth for the City, the project would provide transitional housing for a period of approximately 15 years and, by itself, would not preclude the SJFD from meeting its overall service goals during that time frame. In addition, measurable reductions in the homeless population of San Jose resulting from the project would likely result in a small reduction in overall medical calls as residents of the site would have access to food, medical services, and shelter. As a result, the proposed project would be adequately served by existing resources. **(Less Than Significant Impact)**

Future development under the proposed General Plan amendment would increase the resident population of the City. While the additional 148 residential units that could be constructed on this site were not specifically accounted for in the planned growth for the City, development equivalent to 74 jobs was assumed on this site. In addition, the site is located within a developed urban area already served by SJFD.

All future development would be constructed in accordance with current building codes and would be required to be maintained in accordance with the municipal code and applicable City policies identified in the General Plan FEIR to avoid unsafe building conditions and promote public safety. As a result, development on-site would not require new fire stations to be constructed or existing fire stations to be expanded to serve the development while maintaining City service goals. **(Less Than Significant Impact)**

Police Protection Services

The General Plan FEIR concluded that planned growth under the General Plan would increase the population of the City which would require an increase in police services. While the overall service area would not increase, additional police officers and equipment would be needed to serve the larger population. The increase in police personnel may require the expansion of existing police facilities.

The transitional housing proposed on-site is not specifically accounted for in the planned growth for the City. The proposed project would not, however, preclude the SJPD from meeting its citywide service goals. As a result, all future development proposed on-site would be adequately served by existing resources. **(Less Than Significant Impact)**

Future development under the proposed General Plan amendment is not specifically accounted for in the planned growth for the City, though commercial development was assumed on-site. Future residential development would not, however, preclude the SJPD from meeting its service goals. As a result, all future development proposed on-site would be adequately served by existing resources.

Furthermore, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. As a result, development on-site 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

The proposed project would house currently homeless residents for a period of approximately 18 months while permanent housing is secured. The facility is intended primarily for adults, as homeless families tend to have greater access to shelters and support services than individual adults.

If, however, school age children did occupy the project site, the total number of children on-site at any one time would be negligible. Furthermore, it is not certain that they would attend the local schools as they would likely already be registered in school and, due to residency requirements, may not be willing or able to transfer within the limited time frame of site occupancy.

Because the project would not result in an increase in the permanent resident population of San Jose, would not likely have children on-site, and due to the limited life span of the project, the proposed residences would have a less than significant impact on the capacity of existing schools in San Jose.
(Less Than Significant Impact)

Future development under the proposed General Plan amendment would likely result in an increase in students for local schools. As noted above, the project site is located within the SJUSD. Based on the student generation rates for the SJUSD³⁵, future residential development on-site would generate 21 new elementary school students, nine middle school student, and 110 high school students in the school district. Currently, all three schools have sufficient capacity to support residential development on-site. Nevertheless, because the timing of future development is unknown, the capacity of these local schools could change over time.

Under SB 50, school districts may collect fees to offset the costs associated with increasing school capacity as a result of development. Under the terms of this statute, payment of statutory fees by property owners or property developers is considered to mitigate in full for the purposes of CEQA any impacts to school facilities associated with a qualifying project. The fees are assessed based upon the proposed square footage of the new or expanded development.

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 that a project will 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. SB 50 also restricts the ability of local agencies to deny project approvals on the basis that public school facilities are inadequate. School districts must meet a list of specific criteria, including the completion and annual update of a School Facility Needs Analysis, in order to impose additional fees.

Under SB 50, school districts may collect fees to offset the costs associated with increasing school capacity as a result of development. Under the terms of this statute, payment of statutory fees by property owners or property developers is deemed to mitigate in full for the purposes of CEQA any

³⁵ Multi-family residential development generates approximately 0.139 elementary students, 0.059 middle school students, and 0.74 high school students per unit

impacts to school facilities associated with a qualifying project. The fees are assessed based upon the proposed square footage of the new or expanded development.

The addition of up to 140 students to the SJUSD would make up a small percentage of the total student population. Future residential development on-site would not substantially degrade existing school facilities and would not result in the need for new permanent facilities to be constructed. The payment of school impact fees, consistent with SB 50, will allow the local school district to provide sufficient services for students generated by the project. **(Less Than Significant Impact)**

Parks

Future residents of the site may utilize existing recreational facilities in the area, as well as the communal open space on-site, incrementally increasing the use of existing recreational facilities in the project area. Because the project will have a life span of approximately 15 years and will not increase the permanent resident population of the City, the incremental increase in usage of local facilities would not require the construction of new parks or extensive maintenance of existing parks to meet City service goals. Therefore, proposed project would not result in significant impacts to park facilities in San José. **(Less Than Significant Impact)**

Future residential development on-site could incrementally increase the use of existing recreational facilities in the project area. The City of San José has a Parkland Dedication Ordinance (PDO) which requires new housing projects to provide 3.0 acres of neighborhood/community serving parkland per 1,000 population or pay an in-lieu fee. Residential growth resulting from build out of the General Plan is expected to result in an overall City population of 1,313,811 by 2035, which will increase the demand for park and recreational facilities and create an overall (city-wide) parkland deficit of 2,187.4 acres.³⁶

The General Plan FEIR concluded that construction and/or expansion of parks in compliance with General Plan policies and regulations will reduce any physical impacts from development or expansion of parkland facilities to a less than significant level. All future development under the proposed General Plan amendment will be required to comply with the PDO requirements. Therefore, proposed project would not result in significant impacts to park facilities in San José. **(Less Than Significant Impact)**

Other Public Facilities – Libraries

There are 23 branch libraries located throughout San José. Existing and planned library facilities in the City will provide approximately 0.68 square feet of library space per capita for the anticipated population under build-out of the Envision 2040 General Plan by the year 2035, which is above the City's service goal. The proposed project would house homeless residents of San Jose and would not permanently increase the resident population. While future residents of the site may use local library facilities, the project would not result in significant impacts to San José library facilities or preclude the City from meeting its library service goals. **(Less Than Significant Impact)**

³⁶ City of San José. *Envision 2040 General Plan FEIR*. June 2011. Table 3.9-5.

Future residential development on-site could increase the overall population of the City by up to 457 people.³⁷ The addition of up to 457 new residents to the City would not result in a substantial impact to library services in the City, would not preclude the City from meeting its service goals, and would not result in the need for new library facilities. **(Less Than Significant Impact)**

4.14.3 Conclusion

Implementation of the proposed project will not result in significant adverse impacts on public services in the City of San José or require the construction of new facilities to serve the resident population of the City. **(Less Than Significant Impact)**

³⁷ The City of San Jose General Plan assumes that new residential units would average 3.09 persons per household.

4.15 RECREATION

4.15.1 Setting

The City of San José currently operates 184 neighborhood parks (including skate parks), 13 community centers, nine regional parks, and over 55 miles of trails. Amenities within the neighborhood parks can include basketball courts, exercise (par) courses, picnic tables, playgrounds, restrooms, soccer fields, softball fields, swimming pools, and tennis courts. Planning, acquisition, and development of parks and recreational facilities in San José are the responsibility of the Parks, Recreation, and Neighborhood Services Department.

The nearest parks to project site are Lincoln Glen Park (approximately 0.8 miles southwest of the project site) and Roy Avenue Park (approximately 0.6 miles southwest of the project site).

4.15.1.1 Applicable Recreation Regulations and Policies in the General Plan

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

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

4.15.2 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.15.2.1 Impacts to Recreational Facilities

(Checklist Questions #1-2)

Development of the site with transitional housing may incrementally increase the demand on parks and other recreational facilities in the project area. The project proposes communal open space within the project site, which may reduce some use of public parks and other recreational facilities in the area.

Because the project will have a life span of approximately 15 years and will not increase the permanent resident population of the City, the incremental increase in usage of local recreational facilities would not require the construction of new parks, community centers, or other recreational facilities or extensive maintenance of existing facilities to meet City service goals. Therefore, proposed project would not result in significant impacts to recreational facilities in San José. **(Less Than Significant Impact)**

Future residential development on-site could incrementally increase the demand on parks and other recreational facilities in the project area. It is assumed that future development under the proposed General Plan amendment would include recreational open space on-site. Nevertheless, it must be assumed that future development projects would not meet the City’s open space standards on-site.

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 (based upon the unit count of the project); credit for qualifying recreational amenities (based on project design); and improvement of existing parkland or recreational facilities. While a small increase in population will result in an incremental increase in the use of existing and planned parks, trails, and community centers within the City, these facilities would be up kept and expanded through application of PDO/PIO fees in accordance with General Plan policies. The addition of up to 148 residential units would not result in substantial physical deterioration of these facilities, and the incremental increase in park use resulting from the project would not generate the need for new park facilities beyond those identified in the General Plan. **(Less Than Significant Impact)**

4.15.3 Conclusion

Implementation of the proposed project will not result in significant adverse impacts on existing recreational facilities in the City of San José or require the construction of new facilities to serve the resident population of the City. **(Less Than Significant Impact)**

4.16 TRANSPORTATION

4.16.1 Setting

4.16.1.1 Local Roadway Network

The project site is located on the east side of Evans Lane, just north of Curtner Avenue. Evans Lane connects to Almaden Expressway and Curtner Avenue connects to SR 87.

Evans Lane is a two-lane roadway that is approximately one-third of a mile long. The roadway begins at the intersection of Canoas Garden Avenue and Almaden Expressway (this intersection operates as the northbound entrance to the expressway) and terminates at a cul-de-sac north of the project site.

Canoas Garden Avenue is a two-lane roadway that connects Evans Lane to Curtner Avenue. Curtner Avenue is a four-lane roadway with designated bicycle lanes that provides direct access to southbound Almaden Expressway and to SR 87.

4.16.1.2 Public Transportation, Pedestrian, and Bicycle Facilities

Within the project area, there is a substandard sidewalk (less than three feet wide) and standard width sidewalks on both sides of Canoas Garden Avenue and Curtner Avenue. Signalized pedestrian crossings and designated crosswalks are located at the intersection Canoas Garden Avenue and Curtner Avenue. As noted above, the nearest bicycle route is on Curtner Avenue, located approximately 900 feet south of the project site.

One bus line, Route 26, is located within 1,000 feet of the project site on Curtner Avenue. In addition, the Curtner Light Rail Station is located approximately 975 feet southeast of the project site (a total walking distance of approximately one-third of a mile or 1,550 feet).

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
5. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.16.2.1 Transportation Impacts

(Checklist Questions #1 and 2)

The City of San Jose requires a transportation analysis for General Plan amendments if the proposed land use designation would result in net increase of 200 or more peak hour trips compared to the existing land use designation, based on the City's General Plan development assumptions. If a change in land use would not result in 200 or more net new peak hour trips, the proposed General Plan amendment is presumed to have a less than significant impact on the local roadway system.

The current land use designation would result in approximately 74 jobs. The proposed land use designation would result in approximately 148 dwelling units. The City of San Jose has determined that this change in land use would not result in a net increase of 200 peak hour trips. As a result, no transportation analysis is required. **(Less Than Significant Impact)**

The Santa Clara Valley Transportation Agency Congestion Management Plan (CMP) requires a transportation analysis to be prepared when a project would add 100 or more peak hour trips to the roadway network. Projects that generate fewer than 100 trips in either peak hour are presumed to have a less than significant impact on the Level of Service (LOS) of local intersections that would carry project traffic. The proposed project will provide transitional housing for up to 170 persons. In addition to on-site residents, up to 12 people (10 service employees and two on-site managers) will be on-site at a time.

Based on the known demographics of the target population for the project, it is reasonable to assume that most residents would not have automobiles. The analysis assumes a total of 40 automobiles on-site, 12 for employees (including the on-site managers) and 28 for residents. Based on the *Institute of Transportation Engineers Trip Generation Manual (9th Edition)* the proposed transitional housing project would generate four AM and six PM net new Peak Hour trips.³⁸ Total daily trips would be approximately 61 trips. Therefore, the project would be well below the 100 peak hour trips threshold and would have a less than significant LOS impact. **(Less Than Significant Impact)**

Future residential development under the proposed General Plan amendment would generate approximately 984 daily trips with 75 AM and 92 PM Peak Hour trips.³⁹ As a result, future development under the proposed General Plan amendment would likely be below the 100 peak hour trips threshold and would have a less than significant LOS impact. **(Less Than Significant Impact)**

4.16.2.2 Airport Operations

(Checklist Question #3)

The proposed project is located approximately 4.3 miles south 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. **(No Impact)**

4.16.2.3 Site Design

(Checklist Question #4)

The final site design has not yet been determined. As a condition of approval, the final site design will ensure that the project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses. **(Less Than Significant Impact)**

4.16.2.4 Emergency Access

(Checklist Question #5)

The main access to the project site would be via the existing ingress/egress driveway from Evans Lane. The final site design has not yet been determined; however, it is assumed that the project would have a two lane internal access road that would circulate through the site to the designated parking area(s). As a condition of approval, the project will be required to meet standard permit conditions for emergency vehicle access. As a result, the project will have a less than significant impact on emergency access. **(Less Than Significant Impact)**

³⁸ Based on a Congregate Care Facility, land use 253.

³⁹ Based on 148 apartments (land use 220 in the *Institute of Transportation Engineers Trip Generation Manual (9th Edition)*)

4.16.2.5 Public Transportation, Pedestrian, and Bicycle Facilities Impacts

(Checklist Question #6)

The proposed project would not preclude the installation of planned public transportation, pedestrian, and bicycle facilities nor interfere with the operation of existing or proposed public transportation, pedestrian, and bicycle facilities in the project area. Therefore, the proposed project would not create a significant impact. **(Less Than Significant Impact)**

4.16.3 Conclusion

Implementation of the proposed project will have a less than significant impact of local traffic operations, transportation facilities, airport operations, and emergency vehicle access. **(Less Than Significant Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

4.17.1.1 Water Services

Water service to the site would be supplied by the San José Water Company. The project site is vacant and does not currently have any water demand.

4.17.1.2 Wastewater

Sanitary sewer lines in the area are owned and maintained by the City of San José. The General Plan FEIR states that 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). Because the project site does not currently have any water demand, the site does not generate any wastewater.

Based on the General Plan FEIR, the City's average dry weather flow 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 Stormwater 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 Guadalupe River and carry stormwater from the storm drains into San Francisco Bay. The project site is approximately 0.25 miles from Guadalupe River. There is no overland release of stormwater directly into any water body from the project site.

Currently, 100 percent of the project site is pervious. There are existing storm drain lines along the western 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 in the County has a landfill diversion requirement of 50 percent per year. In 2008, the City of San José diverted approximately 60 percent of the waste generated in the City. 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 does not currently generate any solid waste.

4.17.1.5 Applicable Utilities and Service Systems Regulations and Policies in the General Plan

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 non-residential 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3
7. Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-3

4.17.2.1 Water Supply

(Checklist Questions #2 and 4)

Currently, the project site does not use any water. Based on the Water Supply Assessment (WSA) prepared for the Envision San Jose 2040 General Plan, development the current land use designation would use approximately 27,454 gallons per day (gpd) of water for interior uses and landscaping. Under the proposed land use change, the water usage would decrease slightly to 27,084 gpd.⁴⁰ Based on the same usage numbers, the proposed transitional housing project would use approximately 9,942 gallons of water per day.

The General Plan FEIR determined that the three water suppliers for the City could serve planned growth under the General Plan until 2025. Water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The General Plan has specific policies to reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. The General Plan FEIR concluded that with implementation of existing regulations and adopted General Plan policies, full build out under the General Plan would not exceed the available water supply under standard conditions and drought conditions.

The proposed land use has a lower water demand than the planned growth in the General Plan and will comply with the policies and regulations identified in the General Plan FEIR. Therefore, implementation of the proposed project would have a less than significant impact on the City's water supply. **(Less Than Significant Impact)**

⁴⁰ The total daily water usage was conservatively based on the multi-family water demand of 183 gpd per unit and jobs water demand of 371 gpd per employee (listed as Edenvale office and industrial jobs) in the Envision San Jose 2040 WSA (page 5).

4.17.2.2 Sanitary Sewer Capacity

(Checklist Questions #1, 2, 5)

The project site currently does not generate any wastewater. Consistent with the assumptions in the General Plan, wastewater is estimated to be 85 percent of total on-site water usage (the remaining 15 percent of the water is utilized for landscaping). Based on this rate, the current land use designation would generate approximately 23,336 gallons per day (gpd) of wastewater. With the proposed land use change, wastewater generation would decrease slightly to 23,021 gpd. The proposed transitional housing project would generate approximately 8,457 gpd of wastewater.

As stated above, the City currently has approximately 38.8 mgd of excess treatment capacity at the Facility. Based on a sanitary sewer hydraulic analysis prepared for the General Plan FEIR, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. As a result, development allowed under the General Plan would not exceed the City's allocated capacity at the Facility. The proposed land use would generate less wastewater than the planned growth in the General Plan. Therefore, implementation of the proposed project would have a less than significant impact on the Facility. **(Less Than Significant Impact)**

4.17.2.3 Storm Drainage System

(Checklist Question #3)

Under existing conditions, the project site is 100 percent (257,004 square feet) pervious. While the development would include landscaping and open space areas, because there is no proposed site design at this time, this analysis conservatively assumes that 95 percent (244,154 square feet) of the site would be impervious.

Currently, the existing storm drainage system has sufficient capacity to support the project site. Implementation of the proposed project would increase the amount of impervious surfaces on-site and, therefore, has the potential to exceed the capacity of the storm drainage system.

The project, however, must comply with applicable General Plan policies, which require implementation of stormwater best management practices and compliance with the NPDES Municipal Regional Permit and all applicable plans, policies, and regulations (including RWQCB permits) for the treatment of stormwater. Therefore, implementation of the proposed project will have a less than significant impact on the capacity of the City's storm drainage system. **(Less Than Significant Impact)**

4.17.2.4 Solid Waste

(Checklist Questions #6 and 7)

The current land use designation would generate approximately 2,699 pounds per day of solid waste.⁴¹ With the proposed land use change, solid waste generation would decrease to 786 gpd.⁴² The proposed project would generate approximately 579 pounds per day of solid waste.⁴³

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 with ongoing implementation of the City's Zero Waste Strategic Plan. This 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 increased service population.

The proposed land use would generate less solid waste than the planned growth in the General Plan. Therefore, implementation of the proposed project would have a less than significant impact on the solid waste disposal capacity. **(Less Than Significant Impact)**

4.17.3 Conclusion

Implementation of the proposed project would not require new utilities lines or facilities and would not exceed the capacity of existing utility and service systems. **(Less Than Significant Impact)**

⁴¹ Cal Recycle Web Site. <http://www.calrecycle.ca.gov/wastechar/WasteGenRates/Commercial.htm>. Accessed December 7, 2015. Based on a generation rate of 6.0 pounds per 1,000 square feet of building area and a total FAR of 1.75.

⁴² Cal Recycle Web Site. <http://www.calrecycle.ca.gov/wastechar/WasteGenRates/Residential.htm> Accessed December 7, 2015. Based on the generation rate of 5.31 pounds per unit per day for multi-family units.

⁴³ Cal Recycle Web Site. <http://www.calrecycle.ca.gov/wastechar/WasteGenRates/Residential.htm> Accessed December 7, 2015. Based on the generation rate of 5.31 pounds per unit per day for multi-family units and 0.084 pounds per day per square foot for professional office (assumes 2,500 square feet).

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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-12
2. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-12
3. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-12
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-12

4.18.1 Findings

The proposed General Plan amendment and transitional housing project would result in temporary air quality (including GHG emissions), water quality, biological (potential disturbance of bird nests), soil, 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 will be mitigated, the proposed project would not have a cumulatively considerable impact on air quality, water quality, biological resources, soil, or noise in the project area.

Implementation of the proposed project could result in the loss of up to 18 trees on-site. Any trees removed would be replaced on-site consistent with City policy. The project will 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 impact on biological resources.

While there are no known subsurface resources on or adjacent to the project site, the site is located within a known prehistoric occupation area. The site was not historically developed. Therefore, the project site has some potential for buried 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.

The proposed project would not generate regional criteria pollutants and GHG emissions above BAAQMD's threshold and, therefore, would not have a cumulatively considerable impact on air quality or global climate change.

The site may have localized residual soil contamination related to past agricultural operations. Development of the project site would have a less than significant impact related to the exposure of off-site sensitive receptors to contaminated soils and would not result in a cumulatively considerable impact.

The proposed transitional housing project and all future development under the proposed General Plan amendment would be required to comply with all applicable City land use regulations.

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 operations, population and housing, public services, recreation, transportation, and utility and service facilities. The incremental increase in dwelling units will 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 will not have a cumulatively considerable impact on these resource areas.

There are no recently approved or reasonably foreseeable projects that, when combined with the proposed project, would result in a cumulatively considerable impact.

4.18.2 Conclusion

Implementation of the proposed project would not result in any significant unavoidable impacts, impacts that are cumulatively considerable, or directly or indirectly cause substantial adverse effects on human beings. **(Less Than Significant Impact)**

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Persons Consulted

No persons were consulted other than referenced consultants and City staff.

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