DRAFT INITIAL STUDY

EDENVALE AVENUE

PROJECT FILE NO.: PDC14-060

August 2015
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Appendix C - Initial Biological Assessment, Live Oak Associates, January 31, 2014
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Appendix E - Phase I Environmental Site Assessment – Edenvale Avenue – Assessor's Parcel Number 685-03-002 – San Jose, California, Engeo Incorporated, July 21, 2005
Appendix F - Memorandum – Response to ADIS, City of San Jose Public Works, December 4, 2014
SECTION 1.0 PROJECT INFORMATION

1.1 PROJECT TITLE

Edenvale Avenue

1.2 LEAD AGENCY ADDRESS AND LEAD AGENCY CONTACT

City of San José, Department of Planning, Building & Code Enforcement (PBCE)
200 East Santa Clara Street, 3rd Floor.

Contacts:

Project Management
Avril Baty, Supervising Planner
Phone: (408) 535-7652; Email: avril.baty@sanjoseca.gov

Jennifer Piozet Planner II
Phone: (408) 535-7894; Email: Jennifer.piozet@sanjoseca.gov

Environmental Review
Whitney Berry, Planner II Phone: (408) 535-7895; email: whitney.berry@sanjoseca.gov

1.3 PROJECT LOCATION

The project site is located on the east side of Edenvale Avenue, approximately 1,000 feet north of Chynoweth Avenue (Assessor’s Parcel No. 685-03-002).

1.4 PROJECT APPLICANT’S NAME AND ADDRESS

Ponderosa Homes II, Inc.
6130 Stoneridge Mall Rd., Ste. 185
Pleasanton, CA 94588
Contact: Jeffrey Schroeder
(925) 460-8910

1.5 GENERAL PLAN LAND USE DESIGNATION AND ZONING DISTRICT

General Plan Land Use Designation: Residential Neighborhood
Zoning Designation: LI Light Industrial District

1.6 SURROUNDING LAND USES

North: Mobile home park       South: Mobile home park
East: Mobile home park       West: Hotel, spa & conference center (Dolce Hayes Mansion), Edenvale Garden Park
1.7 PROJECT DESCRIPTION

The project consists of a Planned Development Rezoning and subsequent Planned Development Permit, Tentative Map, Grading and Building Permits to allow the construction of up to 26 single-family detached residential units on approximately 2.68 gross acres. This Initial Study also evaluates the impacts of the proposed removal of 54 ordinance size trees, including 10 oak trees.

Site Layout/Circulation

The project includes a private loop street with on-street guest parking and sidewalks on one side. The loop street provides vehicle access from Edenvale Avenue via driveways at either end of the project. The loop street has a 30-foot right-of-way dimension through the majority of the site, with 20-foot wide sections that extend eastward that provide access to the two-story homes and terminate near the eastern property line. These 20-foot drives provide access to two groups of three guest parking spaces (six total).

Unit Types

There are two types of units proposed for the project, with three different architectural styles for each type of unit. The units facing Edenvale Avenue are three bedroom, two-car attached garage units, three stories high with maximum height of 38 feet. These units have five-foot driveway aprons that are accessed from the private street. There a total of ten of this type of units.

The homes on the interior of the site are three bedrooms plus loft with two-car attached garage units, two stories high with maximum height of 32 feet. These units have 20-foot driveway aprons. There a total of sixteen of this type of units.

Open Space & Landscaping

The common open space areas located in pockets near the eastern property lines at the northern end of the site. Additional common open space areas are located in areas that support the preservation of mature oak trees and are adjacent to guest parking stalls at the rear of the site (See Figure 7. Conceptual Site Plan).

Existing Trees

Two surveys were completed to determine the number of trees on the site and the adjacent eastern boundary. For the purposes of this Initial Study, 87 on-site trees and 19 off-site trees (a total of 106 trees) were evaluated. There is a variety of species on the site including 28 coast live oak trees and two valley oak trees. Other species include eucalyptus (nine), silky oak (three), olive (one), blue elderberry (six), California pepper (seven), and Mexican fan Palm (50).

The project proposes to remove approximately 79 trees on the site, including, 48 ordinance size trees (trees which have trunk circumferences of 56 inches or greater at two feet above grade).
Six coast live oaks (ordinance size) and one valley oak tree measuring approximately 71 inches in circumference are proposed for preservation. The proposed Tree Mitigation Plan is further discussed in Section 3.4 (Biological Resources).

**Infrastructure**

A single stormwater treatment facility is provided at the southernmost driveway on Edenvale Avenue. It consists of a 1,300 square foot landscaped biotreatment area. An underground stormwater detention vault is located beneath the bioretention area, and conveys stored runoff to the bioretention area via a hydraulic pump system and pop-up emitters. Maintenance of the stormwater treatment facilities will be the responsibility of a future homeowners association (HOA).

Street lighting will conform to City standards and design guidelines. All utilities will be undergrounded in conformance with City ordinances, and maintenance of the private street will be the responsibility of a future homeowners association.

As part of this development, the City required a street dedication of 11 feet to widen the existing roadway to 40 feet and construct curb, gutter, and a 10-foot attached sidewalk with tree wells at the back of curb along Edenvale Avenue.

**Grading**

The project site is relatively flat, and will require minimal grading so that streets will have positive drainage and level with house pads. Grading within the drip lines of existing trees designated for preservation will be prohibited in accordance with recommendations contained in the arborist report prepared for the project (Appendix A). Preliminary grading plans will be provided with the Planned Development Rezoning and Planned Development Permit applications, and final grades will be determined with construction documents prepared for the project. No off-hauling of dirt is anticipated with the grading for the project.

**Phasing**

The project is expected to be constructed in two phases, over a period of approximately 22 months. Grading for the first phase is anticipated to begin in December 2015, with completion of the final units anticipated in October, 2017.

### 1.8 PROJECT-RELATED APPROVALS AND PERMITS

The project requires the following approvals:

- Planned Development Rezoning
- Planned Development Permit (Tree Removals will be considered with the Development Permit)
- Tentative Map
- Grading Permit
- Building Permits
- Street Improvement Permit
1.9 HABITAT PLAN DESIGNATION

Land Cover Designation: Golf Courses / Urban Parks and Urban -Suburban
Development Zone: Urban Development $\geq$ 2 Acres Covered
Fee Zone: Fee Zone B (Agricultural and Valley Floor Land) and Urban Areas
Owl Conservation Zone: N/A
SECTION 2.0 ENVIRONMENTAL EVALUATION

2.1 Environmental Factors Potentially Affected

The environmental factors identified below are discussed within Chapter 3, Evaluation of Environmental Impacts. Sources used for analysis of environmental effects are cited in a checklist and referenced in the discussion. Technical reports that support the findings in the discussion are available in the Technical Appendices.

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

2.2 Environmental Determination

On the basis of this initial evaluation (completed by the Lead Agency):

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revision in the project could have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and/or 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature ______________________ Date ______________________

Title ______________________ Agency ______________________
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 required by the Lead Agency or other regulatory agency that will reduce or avoid impacts are categorized as “Standard Permit Conditions.”

### 3.1 AESTHETICS

**Aesthetics Environmental Checklist**

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Have a substantial adverse effect on a scenic vista?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
<td>[ ]</td>
<td>1</td>
</tr>
<tr>
<td>b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
<td>[ ]</td>
<td>1, 2</td>
</tr>
<tr>
<td>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
<td>[ ]</td>
<td>1</td>
</tr>
<tr>
<td>d. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
<td>[ ]</td>
<td>1</td>
</tr>
</tbody>
</table>

**Setting**

The project proposes a residential subdivision on the 2.68 gross-acre site. The site is currently vacant and contains numerous mature trees, including 29 Oak trees. It is surrounded by a mobile home park on three sides (Rancho Santa Teresa Mobile Estates) and the Dolce Hayes Mansion conference center and hotel across Edenvale Avenue to the west. The project proposes the removal of the majority of the trees on the site. There are no scenic vistas on the site.

The State Scenic Highways Program is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The project site is not located near any scenic highways. In addition, the project is not located along any Gateways, Scenic Corridors, or Scenic Resources as referenced in the Envision San José 2040 General Plan. The City’s General Plan also contains policies to assure high standards of architecture and site design for the enhancement and development of community character and the appropriate transition between neighborhoods.
Impacts Evaluation

a) Would the project have a substantial adverse effect on a scenic vista?

Less Than Significant Impact. The subject site is surrounded on all sides by suburban development, and does not contain scenic vistas. Development of the site with single-family homes would not be expected to obstruct the views from the valley floor of any offsite areas that may be considered scenic, such as the Santa Cruz Mountains or East Foothills.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less Than Significant Impact. There are no rock outcroppings, historic buildings or scenic highways on the project site. The project site is located across Edenvale Avenue from a designated City Landmark, the Dolce Hayes Mansion. The proposed residential subdivision (project) would not create any visual impact on the Mansion, as the Mansion itself is surrounded by convention center buildings that would screen the project site from view from the Mansion grounds.

The project would remove most of the existing mature trees, which could potentially be considered a scenic resource. However, the project will be required to conform to the City’s tree preservation ordinance and will provide replacement trees in conformance with City policy (See Section 3.4, Biological Resources). The substantial number of replacement trees required to be provided with the project under the provisions of the ordinance would reduce potential impacts to a less than significant level.

c. Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact. The proposed project would not substantially degrade the existing visual character or quality of the site as it is currently vacant. The potential visual impacts of the removal of existing mature trees will be mitigated to less than significant levels by the project’s conformance with the City’s tree preservation ordinance and is discussed further in the Biological Resources chapter. The proposed development of single-family homes on the site would alter, but not substantially degrade the visual character or quality of the site. The height of the proposed residential structures is taller than the existing adjacent mobile homes, but would be comparable to the multi-story Dolce Hayes Mansion (hotel and conference center) west of the site across Edenvale Avenue. The project will conform with the City’s Residential Design Guidelines which contain building and parking setbacks and landscape design guidance intended to address potential visual impacts to surrounding uses. The project has been designed to meet the intent of these Guidelines, particularly the sections dealing with the relationship to surroundings, by providing setbacks, functional relationships, orientation of the units and architectural characteristics that are compatible with the existing neighborhood.

d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Less Than Significant Impact. The City of San Jose’s Outdoor Lighting Policy (City Council Policy 4-3) promotes energy efficient outdoor lighting on private development to promote adequate light for nighttime activities while benefitting the continued enjoyment of the night sky and
continuing operation of the Lick Observatory by reducing light pollution and sky glow. The project’s buildings and street lighting would introduce additional sources of light and glare within the project area; however, conformance with the Residential Design Guidelines and with the standards of City Council Policy 4-3 would reduce potential impacts to less than significant levels. The project will conform to site design and development standards referenced in the “Relationship To Surroundings” and “Guidelines for Specific Housing Types” sections of the Guidelines. Conformance with the building orientation, building design, and perimeter setback provisions of the Guidelines will reduce potential impacts to surrounding properties. The project will use low-pressure sodium lighting for outdoor, unroofed areas and will not be directed skyward consistent with the provisions of City Council Policy 4-3.

The City of San Jose generally identifies significant shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on public open spaces. A shadow impact is considered significant if a structure would result in a 10% or greater increase in the shadow cast onto any of the six major open space areas in Downtown (i.e., St. James Park, Plaza of Palms, Plaza de Cesar Chavez, Paseo de San Antonio, Guadalupe River Park, and McEnery Park), or if the structure would substantially shadow other public open spaces (excluding streets and sidewalks or private open space) between September and March. The site is not located near any of the six major open space areas and would not create shade/shadow near another public open space.

3.2 AGRICULTURAL AND FORESTRY RESOURCES

Agricultural and Forestry Resources Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>4</td>
</tr>
<tr>
<td>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>1, 5</td>
</tr>
<tr>
<td>c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>4</td>
</tr>
<tr>
<td>d. Result in a loss of forest land or conversion of forest land to non-forest use?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>4</td>
</tr>
</tbody>
</table>
Section 3.0 –Environmental Checklist and Impacts Evaluation

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>4</td>
</tr>
</tbody>
</table>

**Setting**

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

CEQA requires the evaluation of forest and timber resources where they are present. The site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g). The project site is located in a developed commercial and residential area in southwest/central San José. The site contains no agricultural or forest land.

The California Land Conservation Act of 1965—commonly referred to as the Williamson Act—enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments based upon farming and open space uses as opposed to full market value.

**Impacts Evaluation**

a. - b. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use? Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

**No Impact.** The project site is not located in an area identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the Santa Clara County Important Farmland Map. It is designated as Urban and Built Up Land. The site is not being used for nor is it zoned for agricultural use. There is no Williamson Act contract on the property.

c. - d. Would the project 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))? Would the project result in a loss of forest land or conversion of forest land to non-forest use?
No Impact. The subject site does not contain any forest lands or timberlands suitable for timber production, nor are any areas zoned Timberland Production as defined in Government Code section 51104(g). The project is outside of any timberland areas, and will therefore not result in a significant impact from the loss of forest lands or timberlands or conversion of forest land to non-forest use.

e. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The project would allow the construction of a residential subdivision on the site and does not involve other changes in the existing environment which due to the location or nature could result in the conversion of Farmland to non-agricultural use or the conversion of forest land to non-forest use.

### AIR QUALITY

**Air Quality Environmental Checklist**

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 7, 8</td>
</tr>
<tr>
<td>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 7, 8</td>
</tr>
<tr>
<td>c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 7, 8, 20</td>
</tr>
<tr>
<td>d. Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 20</td>
</tr>
<tr>
<td>e. Create objectionable odors affecting a substantial number of people?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1</td>
</tr>
</tbody>
</table>

**Setting**

The City of San José is within the San Francisco Bay Area Air Quality Management District (BAAQMD). The BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Air quality standards are set by the federal government (the 1970 Clean Air Act and its subsequent amendments).
and the state (California Clean Air Act of 1988 and its subsequent amendments). The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities.

Regional air quality management districts such as the BAAQMD must prepare air quality plans specifying how state standards would be met. The BAAQMD’s most recently adopted Clean Air Plan (CAP) is the Bay Area 2010 Clean Air Plan.

The 2010 CAP is a multi-pollutant air quality plan that addresses four categories of air pollutants:

- Ground-level ozone and the key ozone precursor pollutants (reactive organic gases and NOx)
- Particulate matter, primarily PM$_{2.5}$, as well as the precursors to secondary PM$_{2.5}$
- Toxic air contaminants (TACs)
- Greenhouse gases (GHG)

In connection with the implementation of the CAP, various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. All future development allowed by the proposed development would be subject to the air quality and land use policies listed in Chapter 3 (Environmental Leadership), and Chapter 6 (Land Use and Transportation) of the General Plan, including the following:

- **Air Quality 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;
- **Land Use Policy LU-1.1**: Encourage walking. Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.
- **Toxic Air Contaminants Policy MS-11.1**: Require 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.
- **Toxic Air Contaminants 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.

**Impacts Evaluation**

a. **Would the project conflict with or obstruct implementation of the applicable air quality plan?**

**No Impact.** The proposed project conforms to the Envision 2040 General Plan, which is consistent with the Bay Area 2010 Clean Air Plan. The project would not conflict with or obstruct implementation of the Bay Area 2010 Clean Air Plan because the project will incorporate and promote the following features from the CAP:

- **TCM D-1 - Bicycle Access and Facilities Improvements**: Expand bicycle facilities serving employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers. Typical improvements include bike lanes, routes, paths, and bicycle parking facilities.
• **TCM D-2 - Pedestrian Access and Facilities Improvements** - improve pedestrian facilities and encourage walking by funding projects that improve pedestrian access to transit, employment and major activity centers.

• **ECM 4 - Shade Tree Planting** – encourage voluntary approaches to reduce the “urban heat island” phenomenon by increasing shading in urban and suburban communities through planting of trees.

b. **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

**Less Than Significant Impact.** The City of San José uses the threshold of significance established by the BAAQMD to assess air quality impacts. The BAAQMD’s CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the Bay Area. The CEQA Guideline screening levels are based on project size and thresholds of significance for criteria air pollutant emissions. The applicable land use category for this project’s screening criteria is Single-family. For determining operational impacts from criteria pollutants for a single-family residential project, the screening size is 325 dwelling units. For determining construction impacts, the screening size is 114 dwelling units. The project proposes 26 dwelling units which is well below the CEQA Guidelines screening criteria for such uses. The project, therefore, would have a less-than-significant air quality impact for criteria air pollutants.

Temporary Air Quality impacts may result from excavation of soil and other construction activities on the subject site. BAAQMD recommends the implementation of Basic Construction Mitigation Measures, whether or not construction related emissions exceed applicable thresholds of significance for construction emissions. The proposed project includes basic construction mitigation measures, listed as best management practices (BMPs) for the purposes of this Initial Study, recommended by BAAQMD to reduce project construction dust impacts. These measures are considered Standard Permit Conditions by the City and are listed below. Implementation of the Standard Permit Conditions listed below will reduce the temporary construction impacts to a less than significant level.

**Standard Permit Conditions:** The project would be developed in conformance with General Plan policies and the following BAAQMD control measures and City Best Management Practices during all phases of construction on the project site to reduce emissions:

- All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials 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.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.
Section 3.0 – Environmental Checklist and Impacts Evaluation

- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. 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 City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations.

c. Would the project 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?

Less Than Significant Impact. The possible effects of a project are individually limited but cumulatively considerable when viewed in connection with the effects of past projects, the effects of current projects, and the effects of probable future projects. The proposed 26-unit residential project represents a slight incremental increase in the emission of cumulative criteria air pollutants. The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard because the project is below BAAQMD screening levels.

d. Would the project expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. An analysis of toxic air contaminant (TAC) impacts to the project was prepared by Illingworth & Rodkin, Inc. (Appendix D) The analysis focused on TAC effects from nearby sources using the significance levels identified by the BAAQMD’s 2011 version of the CEQA Air Quality Guidelines. The sources analyzed included vehicle traffic on State Route 82 (Monterey Highway), train operations on the Union Pacific Railroad line that runs parallel to Monterey Highway, and a diesel generator located in the vicinity of the site at 200 Edenvale Avenue. In addition, the analysis calculated a combined community risk level. The analysis found that community risk thresholds for TAC sources affecting the project site were below the significance thresholds for both single and combined sources. No mitigation measures were therefore necessary.

Construction activities would result in localized emissions of dust and diesel exhaust that could result in temporary impacts to adjacent land uses. Sensitive receptors (existing residences) are located directly adjacent to the project site to the south. Implementation of abatement measures for construction period emissions identified in b) would ensure that this impact is less-than-significant.
e. *Create objectionable odors affecting a substantial number of people?*

**No Impact.** The proposed residential project will generate vehicular and pedestrian traffic but will not create objectionable odors. There are no odor sources within the vicinity. Therefore the project will not have odors that affect a substantial number of people.

### 3.4 BIOLOGICAL RESOURCES

**Biological Resources Environmental Checklist**

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Have a substantial adverse effect, either directly or through habitat</td>
<td>[ ]</td>
<td>[X]</td>
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</tr>
<tr>
<td>modifications, on any species identified as a candidate, sensitive, or special</td>
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<tr>
<td>status species in local or regional plans, policies, or regulations, or by the</td>
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<tr>
<td>California Department of Fish and Wildlife or US Fish and Wildlife Service?</td>
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</tr>
<tr>
<td>b. Have a substantial adverse effect on any riparian habitat or other sensitive</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
<td>[ ]</td>
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</tr>
<tr>
<td>natural community identified in local or regional plans, policies, regulations,</td>
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<tr>
<td>or by the California Department of Fish and Wildlife or US Fish and Wildlife</td>
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<tr>
<td>Service?</td>
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<tr>
<td>c. Have a substantial adverse effect on federally protected wetlands as defined</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
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<tr>
<td>by Section 404 of the Clean Water Act (including, but not limited to, marsh,</td>
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<tr>
<td>vernal pool, coastal, etc.) through direct removal, filling, hydrological</td>
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<tr>
<td>interruption, or other means?</td>
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</table>
### Section 3.0 – Environmental Checklist and Impacts Evaluation

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
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</tr>
<tr>
<td>e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>1, 9</td>
</tr>
<tr>
<td>f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>☒</td>
<td>1, 10</td>
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</tbody>
</table>

### Setting

**Existing Trees**

There are 86 mature trees located within the property boundary. A list of all trees, including size, condition, species, and status is presented in Technical Appendix A. To be clear, this list also includes 20 trees that are located just outside of the property line along the private drive on the east side of the site. The majority of these are mature palm trees which were determined by the arborist to be potentially impacted by the project. The current project plans do not propose to remove them. The City of San José’s Tree Removal Controls (San José Municipal Code, Sections 13.31.010 to 13.32.100) serve to protect all trees having a trunk measuring 56 inches or more in circumference (i.e., 18 inches in diameter) at the height of 24 inches (two feet) above natural grade. A multi-trunk tree is considered a single tree and measurement of that tree includes the sum of the circumference of the tree at two feet above natural grade (Municipal Code Section 13.32). This ordinance applies to native and non-native species. Up to 79 trees are proposed to be removed as a result of the project. This includes 48 ordinance size trees and 31 non-ordinance size trees. A Tree Mitigation Plan has been prepared that shows the existing trees to be removed and retained, as well as establishes the total number of trees that will be replaced, based on the City’s required tree replacement ratios (Appendix B).

Any tree found by the City Council to have special significance can be designated as a heritage tree, regardless of tree species or size, and it is unlawful to vandalize, mutilate, remove, or destroy a
heritage tree. There are no City-designated heritage trees on the project site, as per the City’s heritage
tree list (City of San José, 2004).

Wildlife Habitat

No rare, threatened, endangered or special status species of flora or fauna are known to inhabit the
site, nor are any expected to occur since the area is generally developed. The project site may,
however, provide habitat for wildlife species associated with urban areas.

An initial habitat assessment was prepared for the site by Live Oak Associates (LOA) on January 31,
2014 (Appendix C). The assessment described the site as an infill site that generally consists of an
open understory with large mature trees, mostly coast live oaks, but also eucalyptus, Peruvian
peppertree, fan palm, and other planted tree varieties. Understory species observed on the site
included miner’s lettuce, filaree, dissected geranium, mallow and prickly lettuce. The property is
bordered by century plant, olive trees and other trees and shrubs, with a vine growing on the fence.
Animal species observed included acorn woodpecker, Anna’s hummingbird, dark-eyed junco and
eastern fox squirrel. The assessment stated that the property is likely to provide habitat for many
species of birds and mammals known to inhabit infill sites, such as raccoons and domestic cats.

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

The 2.24-gross acre project site is located within the boundaries of the Santa Clara Valley Habitat
Plan/Natural Communities Conservation Plan (SCVHP). The SCVHP was developed through a
partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara
Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service,
and California Department of Fish and Wildlife. The SCVHP 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. Under the SCVHP, the
majority of the project site (2.5 acres) has a Land Cover designation of Golf Course/Urban Parks
with a smaller portion designated as Urban – Suburban (0.3 acres). It is Private Development Area
mapped as Urban Development Equal to or Greater than two acres covered.

Impacts Evaluation

a. Would the project 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?

Less Than Significant with Mitigation Incorporated. The Initial Biological Assessment prepared
by LOA identified three potential biological issues: trees; nesting birds and raptors; and tree-roosting
bats. Regarding trees, the assessment noted that the trees on the site are generally large and old, and
require a removal permit from the City if proposed for removal with the project. This is further
discussed below in checklist question answer “e”. According to City ordinance provisions,
replacement plantings would be required with the permit (See tree survey discussion, below).

Nesting birds and raptors are protected by the Migratory Bird Treaty Act of 1918 and California
Department of Fish and Game (CDFG) Code Sections 3503 and 3503.5. The assessment concluded
that because the trees on the site, due to their size and age, support potential habitat for nesting birds
and raptors, a nesting bird and raptor survey would be required prior to tree removals if that occurs
between February and August (inclusive). Mitigation consistent with this finding is identified below to reduce this potential impact to a less-than-significant level.

**Mitigation Measure: BIO-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. 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 shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with California Department of Fish and Wildlife, shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction. The applicant shall submit a report to the City’s Environmental Senior Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the removal of any trees and prior to issuance of any grading or building permit.

The Initial Biological Assessment stated that the potential for tree cavities to exist in some of the trees onsite, particularly the large old coast live oaks and Peruvian peppertrees, is relatively high. Many of these trees support potentially suitable habitat for foliage-roosting bats. A bat assessment prepared by a bat biologist would be required prior to tree removal, and recommendations from the assessment would dictate further actions needed (further bat surveys, nighttime emergence surveys, timing restrictions, method of removal). The Initial Biological Assessment recommended the bat assessment be conducted early in order to identify specific actions and/or timing constraints for the proposed project. The following mitigation measure would reduce potential impacts to a less than significant level.

**Mitigation Measure: BIO-2.** Pre-construction surveys for roosting bats shall be conducted by a qualified bat biologist prior to any tree removal on the project site. The applicant shall submit a report to the City’s Environmental Senior Planner indicating the results of the survey, and identifying any further actions necessary, to the satisfaction of the Director of Planning prior to the removal of any trees and prior to issuance of any grading or building permit.

b. **Would the project 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?**

*No Impact.* The project site does not contain any aquatic, wetland or riparian habitat, or any other sensitive natural community. It is a vacant site located in a developed urban area and will not adversely affect federally protected lands.

c. **Would the project 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,
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vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. The project site does not contain any aquatic, wetland or riparian habitat, or any other sensitive natural community. It is a vacant site located in a developed urban area and will not adversely affect federally protected lands.

d. Would the project 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?

Less Than Significant Impact. The habitat on the project site does not represent a significant movement corridor for native wildlife, as it is not contiguous to any known riparian corridors and is surrounded on all sides by development. Its loss would therefore be a less than significant impact. With the possible exception of nesting raptors and roosting bats discussed in answer a) above, the project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. See mitigation measures in a), above, to avoid impacts.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant With Mitigation Incorporated. A tree survey was conducted at the site by a certified arborist. A copy of the Arborist Report and accompanying location map are included in the Technical Appendix A. The survey was conducted and the report was prepared in July of 2014. The survey determined that there are 86 trees on the site, including blue gum, silk oak, olive, coast live oak, valley oak, elderberry, Peruvian peppertree and Mexican fan palm. The trunk circumferences ranged from four to 253 inches, measured at 24 inches above grade. The survey rated the trees on suitability for preservation, based on each tree’s health and structural characteristics. The majority of the trees were rated as moderate.

Because the final location of a proposed wall enclosing the development on the east side of the project has not been determined, an additional 20 trees located outside the project boundary in this area that could potentially be impacted were also included in the survey. These trees consisted of 18 mature Mexican fan palms with circumferences ranging from 45 to 101 inches, and two coast live oaks with circumferences of 45 and 33 inches. All of these trees are currently proposed to remain with the project.

Development of the proposed project would result in the loss of up to 79 trees on the site, 48 of which would be considered protected under the City’s Tree Ordinance.1 Of the 30 oak trees identified in the survey, a total of 21 are proposed to be removed. Of these, 11 are ordinance size and 10 are non-ordinance size trees. Seven of the existing trees are proposed to be preserved with the project – six coast live oaks and one valley oak (see descriptions of trees #37, #38, #44, #46, #56, #58 and #105 in the Tree Evaluation Summary). The project could potentially preserve additional Mexican fan palm and coast live oak trees located at the southeast corner of the site, including up to seven ordinance-size trees, depending on the placement of the proposed masonry wall in this area. The exact number of these trees to be removed and preserved would be determined at the Planned

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1 The City of San José defines a protected tree as any tree that measures 56 inches or greater in circumference at 24 inches above the ground surface.
Development Permit stage of the project. For the purposes of this analysis it is determined that no more than 48 ordinance size trees, which includes 11 oak trees, and 31 non-ordinance size trees, could be removed as a result of the project.

Trees removed as a result of the project will be required to be replaced in accordance with all applicable laws, policies or guidelines, including the City of San José Municipal Code Section 13.28, and the following General Plan Policies:

- **Community Forest 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.

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

The removal of 48 ordinance size trees and 31 non-ordinance size trees constitutes a significant impact. The project includes a Tree Replacement Mitigation Plan to reduce the impact of the removal of mature native trees to a less than significant level.

**Mitigation Measure BIO-3**: All trees that are to be shall be replaced in accordance to the following and at the following ratios:

Mitigation trees shall be above and beyond standard landscaping. Riparian planting, and required Street Trees do not count towards meeting these mitigation measures. The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Supervising Planner of the Environmental Review team in the Department of Planning, Building, and Code Enforcement.

<table>
<thead>
<tr>
<th>Circumference of Tree to be Removed</th>
<th>Type of Tree to be Removed</th>
<th>Minimum Size of Each Replacement Tree</th>
</tr>
</thead>
<tbody>
<tr>
<td>56 inches or more</td>
<td>5:1</td>
<td>24-inch box</td>
</tr>
<tr>
<td>38 - 56 inches</td>
<td>3:1</td>
<td>none</td>
</tr>
<tr>
<td>Less than 38 inches</td>
<td>1:1</td>
<td>none</td>
</tr>
</tbody>
</table>

x:x = tree replacement to tree loss ratio
Note: Trees greater than or equal to 56-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.
Alternative Mitigation Measures

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the City’s Environmental Principal Planner, at the development permit stage:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks and schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.

A Conceptual Tree Mitigation Plan has been prepared for the project. The Plan shows the existing trees to be removed and retained, and describes the total number of trees that will be replaced, based on the City’s required tree replacement ratios. A copy of the Conceptual Tree Mitigation Plan is included in Technical Appendix B. The final Tree Mitigation Plan will be included and approved with the Planned Development Permit.

Implementation of Mitigation Measure BIO-3 and compliance with local laws, policies or guidelines, the projects Tree Mitigation Plan, and the Standard Permit Conditions listed below will reduce impacts to the urban forest to a less than significant level.

**Standard Permit Conditions:** For all trees to be retained with the project, the Recommendations for Tree Protection During Construction contained in the Certified Arborist Report prepared by HMH, dated September 25, 2014 shall be strictly adhered to.

**Tree Protection Measures During Construction**

**Site preparation:** All existing trees shall be fenced off within, at or outside the drip line (foliar spread) of the tree using the following formula: five inches in distance from the trunk for every inch in trunk diameter, measured 4.5 feet above the average ground level. Example: a 24 inch diameter tree would have a fence erected 10 feet from the base of the tree (24 x 5 = 120 / 12 = 10). The fence should be a minimum of four feet high, made of pig wire with steel stakes or any material superior in quality, such as cyclone fencing. If the fence is within the drip line of the trees, the foliar fringe shall be raised to offset the chance of limb breakage from construction equipment encroaching within the drip line. All contractors, subcontractors and other personnel shall be warned that encroachment within the fenced area is forbidden without the consent of the certified arborist on the job. This includes, but is not limited to, storage of lumber and other materials, disposal of paints, solvents or other noxious materials, parked cars, grading equipment or other heavy equipment. Penalties, based on the cost of remedial repairs and the evaluation guide published by the international society of arboriculture, shall be assessed for damages to the trees.
Grading/excavating: All grading plans that specify grading within the drip line of any tree, or within the distance from the trunk as outlined in the site preparation section above when said distance is outside the drip line, shall first be reviewed by a certified arborist. Provisions for aeration, drainage, pruning, tunneling beneath roots, root pruning or other necessary actions to protect the trees shall be outlined by an arborist. If trenching is necessary within the area as described above, said trenching shall be undertaken by hand labor and dug directly beneath the trunk of the tree. All roots 2 inches or larger shall be tunnel under and other roots shall be cut smoothly to the trunk side of the trench. The trunk side should be draped immediately with two layers of untreated burlap to a depth of 3 feet from the surface. The burlap shall be soaked nightly and left in place until the trench is back filled to the original level. An arborist shall examine the trench prior to back filling to ascertain the number and size of roots cut, so as to suggest the necessary remedial repairs.

Remedial repairs: An arborist shall have the responsibility of observing all ongoing activities that may affect the trees, and prescribing necessary remedial work to ensure the health and stability of the trees. This includes, but is not limited to, all arborist activities brought out in the previous sections. In addition, pruning, as outlined in the "pruning standards" of the western chapter of the International Society of Arboriculture, shall be prescribed as necessary. Fertilizing, aeration, irrigation, pest control and other activities shall be prescribed according to the tree needs, local site requirements, and state agricultural pest control laws. All specifications shall be in writing. For pest control operations, consult the local county agricultural commissioner's office for individuals licensed as pest control advisors or pest control operators.

Final inspection: Upon completion of the project, the arborist shall review all work undertaken that may impact the existing trees. Special attention shall be given to cuts and fills, compacting, drainage, pruning and future remedial work. An arborist should submit a final report in writing outlining the ongoing remedial care following the final inspection.

Post Construction Maintenance Measures for Trees to Remain

Regular maintenance, designed to promote plant health and vigor, ensures longevity of existing trees shall occur after construction. Regular inspections and the necessary follow-up care of mulching, fertilizing, and pruning, can detect problems and correct them before they become damaging or fatal. The following post construction measures shall be adhered to as Project Conditions.

Tree Inspection: Regular inspections of mature trees at least once a year can prevent or reduce the severity of future disease, insect, and environmental problems. During tree inspection, four characteristics of tree vigor should be examined: new leaves or buds, leaf size, twig growth, and absence of crown dieback (gradual death of the upper part of the tree). A reduction in the extension of shoots (new growing parts), such as buds or new leaves, is a fairly reliable cue that the tree’s health has recently changed. Growth of the shoots over the past three years may be compared to determine whether there is a reduction in the tree’s typical growth pattern. Further signs of poor tree health are trunk decay, crown dieback, or both. These symptoms often indicate problems that began several years before. Loose bark or deformed growths, such as trunk conks (mushrooms), are common signs of stem decay. Any
abnormalities found during these inspections, including insect activity and spotted, deformed, discolored, or dead leaves and twigs, should be noted and observed closely.

**Mulching:** Mulch, or decomposed organic material, placed over the root zone of a tree reduces environmental stress by providing a root environment that is cooler and contains more moisture than the surrounding soil. Mulch can also prevent mechanical damage by keeping machines such as lawn mowers and string trimmers away from the tree’s base. Furthermore, mulch reduces competition from surrounding weeds and turf. To be most effective, mulch should be placed 2 to 4 inches deep and cover the entire root system, which may be as far as 2 or 3 times the diameter of the branch spread of the tree. If the area and activities happening around the tree do not permit the entire area to be mulched, it is recommended that as much of the area under the drip line of the tree is mulched as possible. When placing mulch, care should be taken not to cover the actual trunk of the tree. This mulch-free area, 1 to 2 inches wide at the base, is sufficient to avoid moist bark conditions and prevent trunk decay. An organic mulch layer 2 to 4 inches deep of loosely packed shredded leaves, pine straw, peat moss, or composted wood chips is adequate. Plastic should not be used as it interferes with the exchange of gases between soil and air, which inhibits root growth. Thicker mulch layers, 5 to 6 inches deep or greater, may also inhibit gas exchange.

**Fertilization:** Trees require certain nutrients (essential elements) to function and grow. Urban landscape trees may be growing in soils that do not contain sufficient available nutrients for satisfactory growth and development. In certain situations, it may be necessary to fertilize to improve plant vigor. Fertilizing a tree can improve growth; however, if fertilizer is not applied wisely, it may not benefit the tree at all and may even adversely affect the tree. Mature trees making satisfactory growth may not require fertilization. When considering supplemental fertilizer, it is important to consider nutrients deficiencies and how and when to amend the deficiencies. Soil conditions, especially pH and organic matter content, vary greatly, making the proper selection and use of fertilizer a somewhat complex process. To that end, it is recommended that the soil be tested for nutrient content. A soil testing laboratory and can give advice on application rates, timing, and the best blend of fertilizer for each tree and other landscape plants on site. Mature trees have expansive root systems that extend from 2 to 3 times the size of the leaf canopy. A major portion of actively growing roots is located outside the tree’s drip line. Understanding the actual size and extent of a tree’s root system before applying fertilizer is paramount to determine quantity, type and rate at which to best apply fertilizer. Always follow manufacturer recommendations for use and application.

**Pruning:** Pruning is often desirable or necessary to remove dead, diseased, or insect-infested branches and to improve tree structure, enhance vigor, or maintain safety. Because each cut has the potential to change the growth of (or cause damage to) a tree, no branch should be removed without reason. Removing foliage from a tree has two distinct effects on growth: (1) it reduces photosynthesis and, (2) it may reduce overall growth. Pruning should always be performed sparingly. Caution must be taken not to over-prune as a tree may not be able to gather and process enough sunlight to survive. Pruning mature trees may require special equipment, training, and experience. Arborists are equipped to provide a variety of services
to assist in performing the job safely and reducing risk of personal injury and property damage (See also Addendum A - ANSI A300 Part 1 Pruning Standards).

**Future Tree Removal:** Although tree removal is a last resort, there are circumstances when it is necessary. An arborist can help decide whether or not a tree should be removed. Professionally trained arborists have the skills and equipment to safely and efficiently remove trees. Removal is recommended when a tree: (1) is dead, dying, or considered irreparably hazardous; (2) is causing an obstruction or is crowding and causing harm to other trees and the situation is impossible to correct through pruning; (3) is to be replaced by a more suitable specimen, and; (4) should be removed to allow for construction. Pruning or removing trees, especially large trees, can be dangerous work. It should be performed only by those trained and equipped to work safely in trees.

**f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

**No Impact.**

Under the Santa Clara Valley Habitat Plan (SCVHP), the project is considered a private development ‘covered activity’ occurring in an Urban Development/Private Development Area. The SCVHP has classified the land cover type as Golf Course (2.5 acres) and Urban/Suburban (0.3).

The SCVHP assumes a certain amount of urban development within the City of San Jose and SCVHP plan area which have both permanent, direct impacts and indirect impacts. Although the private development activity will permanently alter the land, the project’s land cover type as identified in the plan is not considered habitat where covered species and plants are known to occur or would likely occur in the future. The project area is also not within a defined wetland area, area with serpentine soils, or area considered to be high quality Burrowing Owl habitat. The project is not within a planned Priority Reserve Area or within an Urban Reserve System Interface Zones.

The SCVHP also considers covered activities to result in a certain amount of indirect impacts from urban development mostly in the form of increased impervious surface and from the effects of nitrogen deposition. Urban development results in increased air pollutant emissions from passenger and commercial vehicles and other industrial and nonindustrial sources. Emissions from these sources are known to increase airborne nitrogen, of which a certain amount is converted into forms that can fall to earth as depositional nitrogen. It has been shown that increased nitrogen in serpentine soils can favor the growth of nonnative annual grasses over native serpentine species and these nonnative species, if left unmanaged, can overtake the native serpentine species, which are host plants for larval Bay checkerspot butterfly. As such, all covered activities within the SCVHP area are subject to a “Nitrogen Deposition Impact Fee” which will be calculated based on the number of daily vehicle trips attributed to the activity and collected prior to the commencement of the use.

In addition, all private development activities covered in the plan are subject to certain conditions of the SCVHP (as identified in Chapter 6 of the Plan) based on the project’s location and type of project. To ensure that the project complies with conditions of the SCVHP, the conditions will be applied to the project as part of the development permit conditions of approval and/or other permits (i.e. grading permits, building permits, etc.).
The proposed project would not conflict with the provisions of the SCVHP. The project’s land cover type as identified in the plan is not considered to be a habitat where covered species would occur. The City of San José has adopted the SCVHP and approved an ordinance implementing the measures and conditions set forth in the SCVHP. For these reasons, the level of impact for the project would be less than significant impact in regards to SCVHP conflicts.

**Standard Permit Condition**

The proposed project is located within the area covered by the Santa Clara Valley Habitat Conservation Plan (“HCP”). The HCP is a regional endangered species mitigation plan that complies with State and Federal Endangered Species Act requirements and was approved by the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. The HCP was adopted by the City of San José on January 29, 2013, and is administered by the Santa Clara Valley Habitat Agency (“Agency”) of which the City of San Jose is a member. Unless not covered or excepted from the requirements of the HCP, new development projects that are within the HCP area are subject to the payment of fees and compliance with conditions of approval related to mitigation of impacts to endangered species habitat. The proposed project has been determined to be a covered activity under the HCP and is subject to the payment of fees imposed by the Agency and the imposition of conditions required by the HCP. The City of San José collects the fees on behalf of the Agency. HCP fees are adjusted periodically and must be paid in full no later than the issuance of the first of any of the following permits:

a. Full structural building permit; or
b. Partial building permit, such as a foundation-only permit, grading permit, or any other permit or approval for a project authorizing a ground-disturbing activity for a covered activity.

The HCP fees shall be paid at the time of issuance of the first permit above if more than one permit is required for the project.

## 3.5 CULTURAL RESOURCES

**Cultural Resources Environmental Checklist**

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1</td>
</tr>
<tr>
<td>b. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1</td>
</tr>
</tbody>
</table>
### Section 3.0 –Environmental Checklist and Impacts Evaluation

**Setting**

The project site is located within an archaeologically sensitive area. However, it does not contain any known historic or other cultural resources.

**Impacts Evaluation**

**a. Would the project cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?**

No Impact. There are no structures or other historical resources on the project site.

**b.,d. Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5? Would the project disturb any human remains, including those interred outside of formal cemeteries?**

**Less Than Significant Impact.** According to the City’s Archaeological Sensitivity Map, the project site is considered archaeologically sensitive. However, an archaeological report on the property submitted to the City for a previous development proposal indicated that the project should not have any significant impact on historical or cultural resources.² The current project proposal would therefore not be anticipated to impact archaeological resources. However, in the unlikely event that archaeological resources are found during grading or construction, compliance with the following Standard Permit Conditions will ensure that impacts to cultural resources remain less than significant:

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

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any

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² City of San Jose, California Department of City Planning Draft Negative Declaration, ND Worksheet, August 22, 1994
significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning, Building and Code Enforcement.

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

c. Would the project directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?

No Impact. The project site is flat, with no unique geologic features, and there are no known paleontological resources on the site. Therefore, the project will have no impact.

d. Would the project disturb any human remains, including those interred outside of formal cemeteries?

No Impact. The project would not be expected to disturb any buried human remains. See response to (b.) above.

3.6 GEOLOGY AND SOILS

Geology and Soils Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1, 6</td>
</tr>
<tr>
<td>1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1, 6</td>
</tr>
<tr>
<td>2. Strong seismic ground shaking?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1, 6</td>
</tr>
<tr>
<td>3. Seismic-related ground failure, including liquefaction?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1, 6</td>
</tr>
</tbody>
</table>
### Section 3.0 – Environmental Checklist and Impacts Evaluation

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Landslides?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
<td>1, 6</td>
</tr>
<tr>
<td>b. Result in substantial soil erosion or the loss of topsoil?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
<td>1, 6</td>
</tr>
<tr>
<td>c. 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?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
<td>1, 6</td>
</tr>
<tr>
<td>d. 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?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
<td>1, 6</td>
</tr>
<tr>
<td>e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
<td>1</td>
</tr>
</tbody>
</table>

### Setting

The project site is located within a seismically active region, and is within a State of California Seismic Hazard Zone for liquefaction. By definition, the liquefaction zones are areas where historic occurrences of liquefaction, or local geological, geotechnical and groundwater conditions indicate a potential for permanent ground displacements such that mitigation would be required.

The project site is located in a region that contains active earthquake faults, including the San Andreas, Hayward, and Calaveras. However, the site is not located within a State of California Earthquake Fault Hazard Zone (1982) for active faulting, a City of San José Fault Hazard Zone (1983), or a Santa Clara County Geologic Hazard Zone for potential fault rupture hazard (2002). The nearest active fault is the Monte Vista-Shannon fault, located approximately 3.7 miles from the site. The site is not located in a Santa Clara County Landslide Hazard Zone.

### Impacts Evaluation

**a. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

i) **Rupture of a known earthquake fault?**

**No Impact.** As the project site is not located within a fault hazard zone, the probability of surface fault rupture is low.

ii) **Strong seismic ground shaking?**
Less Than Significant Impact. Due to its location in a seismically active region, the proposed structures may be subject to strong seismic ground shaking during their design life in the event of a major earthquake on any of the region’s active faults. This could pose a risk to proposed buildings and infrastructure. Seismic impacts will be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4, and with the following Standard Permit Condition that will be implemented with the project.

**Standard Permit Condition:** To avoid or minimize potential damage from seismic shaking, the project would be built using standard engineering and seismic safety design techniques. Building design and construction at the site will be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be included in a report to the City. The structural designs for the proposed development will account for repeatable horizontal ground accelerations. Building and design and construction at the site will be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be reviewed and approved by the City Geologist. The report shall be reviewed and approved by the City of San José’s Building Division as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2013 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property to the extent feasible and in compliance with the Building Code.

iii) Seismic-related ground failure?

Less Than Significant Impact. The project site is located within a liquefaction hazard zone. Implementation of the following standard permit condition would reduce potential impacts to less than significant levels:

**Standard Permit Condition:** A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center (“SCEC” report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

iv) Landslides?

Less Than Significant Impact. The site is not subject to landslides because it is generally flat. Prior to issuance of a Public Works Clearance, the developer must obtain a grading permit before commencement of excavation and construction.

b. Would the project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. The project would not result in substantial soil erosion or loss of topsoil, as it is located on a relatively flat property and will not require substantial grading. The project will implement the standard measures identified in I. Hydrology and Water Quality of this Initial Study to minimize erosion impacts. In addition, implementation of the following standard permit conditions would reduce potential impacts to less than significant levels:
Section 3.0 –Environmental Checklist and Impacts Evaluation

Standard Permit Condition: The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. In addition, the City of San José Department of Public Works requires a grading permit to be obtained prior to the issuance of a Public Works Clearance. Building and design and construction at the site will be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be reviewed and approved by the City Geologist.

c. Would the project 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?

Less Than Significant Impact. The project site is not located within a Santa Clara County Landslide Hazard Zone. However, it is located within a liquefaction hazard zone. Implementation of the following standard permit condition would reduce potential impacts to less than significant levels:

Standard Permit Condition: A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center (“SCEC” report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

d. Is the project located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?

Less Than Significant Impact. The project is not located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994). Implementation of the following standard permit conditions would reduce potential impacts to less than significant levels:

Standard Permit Condition: The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. In addition, the City of San José Department of Public Works requires a grading permit to be obtained prior to the issuance of a Public Works Clearance. Building and design and construction at the site will be completed in conformance with the recommendations of a design-level geotechnical investigation, which will be reviewed and approved by the City Geologist.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The project will connect to the City’s sanitary sewer system and does not propose the use of septic tanks or alternative wastewater disposal systems, therefore there will be no impact.
3.7 GREENHOUSE GAS EMISSIONS

Greenhouse Gas Emissions Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 2, 7, 8, 12</td>
</tr>
<tr>
<td>b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 2, 7, 8, 12</td>
</tr>
</tbody>
</table>

Setting

Various gases in the Earth’s atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the Earth’s surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the Earth’s surface. The Earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO₂), methane (CH₄), ozone (O₃), water vapor, nitrous oxide (N₂O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect.

In 2006, the State of California adopted State Senate Bill AB32 – the California Global Warming Solutions Act, which requires by law a reduction in greenhouse gas emissions throughout the state to 1990 levels by 2020 and to 80% below 1990 levels by 2050. In 2007, State Senate Bill 97 established regulations requiring potential greenhouse gas emissions created as a result of a project be analyzed during CEQA review process. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate greenhouse gases in the San Francisco Bay Area Air Basin. In 2010, BAAQMD released the Air Quality CEQA Guidelines which outline BAAQMD’s recommended procedures for evaluating greenhouse gas emissions during the environmental review process. The Guidelines contain screening criteria for greenhouse gases, which were derived using the default emission assumptions in URBEMIS and using off-model greenhouse gas estimates for indirect emissions from electrical generation, solid waste and water conveyance. Projects below the applicable screening criteria would not exceed the 1,100 metric tons of CO₂e/yr greenhouse gas threshold of significance for projects other than permitted stationary sources.
Impacts Evaluation

a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. GHG emissions worldwide contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single land use project could generate sufficient GHG emissions on its own to noticeably change the global average temperature. The combination of GHG emissions from past, present, and future projects in San José, the entire state of California, and across the nation and around the world, contribute cumulatively to the phenomenon of global climate change and its associated environmental impacts.

The BAAQMD identifies screening levels for evaluation of operational GHG emissions based on project size. The applicable GHG operational screening criteria for the project is 56 single-family dwelling units. The project proposes 26 units, which is well below the threshold. As a result, the project will not exceed the BAAQMD threshold of significance level.

Construction activities would produce combustion emissions from various sources. The combustion of fossil-based fuels creates GHGs such as CO2, CH4, and N20. Furthermore, CH4 is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change. Neither the City of San José nor the BAAQMD have an adopted threshold of significance for construction-related GHG emissions.

During site preparation and construction of the project, GHGs would be emitted through the operation of construction equipment and from worker/builder supply vehicles, which typically use fossil-based fuels to operate. Project excavation, grading, and construction would be temporary, occurring over the approximately 12 month construction period, and would not result in a permanent increase in GHG emissions. In addition, compliance with the construction Best Management Practices required by BAAQMD would further reduce construction GHG emissions. The impact from construction emissions associated with the project, therefore, would be less-than-significant.

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The project would be expected to generate GHG emissions associated with buildings and new construction. The project will, however, incorporate green building practices, including those required by the Green Building Ordinance, consistent with Greenhouse Gas Reduction Policies MS-2.11 and MS-14.4 of the General Plan. These policies require new construction to fully implement industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable sit selection, passive solar design and planting of trees and
other landscape materials to reduce energy consumption. As the project will involve substantial replacement tree plantings, it will also conform to Policy MS-21.3, which seeks to ensure that San Jose’s Community Forest is comprised of species with low water requirements and that are well adapted to its Mediterranean climate. The policy encourages the selection and planting of diverse species to prevent monocultures that are vulnerable to pest invasions, and the consideration of appropriate placement of tree species and their lifespan to ensure perpetuation of the Community Forest.

The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, since the proposed project will not substantially increase GHG emissions based on BAAQMD screening criteria and will incorporate the project features policies, as described above.

**Conclusion:** The project would have a less-than-significant impact from GHG emissions.

### 3.8 HAZARDS AND HAZARDOUS MATERIALS

**Hazards and Hazardous Materials Environmental Checklist**

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1</td>
</tr>
<tr>
<td>b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 13</td>
</tr>
<tr>
<td>c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 13</td>
</tr>
<tr>
<td>d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1, 13</td>
</tr>
</tbody>
</table>
Section 3.0 –Environmental Checklist and Impacts Evaluation

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1, 15</td>
</tr>
<tr>
<td>f. 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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1, 15</td>
</tr>
<tr>
<td>g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1</td>
</tr>
<tr>
<td>h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1, 16</td>
</tr>
</tbody>
</table>

Setting

The project site is a vacant infill parcel in a developed neighborhood, surrounded by a mobile home park, single-family residences, and a conference center. The nearest school is approximately ½-mile west of the site. There are no public airports or private airstrips in the vicinity of the site. The site is not on the Cortese List, the County Local Oversight Program, or on the State Water Resources Geotracker website.

Impacts Evaluation

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. The proposed residential subdivision is not expected to involve the routine transport, use or disposal of hazardous materials, and would therefore not create a significant hazard to the public or surrounding environment through upset or accident conditions involving the release of such materials. A Phase I Environmental Site Assessment was conducted on the property by Engeo Incorporated in 2005 (Appendix E). The assessment included a review of publicly available local, state and federal environmental record sources, historical sources, aerial photos, fire insurance maps and physical setting sources. A reconnaissance of the property was conducted to review the site and current conditions, and check for the storage, use, production or disposal of hazardous or potentially hazardous materials, and the property owner was interviewed. The
assessment found that no Recognized Environmental Conditions exist on the site. A copy of the report is included in the Technical Appendix.

b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

**Less Than Significant Impact.** As stated in the previous response, the project is not expected to involve the routine transport, use or disposal of hazardous materials, and would therefore not create a significant hazard to the public or surrounding environment through upset or accident conditions involving the release of such materials.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

**Less Than Significant Impact.** As stated in the previous response, the proposed residential project would not involve hazardous material handling or transport. It would therefore not produce hazardous emissions. There are no schools within one-quarter mile of the site.

d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

**No Impact.** The project is not currently included on the State DTSC’s Hazardous Waste and Substances Site List (Cortese List). The project site is not listed on other federal, state or local databases, including EPA Superfund Site, DTSC EnviroStor, and Santa Clara County LUSTOP.

e. - f. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

**No Impact.** The project site is not located within an airport land use plan or within two miles of a public airport.

g. - h. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? 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?

**No Impact.** The project would not impair implementation of, or physically interfere with, any adopted emergency response plan or emergency evacuation plan. The project site is not located adjacent to any wildlands, therefore there is no risk of wildfire.
### 3.9 HYDROLOGY AND WATER QUALITY

#### Hydrology and Water Quality Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Violate any water quality standards or waste discharge requirements?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>1, 2, 3, 19</td>
</tr>
<tr>
<td>b. 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)?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>1, 2, 3, 19</td>
</tr>
<tr>
<td>c. 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?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>1, 2, 3, 19</td>
</tr>
<tr>
<td>d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>1, 2, 3, 19</td>
</tr>
<tr>
<td>e. 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?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>1, 2, 3, 19</td>
</tr>
<tr>
<td>f. Otherwise substantially degrade water quality?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>1, 2, 3, 19</td>
</tr>
<tr>
<td>g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>1, 14</td>
</tr>
<tr>
<td>h. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>1, 14</td>
</tr>
</tbody>
</table>
Section 3.0 –Environmental Checklist and Impacts Evaluation

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>✗</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1, 14</td>
</tr>
<tr>
<td>j. Inundation by seiche, tsunami, or mudflow?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1</td>
</tr>
</tbody>
</table>

**Setting**

The project site is located in a developed residential neighborhood, served by a municipal storm drain system. There is a City of San Jose Storm drain line located in Edenvale Avenue, adjacent to the site frontage. The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.

**Water Quality-Construction Period**

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the State Water Resources Control Board (SWRCB). The CGP requires the installation and maintenance of Best Management Practices (BMPs) to protect water quality until the site is stabilized. The project is expected to require Construction General Permit coverage based on area of land disturbed (over 1 acre in size). Prior to the commencement of construction or demolition, the project must file a Notice of Intent (NOI) with the SWRCB and develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants associated with construction activities.

**Water Quality-Post Construction**

The City of San José is required to operate under a Municipal Stormwater NPDES Permit to discharge stormwater from the City’s storm drain system to surface waters. On October 14, 2009, the San Francisco Bay Regional Water Quality Control Board adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San José.

The MRP (NPDES Permit No. CAS612008) mandates that the co-permittees, including the City of San José, use their planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control and Treatment measures be included in new and redevelopment projects to minimize and properly treat stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site’s natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.
The MRP requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace one acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65% impervious, must manage increases in runoff flow and volume so that post-project runoff does not exceed calculated pre-project rates and durations. The project site is located in an area subject to the hydromodification controls, and will create greater than one acre of impervious surface area, therefore a hydromodification management plan will be required.

**Impacts Evaluation**

a., f. Would the project violate any water quality standards or waste discharge requirements? Would the project otherwise substantial degrade water quality?

Less Than Significant Impact.

**Construction-Related Water Quality Impacts**

Construction of the proposed project, including grading and excavation activities, may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. Construction of the project would disturb more than one acre of soil and, therefore, compliance with the NPDES General Permit for Construction Activities is required.

All development projects in San José shall comply with the City’s Grading Ordinance whether or not the projects are subject to the NPDES General Permit for Construction Activities. 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 1 to April 30), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices (BMPs) that would be implemented to prevent the discharge of stormwater pollutants.

**Standard Permit Conditions:** Consistent with the General Plan, standard permit conditions that shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction include, but are not limited to the following.

- Utilize on-site sediment control BMPs to retain sediment on the project site.
- Utilize stabilized construction entrances and/or wash racks.
- Implement damp street sweeping.
- Provide temporary cover of disturbed surfaces to help control erosion during construction.
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.
- Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board’s National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works, as follows:
1. The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities;

2. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

- The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*, and include preventing spills and leaks, cleaning up spills immediately after they happen, storing materials under cover, and covering and maintaining dumpsters. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San José, California, 95113. The Erosion Control Plan may include BMPs as specified in ABAG’s *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City’s storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-3555.

- The project applicant shall comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:
  1. Restriction of grading to the dry season (April 30 through October 1) or meet City requirements for grading during the rainy season;
  2. Utilize on-site sediment control BMPs to retain sediment on the project site;
  3. Utilize stabilized construction entrances and/or wash racks;
  4. Implement damp street sweeping;
  5. Provide temporary cover of disturbed surfaces to help control erosion during construction; and
  6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

The project, with the implementation of the above standard permit conditions, would not result in significant construction-related water quality impacts.

**Post-Construction Water Quality Impacts**

The project must comply with the City of San José’s Post-Construction Urban Runoff Policy 6-29 and with the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP). In order to meet the water pollution Bay Region Municipal Regional Stormwater NPDES Permit (MRP). In order to meet the water pollution requirements contained in the Policy and MRP, the project proposes to utilize biotreatment cells to treat runoff from the roofs, driveways and streets. Stormwater runoff from these areas will be treated in the biotreatment cells prior to entering the storm drainage system. These proposed treatment facilities will be numerically sized and will have sufficient capacity to treat the runoff entering the storm drainage system, consistent with the MRP standards.

The project is located in an area that is subject to the hydromodification management requirements of the MRP. The project must therefore comply with the provisions of the Post-Construction
Hydromodification Management Policy (City Council Policy 8-14), which requires that projects be
designed and built to control project-related hydromodification through flow control of the project-
generated runoff. The project includes the construction of flow control facilities that will be
numerically sized to conform to MRP and Policy 8-14 standards. A below-ground storage chamber
containing an engineered outlet structure will be located beneath a biotreatment cell at the southwest
corner of the site. Water collected in the storage chamber will be pumped to the biotreatment cell for
treatment prior to release to the public storm drain system.

The General Plan FEIR concluded that with the regulatory programs currently in place, stormwater
runoff from new development will have a less than significant impact on stormwater quality. With
implementation of a stormwater control plan consistent with RWQCB requirements and compliance
with the City’s regulatory policies pertaining to stormwater runoff, operation of the proposed project
will have a less than significant water quality impact.

b. Would the project substantially deplete groundwater supplies or interfere substantially
with groundwater recharge?

Less Than Significant Impact. The project would have no direct effect on groundwater recharge or
supplies. The site is not located within a groundwater recharge area. According to the geotechnical
report prepared for the project by Cornerstone Earth Group, dated July 9, 2014, the measured depth
to groundwater ranges from 23 to 32 feet below grade. The report cites historic high groundwater
maps prepared by the California Geologic Survey indicating depths of 20 to 25 feet below grade. The
project does not include grading more than one-half foot below grade and will therefore not disturb
groundwater.

c. Would the project 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?

Less Than Significant Impact. The proposed project will alter the existing drainage pattern on the
site somewhat. The site will be graded to achieve positive drainage for the proposed streets and
residential lots. However, the project will include the construction of storm drainage facilities that
are sufficient to convey runoff to the existing public storm drain system adjacent to the site in a
manner that will not result in substantial erosion or siltation. Construction phase stormwater impacts
are discussed in the response to Question a, above. There are no streams or rivers on the project site.

d. Would the project 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?

Less Than Significant Impact. The proposed project will alter the existing drainage pattern on the
site by grading to achieve positive drainage for the proposed streets and residential lots, and will
create additional impervious surface area that will generate additional runoff from the pre-project
condition. Because the site is located in an area that is subject to the hydromodification management
requirements per City Policy 8-14, the project must be designed so that post-construction stormwater
discharges do not increase erosion potential of the local receiving water above the pre-project
(existing) condition. The Policy states that increases in runoff flow and volume shall be managed so
that post-project runoff shall not exceed estimated pre-project rates and durations, where such
increased flow and/or volume is likely to cause increased potential for erosion of stream beds and banks, silt pollution generation, or other adverse impacts.

The project includes the construction of stormwater treatment and hydromodification controls as described above, which will reduce post-construction runoff rates and durations to equal or less than pre-project rates and durations, in conformance with Policy 8-14.

e. Would the project 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?

Less Than Significant Impact. See responses to Questions a and d, above.

g. Would the project 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? Would the project place within a 100-year flood hazard area structures which will impede or redirect flood flows? Would the project 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?

Less Than Significant Impact. The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year flood plain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.

j. Would the project be exposed to inundation by seiche, tsunami, or mudflow?

No Impact. The project site is not located within any areas subject to seiche, tsunami or mudflow.

3.10 LAND USE

Land Use Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Physically divide an established community?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>×</td>
<td>1, 3</td>
</tr>
<tr>
<td>b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>□</td>
<td>□</td>
<td>×</td>
<td>□</td>
<td>1, 2, 3</td>
</tr>
</tbody>
</table>
Section 3.0 – Environmental Checklist and Impacts Evaluation

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>1, 3, 10</td>
</tr>
</tbody>
</table>

**Setting**

The project proposes a single-family residential subdivision of up to 26 units on an infill parcel in an existing residential neighborhood.

**Impacts Evaluation**

a. **Would the project physically divide an established community?**

No Impact. Projects that have the potential to physically divide an established community include new freeways and highways, major arterials streets, and railroad lines. The proposed 26 single family detached residential unit project would provide infill housing within an existing residential neighborhood, and would therefore not physically divide an established community.

b. **Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?**

No Impact. The proposed project will be subject to architectural and site design review by the City at the Planned Development Permit stage. Such review will include conformance with the City’s adopted Residential Design Guidelines. The Guidelines are intended to ensure that new development is compatible with existing neighborhood character and does not adversely impact neighboring residential uses. A less than significant impact would occur as a result of the project.

c. **Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?**

No Impact. As described in Section 3.4 BIOLOGICAL RESOURCES, the project would not conflict with the Santa Clara Valley Habitat Conservation Plan, and will demonstrate conformance with the City’s Hydromodification Management Plan requirements prior to the issuance of Grading Permits.
3.11 MINERAL RESOURCES

Mineral Resources Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1, 3</td>
</tr>
<tr>
<td>b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1, 3</td>
</tr>
</tbody>
</table>

Setting

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated: the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials.

Impacts Evaluation

a. – b. Would the project 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 or in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No impact. The project site is outside of the Communications Hill area, and will therefore not result in a significant impact from the loss of availability of a known mineral resource.
3.12 **NOISE**

**Noise Environmental Checklist**

<table>
<thead>
<tr>
<th>Would the project result in:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 3</td>
</tr>
<tr>
<td>b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 3</td>
</tr>
<tr>
<td>c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 3</td>
</tr>
<tr>
<td>d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 3</td>
</tr>
<tr>
<td>e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1, 3</td>
</tr>
<tr>
<td>f. 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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1, 3</td>
</tr>
</tbody>
</table>

**Setting**

Noise may be defined as unwanted sound. The objectionable nature of a particular sound could be caused by its pitch or its loudness. Pitch is the height or depth of a tone or sound, depending on the relative rapidity (frequency) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. Loudness is intensity of sound waves combined with the reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

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 the 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 AM to 10:00 PM and the nighttime of 10:00 PM to 7:00 AM. The nighttime noise level is weighted 10 dB higher than the daytime noise level.

The San Jose 2040 General Plan states that the City’s acceptable exterior noise level is 60 dBA DNL or less for residential and most institutional land uses. The acceptable interior noise level is 45 dBA DNL. The General Plan recognizes that the noise levels may not be achieved in the environs of the San José International Airport and the Downtown.

Applicable Noise Standards and Policies. 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 1, below.

<table>
<thead>
<tr>
<th>TABLE 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed General Plan Land Use Compatibility Guidelines (GP Table EC-1)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Exterior DNL Value in Decibels</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>55</td>
</tr>
<tr>
<td>1. Residential, Hotels and Motels, Hospitals and Residential Care1</td>
<td></td>
</tr>
<tr>
<td>2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds</td>
<td></td>
</tr>
<tr>
<td>3. Schools, Libraries, Museums, Meeting Halls, and Churches</td>
<td></td>
</tr>
<tr>
<td>4. Office Buildings, Business Commercial, and Professional Offices</td>
<td></td>
</tr>
<tr>
<td>5. Sports Arena, Outdoor Spectator Sports</td>
<td></td>
</tr>
<tr>
<td>6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters</td>
<td></td>
</tr>
</tbody>
</table>

1Noise 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.

The following GP2040 policies and GP2040 Table EC-1 establish the thresholds to be used in the determination of the significance of environmental impacts related to noise.

1. Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels [Categories 1, 2, 3 and 6] by limiting noise generation and by requiring
use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:
   a. Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”; or
   b. 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.

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

In addition to the above General Plan policies, future development allowed by the proposed land use designations would be subject to the following codes, guidelines, and ordinances:

- San José Municipal Code §20.100.450: Limits construction hours within 500 feet of residences to 7 AM - 7 PM weekdays, with no construction on weekends or holidays
- San José Residential Design Guidelines: Specifies setbacks from non-residential uses in order to minimize land use conflicts, including excessive noise.
- City of San José Zoning Ordinance: The City Zoning Ordinance applies specific noise standards to Residential Zoning Districts, which limits the sound pressure levels generated by any use or combination of uses at any property line to a maximum noise level of 55 dBA.

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.

Impacts Evaluation

a. Would the project result in 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?

Less Than Significant Impact.

Noise Impacts from the Project

Noise generated by the proposed project would come primarily from vehicle traffic. Traffic generated by the project is not anticipated to substantially increase noise levels in the area. As stated in Policy EC-1.2, above, 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”, and would cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where the noise levels would equal or exceed the “Normally Acceptable” level. The area surrounding the project site is located in the 55-60 DNL dBA area shown on the Envision San Jose 2040 2035 Traffic Noise Contours map for the Edenvale Planning Area. This decibel range falls within the “Normally Acceptable” category of the General Plan Land Use Compatibility Guidelines (see Table 1, above). Considering that it takes an approximate
doubling of traffic volume to cause an increase of 3 dB in a noise environment dominated by traffic noise, it can therefore be assumed that traffic generated by the proposed 26-unit project will not cause a significant increase in noise to sensitive receptors in the surrounding area.

Noise Impacts to the Project

The primary source of noise in the project area is traffic from Monterey Road, which is located approximately 700 feet to the northeast of project site, and from Edenvale Avenue which runs along the western project property line. The project site is located in an area that falls within the “Normally Acceptable” category of the General Plan Land Use Compatibility Guidelines\(^3\). Noise impacts to the project would therefore be considered less than significant.

The City’s standard for interior noise levels in residences is 45 dBA DNL. Compliance with the following Standard Project Condition would reduce potential impacts to less than significant levels.

**Standard Permit Condition:** The project shall include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. A design-level acoustical analysis will be completed at the building permit stage as a routine step, in conformance with the Building Code, to document the noise attenuation measures necessary to reduce interior noise to 45 dBA DNL or lower prior to the issuance of building permits.

b. **Would the project result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?**

**Less Than Significant Impact.** The proposed project is not subject to groundborne vibration, nor would it generate any source of groundborne vibration at nearby sensitive receptors. Groundborne vibration or noise may occur during construction, however, the Standard Permit Conditions included in the project (see d, below), would reduce potential impacts to a less than significant level.

c. **Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

**Less Than Significant Impact.** The proposed residential subdivision would not be expected to result in a permanent increase in ambient noise levels in the project vicinity above levels existing without the project. See discussion in a), above.

d. **Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

---

\(^3\) Existing noise conditions within the City of San José were documented through a noise monitoring survey for the General Plan Update completed in February and March 2009. In addition, noise data collected by Illingworth & Rodkin, Inc. since 2005 were utilized to supplement the General Plan Update noise monitoring survey. The locations and results of the noise measurements by Planning Area are contained in Appendix A of the survey.
Less Than Significant Impact. Noise generated by the construction of the proposed project could potentially have a significant impact on the surrounding residential properties. Typical hourly average construction generated noise levels can range from approximately 77 to 89 dBA during busy construction periods, measured at a distance of 50 feet from the center of the construction site. Inclusion of the following Standard Project Conditions in the project would reduce potential impacts to a less than significant level.

Standard Permit Conditions: The City’s Municipal Code limits construction hours near residential land uses, and Policy EC-1.7 in the Envision San José 2040 General Plan addresses the types of construction equipment that are sources of significant noise. The following measures would be implemented to reduce construction noise and vibration levels consistent with the City of San José policy:

- Construction hours within 500 feet of residential uses will be limited to the hours of 7:00 a.m. and 7:00 p.m. weekdays, with no construction on weekends or holidays.
- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- The disturbance coordinator will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the case of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator at the construction site will be posted and included in the notice sent to neighbors regarding the construction schedule.

Implementation of these measures, which are required by City policy and would be conditions of project approval, would avoid potentially significant construction-related noise and vibration impacts.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?

No Impact. The project site is not located within an airport land use plan or within two miles of a public airport.

f. 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?

No Impact. The project site is not located within the vicinity of a private airstrip.
### 3.13 POPULATION AND HOUSING

**Population and Housing Environmental Checklist**

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td>1, 3</td>
</tr>
<tr>
<td>b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>1, 3</td>
</tr>
<tr>
<td>c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>1, 3</td>
</tr>
</tbody>
</table>

**Setting**

The project site is located in a residential neighborhood, surrounded on the north and east and south by a mobile home park. The site is currently vacant, and contains no housing units.

**Impacts Evaluation**

a. **Would the project 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)?**

**Less Than Significant Impact.** The project would create additional housing units in an area planned for residential growth. The project is consistent with the existing General Plan land use designation of Residential Neighborhood on the site. The proposed number of units (26) would not be considered to induce substantial population growth in the project area.

b., c. **Would the project displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?**

**No Impact.** The site is currently vacant; therefore the proposed project would not displace any housing or people.
3.14 PUBLIC SERVICES

Public Services Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
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<tr>
<td>1. Fire Protection?</td>
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<tr>
<td>2. Police Protection?</td>
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<td>3. Schools?</td>
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<td>4. Parks?</td>
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<tr>
<td>5. Other Public Facilities?</td>
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</tbody>
</table>

Setting

The project site is located in an urbanized area of San Jose, and well served by existing Fire, Police, School, Park and other Public Facilities.

The site is served by Fire Station 35, located approximately 1.4 miles southeast of the site on Poughkeepsie Road.

The site is located within the Oak Grove School District service area. The nearest elementary school is Hayes Elementary School, located on Poston Drive, approximately ½-mile west of the site. Caroline Davis Intermediate School is located on Edenview Drive, approximately ¼-mile northeast of the site. Oak Grove High School is located on Blossom Hill Road at Eagles Lane, approximately ¼-mile south of the site. Valley Christian School, a private junior high and senior high school, is located approximately 1 mile north of the site, on Skyway Drive.

There are three developed City of San Jose parks within walking distance (3/4 mile) of the project site. Edenvale Gardens Regional Park is a 19.5-acre facility located across Edenvale Avenue from the site, and contains paved walking trails, open space areas, picnic tables, a playground, a ½ basketball court, a sand volleyball court, and three unlighted tennis courts. Chynoweth Neighborhood Park is located on Edenvale Avenue, approximately 750 feet south of the site. It is 2.4 acres in size, and contains picnic tables and two ½-size playgrounds. Coy Park is a 4.5-acre neighborhood park containing picnic tables and two playgrounds. It is located approximately ½-mile southwest of the project site.
The Edenvale Branch Library is the local branch of the San Jose Public Library. It is located at the intersection of Monterey Road and East Branham Lane, approximately ½-mile north of the project site. The Edenvale Community Center is a City-operated facility that provides early childhood recreation and classrooms for community-based activities. It is located on East Branham Lane, approximately ¾-mile northeast of the project site.

**Impacts Evaluation**

*a.* 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 public services?

**Less Than Significant Impact.**

**Fire Protection**

No additional Fire personnel or equipment are expected to be necessary to serve the proposed project. The proposed increase in residential development on the project site is accounted for in the planned growth for the City. The project represents a very small percentage of the total growth identified in the General Plan. The proposed project consists of 26 single-family residences, which would not preclude the San Jose Fire Department from meeting its service goals. As a result, future development proposed on the site would be adequately served by existing resources and no additional Fire personnel or equipment or expanded facilities would be required.

**Police Protection**

No additional Police personnel or equipment are expected to be necessary to serve the proposed project. The proposed increase in residential development on the project site is accounted for in the planned growth for the City. The project represents a very small percentage of the total growth identified in the General Plan. The proposed project consists of 26 single-family residences, which would not preclude the San Jose Police Department from meeting its service goals. As a result, future development proposed on the site would be adequately served by existing resources and no additional Police personnel or equipment or expanded facilities would be required.

**Schools**

State law (Government Code Section 65996) specifies an acceptable method of offsetting a project’s effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to the issuance of a building permit. The affected school district(s) are responsible for implementing the specific methods for mitigating school impacts under the Government Code, including setting the school impact fee amount consistent with state law. The project will be required to pay school impact fees pursuant to Government Code Section 65996.

**Parks**

To further offset demand for parkland, community centers, and other recreational facilities, the project will be subject to the City’s Parkland Dedication Ordinance and Park Impact Ordinance
Section 3.0 –Environmental Checklist and Impacts Evaluation

(PDO/PIO). The PDO/PIO fees generated by new residential development will be used to provide neighborhood-serving facilities within a 0.75 mile radius of the development site and/or community-serving facilities within a three-mile radius (GP Policies PR-2.4 and PR-2.5).

Other Public Facilities

The project would not be expected to significantly impact any public facilities, including the Edenvale Branch Library or Edenvale Community Center.

3.15 RECREATION

Recreation Environmental Checklist

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
</tr>
<tr>
<td>b. 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?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
</tr>
</tbody>
</table>

Setting

The site is within walking distance of one City of San Jose regional park and two City of San Jose neighborhood parks. In addition, the Martial Cottle Park State Park is located approximately 1 mile to the west of the site.

Impacts Evaluation

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?

Less Than Significant Impact. There are three developed City of San Jose parks within walking distance (3/4 mile) of the project site, which would be available for use by project residents. Although the project would likely result in an increase in the use of these facilities, it is not expected that this would cause substantial physical deterioration of the facilities.

b. 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?
No Impact. The proposed single-family detached residential project does not include, nor does it require the construction of any recreational facilities.

3.16 TRANSPORTATION

Transportation Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☒</td>
<td>1, 18</td>
</tr>
<tr>
<td>b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☒</td>
<td>1, 17</td>
</tr>
<tr>
<td>c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☒</td>
<td>1, 15</td>
</tr>
<tr>
<td>d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
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<td>1</td>
</tr>
<tr>
<td>e. Result in inadequate emergency access?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
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</tr>
<tr>
<td>f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</td>
<td>☐</td>
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<td>☐</td>
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<td>1, 18</td>
</tr>
</tbody>
</table>

Setting

The project site is located on Edenvale Avenue, a residential street running north and south between Branham Lane and Chynoweth Avenue. Branham Lane and Chynoweth Avenue are both major east-
west arterial streets. Monterey Road is located several blocks east of the site. The site has access to bus and rail service. Valley Transportation Agency (VTA) bus lines (Routes 68 and 72) are available on Monterey Highway located to the east of the site. The Caltrain passenger rail line is also located along Monterey Highway to the east of the site.

**Impacts Evaluation**

a. **Would the project 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?**

**Less Than Significant Impact.** The City of San José’s Council Policy 5-3 “Transportation Level of Service” acts as a guide to analyze and make determinations regarding the overall conformance of a proposed development with the City’s various General Plan multi-modal transportation policies, which together seek to provide a safe, efficient, and environmentally sensitive transportation system for the movement of people and goods. It also establishes a threshold to determine environmental impacts and requires new developments to mitigate significant impacts.

An in-house traffic distribution has been performed for this project by the City’s Transportation Division based on 26 p.m. peak hour trips. They have concluded that the subject project will be in conformance with the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and a determination for a negative declaration can be made with respect to traffic impacts. A memo from the City confirming this conclusion, dated 12/4/14, is included in the Technical Appendix.

b. **Would the project 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?**

**Less Than Significant Impact.** The project would not conflict with the Santa Clara County Congestion Management Program, for the reasons stated in (a.) above.

c. **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

**No Impact.** The project is not located within any airport land use plan area, or within the vicinity of any airports or airstrips. The proposed development of a 26-unit residential subdivision would not generate substantial increases in traffic levels, nor would it pose any safety risks related to air traffic.

d. **Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?**

**No Impact.** The project would not substantially increase any hazards due to design features, or incompatible land uses. The project is consistent with the design, density and scale of development in the surrounding neighborhood. The project conforms with City standards for street and intersection design, and with development and performance standards contained in the City’s design guidelines.
Section 3.0 – Environmental Checklist and Impacts Evaluation

3.17 UTILITIES AND SERVICE SYSTEMS

Utilities and Service Systems Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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<td>1</td>
</tr>
<tr>
<td>b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1</td>
</tr>
<tr>
<td>c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1</td>
</tr>
<tr>
<td>d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
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<td>☐</td>
<td>1</td>
</tr>
</tbody>
</table>
Section 3.0 –Environmental Checklist and Impacts Evaluation

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Checklist Source(s)</th>
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<td>f.</td>
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<td>g.</td>
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</tr>
</tbody>
</table>

**Setting**

The proposed project consists of the construction of up to 26 single-family detached dwelling units on an infill site in an established residential neighborhood, and will be served by the following existing service providers in the neighborhood.

Wastewater treatment: San Jose/Santa Clara Water Pollution Control Plant  
Sanitary sewer: City of San Jose  
Water service: Great Oaks Water Company  
Storm sewer: City of San Jose  
Solid waste: Green Waste Recovery  
Natural gas and Electricity: Pacific Gas & Electric

**Impacts Evaluation**

a. **Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

**Less Than Significant Impact.** The proposed project will not exceed or impact wastewater treatment requirements of the applicable Regional Water Quality Control Board. The City currently has approximately 38.8 mgd of excess treatment capacity at the Regional Wastewater Facility (RWF). Based on a sanitary sewer hydraulic analysis prepared for the 2040 General Plan Final Environmental Impact Report, full build out under the 2040 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 RWF. The proposed project is consistent with the development assumptions in the General Plan. Therefore, implementation of the proposed project would have a less than significant impact on the RWF.

b. **Would the project 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?**
Less Than Significant Impact. The development of the project may increase water demands and wastewater generation; however, this increase would not require or result in the construction of new water or wastewater treatment facilities or any expansion of existing facilities. (See above discussion)

c. Would the project 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?

Less Than Significant Impact. The project would generate additional stormwater runoff, but as explained in Section 3.9 (Hydrology and Water Quality), would result in less than significant impacts related to erosion and surface water quality. It would not require the construction of new or expanded facilities.

d. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Less Than Significant Impact. The site is served by Great Oaks Water Company. There are existing water lines located in Edenvale Avenue that are available to serve the project. No new or expanded entitlements are expected to be required for sufficient water supplies for the project. The project will not connect to the City’s recycled water system.

e. Would the project 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?

Less Than Significant Impact. See items a) and b) above. The project will not impact wastewater treatment services, since adequate capacity is available to serve the project demand.

f. - g. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? Would the project comply with federal, state and local statues and regulations related to solid waste?

Less Than Significant Impact. The project will not generate substantial amounts of solid waste that would adversely affect any landfills. 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. According to the IWMP, the County has adequate disposal capacity beyond 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. Based on a disposal rate for Santa Clara County of 0.42 tons per capita and assuming 4 persons per household, the project would be expected to generate approximately 44 tons of solid waste per year. This minimal increase would not exceed the capacity of the City’s landfills. Therefore, the proposed project would have a less than significant impact on solid waste disposal.

The project will comply with all federal, state, and local statutes and regulations related to solid waste.

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3.18 MANDATORY FINDINGS OF SIGNIFICANCE

Mandatory Findings Environmental Checklist

<table>
<thead>
<tr>
<th>Source(s)</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a.</td>
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<tr>
<td>b.</td>
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<td>c.</td>
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<td>d.</td>
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</table>

Project Impacts

Based on the analysis provided in this Initial Study, the proposed project will not: (1) degrade the quality of the environment; (2) substantially reduce the habitat of a fish or wildlife species; (3) cause a fish or wildlife population to drop below self-sustaining levels; (4) threaten to eliminate a plant or animal community; (5) reduce the number or restrict the range of a rare or endangered plant or animal; or (6) eliminate important examples of the major periods of California history or prehistory. The project includes standard project conditions with respect to air quality, biological resources, cultural resources and noise that would reduce potential impacts to less than significant levels.

Cumulative Impacts

Under Section 15065(a) (3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has...
potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” Based on the analysis provided in this Initial Study, the proposed project will not significantly contribute to cumulative impacts.

**Short-term Environmental Goals vs. Long-term Environmental Goals**

The project site is currently a vacant lot. The project proposes to redevelop the site with residential uses consistent with the long-term goals for the site in accordance with the 2040 General Plan. The construction of the project would result in the temporary disturbance of developed land as well as an irreversible and irretrievable commitment of resources during construction. It is anticipated that these short-term effects would be substantially offset by the long-term improvement of the infill site. With implementation of the identified Mitigation Measures, Standard Permit Conditions and compliance with City General Plan policies, the proposed project would not result in significant adverse environmental impacts.

**Direct or Indirect Adverse Effects on Human Beings**

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, implementation of Mitigation Measures and Standard Permit Conditions would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. Based on the analysis provided in this Initial Study, the proposed project will not result in environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.
Checklist Sources

1. Professional judgment and expertise of the environmental specialists preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.

2. City of San José. *Envision San José 2040 General Plan.*


14. FEMA. *Flood Insurance Rate Map.*


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SECTION 5.0    AUTHORS AND CONSULTANTS

LEAD AGENCY
City of San José Department of Planning, Building and Code Enforcement

Harry Freitas, Director

Planning Permit Project Manager
Jennifer Piozet
(408) 535-7894
Jennifer.piozet@sanjoseca.gov

Planning Environmental Project Manager
Whitney Berry, Planner II
(408) 535-7829
whitney.berry@sanjoseca.gov

REPORT PREPARATION

HMH Engineers

Mike Campbell, AICP, CPSWQ, Senior Planner

Lisa Harris, ISA Certified Arborist, Landscape Architect

PERSONS CONTACTED

David Keyon, City of San José Department of Planning, Building and Code Enforcement
Planner II, Environmental Review

Jeffrey Schroeder, Senior Vice President, Land Acquisition & Planning, Ponderosa Homes II, Inc.
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Figure 3. Aerial Photo
Viewing southeast along the project site’s westerly boundary on Edenvale Avenue.

Viewing north along the project site’s westerly boundary on Edenvale Avenue.

**Figure 4a. Site Photos**
Figure 4b. Site Photos

Existing palm trees near the center of the site.

Existing mature oak trees at the north end of the site.

Existing mature eucalyptus trees near the southwest corner of the site.

Existing mature oak trees near the northwest corner of the site.
Viewing northwest across the site from the southeast side.

Viewing northeast across the site from the southwest side.

**Figure 4c. Site Photos**
Figure 5. General Plan Map
Figure 6. Zoning Map

Source: City of San Jose Dept. of Planning, Building & Code Enforcement – Zoning Map
Figure 7. Conceptual Site Plan