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<td>Assembly Bill</td>
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<tr>
<td>ABAG</td>
<td>Association of Bay Area Governments</td>
</tr>
<tr>
<td>ACM</td>
<td>Asbestos-containing materials</td>
</tr>
<tr>
<td>ADT</td>
<td>Average Daily Vehicle Trips</td>
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<td>AIA</td>
<td>Airport Influence Area</td>
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<td>AP</td>
<td>Alquist-Priolo Earthquake Fault Zoning</td>
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<td>Air Toxic Control Measures</td>
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<td>Bay Area Air Quality Management District</td>
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<tr>
<td>BCDC</td>
<td>Bay Conservation and Development Commission</td>
</tr>
<tr>
<td>BMP</td>
<td>Best Management Practice</td>
</tr>
<tr>
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<td>California Accidental Release Prevention</td>
</tr>
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<td>CalEPA</td>
<td>California Environmental Protection Agency</td>
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<td>CAL FIRE</td>
<td>California Department of Forestry and Fire Protection</td>
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<td>California Department of Transportation</td>
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<td>CAP</td>
<td>Clean Air Plan</td>
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<td>California Air Resources Board</td>
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<tr>
<td>CCL</td>
<td>Candidate City Landmark</td>
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<td>California Department of Fish and Wildlife</td>
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<td>California Environmental Quality Act</td>
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<td>CERCLA</td>
<td>Comprehensive Environmental Response, Compensation, and Liability Act</td>
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<td>California Endangered Species Act</td>
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<td>CFR</td>
<td>Code of Federal Regulations</td>
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<td>CGS</td>
<td>California Geological Survey</td>
</tr>
<tr>
<td>CH₄</td>
<td>Methane</td>
</tr>
<tr>
<td>CIWMB</td>
<td>California Integrated Waste Management Board</td>
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<tr>
<td>CLUP</td>
<td>Comprehensive Land Use Plan</td>
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<tr>
<td>CMP</td>
<td>Congestion Management Program</td>
</tr>
<tr>
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<td>Community Noise Equivalent Level</td>
</tr>
<tr>
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<td>California Native Plant Society</td>
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<tr>
<td>CO₂</td>
<td>Carbon dioxide</td>
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<td>Controlled Recognized Environmental Condition</td>
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<td>Description</td>
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<td>--------------</td>
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<td>CRHR</td>
<td>California Register of Historical Resources</td>
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<tr>
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<td>Contributing Structure</td>
</tr>
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<td>Certified Unified Program Agency</td>
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<tr>
<td>dB</td>
<td>Decibel</td>
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<tr>
<td>dBA</td>
<td>A-weighted sound level</td>
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<tr>
<td>DNL</td>
<td>Day/night average sound level</td>
</tr>
<tr>
<td>DTSC</td>
<td>Department of Toxic Substances Control</td>
</tr>
<tr>
<td>du/ac</td>
<td>Dwelling units per acre</td>
</tr>
<tr>
<td>EIR</td>
<td>Environmental Impact Report</td>
</tr>
<tr>
<td>FAR</td>
<td>Floor Area Ratio</td>
</tr>
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<td>FEIR</td>
<td>Final Environmental Impact Report</td>
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<td>Federal Emergency Management Agency</td>
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<td>FIRM</td>
<td>Flood Insurance Rate Map</td>
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<td>FMMP</td>
<td>Farmland Mapping and Monitoring Program</td>
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<td>FPEIR</td>
<td>Final Program Environmental Impact Report</td>
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<td>GHG</td>
<td>Greenhouse Gas</td>
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<td>GPA</td>
<td>General Plan Amendment</td>
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<tr>
<td>HMP</td>
<td>Hydromodification Management Plan</td>
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<td>HREC</td>
<td>Historical Recognized Environmental Condition</td>
</tr>
<tr>
<td>IS</td>
<td>Initial Study</td>
</tr>
<tr>
<td>IWM</td>
<td>Integrated Watershed Management</td>
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<td>IWMP</td>
<td>Integrated Waste Management Plan</td>
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<tr>
<td>LBP</td>
<td>Lead-based paint</td>
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<td>LEED</td>
<td>Leadership in Energy and Environmental Design</td>
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<td>L_eq</td>
<td>Noise Equivalent Level</td>
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<td>Low Impact Development</td>
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<td>L_max</td>
<td>Maximum Noise Level</td>
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<td>LOS</td>
<td>Level of Service</td>
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<td>MBTA</td>
<td>Migratory Bird Treaty Act</td>
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<tr>
<td>MND</td>
<td>Mitigated Negative Declaration</td>
</tr>
<tr>
<td>MOE</td>
<td>Measures of Effectiveness</td>
</tr>
<tr>
<td>mph</td>
<td>Mile per hour</td>
</tr>
<tr>
<td>MRP</td>
<td>Municipal Regional Permit</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>--------------</td>
<td>-----------</td>
</tr>
<tr>
<td>MTC</td>
<td>Metropolitan Transportation Commission</td>
</tr>
<tr>
<td>N\textsubscript{2}O</td>
<td>Nitrous oxide</td>
</tr>
<tr>
<td>NAHC</td>
<td>Native American Heritage Commission</td>
</tr>
<tr>
<td>NCS</td>
<td>Non-Contributing Structure</td>
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<tr>
<td>NESHAP</td>
<td>National Emission Standards for Hazardous Air Pollutants</td>
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<td>NFIP</td>
<td>National Flood Insurance Program</td>
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<td>NOD</td>
<td>Notice of Determination</td>
</tr>
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<td>NOI</td>
<td>Notice of Intent</td>
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<td>NO\textsubscript{x}</td>
<td>Nitrogen oxide</td>
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<td>NPDES</td>
<td>National Pollutant Discharge Elimination System</td>
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<tr>
<td>NRHP</td>
<td>National Register of Historic Places</td>
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<tr>
<td>NS</td>
<td>Non-Significant</td>
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<tr>
<td>OCP</td>
<td>Organochloridine Pesticide</td>
</tr>
<tr>
<td>OSHA</td>
<td>Occupational Safety and Health Administration</td>
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<tr>
<td>PCB</td>
<td>Polychlorinated biphenyl</td>
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<tr>
<td>PDA</td>
<td>Priority Development Area</td>
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<td>PDO</td>
<td>Parkland Dedication Ordinance</td>
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<td>PIO</td>
<td>Park Impact Ordinance</td>
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<td>PM</td>
<td>Particulate Matter</td>
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<td>PPV</td>
<td>Peak Particle Velocity</td>
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<td>RCRA</td>
<td>Resource Conservation and Recovery Act</td>
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<td>Recognized Environmental Condition</td>
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<td>Reactive Organic Gas</td>
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<td>RTP</td>
<td>Regional Transportation Strategy</td>
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<td>Regional Water Quality Control Board</td>
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<td>SB</td>
<td>Senate Bill</td>
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<td>SCC</td>
<td>Sustainable Communities Strategy</td>
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<td>SCH</td>
<td>State Clearing House</td>
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<td>SCVHP</td>
<td>Santa Clara Valley Habitat Plan</td>
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<tr>
<td>SCVWD</td>
<td>Santa Clara Valley Water District</td>
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<tr>
<td>SHMA</td>
<td>Seismic Hazards Mapping Act</td>
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<td>SJFD</td>
<td>San José Fire Department</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Description</td>
</tr>
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<td>--------------</td>
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<tr>
<td>SJPD</td>
<td>San José Police Department</td>
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<tr>
<td>SM</td>
<td>Structure of Merit</td>
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<td>SWPPP</td>
<td>Stormwater Pollution Prevention Plan</td>
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<tr>
<td>SWRCB</td>
<td>State Water Resources Control Board</td>
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<tr>
<td>TAC</td>
<td>Toxic Air Contaminant</td>
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<tr>
<td>TCM</td>
<td>Transportation Control Measure</td>
</tr>
<tr>
<td>TDM</td>
<td>Transportation Demand Management</td>
</tr>
<tr>
<td>µ/m³</td>
<td>Microgram per cubic meter</td>
</tr>
<tr>
<td>USEPA</td>
<td>United States Environmental Protection Agency</td>
</tr>
<tr>
<td>USFWS</td>
<td>United States Fish and Wildlife Service</td>
</tr>
<tr>
<td>VMT</td>
<td>Vehicle miles traveled</td>
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<tr>
<td>VTA</td>
<td>Santa Clara Valley Transportation Authority</td>
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<tr>
<td>WPCP</td>
<td>Water Pollution Control Plant</td>
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<td>XRF</td>
<td>X-Ray Fluorescence</td>
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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José as the Lead Agency, has prepared this Initial Study for the Moorpark and Central General Plan Amendment (GPA) in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et seq.) and the regulations and policies of the City of San José, California. The purpose of this Initial Study is to inform decision makers and the general public of the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

The project proposes to change the General Plan Land Use Designation of the 1.06-acre site from Residential Neighborhood to Mixed Use Neighborhood. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

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

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

The Initial Study and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, 3rd floor, during normal business hours.
SECTION 2.0  PROJECT INFORMATION

2.1 PROJECT TITLE
Moorpark and Central General Plan Amendment (GP17-002)

2.2 LEAD AGENCY CONTACT
Thai-Chau Le, Planner
City of San José
Department of Planning, Building & Code Enforcement
200 East Santa Clara Street
San José, CA 95113
Thai-Chau.Le@sanjose.ca.gov
408-535-5658

2.3 PROJECT APPLICANT
Bret Hoefler
262 D East Hamilton Ave.
Campbell, CA 95008

2.4 PROJECT LOCATION
The project site is located on the north side of Moorpark Avenue between MacArthur Avenue and Central Way within an unincorporated area of Santa Clara County, and includes six parcels. The project site and its relationship to the general area are shown in Figures 1-3.

2.5 ASSESSOR’S PARCEL NUMBERS
Assessor’s Parcel Numbers (APNs): 282-01-014, -015, -016, -020, -021, and -022

2.6 GENERAL PLAN DESIGNATIONS AND ZONING DISTRICT
City of San José’s Envision San José 2040 General Plan: Residential Neighborhood
Santa Clara County General Plan: Urban Service Area
Santa Clara County Zoning: One-Family Residence (R-1) and Multi-Family Residential (R-3)

2.7 HABITAT PLAN DESIGNATION
Land Cover Designation: Urban - Suburban
Development Zone: Urban Development greater than two acres covered
Fee Zone: Urban Areas
Owl Conservation Zone: N/A
AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3

MacArthur Avenue
Moorpark Avenue
Central Way
Parkmoor Avenue
Ginger Lane
Pfeffer Lane
Turner Drive

Residential
Residential
Residential
Commercial
Commercial
Hospital

City of San Jose
Project Boundary


0 25 100 200 Feet
2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

City of San José: General Plan Amendment
SECTION 3.0 PROJECT DESCRIPTION

3.1 OVERVIEW

The project site is located within an urban unincorporated area near the Burbank neighborhood of San José. The policies of the Santa Clara County General Plan state that unincorporated lands within city urban service areas should eventually be annexed to their surrounding cities. These policies are intended to eliminate the inefficiencies and confusion that result from the provision of urban services to scattered unincorporated areas surrounded by cities. These policies also empower residents of these areas to participate directly in the elections and decisions of the surrounding cities that are most likely to affect them. Annexation of lands within larger urban unincorporated areas may not occur for some time. In the meantime, to assure conformity of development within these areas with that of the surrounding areas, development proposals within these areas must conform to the uses allowed in the surrounding city’s general plan, in this case the Envision San José 2040 General Plan.

3.2 PROPOSED GENERAL PLAN DESIGNATION

The proposed project is to change the General Plan land use designation of the 1.06-acre site in the Envision San José 2040 General Plan from Residential Neighborhood to Mixed Use Neighborhood (see Figure 4). The Mixed Use Neighborhood land use designation allows for new infill development primarily with either townhouse or small lot single-family residences in areas with a wide variety of housing types, including a mix of residential densities and forms. The designation also supports commercial or mixed-use development. Assisted living facilities are another use allowed under this land use designation. The Mixed Use Neighborhood allows for up to 30 dwelling units per acre (du/ac) and a Floor Area Ratio (FAR) range of 0.25 to 2.0.

3.3 DEVELOPMENT ASSUMPTIONS FOR THE ENVIRONMENTAL REVIEW

In order to evaluate an appropriate development potential for the proposed General Plan Amendment to Mixed Use Neighborhood, a unit count representing approximately 50 percent of the maximum development density was used. For the proposed Mixed Use Neighborhood designation, the maximum residential density is 30 du/ac. A density of 15 du/ac (50 percent of 30 du/ac) over the 1.06-acre site would allow up to 16 units to be developed. For the purposes of this analysis, it is assumed that a maximum buildout of 16 residential units could be developed on the site under the proposed Mixed Use Neighborhood General Plan designation. Commercial uses of lower density could also be constructed on the site under the proposed designation. No specific development, annexation to the City of San José, or rezoning is proposed for the project site at this time. Future development of specific projects on the proposed site will require separate environmental review.
EXISTING AND PROPOSED LAND USE DESIGNATIONS

- **Project Site**
- **City of San Jose**
- **Residential Neighborhood**
- **Mixed Use Neighborhood**
- **Public/Quasi-Public**
- **Neighborhood/Community Commercial**

**Existing**

**Proposed**
SECTION 4.0 ENVIRONMENTAL CHECKLIST AND IMPACT DISCUSSION

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

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

The discussion for each environmental subject includes the following subsections:

- **Environmental Checklist** – The environmental checklist, as recommended by CEQA, identifies environmental impacts that could occur if the proposed project is implemented. The right-hand column of the checklist lists the source(s) for the answer to each question. The sources are identified at the end of this section.

- **Impact Discussion** – This subsection discusses the project’s impact as it relates to the environmental checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.

**Important Note to the Reader**

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

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

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss effects on the project related to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.
4.1 AESTHETICS

4.1.1 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>
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<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1, 2, 4</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>☒</td>
<td>☐</td>
<td>1, 5, 6</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>☒</td>
<td>☐</td>
<td>1, 2, 3</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>☒</td>
<td>☐</td>
<td>1, 2, 3</td>
</tr>
</tbody>
</table>

4.1.2 Setting

The project site consists of six parcels totaling 1.06 acres. The three northern parcels fronting the Central Way cul-de-sac are undeveloped with the exception of wood-fenced storage yard from an adjacent property to the west (see Photo 1). The southwestern parcel at 2323 Moorpark Avenue is developed with a 1950s modern-style wood-frame two-story apartment building connected to a wood-frame six-space carport (see Photo 2). The building at 2311 Moorpark Avenue is a stucco-clad four-plex residential building and was constructed in 1948 (see Photo 3). The southeastern property at 2301 Moorpark Avenue includes a wood and stucco two-story four-plex residential building constructed in 1953 (see Photo 4). Paved driveways from Moorpark Avenue provides access to the carport and surface parking adjacent to the apartment complexes (see Photo 5). The buildings’ facades contain glass windows along with sloped roofs. Mature landscape trees and shrubs are present around the perimeter of the building and the site.

The area surrounding the project site is comprised of wood- and stucco-clad, one- to two-story, single- and multi-family residential developments (see Photo 6). The architectural styles of the adjacent buildings to the east are a mix of traditional and modern construction. There are 12 cottages to the west, constructed during the 1930s in the vernacular, or local, style (see Photo 7). Across Moorpark Avenue is a five-level modern parking garage serving the nearby Santa Clara Valley Medical Center located on Turner Drive (see Photo 8). Photographs of the project site and area are shown on the following pages.

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to visual character and scenic resources and would be applicable to future redevelopment of the site under the proposed land use designation:
PHOTO 1: Northern portion of site, looking west

PHOTO 2: Apartment building and carport at 2323 Moorpark Avenue
PHOTO 3: Four-plex residential building at 2311 Moorpark Avenue

PHOTO 4: Four-plex residential building at 2301 Moorpark Avenue
PHOTO 5: Site buildings from across Moorpark Avenue, looking northeast

PHOTO 6: Northern portion of site and surrounding development, looking south toward Santa Clara Valley Medical Center
PHOTO 7: Cottages west of project site

PHOTO 8: View of Santa Clara Valley Medical Center from project site on Moorpark Avenue
Envision San José 2040 General Plan Relevant Aesthetics Policies

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy CD-1.1</td>
<td>Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.</td>
</tr>
<tr>
<td>Policy CD-1.8</td>
<td>Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.</td>
</tr>
<tr>
<td>Policy CD-1.12</td>
<td>Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.</td>
</tr>
<tr>
<td>Policy CD-1.13</td>
<td>Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.</td>
</tr>
<tr>
<td>Policy CD-1.17</td>
<td>Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.</td>
</tr>
<tr>
<td>Policy CD-1.23</td>
<td>Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.</td>
</tr>
</tbody>
</table>

In addition to applicable General Plan policies, future development on the project site allowed under the proposed land use designation would be required to comply with the following City policies and guidelines, as applicable:

- San José Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/00)
- San José Residential Design Guidelines
- San José Commercial Design Guidelines
4.1.3 Impact Discussion

a) Have a substantial adverse effect on a scenic vista?

The project site is not located along a state scenic highway, rural scenic corridor, or City Gateway.¹ Views are limited due to the adjacent Interstate 280 highway sound wall to the north and the five-story parking garage to the south. The project is located within a developed urban area, and there are no scenic vistas that would be impacted by the future redevelopment of the site under the proposed land use designation. [No Impact]

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The project site is not located along a state scenic highway and no scenic resources such as heritage trees, or rock outcroppings, are present on the site. None of the buildings or structures on the site have been designated as historic resources by the City of San José or Santa Clara County.² [No Impact]

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

The southern three parcels of the project site are developed with three two-story apartment buildings, along with carports, paved parking lots, and associated landscaping. The northern portion of the site is undeveloped. Future redevelopment of the site under the proposed land use designation would alter the existing visual character of the site and its surroundings by replacing the existing apartment developments and undeveloped area on the site with new buildings up to 3.5 stories in height. Since the project site is surrounded by a mix of single- and multi-family residential development and commercial uses, future residential and commercial development would be generally compatible with the visual character of the surroundings.

Future redevelopment of the site under the proposed Mixed Use Neighborhood land use designation would be reviewed in accordance with the City’s Residential Design Guidelines and the City’s Outdoor Lighting Policy (Council Policy 4-3). This would be completed during the Planning Permit stage (i.e., Site Development or Planned Development Permit) as part of the City’s planning review process. For this reason and those stated above, the future redevelopment of the site under the proposed land use designation would not substantially degrade the existing visual character of the site or its surroundings. [Less Than Significant Impact]


² City of San José. Historic Resources Inventory. Accessed February 17, 2017. Available at: http://www.sanjoseca.gov/DocumentCenter/View/35475

³ Santa Clara County. Heritage Resource Inventory. Accessed March 9, 2017. Available at: https://www.sccgov.org/sites/dpd/Programs/HistoricPreservation/Pages/Inventory.aspx
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

A portion of the site is developed and located in an urban area with single- and multi-story residential and commercial development. The other portion of the site consists of unpaved empty lots that are not lit at night. For this reason, future redevelopment of the site under the proposed Mixed Use Neighborhood land use designation would likely increase the amount of nighttime lighting on the project site. As described above, future redevelopment would be required to conform to the City’s Residential Design Guidelines and to the standards of the City’s Outdoor Lighting Policy for Private Development (Council Policy 4-3). The City’s planning review processes will ensure compatibility of the lighting and building materials of future redevelopment on the site with the surrounding uses. For these reasons, future redevelopment of the site under the proposed Mixed Use Neighborhood land use designation would not create a source of substantial light or glare that would affect views in the area. [Less Than Significant Impact]

4.1.4 Conclusion

Conformance with existing General Plan policies, City design guidelines, and City Council policy will ensure that future redevelopment of the project site under the proposed Mixed Use Neighborhood land use designation would not result in a significant aesthetics impact. [Less Than Significant Impact]
4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 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</th>
<th>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>1, 2, 7</td>
<td></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, 3, 8</td>
<td></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>1, 2, 3</td>
<td></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>1, 2, 3</td>
<td></td>
</tr>
<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>1, 2, 3</td>
<td></td>
</tr>
</tbody>
</table>

4.2.2 Setting

4.2.2.1 Agricultural Resources

The California Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data for analyzing impacts on California’s agricultural resources. Agricultural land is rated according to soil quality and irrigation status, and the best quality land is categorized as Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance.

The California Land Conservation Act of 1965 (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.

The project site is not designated as farmland, nor is it the subject of a Williamson Act contract. According to the Santa Clara County Important Farmland 2014 map, the project site is designated as Urban and Built-Up Land, meaning that the land contains a building density of at least six units per
10-acre parcel. Common examples of Urban and Built-Up Land include residential, industrial, and commercial purposes; golf courses; landfills; airports; sewage treatment; and water control structures.

Various policies in the City of San José’s General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts resulting from planned development within the City. Future redevelopment would be subject to the agricultural policies listed in the General Plan, including the following:

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

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
</table>
| Policy LU-12.3 | Protect and preserve the remaining farmlands within San José’s sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means:  
  - Limit residential uses in agricultural areas to those which are incidental to agriculture.  
  - Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights.  
  - Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses.  
  - Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan. |
| Policy LU-12.4 | Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands. |

**4.2.2.2 Forestry Resources**

The project site does not contain forest land. No forest or timberland is located in the vicinity of the site.

**4.2.3 Impact Discussion**

a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?**

The project site is not used for agricultural purposes. The site is not designated by the Department of Conservation as farmland of any type. For these reasons, the proposed project would not result in impacts to agricultural resources. [No Impact]

b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

The project site is not zoned for agriculture, and it is not the subject of a Williamson Act contract. The project would not conflict with existing zoning for agriculture. [No Impact]
c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

The project site is not zoned for forest land or timberland. One parcel on the project site is developed with multi-family residential units, and three parcels are vacant. The surrounding area is developed with urban uses and is not zoned or used for forest land or timberland. The project would not conflict with existing zoning for forest land, timberland, or timberland production. [No Impact]

d) Result in a loss of forest land or conversion of forest land to non-forest use?

Neither the project site, nor any of the properties adjacent to the project site or in the vicinity, is used for forest land or timberland. Future redevelopment of the project site under the proposed land use designation would, therefore, not impact forest land or timberland. [No Impact]

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?

According to the Santa Clara County Important Farmland 2014 map, the project site and surrounding area are designated as Urban and Built-Up Land. Future redevelopment of the project site would not result in conversion of any forest or farmlands. [No Impact]

4.2.4 Conclusion

Future redevelopment of the project site under the proposed Mixed Use Neighborhood land use designation would have no impact on agricultural land, agricultural activities, or forestry resources in the area. [No Impact]
4.3 AIR QUALITY

4.3.1 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, 2, 9, 10</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, 2, 9, 10</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, 2, 9, 10</td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 9, 10, 11, 12</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, 2, 9, 10</td>
</tr>
</tbody>
</table>

4.3.2 Setting

4.3.2.1 Climate and Topography

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area’s proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded by the San Francisco Bay to the north and the Santa Cruz Mountains to the southwest, and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows the valley’s northwest-southwest axis.

4.3.2.2 Regional and Local Criteria Pollutants

Major criteria pollutants, listed in “criteria” documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB), include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area, as a whole, does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter (PM$_{2.5}$) and state standards for
particulate matter (PM$_{10}$). The area is considered in attainment or unclassified for all other pollutants.

### 4.3.2.3 Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). TACs tend to be localized and are found in relatively low concentrations in ambient air. Exposure to low concentrations over long periods, however, can result in adverse chronic health effects. Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average).

Fine Particulate Matter (PM$_{2.5}$) is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to PM$_{2.5}$ can cause a wide range of health effects. Common stationary sources of TACs and PM$_{2.5}$ include gas stations, dry cleaners, and diesel backup generators. The other, more significant, common source is motor vehicles on roadways and freeways.

Mobile TAC sources within 1,000 feet of the project site include Interstate 280, located 70 feet from the northern boundary of the site, McArthur Avenue, located 190 feet from the western boundary, and Moorpark Avenue located adjacent to the southern boundary of the site.

### 4.3.2.4 Sensitive Receptors

The Bay Area Air Quality Management District (BAAQMD) defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics. Sensitive receptors near the project site include the adjacent residential uses.

### 4.3.2.5 Regulatory Framework

**Federal, State, and Regional**

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

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 Basin. BAAQMD has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and state air quality laws and regulations.
Regional Air Quality Management Districts, such as BAAQMD, must prepare air quality plans specifying how state air quality standards would be met. BAAQMD’s most recent adopted plan is the Bay Area 2017 Clean Air Plan (CAP).

For all proposed projects, BAAQMD recommends implementation of the updated Basic Construction Mitigation Measures whether or not construction-related emissions exceed applicable thresholds.

**Envision San José 2040 General Plan**

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 redevelopment under the proposed land use designation would be subject to the air quality policies listed in the General Plan, including the following:

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy MS-10.1</td>
<td>Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.</td>
</tr>
<tr>
<td>Policy MS-10.2</td>
<td>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.</td>
</tr>
<tr>
<td>Policy MS-11.1</td>
<td>Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.</td>
</tr>
<tr>
<td>Policy MS-11.2</td>
<td>For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.</td>
</tr>
<tr>
<td>Policy MS-11.5</td>
<td>Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.</td>
</tr>
<tr>
<td>Policy MS-13.1</td>
<td>Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.</td>
</tr>
<tr>
<td>Policy MS-13.3</td>
<td>Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board’s air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.</td>
</tr>
</tbody>
</table>
Policy CD-3.3
Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

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

---

4.3.3  **Impact Discussion**

4.3.3.1  **Air Quality Impacts from the Project**
*(Checkout Questions “a” through “e”)*

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

Determining consistency with the 2017 CAP involves assessing whether the project would conflict with the primary goals of the 2017 CAP (i.e., protecting public health and protecting the climate) or prevent implementation of Control Measures contained in the 2017 CAP. The 2017 CAP defines an integrated, multipollutant control strategy to reduce emissions of particulate matter, toxic air contaminants, ozone precursors, and greenhouse gases. The 2017 CAP includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The control measures are divided into five categories that include:

- Measures to reduce emissions from stationary and area sources;
- Mobile source measures;
- Transportation control measures;
- Land use and local impact measures; and
- Energy and climate measures

The project is a General Plan amendment that would allow for construction of additional housing and commercial uses within a developed area of San José. While the proposed General Plan Amendment would diverge from the General Plan policies intended to focus development in identified Growth Areas, it is in an area served by bus transit and the potential future development of up to eight units in south central San José would not result in a substantial increase in vehicle miles traveled by residents of San José.

The project does not include a specific development that could be compared to control measures for stationary, area, or mobile sources or energy control measures. Project design and conditions for vehicle, bicycle and pedestrian access and access to public transit would be reviewed for consistency with City General Plan policies and Residential Design Guidelines by the City (e.g., building energy efficiency, energy use, provision for pedestrian and bicycle modes, appropriate transportation demand management [TDM] measures) that correspond with...
Control Measures in the 2017 CAP. This review would be undertaken during the development environmental and permit review phase.

Exposure of sensitive receptors to TAC and PM$_{2.5}$ emissions that might be associated with construction of a future project would be required to implement City’s Standard Permit Conditions for dust and diesel exhaust control. Conformance with policies MS-11.1 and MS-13.3 and implementation of Standard Permit Conditions at the time of construction would reduce impacts and would not conflict with control measures in the 2017 CAP to reduce air pollutant emissions or the goals of protecting public health or the climate. The project would also not affect population forecasts used for 2017 CAP projections. Therefore, the project would not conflict with implementation of the 2017 CAP. [Less Than Significant Impact]

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

Table 3-1 in the 2011 BAAQMD CEQA Air Quality Guidelines contains screening level sizes for various land use types/development. The screening levels were developed to provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts. If all of the screening criteria are met by a proposed project, then a detailed air quality assessment of a project’s air pollutant emissions does not need to be prepared and the project’s air quality impacts are considered less than significant. As described in Section 3.0, Project Description, future redevelopment of the 1.06-acre project site under the proposed Mixed Use Neighborhood land use designation would consist of approximately 16 multi-family (e.g., apartment) residences. As summarized in Table 4.3-1 below, the apartment screening level for construction and operational criteria pollutants are 240 dwelling units and 451 dwelling units, respectively.

```
<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Operational Criteria Pollutant Screening Size</th>
<th>Construction Criteria Pollutant Screening Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>apartment</td>
<td>240 dwelling units</td>
<td>451 dwelling units</td>
</tr>
<tr>
<td>Mixed Use Neighborhood</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
```

Future redevelopment of the project site under the proposed Mixed Use Neighborhood land use designation would not exceed the screening levels for construction and operational criteria pollutants.

Any future project would also be reviewed for compliance with Policy MS.10-1, requiring the implementation of air emissions reduction measures reduce the potential for impacts. Any future development would also be reviewed for compliance with air quality regulations and policies (including the construction emissions reduction measures in Policy MS-13.1) as part of the overall development review process. Therefore, the proposed General Plan Amendment
would not result in a significant construction or operational criteria pollutant impact under CEQA. [Less Than Significant Impact]

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?**

Non-attainment pollutants of concern for the San Francisco Bay Air Basin are ozone, PM$_{10}$ and PM$_{2.5}$. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project’s individual emissions would be cumulatively considerable. If a project exceeds the significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region’s existing air quality conditions. As discussed above (see discussion under checklist item “b”), future redevelopment of the project site under the proposed Mixed Use Neighborhood land use designation would not exceed the screening levels for construction and operational criteria pollutants. In addition, future construction on the site would be required to implement BAAQMD’s Best Management Practices for dust control in accordance with the City’s General Plan policies MS-13.1 and MS-13.3. For these reasons, the proposed General Plan Amendment would not result in a cumulatively considerable net increase of a criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard, including releasing emissions that exceed quantitative thresholds for ozone precursors. [Less Than Significant Impact]

d) **Expose sensitive receptors to substantial pollutant concentrations?**

While there are sensitive receptors adjacent to the project site, the future development allowed under the proposed General Plan Amendment is not expected to result in any localized emissions that could expose sensitive receptors in the surrounding environment to unhealthy air pollutant levels. Residential uses are not stationary sources of toxic air contaminants, and do not involve significant diesel-powered trucks that generate mobile TAC emissions.

Future construction under the proposed land use designation would require the use of diesel equipment (e.g., generators, excavators, dozers, graders, etc.). The exhaust from diesel equipment contains diesel particulate matter, which is a known TAC. Depending on the proximity and duration of use, the operation of diesel equipment on the project site during future construction activities under the proposed land use designation has the potential to expose the occupants of the surrounding residences to substantial TAC emissions. Consistent with General Plan Policy MS-13.1, this impact would be addressed at the time a specific project is proposed on the project site and mitigation measures (e.g., use of alternative fuel construction equipment) would be required to reduce the impact to a less than significant level, if necessary. Once construction is complete, operation of the future development would not be a source TAC emissions and, therefore, would not expose sensitive receptors to substantial pollutant concentrations. [Less Than Significant Impact]
e) Create objectionable odors affecting a substantial number of people?

No new stationary odor sources, such as food processing, are anticipated as part of future redevelopment of the site with residential uses. While construction activities can create odors, odors during construction would be temporary and would not affect a substantial number of people. For these reasons, future redevelopment of the project under the proposed *Mixed Use Neighborhood* land use designation would not create objectionable odors affecting a substantial number of people. \[Less Than Significant Impact\]

### 4.3.3.2 Air Quality Effects on the Project

#### Exposure of Future Residents to Substantial Pollutant Concentrations

Nearby sources of TACs using the BAAQMD *Stationary Source Screening Tool and Roadway Screening Analysis Tables*\(^4\) were reviewed to determine the potential for local sources of TACs to impact future residential development on the site. There are no stationary sources within 1,000 feet of the project site. TAC emissions for mobile\(^5\) sources within 1,000 feet of the project site were evaluated for community risk and compared to BAAQMD’s recommended significance thresholds of an increase of 10 cancer cases per million and PM\(_{2.5}\) concentrations that exceed 0.3 micrograms per cubic meter ($\mu$/m\(^3\)).

The busiest roadway within 1,000 feet of the project site is Interstate 280, which has approximately 208,000 average daily vehicle trips (ADT), and is located approximately 70 feet from the northern boundary of the project site. Moorpark Avenue, located approximately 10 feet from the site, and S. Bascom Avenue, located approximately 680 feet from the site, have 27,000 ADT and 36,000 ADT, respectively.\(^6\)

The community risks associated with Interstate 280, Moorpark Avenue and S. Bascom Avenue are shown in Table 4.3-2, below.

<table>
<thead>
<tr>
<th>Facility</th>
<th>ADT</th>
<th>Distance from Project Site</th>
<th>Cancer Risk</th>
<th>PM(_{2.5})*</th>
<th>Hazard Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-280</td>
<td>208,000</td>
<td>70 feet north</td>
<td>3.8</td>
<td>0.075</td>
<td>N/A</td>
</tr>
<tr>
<td>Moorpark Avenue</td>
<td>27,000</td>
<td>10 feet south</td>
<td>7.3</td>
<td>0.19</td>
<td>N/A</td>
</tr>
<tr>
<td>S. Bascom Avenue</td>
<td>36,000</td>
<td>680 feet east</td>
<td>0.9</td>
<td>0.021</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Notes: *PM\(_{2.5}\) concentrations are measured in micrograms per cubic meter ($\mu$/m\(^3\)).


\(^5\) Mobile sources of TACs include high traffic volume roadways exceeding 10,000 average annual daily trips or more.

As noted in the General Plan EIR, the General Plan includes a mechanism for screening and mitigating the effects of pollutants that can pose Community Risks. At the time of future development, per General Plan policy MS-11.2, an evaluation would be completed and measures included in the design of the project to reduce health risks to future occupants.

The above discussion is included as an informational discussion because under the Supreme Court ruling this effect on a future project would not be a significant impact under CEQA.

**4.3.4 Conclusion**

Future redevelopment of the project site with residential and commercial uses under the proposed *Mixed Use Neighborhood* land use designation, in conformance with existing General Plan policies and City Council Policy, would ensure that air quality impacts would be reduced to a less than significant level. [Less Than Significant Impact]
## 4.4 BIOLOGICAL RESOURCES

### 4.4.1 Environmental Checklist

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</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 modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 13</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>1, 2</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
<td>1</td>
</tr>
<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>
<td>☒</td>
<td>1</td>
</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, 2, 3, 14</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, 2, 13</td>
</tr>
</tbody>
</table>
4.4.2 Setting

4.4.2.1 Regulatory Framework

Special-Status Species

Special-status species include plants or animals that are listed as threatened or endangered under the federal and/or California Endangered Species Act (CESA), species identified by the California Department of Fish and Wildlife (CDFW) as a California Species of Special Concern, as well as plants identified by the California Native Plant Society (CNPS) as rare, threatened, or endangered.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA: 16 USC Section 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, bird nests, and eggs. Construction disturbance during the breeding season could result in a violation of the MBTA such as the incidental loss of fertile eggs or nestlings, or nest abandonment.

California Fish and Game Code

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

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Habitat Plan is a regional partnership between six local partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the Cities of San José, Gilroy, and Morgan Hill) and two wildlife agencies (the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service).

The Habitat Plan identifies and preserves land that provides important habitat for endangered and threatened species. The land preservation is intended to provide mitigation for the environmental impacts of planned development, public infrastructure operations, and maintenance activities, as well as to enhance the long-term viability of endangered species.

The project site is located within the Habitat Plan study area and is designated as Urban-Suburban land. Urban-Suburban land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas...
with one or more structures per 2.5 acres. Vegetation found in *Urban-Suburban* land is usually in the form of landscaping, planted street trees, and parklands.

**Envision San José 2040 General Plan**

The Envision San José 2040 General Plan includes the following policies that are specific to biological resources and applicable to development projects in San José:

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

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy ER-5.1</td>
<td>Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.</td>
</tr>
<tr>
<td>Policy ER-5.2</td>
<td>Require that development projects incorporate measures to avoid impacts to nesting migratory birds.</td>
</tr>
<tr>
<td>Policy MS-21.4</td>
<td>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.</td>
</tr>
<tr>
<td>Policy MS-21.5</td>
<td>As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.</td>
</tr>
<tr>
<td>Policy MS-21.6</td>
<td>As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.</td>
</tr>
</tbody>
</table>
| Policy MS-21.8 | For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals:  
1. Avoid conflicts with nearby power lines.  
2. Avoid potential conflicts between tree roots and developed areas.  
3. Avoid use of invasive, non-native trees.  
4. Remove existing invasive, non-native trees.  
5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.  
6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species. |
| Policy CD-1.24 | Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest. |
San José Tree Ordinance

The City of San José maintains the urban landscape by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). Ordinance trees are defined as trees exceeding 56 inches in circumference, or approximately 18 inches in diameter, at a height of 24 inches above natural grade. Ordinance trees are generally mature trees that help beautify the City, slow the erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality. A tree removal permit is required from the City of San José for the removal of ordinance trees.

4.4.2.2 Existing Conditions

The project site is located in an urban area surrounded by existing residential and commercial development. The southern portion of the site is currently developed with multi-family residential units and associated parking, and the northern portion is undeveloped. Mature trees and landscaping are present on the site.

A single-trunked deciduous tree, possibly a walnut tree, is located at the northwest corner of the site, as shown in Photo 1 in Section 4.1, Aesthetics of this Initial Study. Several small, multi-trunked deciduous trees are located along the eastern boundary of the undeveloped portion of the site, and along the southern site boundary. A fan palm tree is located in the undeveloped portion of the site, as shown in Photo 6. A second fan palm, along with heavily pruned camphor and olive trees, is located near the southern site boundary, as shown in Photo 5. The single-trunked deciduous tree and two fan palm trees appear to be ordinance-sized trees in the City of San José.

Developed, urban areas are generally low in species diversity. Common species that occur in urban environments include rock pigeons, mourning doves, house sparrows, finches, and European starlings. Raptors and other avian species could forage in the project area or nest in surrounding landscaping or within buildings.

There are no sensitive habitats or wetlands on or adjacent to the project site. Due to the lack of sensitive habitats, and the human disturbance and development, at the project site, special-status plant and animal species are not expected to occur. The primary biological resources on-site are landscape trees.

4.4.3 Impact Discussion

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?

The project site is located in an urban area that is developed with single- and multi-family residential, commercial, and institutional uses. The southern portion of the site is developed with multi-family residential units, pavement, and landscaping. No sensitive habitats or habitats suitable for special-status plants or wildlife species occur on or adjacent to the project site. Therefore, future redevelopment of the project site under the proposed land use designation would not directly impact special-status species.
The trees on and adjacent to the project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800. Future redevelopment of the site during the nesting season (i.e., February 1 to August 31) could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. Future construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact.

In conformance with the California State Fish and Game Code, the provisions of the Migratory Bird Treaty Act, and General Plan policies ER-5.1 and ER-5.2, future redevelopment under the proposed land use designation would be required to implement measures to avoid and/or reduce impacts to nesting birds (if present on or adjacent to the site) to a less than significant level. Potential measures include the following:

- The project applicant shall schedule construction to avoid the nesting season to the extent feasible. A pre-construction nesting bird survey shall be required prior to the start of construction activities, if construction activities are proposed to commence during the nesting season (February 1st to August 31st), in order to avoid impacts to nesting birds. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st). During this survey, the biologist or ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests.
- If an active nest is found in an area that will be disturbed by construction, the biologist or ornithologist shall designate an adequate buffer zone to be established around the nest, in consultation with the California Department of Fish and Wildlife, to ensure that nests shall not be disturbed during project construction.
- The applicant shall submit a report indicating the results of the pre-construction survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of the City of San José Department of Planning, Building and Code Enforcement, prior to the issuance of a demolition permit.

Implementation of General Plan policies and conformance to State and federal laws protecting nesting birds would reduce potential impacts to candidate, sensitive, and/or special status species to a less than significant level. [Less Than Significant Impact]
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

The project site is located in an urban area and does not contain any riparian habitats or other sensitive natural communities. [No Impact]

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The project site is surrounded by urban uses and is devoid of wetlands, marshes, and vernal pools. The project would not impact any federally protected wetlands under the Clean Water Act. [No Impact]

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?

The site does not support a watercourse or provide habitat that facilitates the movement of any native resident or migratory fish or wildlife species. There are no native wildlife nursery sites on the site. Therefore, the site has limited potential to serve as a migratory corridor for wildlife. [No Impact]

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Future redevelopment of the project site with residential and commercial uses could result in the loss of several trees on the site, three of which may be protected under the City’s Tree Ordinance. A tree removal permit would be required from the City of San José for the removal of ordinance trees.

Trees removed during the future redevelopment of the site would be replaced at specified ratios, in accordance with existing City policy and the Municipal Code. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement at the Site Development or Planned Development Permit phase. Tree replacement would occur on-site, or the applicant would pay an in-lieu fee to Our City Forest to compensate for the loss of trees on-site. Compliance with local regulations and policies during future redevelopment would reduce impacts to the urban forest to a less than significant level. [Less Than Significant Impact]
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?**

The project site is located within the Habitat Plan study area and would be subject to all applicable Habitat Plan conditions and fees. The project site is designated as *Urban-Suburban* in the Habitat Plan and is not identified as important habitat for endangered and threatened species. Therefore, future development of the project site would not result in direct impacts to the Habitat Plan’s covered species.

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the federally endangered Bay checkerspot butterfly. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the Habitat Plan for new vehicle trips can be used to purchase conservation land for the Bay checkerspot butterfly. In compliance with the Habitat Plan and General Plan policies, future redevelopment under the proposed land use designation would be required to implement the following measure:

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

In compliance with General Plan policies and the Habitat Plan, future redevelopment of the project site under the proposed land use designation would be required to implement the measure listed above. Therefore, the project would not conflict with an adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional, or state habitat conservation plan. **[Less Than Significant Impact]**

### 4.4.4 Conclusion

Conformance with the General Plan policies, Habitat Plan requirements, and State and federal laws discussed above would ensure that biological impacts from the redevelopment of this urban property would be reduced to a less than significant level. **[Less Than Significant Impact]**
### 4.5 CULTURAL RESOURCES

The discussion of cultural resources in this section is based on the *Archaeological Literature Search Results* prepared by Holman & Associates on August 16, 2017 and a *Historic Report* prepared by Archives & Architecture on August 30, 2017. The reports are included in this Initial Study as Appendices A and B, respectively.

#### 4.5.1 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 CEQA Guidelines Section 15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 5, 15, 16, 17</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 5, 15, 16, 17</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 2, 15, 16</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of dedicated cemeteries?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 2, 16</td>
</tr>
<tr>
<td>e) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>1, 2, 16</td>
</tr>
</tbody>
</table>
Would the project:

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1, 2, 16</td>
</tr>
</tbody>
</table>

4.5.2 **Setting**

4.5.2.1 **Regulatory Framework**

**Federal**

**Historic Resources**

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

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

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

**State**

**Historic Resources**

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

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

**Senate Bill 18 – Tribal Consultation**

Senate Bill (SB) 18 is a process separate from CEQA that requires local governments to consult with federally and non-federally recognized Native American tribes prior to approving certain land use plans that include traditional tribal cultural places on both public and private lands. SB 18 places the responsibility of initiating consultation on local governments. SB 18 consultation applies to the adoption and amendment of both General and Specific Plans proposed on or after March 1, 2005 and consultation is a “government to government” interaction between tribal representatives and representatives of the local jurisdiction. The purpose of SB 18 is to provide time for tribal input early in the planning process. Tribal consultation concerning the proposed General Plan Amendment pursuant to SB 18 was initiated by the City with applicable Santa Clara County tribal representatives identified by the NAHC.

**Native American Tribal Cultural Resources**

On September 25, 2014, Governor Edmund G. Brown signed Assembly Bill 52 (AB 52), creating a new category of environmental resources (tribal cultural resources), which must be considered under CEQA. The legislation includes new requirements for consultation regarding projects that may affect a tribal cultural resource, a definition of what may be considered to be a tribal cultural resources, and a list of recommended mitigation measures. AB 52 also requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified of projects proposed within that area. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to mitigate or avoid a significant impact on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

**Paleontological Resources**

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

**Envision San José 2040 General Plan**

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

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

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy ER-10.1</td>
<td>For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.</td>
</tr>
<tr>
<td>Policy ER-10.2</td>
<td>Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.</td>
</tr>
<tr>
<td>Policy ER-10.3</td>
<td>Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.</td>
</tr>
<tr>
<td>Policy LU-13.8</td>
<td>Ensure that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.</td>
</tr>
<tr>
<td>Policy LU-13.15</td>
<td>Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.</td>
</tr>
</tbody>
</table>

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

**Municipal Code – Historic Preservation Ordinance**

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

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

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

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

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

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

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

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

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

Archaeological Resources

There are no recorded archaeological resources on the project site, and the project site is not located within an archaeologically sensitive area.\(^7\) The project site is not adjacent to any known archaeological resources.

In this area of San José, Native American sites have been identified on part of the flat valley within a half mile of the Guadalupe River, especially near its confluence with Los Gatos Creek. The project site is located 1.25 miles northwest of Los Gatos Creek. The project site is underlain by Holocene-aged alluvial fan levee deposits, a stable sediment that would have preserved any archaeological resources, if present. There is a moderate potential for intact prehistoric archaeological deposits within the project area.\(^8\)

Based upon the cultural resources literature review (Appendix A), there is a low potential for intact historic-era archaeological deposits within the project area.

Historic Resources

On-Site Resources

The easternmost apartment building on the site, located at 2301 Moorpark Avenue, was constructed in 1953. See Photo 2 in Section 4.1, Aesthetics of this Initial Study. The two-story apartment building at 2311 Moorpark Avenue was constructed in 1948. 2311 Moorpark Avenue is shown in Photo 3. The residential and parking structures at 2323 Moorpark Avenue, the southwestern property, were constructed in 1956-1957 and are shown in Photo 4. The buildings do not have exemplary characteristics in design and are not associated with any patterns of development or significant events in the history of the City, and do not appear to be eligible to be listed on the NRHP, CRHR, City of San José Historic Resources Inventory, or Santa Clara County Heritage Resource Inventory.\(^9,10\) Although greater than 50 years in age, the properties are not a historic resource under CEQA.

Two of the undeveloped parcels on the project site have been vacant since the beginning of the subdivision development in 1945. A portion of the third parcel (APN 282-01-014) once contained a single-family residence that was removed during construction of the adjacent Interstate 280.

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\(^7\) City of San José. *Envision San José 2040 General Plan FEIR: City of San José Historic Resources Inventory, Landmarks, Districts, and Architectural and Archaeological Resources*. 2010.


\(^10\) Santa Clara County. *Heritage Resource Inventory*. Accessed March 9, 2017 and September 25, 2017. Available at: [https://www.sccgov.org/sites/dpd/Programs/HistoricPreservation/Pages/Inventory.aspx](https://www.sccgov.org/sites/dpd/Programs/HistoricPreservation/Pages/Inventory.aspx).
Adjacent and Surrounding Properties

No adjacent properties are listed on the County of Santa Clara Heritage Resource Inventory or City of San José Historic Resources Inventory. Detached residential cottages, adjacent to the site at 2365-2387 Moorpark Avenue, were constructed in the 1930s and may qualify for the City’s Historic Resources Inventory as Identified Structures, which are not City Landmarks or considered historic resources under CEQA. These cottages were likely associated with the County Hospital to the south.

Historic site CA-SCL-902H, located south of the project site, was the County Infirmary cemetery from 1871 to 1935. Cemetery boundaries depicted on historic-era maps did not extend into the project boundaries. The cemetery site was recommended as eligible to the CRHR, but is not currently listed.

The multi-family developments along Moorpark Avenue and MacArthur Avenue are diverse in architectural style. It does not appear that the larger block could be considered a historic resource due to its pattern of development.

Paleontological Resources

The site is located in an area of high paleontological sensitivity at depth, but is not within an area of high paleontological sensitivity at the ground surface.

4.5.3 Impact Discussion

a) Cause a substantial adverse change in the significance of an historical resource?

Based on a review of the County of Santa Clara Heritage Resource Inventory, the City’s Historic Resources Inventory and the identification of historic resources in the City of San José completed for the General Plan, there is one known, unlisted historic site in the project area (CA-SCL-902H, the County Infirmary cemetery). However, the boundaries of the County Infirmary cemetery do not extend onto the project site. Detached cottages located west of the project site may qualify for the City of San José Historic Resources Inventory as Identified Structures. Future redevelopment of the site would not include these parcels that contains the cottages are located. Future redevelopment is intended to be up to approximately 16 residences and would be reviewed by the Department of Planning, Building and Code Enforcement to ensure it is compatible with the surrounding areas. Commercial uses of lower density could also be constructed on the site. While development could intensify in this area, it is not anticipated to result in a significant impact to any identified historic sites.

The existing multi-family residential buildings on the site do not appear to have exemplary characteristics in design or be associated with any patterns of development or significant events in the history of the City that would make the buildings eligible for the NRHP, CRHR, or City of San José Historic Resources Inventory. [Less Than Significant Impact]

---

b) **Cause a substantial adverse change in the significance of an archaeological resource?**

There are no known archaeological sites within or adjacent to the project site, and the site is not located within an area of high archaeological sensitivity. The potential for accidental discovery of archaeological materials is considered moderate, due to the channel deposits identified in nearby geoarchaeological trenching results. Future construction activities during redevelopment of the site could significantly impact cultural resources, if they are encountered.

In accordance with Envision San José 2040 General Plan Policies ER-10.1, ER-10.2, and ER-10.3, the following measures could be applied to future planning permits for redevelopment of the site in order to reduce or avoid impacts to subsurface cultural resources:

- Once specific plans are prepared and after the current buildings are demolished and the asphalt/concrete driveways removed, an archaeologist shall conduct mechanical presence/absence exploration to determine if there are any indications of subsurface archaeological deposits and cultural materials on the project site. If potholing for utilities must be completed prior to the archaeological survey, an archaeological monitor shall observe the potholing process. If any indications are identified, additional measures will be tailored to the type of resource identified and the proposed planned improvements.

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement shall be notified, and a qualified archaeologist shall examine the find and make appropriate recommendations prior to the issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings and documentation of any data recovery during monitoring shall be submitted to the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement.

Implementation of the above measures in accordance with General Plan policies would ensure that future redevelopment of the site would not significantly impact archaeological resources.

[Less Than Significant Impact]

c) **Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?**

The project site is located in an area of high paleontological sensitivity at depth, but not of high sensitivity at the ground surface. Additionally, soil on the project site has been previously disturbed during construction of the existing residential building. Future redevelopment of the project site under the proposed land use designation is not expected to encounter paleontological resources.
Although not anticipated, construction activities associated with implementation of the proposed General Plan Amendment could significantly impact paleontological resources, if they are encountered.

In accordance with General Plan Policy ER-10.3, the following measure could be applied to future redevelopment of the project site to reduce and/or avoid impacts to paleontological resources:

- If vertebrate fossils are discovered during construction, the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement shall be notified and all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection, and may also include preparation of a report for publication describing the finds. The project proponent will be responsible for implementing the recommendations of the paleontological monitor and a final report documenting the implementation of the treatment program shall be provided to the Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement.

Implementation of the above measure, in accordance with General Plan policies, would ensure that future redevelopment of the site would not significantly impact paleontological resources. **[Less Than Significant Impact]**

d) **Disturb any human remains, including those interred outside of dedicated cemeteries?**

The project site is located north of a known historic-era cemetery. The boundaries of the cemetery do not extend onto the project site.

Although the likelihood of encountering human remains is low, the disturbance of these remains, if they are encountered during construction, could result in an impact. The following measure, in accordance with State and Santa Clara County regulations, would be applied to future redevelopment to reduce and/or avoid impacts to human remains:

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.
• If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

• If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
  o The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;
  o The descendant identified fails to make a recommendation; or
  o The landowner or his authorized representative rejects the recommendation of the descendant, the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Implementation of the above measure would reduce and/or avoid impacts to unknown human remains to a less than significant level. [Less Than Significant Impact]

e) Cause a substantial adverse change in the significance of a tribal cultural resource that is:
  1) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, 2) determined to be a significant resource to a California Native American tribe?

The project is located in a fully developed area within a mostly residential area of San José and no tribal cultural resources have been listed or determined eligible for listing in the California Register or a local register of historical resources. Further, notification as part of SB 18 requirements was conducted by the City with applicable Santa Clara County tribal representatives identified by the NAHC. To date, no Native American tribes that are or have been traditionally culturally affiliated with the project vicinity have requested notification from the City of San José under AB 52 regarding projects in the area and their effects on a tribal cultural resource. [No Impact]

4.5.4 Conclusion

Implementation of the proposed General Plan Amendment, in accordance with General Plan policies, would ensure that future redevelopment of the site would result in a less than significant impact to cultural resources. [Less Than Significant Impact]
## 4.6 GEOLOGY AND SOILS

### 4.6.1 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>![ ]</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>![ ]</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>![ ]</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>![ ]</td>
</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</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>![ ]</td>
</tr>
</tbody>
</table>

### 4.6.2 Setting

#### 4.6.2.1 Regulatory Framework

**Alquist-Priolo Earthquake Fault Zoning Act**

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

**Seismic Hazards Mapping Act**

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

**California Building Code**

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

**Envision San José 2040 General Plan**

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects with the City. All future redevelopment allowed by the proposed land use designation would be subject to the geology and soil policies listed in the City’s General Plan, including the following:

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy EC-3.1</td>
<td>Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.</td>
</tr>
<tr>
<td>Policy EC-4.1</td>
<td>Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.</td>
</tr>
<tr>
<td>Policy EC-4.2</td>
<td>Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.</td>
</tr>
</tbody>
</table>
Policy EC-4.4  Require all new development to conform to the City of San José’s Geologic Hazard Ordinance.

Policy EC-4.5  Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.

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

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

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

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

4.6.2.2  Existing Conditions

Regional Geology

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

Seismicity and Seismic Hazards

The project site is located within the seismically active San Francisco Bay region. The faults in this region are capable of generating earthquakes of magnitude 7.0 or higher. Major faults in the area include the San Andreas Fault to the west and the Hayward and Calaveras Faults to the east. During an earthquake, very strong ground shaking could occur at the project site.
The project site is not located within an Alquist-Priolo Special Studies Zone or Santa Clara County Fault Hazard Zone. There are no known faults at the project site. Therefore, ground rupture on the site is unlikely.

**Liquefaction and Lateral Spreading**

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

According to the California Geological Survey, the project site is not located within a State of California Seismic Hazard Zone for liquefaction. The project site is not located adjacent to a creek or open body of water.

**Landslides**

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

4.6.3 **Impact Discussion**

a, c) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 1) rupture of a known earthquake fault, 2) strong seismic ground shaking, 3) seismic-related ground failure, or 4) landslides? 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?

The project site is not located within a known earthquake fault zone or other geologic hazard zone (e.g., liquefaction or landslide hazard zone). In accordance with the City’s General Plan and Municipal Code, and to avoid or minimize potential damage from seismic shaking, future redevelopment on the project site would be built using standard engineering and seismic safety design techniques. Building design and construction at the site would be completed in conformance with the recommendations of a design-level geotechnical investigation, which would be included in a report to the City. The report would be reviewed and approved by the City of San José’s Building Division as part of the building permit review and issuance process.

Any future buildings would also meet the requirements of applicable Building and Fire Codes, including the 2014 California Building Code Chapter 16, Section 1613, as adopted or updated by the City. Future redevelopment of the project under the proposed land use designation would not exacerbate existing geologic hazards on the project site and, therefore, would not result in a significant impact under CEQA. [Less Than Significant Impact]
b) **Result in substantial soil erosion or the loss of topsoil?**

Future redevelopment of the project site under the proposed land use designation would disturb the ground and expose soils, thereby increasing the potential for wind- or water-related erosion and sedimentation at the site until the completion of construction. The City’s National Pollutant Discharge Elimination System (NPDES) General Permit, urban runoff policies, and the Municipal Code (which are discussed in more detail in Section 4.9, *Hydrology and Water Quality* of this Initial Study) are the primary means of enforcing erosion control measures. Future construction activities would be subject to the requirements of the aforementioned policies and regulations. **[Less Than Significant Impact]**

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?**

Expansive soils are common in the San Francisco Bay Area and could be present on the project site. In accordance with the City’s General Plan and Municipal Code, future development would be constructed according to 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 would review future redevelopment plans for conformance with City and State codes prior to the issuance of a Public Works Clearance. These standard practices would ensure that future buildings on the site were designed properly, accounting for the possibility of expansive soils on the site. Future redevelopment of the site under the proposed land use designation would not exacerbate existing soil conditions on the project site. **[Less Than Significant Impact]**

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?**

The project site is located within an urbanized area, and sewers are available to dispose of wastewater from the project site. Therefore, future redevelopment of the project site under the proposed land use designation would not require septic tanks or alternative wastewater disposal systems. **[No Impact]**

### 4.6.4 Conclusion

Through conformance with regulatory standards, future redevelopment of the site would result in less than significant geology and soils impacts, and would not significantly expose people or structures to adverse seismic risks. **[Less Than Significant Impact]**
4.7 GREENHOUSE GAS EMISSIONS

4.7.1 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, 10</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, 3</td>
</tr>
</tbody>
</table>

4.7.2 Setting

4.7.2.1 Background Information

Unlike emissions of criteria and toxic air pollutants, which are discussed in Section 4.3 Air Quality and have local or regional impacts, emissions of greenhouse gases (GHGs) have a broader, global impact. Global warming associated with the “greenhouse effect” is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth’s atmosphere over time. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors.

4.7.2.2 Existing On-Site GHG Emissions

The project site is currently developed with three apartment buildings. GHG emissions associated with the existing buildings are from vehicle trips of residents and visitors, electricity use, and heating and cooling for the buildings.

4.7.2.3 Regulatory Framework

California Global Warming Solutions Act

Under the California Global Warming Solution Act, also known as Assembly Bill 32, CARB has established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, that identifies how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms and other actions.

On September 8, 2016, Governor Brown signed Senate Bill 32 into law, amending the California Global Warming Solution Act. SB 32 requires the California Air Resources Board to ensure that
statewide greenhouse gas emissions are reduced to 40 percent below the 1990 level by 2030. As a part of this effort, CARB is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB has initiated the public process to update the state’s Climate Change Scoping Plan. The updated plan will provide a framework for achieving the 2030 target and is anticipated to be completed and adopted by CARB in 2017.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.13

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

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

Bay Area Clean Air Plan

On April 19, 2017, the BAAQMD adopted the 2017 Bay Area Clean Air Plan, (2017 CAP). This plan updates the previous 2010 Clean Air Plan and focuses on two closely-related goals: protecting public health and protecting the climate. To protect the climate, the 2017 CAP defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious GHG reduction targets for 2030 and 2050, and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG targets.

The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other “super-GHGs” that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

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13 The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.
City of San José Municipal Code

The City’s Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. Future redevelopment under the proposed land use designation would be subject to this policy and would be required to achieve a GreenPoint Rated 50 Points or Leadership in Energy and Environmental Design (LEED) Certification, at minimum.

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The General Plan includes a GHG Reduction Strategy embedded in its policies and programs that are designed to help the City sustain its natural resources, grow efficiently, and meet state legal requirements for GHG emissions reduction. The GHG Reduction Strategy was initially approved by the City Council in November 2011 in conjunction with the General Plan. Following litigation, the GHG Reduction Strategy was re-adopted after certification of a Final Supplemental Program EIR to the General Plan Final Program EIR (FPEIR) in December 2015 (State Clearing House [SCH] #2009072096). Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City’s Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and the recent standards for “qualified plans” as set forth by BAAQMD.

Projects that conform to the General Plan may make use of the GHG Reduction Strategy in lieu of completing a separate analysis of a project’s potential GHG emissions. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2020.

The Envision San José 2040 Final Program Environmental Impact Report identified significant unavoidable GHG emissions impacts for development and the built environment in the 2035
timeframe, and overriding considerations for those impacts were adopted by the City Council in 2015.

4.7.3 Impact Discussion

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Overview of Impact Assessment

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 following discussion focuses on whether project GHG emissions represent a cumulatively considerable contribution to climate change as determined by consistency with City of San José and statewide efforts to curb GHG emissions. For the purposes of this analysis, the projected emissions from the assumed construction and occupancy of future redevelopment in conformance with the proposed Mixed Use Neighborhood land use designation were estimated and compared to project-level thresholds developed by the Bay Area Air Quality Management District. The BAAQMD CEQA Air Quality Guidelines (dated May 2011) include quantitative thresholds for GHG emissions.

Construction Greenhouse Gas Emissions

Future redevelopment of the project site under the proposed land use designation would result in minor increases in GHGs associated with construction activities including operation of construction equipment and emissions from construction workers’ personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Because project construction would be a temporary condition (this analysis assumes a total of 12 months) and would not result in a permanent increase in emissions that would interfere with the implementation of AB 32, the increase in emissions would be less than significant.

Operational Greenhouse Gas Emissions

While further emission reductions are anticipated in the future in terms of energy efficiency of equipment and reduced GHG emissions associated with energy production, feasible, enforceable measures have not been identified by the City of San José or adopted by CARB to reduce projected GHG emissions citywide in the mid-term or longer-term (i.e., by 2030 or 2035) to
keep on a trajectory to meet the substantially more aggressive mid-term and long-term GHG reduction goals of SB 32 (2030 targets) and Executive Order S-3-05 (2050 targets), respectively. These goals include an aggressive 40 percent GHG emissions reduction target by 2030.

As described previously and in the General Plan Final Supplemental Program EIR, the necessary information to estimate a second mid-term or interim efficiency target (e.g., statewide emissions, population and employment in 2030) is under review by CARB. Under SB 32 and AB 197, CARB is also charged with identifying and adopting rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions to meet this new interim statewide GHG target. The draft 2017 Climate Change Scoping Plan Update has identified local actions; however, these actions have not been adopted at the time of preparation of this Draft SEIR and the City of San José has not yet updated its GHG Reduction Strategy to address the interim, mid-term 2030 target

The City’s GHG Reduction Strategy, as well as local and state regulations for low carbon and no carbon fueled transportation, energy, efficiency, and the California Renewables Portfolio Standard, are measures that would minimize cumulative GHG impacts. The project, a General Plan Amendment that would allow construction of up to 16 residences or small commercial uses, would not result in any new or greater impacts than were previously identified in the General Plan Final Supplemental Program EIR. Future redevelopment of the project site, consistent with the City’s GHG Reduction Strategy, would not result in a significant operational GHG emissions impact as compared to the BAAQMD threshold for 2020 GHG emissions.

[Less than Significant Impact]

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

Since adoption of the GHG Reduction Strategy in 2015 and certification of the Final Supplemental Program EIR, individual development projects in San José that comply with the City’s GHG Reduction Strategy may be considered to reduce that project’s contribution to cumulative GHG emission impacts to a less than significant level (through 2020). Any future development at the site through 2020 would be required to conform to San José’s GHG Reduction Strategy to reduce GHG emissions to a less than significant level, including relevant mandatory measures for all projects and other measures which are considered voluntary and could be incorporated in the project as conditions of approval for future development (at the discretion of the City).

The City’s projected 2020 GHG emissions, in total and compared to emissions in 2008 would not prevent the State of California from meeting its 2020 targets (under AB 32) for reducing statewide GHG emissions. Significant cumulative greenhouse gas emissions projected for 2035 (in total, compared to 2008, and as an average carbon efficiency) could prevent the State of California from maintaining a statewide trajectory to achieve Executive Order S-3-05 emission levels in 2050. Mitigation measures, in the form of additional policies to be implemented by the City, were identified; however, given the uncertainties of achieving the needed emission reductions, the identified significant impacts were determined to be significant and unavoidable.
Given the approval of SB 32 in 2011, the City of San José will need to update its qualified GHG Reduction Strategy by the end of 2020 (or sooner) to address whether projects completed after 2020 and through 2030 could be considered to make a less than significant contribution to cumulative GHG emissions impacts. The targets and emission reduction requirements in an updated GHG Reduction Strategy likely will be based in part on State of California projections and 2030 targets in the updated Climate Change Scoping Plan currently being prepared by CARB. In the event the City’s GHG Reduction Strategy is updated with additional requirements subsequent to approval of the rezoning but prior to the issuance of planning permits (e.g., Planned Development Permits or Planned Development Permit Amendments), the project would be subject to requirements of the City’s updated GHG Reduction Strategy at the time of application. Building permits also would be subject to the City’s Green Building Ordinance and Building Code requirements at the time of application. Any additional requirements for building design and operations related to energy efficiency would be incorporated in future building plans prior to building permit approval. Thus, the project would not result in greater impacts that were previously identified within the General Plan FPEIR. [Less Than Significant Impact]

4.7.4 Conclusion

Future redevelopment of the project site under the proposed Mixed Use Neighborhood land use designation would not have a significant GHG emissions impact through 2020. [Less Than Significant Impact]
4.8  HAZARDS AND HAZARDOUS MATERIALS

The discussion in this section is based in part on the *Phase I Environmental Site Assessment* prepared by AEI Consultants on August 31, 2017. The report is included in this Initial Study as Appendix C.

4.8.1  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, 2, 19, 20, 21</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, 2, 19, 20, 21</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</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, 2, 19, 21</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 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, 2, 22</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</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, 23, 24</td>
</tr>
</tbody>
</table>
### 4.8.2 Setting

#### 4.8.2.1 Regulatory Framework

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

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

**Resource Conservation and Recovery Act**

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

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

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

**Government Code §65962.5 (Cortese List)**

Section 65962.5 of the Government Code requires the California Environmental Protection Agency (CalEPA) to develop and annually update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by DTSC and the State Water Resources Control Board (SWRCB). The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.14

**California Accidental Release Prevention Program**

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond property boundaries.

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Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. A Risk Management Plan (RMP) is required for such facilities. The intents of the RMP are to provide basic information that may be used by first responders in order to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material, and to satisfy federal and state Community Right-to-Know laws. The County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

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

The Norman Y. Mineta San José International Airport is located approximately 2.4 miles northeast of the project site. Development within the Airport influence Area (AIA) can be subject to hazards from aircraft and also pose hazards to aircraft travelling to and from the airport. The AIA is a composite of areas surrounding the airport that are affected by noise, height and safety considerations. These hazards are addressed in federal and state regulations as well as in land use regulations and policies in the Airport Comprehensive Land Use Plan (CLUP). The project site is not located within the AIA nor the safety zones designated by the CLUP.¹⁵

**Envision San José 2040 General Plan**

In addition to the above regulations, various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts resulting from planned development within the City. All future development allowed by the proposed land use designation changes will be subject to the hazards and hazardous materials policies of the City’s General Plan, including the following:

**Envision San José 2040 Relevant Hazardous Material Policies**

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy EC-6.6</td>
<td>Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.</td>
</tr>
<tr>
<td>Action EC-6.8</td>
<td>The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.</td>
</tr>
<tr>
<td>Action EC-6.9</td>
<td>Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials by September 2011. The City will</td>
</tr>
</tbody>
</table>

only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects.

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

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

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

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

Policy EC-7.8 Require avigation and “no build” easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

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

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

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

4.8.2.2 Existing Conditions

The three southern parcels are currently developed with multi-family residential units constructed between 1948 and 1957. Surrounding land uses include single- and multi-family residential units to the east and west, the Santa Clara Valley Medical Center to the south, and Interstate 280 to the north. Prior to existing uses, land in the surrounding area was used for agricultural production.
Groundwater Flow

Based upon topographic map interpretation, the direction of groundwater flow beneath the project site is inferred to be to the north. Based on groundwater monitoring data for a nearby site from GeoTracker, the depth to groundwater is estimated at 117 feet below the ground surface.

Environmental Conditions

Recognized Environmental Conditions (RECs), Controlled Recognized Environmental Conditions (CRECs), and Historical Recognized Environmental Conditions (HRECs) are found at properties with the threat, presence, or history of hazardous materials or petroleum products release. No evidence of RECs, CRECs, or HRECs was identified in the Phase I Environmental Site Assessment.

Hazardous Building Materials

Until 1979, lead-based paint (LBP) and asbestos-containing materials (ACMs) were commonly used in construction. Florescent light ballasts manufactured prior to 1980 may contain polychlorinated biphenyls (PCBs). All three of these substances can pose threats to human health. The existing multi-family residential buildings were constructed in the 1940s and 1950s and, therefore, likely contain one or more of these hazardous materials.

During site reconnaissance, all observed painted surfaces and suspect ACMs at the project site were in good condition.

Agricultural Chemicals

In 1939, prior to the development of existing multi-family residential buildings, the project site was used for agricultural purposes including an orchard. Historic aerial photographs from 1948 show orchards and other agricultural uses east, south, and west of the project site.¹⁶ There is a potential that agricultural chemicals such as pesticides, herbicides, and fertilizers were used on the site.

While the three northern parcels are currently vacant land, with the exception of some landscaped areas, the southern three parcels of the site are paved over and covered by improvements that make direct contact with any potential remaining contaminants in the soil unlikely. Development of the southern parcels likely involved grading activities which would have removed near-surface soils and potentially added imported soils for the landscaped areas.

Wildland Fires

The project site is located in an urbanized area of San José. According to the California Department of Forestry and Fire Protection (CAL FIRE), the project site is not located within a moderate, high, or very high fire hazard severity zone.1718

4.8.3 Impact Discussion

a-b) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? 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?

Future redevelopment of the project site with residential uses would not result in hazardous materials being transported, used, or disposed of in quantities that would result in a significant hazard to the public. The historic agricultural use of properties in this area may pose an environmental concern as on-site soils could be contaminated with residual agricultural pesticides and/or pesticide-based metals (arsenic and lead). In accordance with General Plan Policy EC-7.11, future redevelopment of the project site under the proposed land use designation would require soil samples to be collected and analyzed for organochlorine pesticides (OCPs) using appropriate methodologies. In addition, future redevelopment of the project site under the proposed land use would be required to comply with all applicable General Plan policies (including Policy EC-7.2 and EC-7.11) and, if applicable, mitigation measures to ensure that any residual agricultural chemicals present in soil are properly handled and not released into the environment.

Future redevelopment of the project site would require the demolition of the existing residential buildings on the site, which may contain ACMs, lead-based paint, and/or PCBs. In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, would be conducted prior to the demolition of the building to determine the presence of these hazardous materials. Demolition done in conformance with these federal, state and local laws and regulations, would ensure that, if present, ACMs, lead-based paint, and/or PCBs are properly handled.

In accordance with Envision San José 2040 General Plan policies, the following measures would apply to future redevelopment of the site in order to reduce or avoid hazards and hazardous materials impacts:

- Before existing site improvements are removed during a future redevelopment project, the developer shall contact the San José Department of Planning, Building and Code Enforcement to determine whether sampling relating to the former agricultural use of the property is required.

• Prior to future demolition on the site, the developer shall conduct a thorough asbestos survey to identify asbestos-containing building materials, in accordance with the USEPA National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 Code of Federal Regulations (CFR) Part 61.

• Prior to future demolition on the site, the developer shall determine if lead-based paint is present by collecting material samples or completing an x-ray fluorescence (XRF) survey. Construction activities that disturb materials or paints containing lead are subject to the Occupational Safety and Health Administration (OSHA) lead standard contained in 29 CFR 1910.1025 and 1926.62.

Conformance with the state regulations and implementation of remediation to residential and commercial standards in conformance with General Plan policies would ensure that hazards and hazardous material impacts would be reduced to a less than significant level at the time of future redevelopment of the site. [Less Than Significant Impact]

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The project site is located within one-quarter mile of Ballard Montessori School; however, future redevelopment of the project site is not expected to use or emit significant quantities of hazardous materials. [Less Than Significant Impact]

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?

The project site is not located on the CalEPA Cortese List, compiled pursuant to Government Code Section 65962.5. [No Impact]

e-f) Result in a nearby airport-related safety hazard for people residing or working in the project area? Result in a private airstrip-related safety hazard for people residing or working in the project area?

The project site is not located within an airport land use plan referral area, nor is it within two miles of a public or private airport or airstrip. Therefore, future redevelopment of the site would not result in an airport- or airstrip-related safety hazard for people residing or working in the project area. [No Impact]

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?

Redevelopment of the project site under the proposed land use designation would not physically interfere with an adopted emergency response or evacuation plan. The project site is not located in an area that is exposed to wildland fire hazards. [No Impact]
4.8.4 Conclusion

Implementation of the proposed General Plan Amendment in accordance with the City’s General Plan policies and other regulatory requirements, as outlined above, would ensure that future redevelopment of the site under the proposed land use designation would not result in a hazards or hazardous materials impact. [Less Than Significant Impact]
### 4.9 HYDROLOGY AND WATER QUALITY

#### 4.9.1 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) Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 2, 15</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, 21</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, 15</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, 15</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, 15</td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 2, 15</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, 25, 26</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, 25, 26</td>
</tr>
<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, 25, 26</td>
</tr>
</tbody>
</table>
Would the project:

j) Inundation by seiche, tsunami, or mudflow? ☒

4.9.2 Setting

4.9.2.1 Hydrology and Drainage

The 1.06-acre project site is located in the Guadalupe watershed. The Guadalupe watershed is a 170-square-mile area that drains the Guadalupe River and its tributaries through downtown San José. Runoff from the project site and the surrounding area enters the City’s storm drainage system, which outfalls to Los Gatos Creek, located approximately 1.3 miles southeast of the site. Approximately one-half of the project site is undeveloped with the remaining amount covered with buildings or pavement.

4.9.2.2 Flooding and Other Hazards

The project site is not located in a 100-year floodplain.19 According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, the project site is designated as Zone D, which is defined as areas where flood hazards are undetermined, but possible. There are no City floodplain requirements for Zone D.

As identified in the Envision San José 2040 General Plan Final EIR, the project site is located in the Lexington Reservoir dam failure inundation area, which is the area that may be flooded in the event of a complete dam failure.

Earthquake-Induced Waves and Mudflow Hazards

Due to the project site’s inland location and distance from large bodies of water (i.e., the San Francisco Bay), it is not subject to seiche or tsunami hazards, or sea level rise.20 The project site is located on the valley floor and not subject to mudflows.

4.9.2.3 Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as “non-point” source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Surface runoff from the project site and surrounding area is collected by storm drains and discharged into Los Gatos Creek. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces),

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pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

Under existing conditions, the project site is largely undeveloped with approximately one-third paved and developed. Runoff from the site contains sediment, metals, trash, oils and grease from paved areas of the site. Runoff from the project site currently flows directly into the City’s storm drainage system, untreated for the removal of pollutants.

4.9.2.4 Regulatory Framework

Federal Emergency Management Agency

In 1968, Congress created the National Flood Insurance Program (NFIP) in response to the rising cost of taxpayer funded disaster relief for flood victims and the increasing amount of damage caused by floods. The NFIP makes federally-backed flood insurance available for communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage.

The Federal Emergency Management Agency manages the NFIP and creates Flood Insurance Rate Maps (FIRMs) that designate 100-year floodplain zones and delineate other flood hazard areas. A 100-year floodplain zone is the area that has a one in one hundred (one percent) chance of being flooded in any one year based on historical data. Portions of the City, but not the project site, are identified as special flood hazard areas with a one percent or two percent annual chance of flooding (also known as the 100-year and 500-year flood zones) as determined by the FEMA NFIP. The project site is not located within or adjacent to a FEMA designated 100-year floodplain.

Federal and State Laws and Programs Regarding Water Quality

The Federal Clean Water Act (CWA) and California’s Porter-Cologne Water Quality Control Act are the primary laws related to water quality. The CWA governs discharges to the “Waters of the United States,” which includes oceans, bays, rivers, streams, lakes, ponds, and wetlands. The Porter-Cologne Act established the State Water Resources Control Board.

Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA’s regulations include the NPDES permit program, which controls sources that discharge pollutants into Waters of the United States. These regulations are implemented at the regional level by water quality control boards. For the City of San José, the water board is the San Francisco Bay Regional Water Quality Control Board (RWQCB). Regional Boards are responsible for developing and enforcing water quality objectives and implementation plans, known as Basin Plans. The San Francisco region’s Basin Plan was last updated in 2010.

CWA Section 303(d) lists polluted water bodies which require further attention to support future beneficial uses. San Francisco Bay is on the Section 303(d) list as an impaired water body for several pollutants and San Tomas Aquinas Creek is listed as an impaired water body for trash.21

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State Water Quality Control Board Nonpoint Source Pollution Program

In 1988, the SWRCB adopted the Nonpoint Source Management Program in an effort to control nonpoint source pollution in California. The Nonpoint Source Management Program requires individual permits to control discharge associated with construction activities. The Nonpoint Source Management Program is administered by RWQCB under the NPDES General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if:

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

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

Municipal Regional Stormwater NPDES Permit/C.3 Requirements

The San Francisco Bay RWQCB also issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of San José. Under provisions of the MRP, redevelopment projects that add and/or replace more than 10,000 square feet of impervious surface, or 5,000 square feet of uncovered parking area, are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all post-construction runoff to be treated using Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. Prior to receiving any LID Reduction Credits, the project must first establish the infeasibility of treating 100 percent of runoff with LID treatment measures. A narrative must be submitted to the City that describes why and how the implementation of 100 percent treatment measures are not feasible, in accordance with the Municipal Regional Stormwater NPDES Permit.

The Municipal Regional Permit also 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 sub-watershed or catchment that is less than 65% impervious, must manage increases in runoff flow and volume so that post-project runoff does not exceed estimated pre-project rates and durations.

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

The City of San José’s Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. The City of San José’s Policy No. 6-29 requires all new development and
redevelopment projects to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures. This policy also established specific design standards for post-construction Treatment Control Measures for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

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

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

Future redevelopment under the proposed land use designation is exempt from the NPDES hydromodification requirements related to preparation of an HMP because the project site is located in a subwatershed greater than or equal to 65 percent impervious surfaces.

**Envision San José 2040 General Plan**

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. All future development allowed by the proposed land use designation changes will be subject to the hydrology policies of the City’s General Plan, including the following:

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

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

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

4.9.3 **Impact Discussion**

a, f) **Violate any water quality standards or waste discharge requirements? Would the project otherwise substantially degrade water quality?**

**Construction-Related Water Quality Impacts**

At the time of future redevelopment, construction activities (e.g., grading and excavation) on the project site, 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. Future construction on the project site would not disturb more than one acre of soil and, therefore, compliance with the NPDES General Permit for Construction Activities would not be required.

All development projects in San José, whether or not the projects are subject to the NPDES General Permit for Construction Activities, shall comply with the City’s Grading Ordinance. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), 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 that would be implemented to prevent the discard of stormwater pollutants.

In accordance with the City’s General Plan and Grading Ordinance, measures to prevent stormwater pollution and minimize potential sedimentation during construction will apply to future Planning permits for redevelopment under the proposed land use designation, including but 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; and
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.
Future redevelopment of the project site under the proposed land use designation, with the implementation of the above measures in accordance with the City’s General Plan, would not result in significant construction-related water quality impacts. [Less Than Significant Impact]

**Post-Construction Water Quality Impacts**

Future redevelopment on the site would comply with the City of San José’s Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit, as applicable. Stormwater runoff from future redevelopment of the site would drain into treatment areas prior to entering the storm drainage system. Proposed treatment facilities would be numerically sized and would have sufficient capacity to treat the roof runoff prior entering the storm drainage system consistent with the NPDES requirements.

The General Plan FEIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City’s regulatory policies pertaining to stormwater runoff, future residential development on the site would have a less than significant water quality impact. [Less Than Significant Impact]

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)?**

The project site is located in a developed urban area; the project site is not within a designated groundwater recharge zone for the groundwater basin. The depth to groundwater in the project area is expected to be greater than 75 feet. Redevelopment on the site is not anticipated to result in the need to pump groundwater from the site and would not interfere with groundwater recharge. [Less Than Significant Impact]

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?**

Future redevelopment of the site would not substantially alter the drainage pattern of the site or surrounding area. Future redevelopment of the site would comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site, reducing the potential for erosion or siltation on and off the site. [Less Than Significant Impact]
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?

Future redevelopment of the site would not substantially alter the drainage pattern of the site or surrounding area. Future redevelopment of the site would comply with the MRP and City of San José Policy 6-29, which would reduce the rate and volume of runoff from the project site, reducing the potential for flooding. [Less Than Significant Impact]

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?

Approximately one-third of the project site is developed. Runoff from the project site currently flows overland and directly enters the storm drainage system untreated and unimpeded. Future redevelopment of the site would comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site to levels that are at or below existing conditions. For these reasons, redevelopment of the project site would improve the water quality of runoff from the site and would not exceed the capacity of the existing storm drainage system serving the project site. [Less Than Significant Impact]

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?

The project site is not within a 100-year flood hazard area; therefore, future redevelopment of the project site under the proposed land use designation would not place housing within a 100-year flood zone. [No Impact]

h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?

The project site is not within a 100-year flood hazard area; therefore, future redevelopment of the project site under the proposed land use designation would not place structures within a 100-year flood hazard area that will impede or redirect flood flows. [No Impact]

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?

The project is located in the inundation area for the Lexington Reservoir. In the event of a complete dam failure, the Santa Clara Valley Water District’s (SCVWD’s) comprehensive dam safety program and emergency action plan ensures public safety. For this reason, future redevelopment of the site under the proposed land use designation would not expose people or structures to significant risk of loss, injury, or death involving inundation from a dam failure. [No Impact]
j) Result in inundation by seiche, tsunami, or mudflow?

The project site is a flat parcel on the valley floor and is not proximate to a large body of water. Additionally, the project site is not located within a designated tsunami inundation zone. Therefore, future redevelopment of the project site under the proposed land use designation would not be subject to inundation by seiche, tsunami, or mudflows. [No Impact]

4.9.4 Conclusion

Implementation of General Plan policies and existing City policies and measures will ensure that future redevelopment of the site with residential and commercial uses would not result significant hydrology and water quality impacts. [Less Than Significant Impact]
4.10 LAND USE AND PLANNING

4.10.1 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</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>
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<td>1, 2, 3</td>
</tr>
<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, 13</td>
</tr>
</tbody>
</table>

4.10.2 Setting

4.10.2.1 Regulatory Framework

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigation impacts resulting from planned development projects in the City. All future development permitted under the proposed land use designation would be subject to the land use policies of the City’s General Plan, including the following:

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

<table>
<thead>
<tr>
<th>Policies</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy CD-1.12</td>
<td>Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.</td>
</tr>
<tr>
<td>Policy CD-4.9</td>
<td>For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).</td>
</tr>
<tr>
<td>Policy CD-5.8</td>
<td>Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.</td>
</tr>
</tbody>
</table>

Moorpark and Central GPA
City of San José
75 Initial Study
October 2017
Policy LU-6.1  Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be converted to non-employment uses. Lands that have been acquired by the City for public parks, public trails, or public open space may be re-designated from industrial or mixed-industrial lands to non-employment uses. Within the Five Wounds BART Station and 24th Street Neighborhood Urban Village areas, phased land use changes, tied to the completion of the planned BART station, may include the conversion of lands designated for Light Industrial, Heavy Industrial or other employment uses to non-employment use provided that the Urban Village areas maintain capacity for the overall total number of existing and planned jobs.

Policy LU-6.2  Prohibit encroachment of incompatible uses into industrial lands, and prohibit non-industrial uses which would result in the imposition of additional operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues.

Policy LU-9.4  Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.

Policy LU-9.5  Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.

Policy LU-9.7  Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the Envision General Plan Land Use / Transportation Diagram.

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

Policy TR-14.4  Require avigation and “no build” easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

As discussed in Section 4.4, Biological Resources of this Initial Study, the Santa Clara Valley Habitat Plan is a conservation program intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County.

The project site is located within the Habitat Plan study area and is designated as Urban-Suburban land. Urban-Suburban land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres.

4.10.2.2  Existing Conditions

The 1.06-acre project site consists of six parcels (APNs 282-01-014, -015, -016, -020, -021, and -022) in urban, unincorporated Santa Clara County. The policies of the Santa Clara County General Plan state that unincorporated lands within city urban service areas should eventually be annexed to their surrounding cities. To assure conformity of development within these areas with that of...
surrounding areas, development proposals within these areas must conform to the uses allowed in the
surrounding city’s general plan, in this case the Envision San José 2040 General Plan.

The three northern parcels (282-01-014, -015, and -016) of the project site, fronted by Central Way,
are undeveloped. The three southern parcels (282-01-020, -021, and -022) are developed with multi-
family residential units, covered carports, and surface parking. The site is currently designated
Residential Neighborhood in the City’s General Plan. The site is not located within a Growth Area
for employment or residential uses in the General Plan.

Surrounding land uses include single- and multi-family residential development adjacent to the east
and west of the property. South of the site, across Moorpark Avenue, is the Santa Clara Valley
Medical Center and associated parking structure. A cement-block wall separates the northern
boundary of the property from Interstate 280.

The project site is not located within the Airport Influence Area for the Norman Y. Mineta San José
International Airport.

4.10.3 Impact Discussion

a) Physically divide an established community?

Examples of projects that have the potential to physically divide an established community
include new freeways and highways, major arterial streets, and railroad lines. The proposed
Mixed Use Neighborhood land use designation would not permit construction of dividing
infrastructure, and would be consistent with surrounding land uses. Modifications to the
roadway and pedestrian network that would block movements throughout the neighborhood
would not be needed to redevelop the site. Thus, future development allowed under the
proposed land use designation would not divide an established community and the impact would
be less than significant. [Less Than Significant Impact]

b) 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?

The proposed Mixed Use Neighborhood land use designation is intended for development
primarily with either townhouses or single-family residences on small lots. Some opportunity
for live/work, residential/commercial, and small stand-alone commercial uses can also be
appropriate in Mixed Use Neighborhood areas. Mixed Use Neighborhood also applies to
existing neighborhoods that were historically developed with a wide variety of housing types,
including a mix of residential densities and forms. Existing neighborhoods with this
characterization are typically characterized by a prevalence of atypical lot sizes or shapes and a
parcel-by-parcel development pattern in which small townhouse development may exist
adjacent to single-family development and multi-family development.

With the approval of the General Plan Amendment from Residential Neighborhood to Mixed
Use Neighborhood, a future redevelopment project could construct up to the new capacity.
Redevelopment of the project site, in conformance with City or County land use policies, would not conflict with regulations adopted for avoiding or mitigating an environmental effect. [Less Than Significant Impact]

c) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

The project site is located within an area designated as *Urban-Suburban* under the Santa Clara Valley Habitat Plan. No sensitive species or habitat types are present on the project site, and the project would not directly impact any of the covered species in the Habitat Plan. As discussed in Section 4.4, Biological Resources of this Initial Study, future redevelopment would be required to conform to all applicable policies in the Santa Clara Valley Habitat Plan. [Less Than Significant Impact]

4.10.4 **Conclusion**

Conformance with the General Plan policies related to land use compatibility and environmental effects would ensure that future redevelopment of the project site under the proposed land use designation would not result in significant land use impacts. [Less Than Significant Impact]
### 4.11 MINERAL RESOURCES

#### 4.11.1 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)</td>
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<td>b)</td>
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</tbody>
</table>

#### 4.11.2 Setting

The Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is not on or adjacent to Communications Hill.

#### 4.11.3 Impact Discussion

a-b) **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?** 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?

The project site is not located in an area of San José or Santa Clara County with known mineral resources. [No Impact]

#### 4.11.4 Conclusion

The proposed project would not result in the loss of availability of a known mineral resource. [No Impact]
### 4.12 NOISE AND VIBRATION

#### 4.12.1 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, 2, 3, 15</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, 2, 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, 2, 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>
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<td>1, 2, 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>
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<td>1, 22</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>
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<td>1</td>
</tr>
</tbody>
</table>

#### 4.12.2 Setting

#### 4.12.2.1 Overview

**Fundamentals of Noise**

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

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

**Fundamentals of Vibration**

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

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

**4.12.2.2 Regulatory Framework**

**Envision San José 2040 General Plan**

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The following policies are specific to noise and vibration and are applicable to future redevelopment on the project site allowed by the proposed land use designation. In addition, the noise and land use compatibility guidelines set forth in the General Plan are shown in Table 4.12-1.
### Policies

<table>
<thead>
<tr>
<th>Policies</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy EC-1.1</td>
<td>Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:</td>
</tr>
<tr>
<td><strong>Interior Noise Levels</strong></td>
<td>- The City’s standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.</td>
</tr>
<tr>
<td><strong>Exterior Noise Levels</strong></td>
<td>- The City’s acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study). Residential uses are considered “normally acceptable” with exterior noise exposures of up to 60 dBA DNL and “conditionally compatible” where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.</td>
</tr>
<tr>
<td>Policy EC-1.2</td>
<td>Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study) 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:</td>
</tr>
<tr>
<td></td>
<td>- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable”; or</td>
</tr>
<tr>
<td></td>
<td>- 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.</td>
</tr>
<tr>
<td>Policy EC-1.3</td>
<td>Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to uses through noise standards in the City’s Municipal Code.</td>
</tr>
<tr>
<td>Policy EC-1.6</td>
<td>Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City’s Municipal Code.</td>
</tr>
<tr>
<td>Policy EC-1.7</td>
<td>Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City’s Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:</td>
</tr>
<tr>
<td></td>
<td>- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.</td>
</tr>
</tbody>
</table>
For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Table 4.12-1: General Plan Land Use Compatibility Guidelines

<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 Care</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>

Notes: 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.

City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.²²

The Zoning Ordinance limits noise levels to 55 dBA \( L_{eq} \) at any residential property line and 60 dBA \( L_{eq} \) at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval. The Zoning Ordinance also limits noise emitted by stand-by/backup and

²² The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.
emergency generators to 55 decibels at the property line of residential properties. The testing of
generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

4.12.2.3  Existing Conditions

Existing noise on the project site results primarily from vehicular traffic along the adjacent and
nearby roadways, traffic on Interstate 280, and, to a lesser degree, aircraft activity associated with the
Norman Y. Mineta San José International Airport. The project site is located approximately 70 feet
south of Interstate 280, and is separated from the interstate by a cement block sound barrier and rows
of mature trees. According to the Norman Y. Mineta San José International Airport CLUP, the
project site is located outside of the airport’s 65 dB CNEL noise contour.

According to the Envision San José 2040 General Plan Final Environmental Impact Report (FEIR),
noise levels in the project area are expected to range from 65 to 74 dBA DNL.

4.12.2.4  Noise Effects on the Project

On December 17, 2015, the California Supreme Court issued an opinion in “CBIA vs. BAAQMD”
holding that CEQA is primarily concerned with the impacts of a project on the environment and
generally does not require agencies to analyze the impact of existing conditions on a project’s future
users or residents unless the project risks exacerbating those environmental hazards or risks that
already exist. In light of this ruling, the effect of existing ambient noise on future users or residents
of the project would not be considered an impact under CEQA. General Plan polices under Goal EC-
1 (EC-1.1-1.7), however, require that existing ambient noise levels be analyzed for the proposed type
of uses and that noise attenuation be incorporated into the project in order to meet the interior and
exterior acceptable noise levels.

Noise levels on the project site exceed 60 dBA DNL. For sites with exterior noise levels of 60 dBA
DNL or more that are to be developed with residential uses, General Plan Policy EC-1.1 requires the
preparation of a design-level acoustical analysis prior to the issuance of building permits. The
purpose of the analysis is to determine appropriate noise attenuation measures to ensure interior noise
levels of 45 dBA DNL or lower.

4.12.3  Impact Discussion

a) 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?

   Based on the General Plan noise and land use compatibility guidelines, residential development
   is allowed in areas with ambient noise levels up to 60 dBA DNL and is conditionally allowed in
   areas with noise levels up to 75 dBA DNL. The project area has existing noise levels exceeding
   60 dBA.

   Preparation of an acoustical analysis, which uses noise attenuation techniques based on expected
   Envision San José 2040 General Plan traffic volumes, would ensure land use compatibility and
   General Plan consistency.
Implementation of General Plan policies at the Planning permit and building permit phases would ensure that future residents on the project site would not be exposed to excessive interior noise levels. Appropriate site design would also ensure common use areas and/or backyards would be acoustically protected to ensure exterior noise levels of 60 dBA DNL or less. [Less Than Significant Impact]

b) Result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?

There are no heavy rail tracks or other sources of excessive groundborne vibration or noise near the project site. Therefore, future residents would not be exposed to substantial vibration.

Future construction activities, including grading and excavation, would require the use of vibration-generating heavy equipment. Future redevelopment of the project site would comply with all City construction standards and requirements to ensure that construction-related vibration is not substantial. In addition, due to the type of development anticipated and required setbacks specified in the General Plan and Municipal Code, operation of the anticipated development would not generate a substantial level of groundborne vibration or noise to the surrounding land uses. [Less Than Significant Impact]

c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Future redevelopment of the project site with residential and commercial uses may result in additional vehicle trips in the project area and may include the installation of air conditioning units.

Traffic increases from up to 16 residences under the proposed Mixed Use Neighborhood land use designation would be low compared to existing traffic volumes on Moorpark Avenue.23 Increased vehicle trips would not result in a significant increase in ambient noise levels.

Air conditioning units on the project site, installed under future redevelopment, would be appropriately sited and designed to meet the City’s noise requirements. Per the City’s Municipal Code, the maximum allowable noise level from mechanical and other stationary equipment is 55 decibels at the nearest residential property line. Prior to issuance of a building permit for future redevelopment of the project site under the proposed land use designation, an acoustical study would be required to demonstrate that noise emissions from stationary equipment would conform to the City’s requirements.

Through conformance with the City’s Municipal Code, future redevelopment of the project site under the proposed land use designation would not substantially increase ambient noise levels in the project area. [Less Than Significant Impact]

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23 Typically, traffic volumes must double to result in a perceptible (three dB) increase in traffic noise levels.
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Construction noise resulting from future redevelopment of the project site would temporarily increase ambient noise levels in the project area. Due to the relatively small size of future redevelopment and existing high ambient noise levels, it is anticipated that implementation of General Plan and Municipal Code policies would reduce the effects of construction noise to a less than significant level.

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. Future redevelopment under the proposed land use would implement the following measures to reduce construction noise and vibration levels, consistent with City policies:

- Construction hours within 500 feet of residential uses shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, with no construction on weekends or holidays.
- Utilize ‘quiet’ models of air compressors and other stationary noise sources, where such technology exists.
- Equip all internal combustion engine-driven equipment with mufflers that 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 contractor shall identify a noise control ‘disturbance coordinator’ and procedure for coordination with the adjacent noise-sensitive uses so that construction activities can be scheduled to minimize noise disturbance. This plan shall be made publicly available for interested community members.
- The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures to correct the problem be implemented. The telephone number for the disturbance coordinator shall be posted at the construction site 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 required as conditions of approval for future redevelopment of the project site, would prevent potentially significant construction-related noise and vibration impacts. Therefore, construction noise during future redevelopment of the project site would not result in a significant noise impact. [Less Than Significant Impact]
e,f) Expose people residing or working in the project area to excessive noise levels?

The project site is located approximately 2.4 miles southwest of the Norman Y. Mineta San José International Airport. The project site is not located within the Airport Influence Area or the 65 dBA CNEL noise contour for the airport. Therefore, future redevelopment of the project site would not expose people to excessive noise levels from aircraft overflights. The proposed project would not exacerbate noise levels from airport operations.

There are no private airstrips located near the project site. The proposed project would not exacerbate noise levels from private airstrip operations. [No Impact]

4.12.4 Conclusion

With implementation of General Plan and Municipal Code policies, future redevelopment of the project site with residential uses under the proposed land use designation would not result in a significant noise impact or violation. [Less Than Significant Impact]
4.13  POPULATION AND HOUSING

4.13.1  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, 2</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</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</td>
</tr>
</tbody>
</table>

4.13.2  Setting

Based on California Department of Finance estimates, San José has a population of 1,042,094 persons and 329,824 households, with an average of 3.22 persons per household.\(^{24}\)

In 2014, there were approximately 382,200 jobs in San José. The General Plan assumptions, as amended in the first Four-Year Review in 2016, envisions a Jobs/Employee Resident ratio of 1.1/1 or 382,000 jobs by 2040.\(^{25}\) To meet the current and projected housing needs in the City, the Envision San José 2040 General Plan identifies areas for mixed-use and residential development to accommodate 120,000 new dwelling units by 2040.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing. At the time of preparation of the Envision San José 2040 General Plan FEIR, San José had a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current General Plan.


Impact Discussion

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)?

The project site is located in an urbanized area in the City of San José. Although the proposed General Plan Amendment to Mixed Use Neighborhood would allow approximately 16 housing units not accounted for in the City of San José General Plan, redevelopment of the project site would not result in an expansion of urban services or the pressure to expand beyond the City’s existing Sphere of Influence. [Less Than Significant Impact]

b,c) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Three parcels of the project site are currently undeveloped. Three parcels developed with multi-family residential units. Future redevelopment of the project site could displace people living in these units, but would construct up to 16 residential units and small commercial uses. The project would result in a net increase of eight residential units on the site and 10 additional jobs. Redevelopment under the proposed General Plan Amendment would incrementally increase the number of people residing on the site. [Less Than Significant Impact]

Conclusion

The future development of approximately 16 residential units allowed under the proposed Mixed Use Neighborhood land use designation would incrementally increase the housing available on the site, but would not induce substantial population growth in the area. [Less Than Significant Impact]
4.14 PUBLIC SERVICES

4.14.1 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>
<td>☐ ☐ ☒ ☐</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Fire Protection?</td>
<td>☐ ☐ ☒ ☐</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Police Protection?</td>
<td>☐ ☐ ☒ ☐</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Schools?</td>
<td>☐ ☐ ☒ ☐</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Parks?</td>
<td>☐ ☐ ☒ ☐</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Other Public Facilities?</td>
<td>☐ ☐ ☒ ☐</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.14.2 Setting

4.14.2.1 Regulatory Framework

California Government Code Section 65996

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

Quimby Act – California Code Sections 66475-66478

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

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

Envision San José 2040 General Plan

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

Envision San José 2040 Relevant Public Service Policies

<table>
<thead>
<tr>
<th>Policies</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy FS-5.7</td>
<td>Encourage school districts and residential developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures early in the project planning stage, preferably immediately preceding or following land acquisition.</td>
</tr>
<tr>
<td>ES-2.2</td>
<td>Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.</td>
</tr>
</tbody>
</table>
| ES-3.1 | Provide rapid and timely Level of Service (LOS) response time to all emergencies:  
1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.  
2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. |
| ES-3.9 | Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces. |
| ES-3.11 | Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects. |
PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

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

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

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

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

4.14.2.2 Existing Conditions

Fire and Police Protection

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City. The closest station to the project site is Station 10, located at 511 South Monroe Street, approximately 0.5 mile northwest of the project site.

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

Schools

The project site is located within the Campbell Union School District and the Campbell Union High School District. The closest schools to the project site are Ballard Montessori School (approximately 0.2 mile west of the site), San José City College (approximately 0.2 mile east of the site), and Della Maggiore School (approximately 0.3 mile south of the site).

Parks

The City provides and maintains developed parkland and open space to serve its residents. Residents of San José are served by regional and community park facilities, including regional open space, community and neighborhood parks, playing fields and trails. The City’s Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. Frank M. Santana Park is the closest park to the project site, located approximately 0.5 mile west of the site.
Libraries

The San José Public Library System consists of one main library and 22 branch libraries. Residents of the project area are served by the Bascom Branch Library, located 0.6 mile south of the site at 1000 South Bascom Avenue.

4.14.3 Impact Discussion

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 public services?

Fire and Police Protection Services

The project site is currently served by SJFD and SJPD. The proposed General Plan Amendment would allow the construction of more residential units on the project site. Future redevelopment on the project site under the proposed land use designation would intensify development on the site and would incrementally increase the demand for fire and police protection services compared to existing conditions. Future development on the site would not, by itself, preclude the SJFD and SJPD from meeting their service goals and would not require the construction of new or expanded fire or police facilities. Future residential development would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies, such as General Plan Policy ES-3.9, to promote public and property safety. For these reasons, the proposed project would not result in a significant impact on fire and police protection services. [Less Than Significant Impact]

Schools

The proposed General Plan Amendment to Mixed Use Neighborhood would allow a maximum buildout of 16 residential units. The incremental increase of students attending local public schools that could result from the proposed project is not expected to require construction of a new school. Although future redevelopment of the project site with residential uses could generate new students in the area, future redevelopment on the site would be in conformance with Government Code Section 65996, which requires the project to pay school impact fees. [Less Than Significant Impact]

Parks

Future residents of the site would use existing recreational facilities in the area, including Frank M. Santana Park, located west of the site. The new residents on the site would incrementally increase the use of existing recreational facilities in the project area.

If the site is ultimately annexed to the City of San José, future redevelopment under the proposed land use designation would be subject to the City’s Parkland Dedication Ordinance and Park Impact Ordinance (PDO/PIO), and would be required to pay PDO/PIO fees to offset
the increased demand for parks and recreational facilities. The PDO/PIO fees generated by future residential development would be used to provide neighborhood-serving facilities within a 0.75-mile radius of the project site and/or community-serving facilities within a three-mile radius (General Plan Policies PR-2.4 and PR-2.5). [Less Than Significant Impact]

Other Public Facilities

There are 22 libraries serving neighborhoods located throughout San José. Development approved under the Envision San José 2040 General Plan is projected to increase the City’s residential population to 1,313,811. The existing and planned library facilities in the City will provide approximately 0.68 square feet of library space per capita for the anticipated population under buildout of the Envision San José 2040 General Plan by the year 2035, which is above the City’s service goal. Although the proposed General Plan Amendment would incrementally increase residential development and population growth above those anticipated in the General Plan, future redevelopment of the project site would not substantially increase use of San José library facilities or otherwise require the construction of new library facilities. [Less Than Significant Impact]

4.14.4 Conclusion

Implementation of General Plan policies, City ordinances, and the Government Code would ensure that future residential development on the site under the proposed land use designation would not result in significant impacts to public services or facilities. [Less Than Significant Impact]
4.15 RECREATION

4.15.1 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>
</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>☒</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>□</td>
</tr>
</tbody>
</table>

4.15.2 Setting

4.15.2.1 Regulatory Framework

Quimby Act – California Code Sections 66475-66478

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

Envision San José 2040 General Plan Policies

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

Envision San José 2040 Relevant Recreation Policies

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

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

### 4.15.2.2 Existing Conditions

The City of San José owns and maintains approximately 3,435 acres of parkland, including neighborhood parks, community parks, and regional parks. The City also has 54 community centers and neighborhood centers. Other recreational facilities include five public pools, six public skate parks, and over 55 miles of trails. The Willow Glen Planning Area of San José, located near the project site, is currently underserved with respect to parklands for the population. The area needs an additional 100.3 acres of parkland to provide the desired 3.5 acres per 1,000 residents for the projected 2020 population.

As discussed in Section 4.14, Public Services of this Initial Study, Frank M. Santana Park is located approximately 0.5 mile west of the project site. The closest community center is the Bascom Community Center and Library, located at 1000 South Bascom Avenue, 0.6 mile south of the site.

### 4.15.3 Impact Discussion

a) 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?

Development of the site under the proposed Mixed Use Neighborhood land use designation could result in approximately 16 new dwelling units and 52 residents on the project site, using the City’s average of 3.22 persons per household. Although the proposed General Plan Amendment would allow residential development and population growth that was not anticipated in the General Plan, conformance with the City’s Parkland Dedication Ordinance and Park Impact Ordinance would ensure that future redevelopment of the project site would not significantly impact neighborhood and regional park facilities. [Less Than Significant Impact]

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Future redevelopment of the project site with residential uses would provide open space and/or pay in-lieu fees, consistent with City policies. No new off-site recreational facilities would be required to serve the incremental population increase that would result from future residential

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uses. The proposed project would therefore not result in the construction of new recreational facilities with the potential to adversely affect the environment. [Less Than Significant Impact]

4.15.4 Conclusion

Future redevelopment of the project site under the proposed land use designation, with implementation of General Plan policies and/or the City’s PDO/PIO measures, would not result in significant impacts to recreational facilities in the City of San José. [Less Than Significant Impact]
4.16  TRANSPORTATION/TRAFFIC

The discussion of long-range traffic impacts in this section is based on the *City of San José 2017 General Plan Amendments Long-Range Traffic Impact Analysis* prepared by Hexagon Transportation Consultants on August 18, 2017 and amended on September 19, 2017. The report is included in this Initial Study as Appendix D.

### 4.16.1 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>
</table>
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? | ☐ | ☐ | ☒ | ☐ | 1, 2, 29 |
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? | ☐ | ☐ | ☒ | ☐ | 1, 2, 29 |
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? | ☐ | ☐ | ☐ | ☒ | 1, 2, 22 |
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)? | ☐ | ☐ | ☒ | ☐ | 1, 2 |
e) Result in inadequate emergency access? | ☐ | ☐ | ☒ | ☐ | 1 |
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? | ☐ | ☐ | ☒ | ☐ | 1, 2 |
4.16.2 Setting

4.16.2.1 Regulatory Framework

**Metropolitan Transportation Commission**

The Metropolitan Transportation Commission is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region’s Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

**Congestion Management Program**

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

**Bike Plan 2020**

The City of San José Bike Plan 2020, adopted in 2009, contains policies for guiding the development and maintenance of bicycle and trail facilities within San José. The plan also includes the following goals for improving bicycle access and connectivity: 1) complete 500 miles of bikeways, 2) achieve a five percent bike mode share, 3) reduce bicycle collision rates by 50 percent, 4) add 5,000 bicycle parking spaces, and 5) achieve Gold-Level Bicycle Friendly Community status. The Bike Plan defines a 500-mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways.

Bicycle facilities in the project area include Class II bike lanes on South Bascom Avenue, southeast of the project site, that connect with other bike lanes and routes in the City. Additional Class II and Class III bike lanes are planned in the area.

**Level of Service Standards and City Council Policy 5-3**

As established in City Council Policy 5-3 “Transportation Impact Policy” (2005), the City of San José uses the same level of service (LOS) method as the CMP, although the City’s standard is LOS D
rather than LOS E. According to this policy and GP Policy TR-5.3, an intersection impact would be satisfactorily mitigated if the implementation of measures would restore level of service to existing conditions or better, unless the mitigation measures would have an unacceptable impact on the neighborhood or on other transportation facilities (such as pedestrian, bicycle, and transit facilities). The City’s Transportation Impact Policy (also referred to as the Level of Service Policy) protects pedestrian and bicycle facilities from undue encroachment by automobiles. In accordance with the Level of Service Policy and CMP, a traffic impact analysis is only required when a project would result in 100 or more peak hour trips.

Envision San José 2040 General Plan

The Circulation Element of the General Plan contains several long-term goals and policies that are intended to:

- Provide a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts);
- Improve multimodal accessibility to employment, housing, shopping, entertainment, schools, and parks;
- Create a city in which people are less reliant on driving to meet their daily needs; and
- Increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips.

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. All future redevelopment allowed under the proposed land use designation would be subject to the transportation policies in the General Plan, including the following:

Envision San José 2040 Relevant Transportation Policies

<table>
<thead>
<tr>
<th>Policy TR-1.1</th>
<th>Accommodate and encourage use of non-automobile transportation modes to achieve San José’s mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy TR-1.2</td>
<td>Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.</td>
</tr>
<tr>
<td>Policy TR-1.4</td>
<td>Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.</td>
</tr>
<tr>
<td>Policy TR-1.5</td>
<td>Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.</td>
</tr>
</tbody>
</table>

Examples of unacceptable impacts include reducing the width of a sidewalk or bicycle lane below the city standard or creating unsafe pedestrian operating conditions.
Policy TR-1.6  
Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

Policy TR-2.8  
Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

Policy TR-3.3  
As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Policy TR-5.3  
The minimum overall roadway performance during peak travel periods should be level of service “D” except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.

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

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

Policy TR-8.7  
Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.

Policy TR-8.8:  
Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.

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

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

Action TR-10.4  
In Tier II, require that a portion of adjacent on-street and City owned off-street parking spaces be counted towards meeting the zoning code’s parking space requirements.

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

Policy CD-2.10  
Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.
Policy CD-3.3  Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

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

In addition to the policies in the General Plan, future redevelopment of the project site with residential uses, at a density of 15 units per acre, would be required to comply with the San José Residential Design Guidelines with regards to pedestrian access.

4.16.2.2  Existing Conditions

Roadway Network

Regional access to the project site is provided via Interstate 280 and California State Route 17. Interstate 280 is an eight-lane freeway in the vicinity of the site. It extends northwest to San Francisco and east to King Road in San José, at which point it transitions into Interstate 680 to Oakland.

State Route 17 is a six-lane freeway in the vicinity of the project site. It extends south to Santa Cruz and north to Stevens Creek Boulevard in San José, at which point it transitions into Interstate 880 to Oakland.

Pedestrian and Bicycle Facilities

Sidewalks are located on both sides of all streets in the vicinity of the project, and crosswalks with pedestrian signal heads are located at all signalized intersections in the project area.

Bicycle facilities in the project area include Class II bike lanes on South Bascom Road southeast of the project site.

Transit Service

Transit service in the project area is provided by VTA. Multiple bus routes operate in the vicinity of the project site, including on Turner Avenue (Route 25) and Bascom Avenue (Routes 61 and 62).

4.16.3  Impact Discussion

a-b) 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? 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?

The City of San José’s General Plan traffic analysis procedure requires analysis of proposed General Plan Amendments when they would result in more than 250 peak hour trips. Redevelopment of the site under the proposed Mixed Use Neighborhood land use designation would result in approximately 16 new residences on the project site and commercial uses at a lower density. Based on a traffic analysis prepared for 2017 proposed General Plan Amendments within the City of San José, future development under the proposed project would generate approximately 11 AM peak hour trips and 17 PM peak hour trips. Therefore, the proposed General Plan Amendment does not require a project-specific General Plan traffic analysis, and future residential development on the project site under the proposed land use designation is not expected to conflict with an adopted plan, ordinance, or policy related to the effectiveness of the circulation system.

Cumulative Long-Range Traffic Impacts

In addition to the General Plan level long-range traffic analysis required for individual projects, the cumulative long-range traffic impacts of all of the proposed 2017 General Plan Amendments were evaluated in a Long-Range Traffic Impact Analysis model forecast prepared by Hexagon Transportation Consultants (Appendix D). This analysis evaluated the cumulative impacts of ten proposed General Plan Amendments, listed in Table 4.16-1. Each of the proposed General Plan Amendments would result in changes to the assumed number of households and/or jobs on each site when compared to the Envision San José 2040 General Plan assumptions for each site. However, the total number of jobs and households citywide would not change as a result of these Amendments. Table 4.16-1 summarizes the existing (adopted 2040 General Plan) and proposed land uses and density for each of the ten sites under each General Plan Amendment.

### Table 4.16-1: 2017 General Plan Amendments – Existing and Proposed Land Use

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Project Name</th>
<th>Location</th>
<th>APN</th>
<th>Size (acres)</th>
<th>Existing General Plan Land Use</th>
<th>Max. Density</th>
<th>Proposed General Plan Amendment Land Use</th>
<th>Max. Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>GP16-011</td>
<td>1202 Oakland Rd.</td>
<td>241-11-014, 020, 021, 022</td>
<td>1.54</td>
<td>Heavy Industrial</td>
<td>FAR up to 1.5</td>
<td>Combined Industrial/Commercial</td>
<td>FAR up to 12.0</td>
</tr>
<tr>
<td>2</td>
<td>GP16-012</td>
<td>2720 Booksin Avenue</td>
<td>446-33-040</td>
<td>1.65</td>
<td>Public/Quasi-Public</td>
<td>N/A</td>
<td>Residential Neighborhood</td>
<td>8 DU per AC; FAR up to 0.7</td>
</tr>
<tr>
<td>3</td>
<td>GP16-013</td>
<td>120 N. 4th Street</td>
<td>467-20-019, 020,</td>
<td>0.91</td>
<td>Residential Neighborhood</td>
<td>8 DU/ AC</td>
<td>Downtown</td>
<td>50-800 DU/AC;</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>(N. 4th Street)</th>
<th>021, 022, 040</th>
<th>&amp; Transit Residential</th>
<th>AC: FAR up to 0.7; 50-250 DU/AC; FAR 2.0 to 12.0</th>
<th>FAR 2.0 to 12.0</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>GP17-001 (Capitol Avenue)</td>
<td>100 S. Capitol Avenue</td>
<td>484-23-039</td>
<td>Neighborhood/Community Commercial</td>
<td>Residential Neighborhood</td>
</tr>
<tr>
<td>5</td>
<td>GP17-002 (Moorpark Avenue)</td>
<td>2323 Moorpark Avenue</td>
<td>282-01-014, 015, 016, 020, 021, 022</td>
<td>Residential Neighborhood</td>
<td>8 DU/AC; FAR up to 0.7</td>
</tr>
<tr>
<td>6</td>
<td>GP17-003 (Branham LR Park &amp; Ride)</td>
<td>4764 Narvaez Road</td>
<td>462-02-022, 024, 026, 027, 028, 021, 023, 025</td>
<td>Mixed-Use Neighborhood</td>
<td>up to 30 DU/AC; FAR 0.25 to 2.0</td>
</tr>
<tr>
<td>7</td>
<td>GP17-004 (Cottle LR Park &amp; Ride)</td>
<td>272 International Circle</td>
<td>706-05-038</td>
<td>Neighborhood/Community Commercial Public/Quasi-Public</td>
<td>FAR up to 3.5; N/A</td>
</tr>
<tr>
<td>8</td>
<td>GP17-005 (Lincoln Avenue)</td>
<td>2119 Lincoln Avenue</td>
<td>439-08-059</td>
<td>Neighborhood/Community Commercial</td>
<td>FAR up to 3.5</td>
</tr>
<tr>
<td>9</td>
<td>GP17-006 (West Julian Street)</td>
<td>715 West Julian Street</td>
<td>261-01-030, 094</td>
<td>Mixed-Use Commercial</td>
<td>up to 50 DU/AC FAR 0.5 to 4.5</td>
</tr>
<tr>
<td>10</td>
<td>GP17-007 (Trimble Road)</td>
<td>370 West Trimble Road</td>
<td>101-02-013, 014</td>
<td>Industrial Park</td>
<td>FAR up to 10.0</td>
</tr>
</tbody>
</table>

Notes: FAR = floor-to-area ratio; DU/AC = dwelling units/acre; APN = assessor’s parcel number; N/A = not applicable.
Source: City of San José Planning Department. June 2017.

The City of San José has adopted policy goals in the Envision San José 2040 General Plan to reduce the drive alone mode share to no more than 40 percent of all daily commute trips, and to reduce the vehicle miles traveled per service population by 40 percent from 2008 conditions. To meet these goals by the General Plan horizon year of 2040, and to satisfy CEQA requirements, three Measures of Effectiveness (MOE) thresholds are used to evaluate long-range transportation impacts resulting from implementation of the General Plan Amendments. The General Plan Amendments would be considered to have a significant cumulative long-range traffic impact if one or more of the following occurs: 1) the amendments result in an increase in daily VMT per service population, 2) the amendments result in an increase in the percentage of journey-to-work drive alone trips; and/or 3) the amendments result in a 7.5 percent decrease in average vehicle speeds on designated transit priority corridors (summarized in Table 4.16-2). In
addition to the three MOEs, the cumulative traffic analysis evaluated potential cumulative effects on adjacent jurisdictions.

### Table 4.16-2: MOE Significance Thresholds

<table>
<thead>
<tr>
<th>MOE</th>
<th>Citywide Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily VMT/Service Population</td>
<td>Any increase over current 2040 General Plan conditions</td>
</tr>
<tr>
<td>Journey-to-Work Mode Share (Drive Alone Percentage)</td>
<td>Any increase in journey-to-work drive alone mode share over current 2040 General Plan conditions</td>
</tr>
</tbody>
</table>
| Transit Corridor Travel Speeds                  | Decrease in average travel speed on a transit corridor below current 2040 General Plan conditions in the AM peak one-hour period when:  
1. The average speed drops below 15 mph or decreases by 25 percent or more, or  
2. The average speed drops by one mph or more for a transit corridor with average speed below 15 mph under current 2040 General Plan conditions. |
| Adjacent Jurisdiction                           | When 25% or more of total deficient lane miles on streets in an adjacent jurisdiction are attributable to the City of San José during the AM peak 4-hour period.  
1. Total deficient lane miles are total lane miles of street segments with V/C ratios of 1.0 or greater.  
2. A deficient roadway segment is attributed to San José when trips from the City are 10 percent or more on the deficient segment. |

Source: Envision San José 2040 General Plan Transportation Impact Analysis, October 2010.

The results of the cumulative Long-Range traffic analysis for all of the 2017 General Plan Amendments are discussed below and summarized in Tables 4.16-3 through 4.16-6.

**Daily Vehicle Miles Traveled per Service Population**

Compared to the current General Plan, the proposed General Plan Amendments would not result in an increase in VMT per service population. Therefore, cumulatively, the 2017 GPAs would result in a less than significant impact on citywide daily VMT per service population. It is important to note that the VMT per service population is based on raw model output and does not reflect the implementation of adopted GP policies and goals that would further reduce VMT by increased use of non-auto modes of travel.
Table 4.16-3: Daily Vehicle Miles Traveled Per Service Population

<table>
<thead>
<tr>
<th></th>
<th>Base Year (2015)</th>
<th>Existing General Plan</th>
<th>Existing General Plan Plus Amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citywide Daily VMT</td>
<td>20,588,249</td>
<td>31,251,446</td>
<td>31,290,755</td>
</tr>
<tr>
<td>Citywide Service Population</td>
<td>1,385,030</td>
<td>2,065,461</td>
<td>2,065,461</td>
</tr>
<tr>
<td>Daily VMT Per Service Population</td>
<td>14.9</td>
<td>15.1</td>
<td>15.1</td>
</tr>
<tr>
<td>Increase in VMT/Service Population over General Plan</td>
<td>--</td>
<td>--</td>
<td>0.0</td>
</tr>
</tbody>
</table>

**Significant Impact?**  No

1 Service Population = Residents + Jobs


**Journey-to-Work Mode Share**

The proposed General Plan Amendments would not result in an increase of drive alone journey-to-work mode share when compared to the current General Plan. Therefore, cumulatively, the 2017 GPAs would result in a less than significant impact on citywide journey-to-work mode share.

Table 4.16-4: Journey-to-Work Mode Share Percentages

<table>
<thead>
<tr>
<th>Mode</th>
<th>Base Year (2015)</th>
<th>Existing General Plan</th>
<th>Existing General Plan Plus Amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Trips</td>
<td>Percent</td>
<td>Trips</td>
</tr>
<tr>
<td>Drive Alone</td>
<td>724,530</td>
<td>78.3</td>
<td>1,061,730</td>
</tr>
<tr>
<td>Carpool 2</td>
<td>112,030</td>
<td>12.1</td>
<td>178,190</td>
</tr>
<tr>
<td>Carpool 3+</td>
<td>42,310</td>
<td>4.6</td>
<td>79,220</td>
</tr>
<tr>
<td>Transit</td>
<td>26,820</td>
<td>2.9</td>
<td>99,570</td>
</tr>
<tr>
<td>Bicycle</td>
<td>7,060</td>
<td>0.8</td>
<td>19,610</td>
</tr>
<tr>
<td>Walk</td>
<td>12,130</td>
<td>1.3</td>
<td>26,260</td>
</tr>
<tr>
<td>Increase Drive Alone Percentage over General Plan Conditions</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Significant Impact?**  No

Average Vehicle Speeds in Transit Priority Corridors

The proposed General Plan Amendments would not result in a decrease in travel speeds of greater than one mile per hour or 25 percent on any of the 14 transit priority corridors when compared to current General Plan conditions. Therefore, cumulatively, the 2017 GPAs would result in a less than significant impact on the AM peak-hour average vehicle speeds on the transit priority corridors.

<table>
<thead>
<tr>
<th>Transit Priority Corridor</th>
<th>Base Year (2015)</th>
<th>Existing General Plan</th>
<th>Existing General Plan Plus Amendments</th>
<th>Percent Change</th>
<th>Absolute Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>2nd Street from San Carlos St to Street James St</td>
<td>11.4</td>
<td>11.4</td>
<td>11.4</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Alum Rock Avenue from Capitol Av to US 101</td>
<td>21.2</td>
<td>15.3</td>
<td>15.1</td>
<td>-2</td>
<td>-0.3</td>
</tr>
<tr>
<td>Camden Avenue from SR 17 to Meridian Av</td>
<td>22.2</td>
<td>14.6</td>
<td>15.2</td>
<td>4</td>
<td>0.6</td>
</tr>
<tr>
<td>Capitol Avenue from S. Milpitas Boulevard to Capitol Expressway</td>
<td>23.9</td>
<td>20.8</td>
<td>20.5</td>
<td>-1</td>
<td>-0.2</td>
</tr>
<tr>
<td>Capitol Expressway from Capitol Avenue to Meridian Avenue</td>
<td>25.8</td>
<td>24.5</td>
<td>25.0</td>
<td>2</td>
<td>0.5</td>
</tr>
<tr>
<td>East Santa Clara Street from Highway 101 to Delmas Avenue</td>
<td>20.3</td>
<td>16.9</td>
<td>16.7</td>
<td>-1</td>
<td>-0.2</td>
</tr>
<tr>
<td>Meridian Avenue from Park Avenue to Blossom Hill Road</td>
<td>22.7</td>
<td>19.1</td>
<td>18.7</td>
<td>-3</td>
<td>-0.5</td>
</tr>
<tr>
<td>Monterey Road from Keyes Street to Metcalf Road</td>
<td>24.2</td>
<td>17.2</td>
<td>17.3</td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>North 1st Street from SR 237 to Keyes Street</td>
<td>19.8</td>
<td>12.7</td>
<td>13.4</td>
<td>5</td>
<td>0.7</td>
</tr>
<tr>
<td>San Carlos Street from Bascom Avenue to SR 87</td>
<td>22.1</td>
<td>21.0</td>
<td>20.7</td>
<td>-2</td>
<td>-0.3</td>
</tr>
<tr>
<td>Stevens Creek Boulevard from Bascom Avenue to Tantau Avenue</td>
<td>21.3</td>
<td>17.2</td>
<td>17.2</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Tasman Drive from Lick Mill Boulevard to McCarthy Boulevard</td>
<td>24.0</td>
<td>13.5</td>
<td>13.5</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>The Alameda from Alameda Way to Delmas Avenue</td>
<td>19.7</td>
<td>14.1</td>
<td>13.7</td>
<td>-3</td>
<td>-0.5</td>
</tr>
<tr>
<td>West San Carlos Street from SR 87 to 2nd Street</td>
<td>19.3</td>
<td>18.3</td>
<td>18.2</td>
<td>0</td>
<td>0.0</td>
</tr>
</tbody>
</table>

Adjacent Jurisdictions

The current General Plan land use designations and proposed General Plan Amendment land use adjustments result in the same impacts to roadway segments within the same 14 adjacent jurisdictions identified in the Envision San José 2040 General Plan. Therefore, the proposed General Plan Amendment land use adjustments would not result in further impact on roadways in adjacent jurisdictions than that identified for the current General Plan land uses in the adopted Envision San José 2040 General Plan EIR.

### Table 4.16-6: AM Four-Hour Traffic Impacts in Adjacent Jurisdictions

<table>
<thead>
<tr>
<th>City</th>
<th>Base Year (2015)</th>
<th>Existing General Plan</th>
<th>Existing General Plan Plus Amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Deficient Lane Miles¹</td>
<td>Deficient Lane Miles Attributed to San José²</td>
<td>Percent Deficient Lane Miles</td>
</tr>
<tr>
<td>Campbell</td>
<td>0.14</td>
<td>0.14</td>
<td>100</td>
</tr>
<tr>
<td>Cupertino</td>
<td>3.76</td>
<td>2.96</td>
<td>79</td>
</tr>
<tr>
<td>Gilroy</td>
<td>0.00</td>
<td>0.00</td>
<td>0</td>
</tr>
<tr>
<td>Los Altos</td>
<td>1.21</td>
<td>0.25</td>
<td>21</td>
</tr>
<tr>
<td>Los Altos Hills</td>
<td>0.65</td>
<td>0.00</td>
<td>0</td>
</tr>
<tr>
<td>Los Gatos</td>
<td>0.70</td>
<td>0.70</td>
<td>100</td>
</tr>
<tr>
<td>Milpitas</td>
<td>1.08</td>
<td>0.87</td>
<td>81</td>
</tr>
<tr>
<td>Monte Sereno</td>
<td>0.00</td>
<td>0.00</td>
<td>0</td>
</tr>
<tr>
<td>Morgan Hill</td>
<td>0.46</td>
<td>0.46</td>
<td>100</td>
</tr>
<tr>
<td>Mountain View</td>
<td>1.69</td>
<td>1.51</td>
<td>89</td>
</tr>
<tr>
<td>Palo Alto</td>
<td>0.64</td>
<td>0.16</td>
<td>25</td>
</tr>
<tr>
<td>Santa Clara</td>
<td>0.04</td>
<td>0.04</td>
<td>100</td>
</tr>
<tr>
<td>Saratoga</td>
<td>1.86</td>
<td>1.57</td>
<td>85</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>0.95</td>
<td>0.46</td>
<td>49</td>
</tr>
<tr>
<td>Caltrans Facilities</td>
<td>5,311</td>
<td>4,131</td>
<td>78</td>
</tr>
<tr>
<td>Santa Clara County Expressways</td>
<td>2.75</td>
<td>2.75</td>
<td>100</td>
</tr>
</tbody>
</table>

¹ Total deficient lane miles are total lane miles of street segments with V/C ratios of 1.0 or greater.
² A deficient roadway segment is attributed to San José when trips are 10% or more on the deficient segment.

**Bold:** Indicates Significant Impacts

Conclusion

Compared to the Envision San José 2040 General Plan, the 2017 General Plan Amendments Long-Range Traffic Analysis found that the General Plan Amendments would 1) not result in an increased citywide daily VMT per service population; 2) reduce the percentage of journey-to-work drive alone trips; or 3) increase average vehicle speeds on the transit priority corridors. Future development on each of the General Plan Amendment project sites would be required to evaluate near-term traffic for project-level CEQA clearance for each planning permit.

[Less Than Significant Impact]

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?

The project site is not within the Norman Y. Mineta Airport Influence Area, nor is it within any of the safety zones designated by the airport’s Comprehensive Land Use Plan. Therefore, redevelopment of the project site under the proposed land use designation would not affect air traffic patterns in the vicinity of the site. [No Impact]

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

The City would review future plans for redevelopment of the project site for consistency with General Plan policies and Residential Design Guidelines at the Planning permit phase. Pedestrian, bicycle, and vehicular access and circulation and safety would be reviewed during this phase. Future development of the project site, in accordance with City design standards, would ensure that hazards due to a design feature would be avoided. [Less Than Significant Impact]

e) Result in inadequate emergency access?

Future redevelopment plans for the project site would be reviewed and approved by the San José Fire Department and Department of Public Works to ensure adequate emergency access. [Less Than Significant Impact]

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?

The City would review future designs for vehicle, bicycle, and pedestrian access and access to public transportation for consistency with General Plan policies and Residential Design Guidelines at the Planning permit phase. The proposed General Plan Amendment would not conflict with existing or planned multimodal transportation facilities. [Less Than Significant Impact]
4.16.4 Conclusion

Implementation of City General Plan policies and Residential Design Guidelines would ensure that future redevelopment of the project site under the proposed land use designation would not result in significant impacts on the transportation system serving the site. [Less Than Significant Impact]
### 4.17 UTILITIES AND SERVICE SYSTEMS

#### 4.17.1 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>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>
<td>☐</td>
<td>1, 2, 15</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, 2, 15</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, 2, 15</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>
<td>☒</td>
<td>☐</td>
<td>1, 2, 15</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 2, 15</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>1, 2, 15</td>
</tr>
</tbody>
</table>

#### 4.17.2 Setting

##### 4.17.2.1 Regulatory Framework

**Assembly Bill 939**

Assembly Bill 939, signed in 1989, established the California Integrated Waste Management Board (CIWMB; now CalRecycle) and required all California counties to prepare integrated waste management plans. AB 939 also required all municipalities to divert 50 percent of the waste stream by the year 2000.

**California Green Building Standards Code**

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five
categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupants.

**Envision San José 2040 General Plan**

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. Future redevelopment of the project site allowed under the proposed land use designation will be subject to the utilities and services policies of the City’s General Plan, including the following:

**Envision San José 2040 Relevant Utilities and Service Systems Policies**

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy MS-3.1</td>
<td>Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.</td>
</tr>
<tr>
<td>Policy MS-3.2</td>
<td>Promote use of green building technology or techniques that can help to reduce the depletion of the City’s potable water supply as building codes permit.</td>
</tr>
<tr>
<td>Policy MS-3.3</td>
<td>Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.</td>
</tr>
<tr>
<td>Action EC-5.16</td>
<td>Implement the Post-Construction Urban Runoff Management requirements of the City’s Municipal NPDES Permit to reduce urban runoff from project sites.</td>
</tr>
<tr>
<td>Policy IN-3.3</td>
<td>Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.</td>
</tr>
<tr>
<td>Policy IN-3.5</td>
<td>Require development which will have the potential to reduce downstream LOS to lower than “D”, or development which would be served by downstream lines already operating at a LOS lower than “D”, to provide mitigation measures to improve the LOS to “D” or better, either acting independently or jointly with other developments in the same area or in coordination with the City’s Sanitary Sewer Capital Improvement Program.</td>
</tr>
<tr>
<td>Policy IN-3.7</td>
<td>Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.</td>
</tr>
<tr>
<td>Policy IN-3.9</td>
<td>Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.</td>
</tr>
</tbody>
</table>
In addition to the above-listed San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the Santa Clara County Integrated Watershed Management (IWM) Program, which minimizes solid waste.

**San José Zero Waste Strategic Plan/Green Vision**

The Green Vision provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Green Vision goals, including 75 percent waste diversion by 2013 and zero waste by 2022. The Green Vision also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

**Private Sector Green Building Policy**

The City of San José’s Green Building Policy for new private sector construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the design process. This policy establishes baseline green building standards for private sector construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety, and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources.

4.17.2.2 **Existing Conditions**

The northern portion of the site is undeveloped. The southern portion of the project site is developed with multi-family residential units that are currently served by existing utilities, including water, wastewater, storm drainage, and solid waste.

**Water Service**

Water service is provided to the site by the San José Water Company. There are currently no recycled water lines in the project area.  

**Sanitary Sewer/Wastewater Treatment**

Sanitary sewer lines serving the site are owned and maintained by the City of San José.

---

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), formerly known as the San José/Santa Clara Water Pollution Control Plant (WPCP), in Alviso. The RWF has the capacity to treat 167 million gallons per day of sewage during dry weather flow.\textsuperscript{32} In 2012, the RWF’s average dry weather effluent flow was 85.3 million gallons per day.\textsuperscript{33} Fresh water flow from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 million gallons per day of dry weather sewage flow. The City’s share of the RWF’s treatment capacity is 108.6 million gallons per day; therefore, the City has approximately 38.8 million gallons per day of excess treatment capacity.\textsuperscript{34}

**Storm Drainage**

The project site is located in a developed area served by storm drainage systems. Impervious surfaces on the southern portion of the site include buildings and parking lots. Most of the land cover on the northern portion of the site consists of pervious surfaces.

Storm drainage lines in the project area are owned and maintained by the City of San José.

**Solid Waste**

Santa Clara County’s Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.\textsuperscript{35} Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road landfills.

4.17.3 **Impact Discussion**

a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

Wastewater from the project site would be transported through existing sanitary sewer pipelines to the RWF for treatment. The RWF completes tertiary treatment of all wastewater to remove 99 percent of impurities before effluent is released to the San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.\textsuperscript{36}


\[\text{33} \text{ City of San José. “Clean Bay Strategy Reports.” February 2013. Available at: http://www.sanjoseca.gov/ArchiveCenter/ViewFile/Item/1629}\]

\[\text{34} \text{ City of San José. Envision San José 2040 General Plan FEIR. September 2011. Page 648.}\]


The southern portion of the project site is currently developed with multi-family residential units, and the northern portion of the site is undeveloped. Future redevelopment of the project site under the proposed land use designation is anticipated to result in wastewater generation of approximately 1,850 gallons per day.\textsuperscript{37} The project would not substantially increase wastewater from the site or cause an exceedance of the RWQCB’s treatment requirements for the RWF. 
[Less Than Significant Impact]

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?**

Future redevelopment of the project site under the proposed land use designation would not substantially increase water or wastewater volumes such that new or expanded facilities would be required. Future redevelopment under the proposed land use designation would comply with all applicable Public Works requirements to ensure sanitary sewer mains would have capacity for water and sewer services. Therefore, the project would not have a significant impact related to the provision of water and sewer service for the project. [Less Than Significant Impact]

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?**

The southern portion of the project site is developed with large areas of impervious surfaces. Runoff from the project site currently directly enters the storm drainage system untreated and unimpeded. Future redevelopment of the site would comply with the MRP and City of San José Policy 6-29, which would remove pollutants and reduce the rate and volume of runoff from the project site to levels that are at or below existing conditions. For these reasons, redevelopment of the project site would improve the water quality of runoff from the site and would not exceed the capacity of the existing storm drainage system serving the project site. [Less Than Significant Impact]

d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

Future redevelopment of the project site under the proposed land use designation would result in a water demand of approximately 2,176 gallons per day. Future redevelopment of project site would not substantially increase water demand above existing conditions. The proposed project would not result in a significant impact to water supplies. [Less Than Significant Impact]

\textsuperscript{37} Based upon the San José Municipal Water’s standard water use rate of 136 gallons per day for multifamily use, and wastewater comprising 85\% of water use.
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?

In 2011, the Envision San José 2040 General Plan FEIR identified an excess treatment capacity of 38.8 million gallons per day from San José wastewater sources. The RWF has millions of gallons of daily wastewater treatment capacity remaining for the City of San José. Future redevelopment of the project site under the proposed land use designation would not substantially increase wastewater treatment demand. [Less Than Significant Impact]

f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?

According to the IWMP, the County has adequate disposal capacity beyond 2030. Future development of the project site under the proposed land use designation would be required to conform to City plans and policies to reduce solid waste generation, and would be served be a landfill with adequate capacity. [Less Than Significant Impact]

4.17.4 Conclusion

Future redevelopment of the project site under the proposed land use designation would not require construction of new off-site facilities for wastewater treatment, storm drainage, water, or waste disposal. Existing facilities have the capacity to serve the anticipated level of future redevelopment, and future redevelopment would not substantially increase demand upon these facilities compared to existing conditions.

Implementation of General Plan and other City policies would ensure redevelopment of the project site would not significantly impact utilities and service systems serving the project site. [Less Than Significant Impact]
4.18 MANDATORY FINDINGS OF SIGNIFICANCE

4.18.1 Environmental Checklist

<table>
<thead>
<tr>
<th>Potential 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) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td>☐ ☐ ☒ ☐</td>
<td>1-108</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable (&quot;cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
<td>☐ ☐ ☒ ☐</td>
<td>1-108</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?</td>
<td>☐ ☐ ☒ ☐</td>
<td>1-108</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>☐ ☐ ☒ ☐</td>
<td>1-108</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.18.2 Impact Discussion

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

As discussed in the individual sections, future redevelopment of the project site under the proposed land use designation would not degrade the quality of the environment with the implementation of measures in accordance with the City’s General Plan and Municipal Code and other applicable plans, policies, regulations, and ordinances.
As discussed in Section 4.4, Biological Resources, the project is located in an urban environment and would not directly impact sensitive habitat or species. The project site is located within the Habitat Plan study area and, as a result, would be subject to all applicable Habitat Plan fees.

There is a moderate potential for buried prehistoric archaeological resources on-site, and a low potential for paleontological and historic resources. As discussed in Section 4.5, Cultural Resources, implementation of measures in accordance with the General Plan would ensure that future development impacts to cultural resources would be less than significant.

As discussed in Section 4.6, Geology and Soils, the site is located in a seismically active region that contains expansive soils. Implementation of measures in accordance with the City’s General Plan and Municipal Code at the time of future redevelopment would reduce the risk of seismic-related hazards and expansive soils to a less than significant level.

As discussed in Section 4.8, Hazardous Materials, the existing structures on the site may contain asbestos materials and lead-based paint, and pesticides may be present in onsite soils as a result of previous agricultural use. Site cleaning and remediation in accordance with the General Plan and applicable state and local regulations would ensure less than significant hazardous materials impacts.

As discussed in Section 4.9, Hydrology and Water Quality, construction activities during redevelopment of the site could result in temporary impacts to surface water quality. Implementation of measures in accordance with the City’s General Plan and Grading Ordinance would reduce the risk of impacts to surface water quality to a less than significant level.

As discussed in Section 4.12, Noise, the project site is located in an urban area with elevated noise levels that could affect future residential development on the site. Additionally, future construction activities and the operation of mechanical equipment on the site could substantially increase ambient noise levels in the project area. Implementation of measures in accordance with the City’s General Plan and Municipal Code would ensure that noise impacts related to future redevelopment of the site would be less than significant.

As discussed in Section 4.14, Public Services, redevelopment of the site would incrementally increase demand upon local schools and parks in the project area. Implementation of measures in accordance with the General Plan and Government Code would reduce the impacts of the project on local schools and parks to a less than significant level. [Less Than Significant Impact]

b) Does the project have impacts that are individually limited, but cumulatively considerable?

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant impact 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.”

Because criteria air pollutant and greenhouse gas emissions would contribute to regional and global emissions of such pollutants, the identified thresholds developed by BAAQMD and used by the City of San José were designed such that a project-level impact would also be a cumulatively considerable impact. The proposed General Plan Amendment would not result in significant emissions of criteria air pollutants or GHG emissions and, therefore, would not make a substantial contribution to cumulative air quality or GHG emissions impacts.

In addition, toxic air contaminant emissions were evaluated at a cumulative level for all TACs in the vicinity of the project site. Based on the project location and surrounding sources of TACs, future residents of the site would not be significantly exposed to health risks from TACs (refer to Section 4.3, Air Quality).

As discussed in Section 4.16, Transportation/Traffic, future development on the project site would be required to evaluate near-term traffic for project-level CEQA clearance for a planning permit. The proposed General Plan Amendment would not result in an increased citywide daily VMT per service population; reduce the percentage of journey-to-work drive alone trips; or increase average vehicle speeds on the transit priority corridors.

With the implementation of measures in accordance with the City’s General Plan and Municipal Code and other applicable plans, policies, regulations, and ordinances, future development allowed under the proposed land use designation would not result in significant geology and soils, hydrology and water quality, or public services impacts and would not contribute to cumulative impacts to these resources. The project would not impact agricultural and forestry resources or mineral resources; therefore, the project would not contribute to a significant cumulative impact on these resources.

The project site is located in an urban area and, given its limited size, redevelopment under the proposed land use designation would not contribute to a cumulative impact on aesthetics, population and housing, recreation, and transportation with the implementation of General Plan policies, Municipal Code requirements, and Residential Design Guidelines. [Less Than Significant Cumulative Impacts]

c) **Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?**

Three parcels of the project site are undeveloped, and three parcels are currently developed with multi-family residential units and associated parking. Future residential development of the project site under the proposed land use designation would result in land uses similar to those in the surrounding area. Redevelopment of the project site would result in the temporary disturbance of urban land, as well as an irreversible and irrevocable commitment of resources and energy during construction.
Future residential development on the site would consume energy for multiple purposes, including building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. Future development would result in an increase in demand upon nonrenewable resources; however, the project is required to comply with the City’s Private Sector Green Building Policy and the Greenhouse Gas Reduction Strategy. A future redevelopment project shall incorporate a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections to reduce energy use, conserve water, and achieve LEED certification.

With compliance with City General Plan policies, the proposed land use designation does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. [Less Than Significant Impact]

d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include community risks from air emissions, soil and seismic hazards, hazardous materials, and noise. Implementation of measures in accordance with the City’s General Plan and Municipal Code, and other applicable plans, policies, regulations, and ordinances, however, would ensure that these impacts would be less than significant. No other direct or indirect adverse effects on human beings have been identified. [Less Than Significant Impact]
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.*


SECTION 5.0 REFERENCES


California Air Resources Board. “Assembly Bill 32 Overview.” Accessed March 9, 2017. Available at: [https://www.arb.ca.gov/cc/ab32/ab32.htm](https://www.arb.ca.gov/cc/ab32/ab32.htm).


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


SECTION 6.0    LEAD AGENCY AND CONSULTANTS

6.1    LEAD AGENCY

City of San José

Department of Planning, Building & Code Enforcement

Thai-Chau Le, Planner

6.2    CONSULTANTS

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