Cottle Station Transit-Oriented Development
Initial Study
Public Draft Initial Study

September 2017
Cottle Station Transit-Oriented Development
Initial Study
Public Draft Initial Study

Prepared By:

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In Association With:
CHS Consulting Group

September 2017
NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: VTA Cottle Road General Plan Amendment

PROJECT FILE NUMBER: GP17-004

PROJECT DESCRIPTION: The project proposes a General Plan Amendment to change the General Plan land use designation from Neighborhood/Community Commercial and Public/Quasi-Public to Transit Residential on a 4.73 gross acre site.

PROJECT LOCATION: East side of Cottle Road, approximately 510 feet northerly of Hospital Parkway in San José

ASSESSORS PARCEL NO.: 706-05-038 COUNCIL DISTRICT: 2

APPLICANT CONTACT INFORMATION:
Santa Clara Valley Transit Authority, Jessie O'Malley Solisp
3331 1st Street San Jose, California, 95134, (408) 321-5950

FINDING

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

NO MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

A. AESTHETICS – The project will not have a significant impact on this resource, therefore no mitigation is required.

B. AGRICULTURE AND FOREST RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

C. AIR QUALITY – The project will not have a significant impact on this resource, therefore no mitigation is required.

D. BIOLOGICAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.
E. CULTURAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

F. GEOLOGY AND SOILS – The project will not have a significant impact on this resource, therefore no mitigation is required.

G. GREENHOUSE GAS EMISSIONS – The project will not have a significant impact on this resource, therefore no mitigation is required.

H. HAZARDS AND HAZARDOUS MATERIALS – The project will not have a significant impact on this resource, therefore no mitigation is required.

I. HYDROLOGY AND WATER QUALITY – The project will not have a significant impact on this resource, therefore no mitigation is required.

J. LAND USE AND PLANNING – The project will not have a significant impact on this resource, therefore no mitigation is required.

K. MINERAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

L. NOISE – The project will not have a significant impact on this resource, therefore no mitigation is required.

M. POPULATION AND HOUSING – The project will not have a significant impact on this resource, therefore no mitigation is required.

N. PUBLIC SERVICES – The project will not have a significant impact on this resource, therefore no mitigation is required.

O. RECREATION – The project will not have a significant impact on this resource, therefore no mitigation is required.

P. TRANSPORTATION / TRAFFIC – The project will not have a significant impact on this resource, therefore no mitigation is required.

Q. UTILITIES AND SERVICE SYSTEMS – The project will not have a significant impact on this resource, therefore no mitigation is required.

R. MANDATORY FINDINGS OF SIGNIFICANCE

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

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on Thursday October 19th, 2017 any person may:

1. Review the Draft Negative Declaration (ND) as an informational document only; or
2. Submit written comments regarding the information and analysis in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND.

Rosalynn Hughey, Interim Director
Planning, Building and Code Enforcement

9/22/17
Date

Deputy

Circulation period: September 29, 2017 to October 19th, 2017
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1. Introduction

This document is an Initial Study for the Cottle Light Rail Station Transit-Oriented Development (TOD), (proposed project) prepared by the City of San José (City) to determine if the project may have a significant effect on the environment as defined in the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.). Pursuant to Sections 15050 and 15051 of the State CEQA Guidelines,¹ the City is the Lead Agency for the proposed project.

The Cottle Light Rail Station (Cottle Station) is situated near the intersection of State Route 85 (SR 85 or Norman Y. Mineta Highway) and Cottle Road in southern San José. The project site is located on 4.48-acres of land owned by the Santa Clara Valley Transportation Authority (VTA). The Cottle Station is assigned Assessor’s Parcel Number (APN) 706-05-038.

1.1 Initial Study

Pursuant to Section 15063 of the CEQA Guidelines, an Initial Study is a preliminary environmental analysis that is used by the Lead Agency as a basis for determining what form of environmental review is required for a project. The CEQA Guidelines require that an Initial Study contain a project description of the project, identification of environmental setting, identification of environmental effects by checklist or other similar form, explanation of the agency’s conclusions about environmental effects, discussion of mitigation for any significant environmental effects, evaluation of the project’s consistency with applicable plans and land use controls, and the name of persons who prepared the study.

1.2 Report Organization

This Initial Study is organized into the following chapters:

- **Chapter 1: Introduction.** This chapter provides an introduction and overview of the Initial Study document.

- **Chapter 2: Initial Study Checklist.** This chapter summarizes pertinent details of the proposed project, including Lead Agency contact information, proposed project location, project applicant contact information, and General Plan and Zoning designations.

- **Chapter 3: Project Description.** This chapter describes the location and setting of the proposed project, along with its principal components, as well as a description of the required permits and approvals for the proposed project.

¹ The CEQA Guidelines are found in California Code of Regulations, Title, 14, Sections 15000 et seq.
Chapter 4: Environmental Analysis. Making use of the CEQA Guidelines Appendix F, Energy Conservation, and Appendix G, Environmental Checklist, as amended per Assembly Bill 52 (Tribal Cultural Resources) and the California Supreme Court in a December 2015 opinion [California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD), 62 Cal. 4th 369 (No. S 213478)], this chapter identifies and discusses anticipated impacts of the proposed project, providing substantiation for the findings made.

Chapter 5: Organizations and Persons Consulted. This chapter presents a list of City and other agencies and consultant team members that contributed to the preparation of the Initial Study.
## 2. Initial Study Checklist

1. **Project Title:** Cottle Station Transit Oriented Development (TOD)

2. **Lead Agency Name and Address:**
   City of San José  
   Department of Planning, Building, and Code Enforcement  
   200 East Santa Clara Street  
   San José, CA 95113

3. **Contact Person and Phone Number:**
   Environmental Project Manager: Kieulan Pham  
   (408) 535-3844  
   Planning Project Manager: Kimberly Vaca  
   (408) 535-1241

4. **Project Location:**
   The Cottle Light Rail Station is located on a 4.48-acre parcel  
   (Assessor’s Parcel Number (APNs) 706-05-038) at the intersection of Cottle Road and State Route 85 in the City of San José.

5. **Project Applicant’s Name and Address:**
   Santa Clara Valley Transportation Authority  
   3331 North 1st Street, Building B  
   San José, CA 95134  
   Jessie O’Malley Solis  
   (408) 321-5950

6. **General Plan Land Use Designation:** Neighborhood/Community Commercial (NCC) and Public/Quasi-Public (PQP)

7. **Zoning:** A(PD) Planned Development

8. **Description of Project:** General Plan Amendment from NCC and PQP to Transit Residential (TR).

9. **Surrounding Land Uses and Setting:**
   North: Residential and State Route 85 freeway ramp  
   East: Medical Facilities and hospital (Kaiser Permanente)  
   South: Medical facilities and hospital (Kaiser Permanente)  
   West: Residential and State Route 85 freeway ramp

10. **Other Public Agencies whose Approval is Required:** N/A
INCORPORATION BY REFERENCE

All documents cited in this report and used in its preparation are hereby incorporated by reference into this Initial Study. Copies of documents referenced herein are available for review at City of San José Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, San José, CA 95113, during normal business hours.
3. Project Description

This chapter describes the Cottle Light Rail Station Transit-Oriented Development (TOD) Project, referred to in this Initial Study as the “proposed project.” The proposed project constitutes an amendment to the Envision San José 2040 General Plan (General Plan) Land Use/Transportation Diagram to facilitate potential future development of an infill TOD on the project site. This chapter describes the existing conditions of the project site and surrounding area, the project goals and the components of the proposed project, and also provides a description of required approvals.

3.1 Project Location and Site Characteristics

3.1.1 Regional and Local Location

The project site is located in southern San José. As shown on Figure 3-1, San José is located in Santa Clara County, California, which is situated along the southernmost point of the San Francisco Bay. San José is bordered by the cities of Sunnyvale, Campbell, Santa Clara, Milpitas, Morgan Hill, and Cupertino. San José is accessed through the regional roadway network, including Interstates 280, 680, and 880, US Highway 101 (Highway 101), and State Routes (SR) 17, 85, 87, and 237. SR 85 runs east to west through the southern portion of San José just south of the project site, connecting Highway 101, which runs roughly northwest to southeast through San José, and Interstate 280 (I-280), which runs roughly northwest to southeast through San José.

The project site is the existing Cottle Light Rail Station (Cottle Station) Park-and-Ride lot, which is located near the intersection of SR 85 (Norman Y. Mineta Highway) and Cottle Road, as shown on Figure 3-2. The project site, a triangular-shaped parcel, is bounded by SR 85 to the north, the SR 85 on-ramp to the south, and Cottle Road to the west. Figure 3-1 shows the project site in its local context. The project site is located on land owned by the Santa Clara Valley Transportation Authority (VTA) and is assigned Accessor’s Parcel Number (APN) 706-05-038.
PROJECT DESCRIPTION

CITY OF SAN JOSE

COTTLE STATION TOD INITIAL STUDY

San Jose City Limits

Project Site

Santa Teresa Boulevard

Palmia Drive

Petaluma

San Francisco

Capitola

Los Gatos

Milpitas

Half Moon Bay

Capitola

Gilroy

Palo Alto

Los Gatos

San Jose

Figures 3-1
Regional and Vicinity Map

Source: ESRI, 2016; City of San Jose, 2016; PlaceWorks, 2017.
PROJECT DESCRIPTION

COTTLE STATION TOD INITIAL STUDY
CITY OF SAN JOSE

Source: Google Earth Pro, 2016; PlaceWorks, 2017.

Figure 3-2
Project Site
3.1.2 EXISTING GENERAL PLAN AND ZONING DESIGNATION

3.1.2.1 GENERAL PLAN

The project site is currently designated Neighborhood/Community Commercial (NCC) and Public/Quasi-Public (PQP) in the General Plan. The NCC designation supports a broad range of commercial activity, including commercial uses that serve the communities in neighboring areas. A common measure of building intensity is Floor Area Ratio (FAR), which is determined by dividing the amount of floor space in a building by the total area of the parcel it occupies. For example, a 10,000-square-foot building on a 20,000-square-foot parcel has a FAR of 0.5. New development of a property with this designation should include commercial space equivalent up to 3.5 FAR.

This designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. NCC uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation.²

The PQP designation includes land uses that are institutional in nature, such as hospitals, museums, and schools; churches and other religious institutions; other non-profit activities of an educational, youth, welfare, or philanthropic nature which cannot be considered a residential, commercial, or industrial activity; and public utilities and the facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications.³

3.1.2.2 ZONING

As discussed above, the project site is comprised of assigned APN 706-05-038, which is zoned A(PD) Planned Development. The PD Zoning District allows for any use or combination of uses as described in an approved planned development permit.⁴

3.1.3 PROJECT SITE EXISTING CONDITIONS

As shown on Figure 3-2, the project site serves as the Cottle Station Park-and-Ride, which includes 421 parking spaces for commuters using the VTA public transit system. There are eight passenger pick-up and drop-off sites. There are also 16 bike lockers on-site, and two bike racks.⁵ Vehicular, pedestrian, and bike access to the project site is currently provided via Cottle Road. Pedestrian and bike access to the project site is currently provided via Cottle Road.

² City of San José, 2011. Envision San José 2040 General Plan, Chapter 5 (Interconnected City), page 10.
³ City of San José, 2011. Envision San José 2040 General Plan, Chapter 5 (Interconnected City), page 12.
⁴ City of San José Municipal Code (SJMC), Title 20 (Zoning), Chapter 20.50 (Industrial Zoning Districts), Section 20.50.100 (Allowed Uses and Permit Requirements).
site is currently available via the existing Class II bike lane\(^6\) on Cottle Road. The existing site also includes a variety of street trees scattered throughout the site along the perimeter and median of the parking lot.

### 3.1.4 OFF-SITE EXISTING CONDITIONS

The project site is surrounded with multi-family residential to the north and west, and Kaiser Permanente medical facilities to the east and south. The project site is bordered by the SR 85 on- and off-ramps to the north and south and Cottle Road to the west. The project site is surrounded by properties with General Plan land use designations for Urban Village (UV), NCC, and PQP, and Transit Residential (TR). Surrounding zoning districts include Industrial Park (IP(PD)), A(PD) and Commercial Neighborhood (CN). The UV land use designation supports a wide variety of commercial, residential, institutional or other land uses with an emphasis on establishing an attractive urban form in keeping with the Urban Village concept. The TR land use designation is the primary designation for new high-density, mixed-use residential development sites that are located in close proximity to transit, jobs, amenities, and services. The IP zoning district permits research and development, manufacturing, assembly, testing, and offices. Industrial uses are consistent with this designation insofar as any functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Some commercial uses and warehouse retail uses may be permitted as set forth in Chapter 20.50.\(^7\) The PD Zoning District allows for any use or combination of uses as described in an approved planned development permit. The CN district provides for neighborhood serving commercial uses without an emphasis on pedestrian orientation except within the context of a single development.

### 3.2 PROJECT GOALS

VTA has an extensive portfolio of real estate assets, many of which are underutilized and/or have potential for TOD. VTA recognizes the importance of developing these real estate assets, as reflected in the agency’s creation and ongoing support of the Joint Development Program (JDP). The mission of VTA’s Joint Development Program is to provide appropriate stewardship of VTA’s real estate assets by maximizing their respective economic values through consensus-driven, site-appropriate development that also increases transit ridership, creates vibrant community assets, and enhances the long-term life of VTA’s facilities. The goals of the JDP are:

**Revenue:** to provide a long-term stable source of revenue for VTA by obtaining fair market value on the sale of or lease of its real property assets through an open and competitive development process.

**Transit-Oriented Development:** to carry out TOD, where appropriate, that provides the highest and best use of each site, conforms to the regulations of the affected jurisdiction in which the site is located and achieves the goals set forth in VTA’s Community Design and Transportation Manual for high quality design and community benefits.

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\(^6\) A Class II Bikeway is an on-street facility with dedicated space for bicyclists, usually near the right side of the street. Bike Lanes are designated by roadway striping and signage.

\(^7\) City of San José, Municipal Code (SJMC), Title 20 (Zoning), Chapter 20.50 (Industrial Zoning Districts), Section 20.50.010 (Industrial Zoning Districts).
Transit Operations: to create development that results in ridership growth on VTA’s multi-modal transit systems and/or enhances VTA’s operational infrastructure.

3.3 PROJECT COMPONENTS

The proposed project includes an amendment to the City’s General Plan that would facilitate future redevelopment of the project site with an infill TOD.

3.3.1 GENERAL PLAN AMENDMENT

The proposed project entails a General Plan Amendment to redesignate the site from NCC and PQP to Transit Residential (TR). The TR land use designation is the primary designation for new high-density, mixed-use residential development sites that are located in close proximity to transit, jobs, amenities, and services. This designation also supports intensive commercial employment uses, such as office, retail, hotels, hospitals, and private community gathering facilities. The allowable density/Intensity for mixed-use development would be determined using a FAR range of 2.0 to 12.0. The maximum allowable residential density would be 250 dwelling units per acre (du/ac). Building heights in the TR land use designation can range from five stories and above.8

3.4 POTENTIAL FUTURE DEVELOPMENT

Approval of the proposed amendment to the City’s General Plan would facilitate future development of an infill TOD on the project site. The TR land use designation would permit up to 250 du/ac, which would allow up to a maximum of 1,120 multi-family units.9 Based on an average household size of 3.06 persons,10 the future TOD development would house up to 3,427 total residents.11 For the purposes of this analysis, it is assumed that up to 495 residential units could be developed on the project site. No specific development is proposed for the project site at this time. Future development of the project site is also expected to include nonresidential space to support the current and future neighborhood and complement new housing with new jobs locally.

3.5 UTILITY PROVIDERS

The utility providers in San José that could serve future development on the project site are comprised of the following:

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8 City of San José, 2011. Envision San José 2040 General Plan, Chapter 5 (Interconnected City), page 12.
9 4.48 acres x 250 dwelling units = 1,120 total dwelling units.
10 Association of Bay Area Governments (ABAG). Projections 2013 includes an average household size of 3.04 persons for San José, in 2025. However, to be consistent with the General Plan EIR, this analysis is based on 3.06 persons per household.
11 1,120 dwelling units x 3.06 persons per household = 3,427 total residents.
The Great Oaks Water Company (Great Oaks) would supply water for the future development on the project site.12

Sanitary wastewater generated on the project site would be treated by the San José-Santa Clara Regional Wastewater Facility located north of the City of San José.13

The City of San José Environmental Services Department oversees multiple recycling and garbage collection service providers for the City. The city is primarily served by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris.14

Gas and electricity would be supplied to the project site by Pacific Gas & Electric (PG&E). Telephone, cable and fiber optic lines would be provided by a number of providers (e.g., AT&T, Comcast, etc.).

### 3.6 Public Service Providers

Public service providers that would serve the project site include the following:

- Fire protection services are provided by the San José Fire Department (SJFD), which participates in a mutual aid program with Saratoga, Morgan Hill, Campbell, Milpitas, and Santa Clara.

- Police protection services are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street.

- The San José Departments of Parks, Recreation, and Neighborhood Services, General Services and Public Works are responsible for the design, construction, operation, and maintenance of all City park and recreational facilities. The City provides and manages regional, neighborhood and community parkland, community gardens and open space lands. Some recreation facilities available to San José residents are also provided by other public agencies, such as playgrounds and fields on public school sites, County parks, and City trails, and PG&E Company lands.15

- The project site lies within the boundaries of the Oak Grove School District (OGSD) for elementary school and intermediate school, and San José Unified School District (SJUSD) for high school. The closest schools to the project site are Santa Teresa Elementary School (0.7 miles to the southeast), Bernal Intermediate School (1.3 miles to the southeast), and Leland High School (2.75 miles to the southwest).

- The San José Public Library System consists of one main library and 18 open branch libraries. The closest library to the project site is the Pear Avenue Branch Library, which is 0.5 miles to the west.

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15 City of San José, 2011. Envision San José 2040 General Plan, Chapter 4 (Quality of Life), page 48.
3.7 REQUIRED PERMITS AND APPROVALS

As previously described, the proposed project includes an amendment to the General Plan to change the land use designation from NCC and PQP to TR which would allow for the future development of an infill TOD on the project site.

Upon approval of the Initial Study and the proposed General Plan Amendment by the City of San José City Council, the City requires plan review and environmental, public works, and building clearance approvals for future development on the project site.
4. Environmental Analysis

4.1 INTRODUCTION

This section describes the existing environmental conditions in the project area and environmental impacts that could occur with implementation of the proposed project pursuant to Appendix F, Energy Conservation, and Appendix G, Environmental Checklist, of the CEQA Guidelines as amended per Assembly Bill 52 (Tribal Cultural Resources) and the California Supreme Court in a December 2015 opinion [California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD), 62 Cal. 4th 369 (No. S 213478)]. Where appropriate, this Initial Study includes a general discussion of the environmental effects associated with potential future development of infill TOD on the project site that would be facilitated by implementation of the proposed project.

The California Supreme Court in a December 2015 opinion [California Building Industry Association (CBIA) v. Bay Area Air Quality Management District (BAAQMD), 62 Cal. 4th 369 (No. S 213478)], here in referred to as CBIA v. BAAQMD, confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, and 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 currently has policies that address existing conditions (e.g., noise) affecting a proposed project, which are also addressed below. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an “environmental impact” as defined by CEQA. Therefore, where applicable, in addition to describing the impacts of the project on the environment, this chapter will discuss issues that relate to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

As part of the approval process, the City requires future projects to comply with “Potential Measures” to lessen or avoid environmental impacts. In addition, many of the policies and actions in the General Plan have been adopted for the purpose of avoiding or mitigating environmental impacts resulting from future development within the city. Because the San José Zoning Ordinance implements the General Plan by establishing comprehensive zoning rules for the city, many of the zoning regulations would also lessen or avoid environmental impacts from future development in the city. All future development allowed by the proposed General Plan land use designations would be subject to City regulations, as well as other federal, State, and regional regulations that lessen or avoid environmental impacts. In addition, the City could require additional measures to further reduce potential impacts. The proposed project would result in changes at the policy level and does not include a specific development proposal; however, these mitigating requirements would apply to future development on the project site that would be facilitated by implementation of the proposed project. The applicable mitigating requirements are described under
each of the following environmental checklist categories. As described in this chapter, all impacts were found to have no impact or to be either less than significant through compliance with mandatory regulations.

4.2 ENVIRONMENTAL ANALYSIS AND FINDINGS

I. AESTHETICS

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<th>Would implementation of the proposed Plan:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</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>
</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>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

ENVIRONMENTAL SETTING

Regulatory Framework

State

California Scenic Highway Program

The California Scenic Highway Program, maintained by the California Department of Transportation (Caltrans), protects State scenic highway corridors from changes which would diminish the aesthetic value of lands adjacent to the highways. There are no State-designated scenic highways in the vicinity of the project site. The nearest State-designated Scenic Highway, Route 9, is located 20 miles to the southwest of the site.

California Building Code

The State of California provides a minimum standard for building design and outdoor lighting standards through Title 24 of the California Code of Regulations (CCR). The California Building Code is located in Part 2 of Title 24. The California Building Code is updated every three years, and the current 2016 California Building Code went into effect in January 2017. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions.
California Green Building Standards Code of the California Code of Regulations, Title 24, Part 11, known as CALGreen, establishes building standards aimed at enhancing the design and construction of buildings through the use of building concepts that have a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. Specifically, Section 5.106.8, Light Pollution Reduction, establishes backlight, uplight, and glare ratings to minimize the effects of light pollution for nonresidential development. The California Building Code and CALGreen have been adopted for use by the City of San José, according to San José Municipal Code (SJMC) Section 24.03.100 and Section 20.10.100, respectively. Commercial and residential buildings are plan-checked by City building officials for mandatory compliance with the California Building Code and CALGreen.

Local

City Council Policy 4-3, Outdoor Lighting on Private Developments

Adopted March 1, 1983 and revised June 20, 2000, City Council Policy 4-3, Outdoor Lighting on Private Developments, promotes energy-efficient lighting which furthers the goals of the Sustainable City Major Strategy. Policy 4-3 calls for private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Low-pressure sodium lighting is required unless a photometric study is done and the proposed lighting referred to Lick Observatory for review and comment. One of the purposes of this policy is to provide for the continued enjoyment of the night sky and for continuing operation of Lick Observatory, by reducing light pollution and sky glow.16

General Plan

The Community Design (CD) and Vibrant Neighborhoods (VN) sections of the General Plan includes the following goals and policies specific to visual resources and applicable to future development facilitated by the proposed project.

- **Goal CD-1 Attractive City** – Create a well-designed, unique, and vibrant public realm with appropriate uses and facilities to maximize pedestrian activity; support community interaction; and attract residents, business, and visitors to San José.

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

- **Policy CD-1.8**: 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.

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

Goal CD-5 Community Health, Safety, and Wellness - Create great public places where the built environment creates attractive and vibrant spaces, provides a safe and healthful setting, fosters interaction among community members, and improves quality of life.

Policy CD-5.6: Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City’s outdoor lighting policies in development review processes.

Goal VN-1 Vibrant, Attractive, and Complete Neighborhoods - Develop new and preserve and enhance existing neighborhoods to be vibrant, attractive and complete.

Policy VN-1.10: Promote the preservation of positive character-defining elements in neighborhoods, such as architecture; design elements like setbacks, heights, number of stories, or attached/detached garages; landscape features; street design; etc.

Policy VN-1.12: Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods.

Design Guidelines and Design Review Process

All new development is subject to a design review process that includes a review of architecture and site planning. Design review is based upon a series of guidelines prepared by the City’s Planning Division and adopted by the City Council to assist those persons involved in the design, construction, review and approval of development in San José. These guidelines seek to provide a common understanding of the minimum design standards the City expects of all new development based on development types, and locations. The design review process is used to evaluate projects for conformance with the adopted design guidelines and other relevant policies and ordinances, and for the inclusion of appropriate environmental mitigation. Specific design guidelines adopted by the City Council include those for: Downtown/Historic, North San José, Residential, and Non-residential.  

Existing Conditions

The project site is located in southern San José and serves as the Cottle Station Park-and-Ride, which includes 421 parking spaces for commuters using the VTA public transit system. As shown on Figure 3-2 in Chapter 3, Project Description, of this Initial Study, the project site is surrounded with multi-family residential to the north and west, and Kaiser Permanente medical facilities to the east and south. The project site is bordered by the SR 85 on- and off-ramps to the north and south and Cottle Road to the west.

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The project site does not contain any scenic resources. The nearest State-designated Scenic Highway, Route 9, is located 20 miles to the southwest of the site. The San José General Plan designates several Gateways and Urban Corridors throughout the city that serve to present a visitor or resident with an attractive and inviting image of the city and contribute to the visual character of an area. The project site is not located within a City-designated Gateway or Urban Corridor; the nearest Gateway to the project site is located 2 miles southeast of the project site where Highway 101 meets SR 85.18 The nearest Urban Corridor to the project site, Highway 101, is located 1 mile northeast of the project site.19

Under current conditions, the light emanating from the existing uses contributes to the ambient lighting levels in the surrounding area. On-site lighting that is currently visible from the surrounding land uses includes outdoor lighting that varies according to the type and intensity of use for activities associated with the Cottle Station Park-and-Ride lot. The existing on-site lighting is primarily for safety, security, and vehicular and pedestrian movement. Existing daytime glare occurs from the light reflecting off cars parked in the parking lot on the project site and the windows of existing surrounding buildings.

**DISCUSSION**

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

The project site is not located within any scenic viewsheds designated by the City or State. The project site is located in an urbanized area and is surrounded by existing development. Further, the project site is relatively flat, which significantly limits long range views of the San Francisco Bay. However, the hills to the east and south are visible intermittently throughout the project site. Future development facilitated by the proposed project would be required to comply with building heights standards in the Transit Residential (TR) land use designation which can range from five stories and above.20 In addition, future development would be required to comply with General Plan goals and policies (listed above) which seek to preserve and enhance the character of existing neighborhoods in San José. Future development would also be subject to the City’s design review process which includes a review of architecture and site planning. Consistency with these regulations would ensure that future development would result in a less than significant impact to scenic vistas.

*b) Would the proposed project 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 in proximity to a State-designated scenic highway. The nearest State-designated scenic highway, State Route 9, is located approximately 20 miles to the southwest of the project site. Due to the flat topography of the project site and its surroundings, the project site is not visible from this State scenic highway. Therefore, there would be no impact.

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c) **Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings?**

Future development facilitated by the proposed project would represent a change to the existing visual character of the project site from a surface parking lot to in-fill Transit Oriented Development (TOD). Potential future buildings’ form and massing would represent a substantial change to the existing visual character of the project site, but would generally be consistent with the overall urban character of the surrounding area. While potential future development would result in a change to the existing visual character of the site itself, future development under the proposed project would be required to comply with the General Plan goals and policies (listed above) which seek to preserve and enhance the character of existing neighborhoods in San José. Future development would also be subject to the City’s design review process which includes a review of architecture and site planning. Consistency with these regulations would ensure that future development would not substantially degrade the visual quality of the site or its surroundings and associated impacts would be **less than significant.**

d) **Would the proposed project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?**

As described above, the proposed project is developed with a surface parking lot and contains on-site lighting primarily for safety, security, and vehicular and pedestrian movement. With potential future development facilitated by the proposed project, sources of light could be introduced with new buildings and on-site parking. Exterior lighting provided on and around the future development would be required to comply with City standards for outdoor lighting that are intended to reduce light pollution and glare per City Council Policy 4-3 which energy-efficient outdoor lighting that is fully shielded and not directed skyward in order to reduce light pollution. In addition, future development would be required to undergo the City’s design review process. Consistency with these regulations would ensure that future development would not create substantial light and glare such that could degrade daytime or nighttime views in the area and impacts would be **less than significant.**
II. AGRICULTURE AND FORESTRY RESOURCES

Would implementation of the proposed Plan:

<table>
<thead>
<tr>
<th>Would implementation of the proposed Plan</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant</th>
<th>No Impact</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>
</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>
</tr>
<tr>
<td>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code [PRC] Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
</tr>
<tr>
<td>d) Result in the loss of forest land or conversion of forest land to non-forest use?</td>
<td>☐</td>
<td>☐</td>
<td>☐</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>
</tr>
</tbody>
</table>

ENVIRONMENTAL SETTING

Regulatory Framework

State

Land Conservation Act of 1965 (Williamson Act)

Commonly known as the Williamson Act, the State of California’s Land Conservation Act of 1965 enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive a property tax assessment based upon farming and open space uses as opposed to full market value.

Farmland Mapping and Monitoring Program

The California Farmland Conservancy manages the Farmland Mapping and Monitoring Program (FMMP), which produces maps and statistical data used for analyzing impacts on California’s agricultural resources.
Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland.\textsuperscript{21}

Local

General Plan

The Land Use (LU) section of the General Plan includes the following goal and policy specific to agricultural resources and applicable to future development facilitated by the proposed project.

- **Goal LU-20 Rural Agriculture** - Provide and protect sufficient agricultural land to facilitate local food production, to provide broad community access to healthful foods, to add to a distinct community image, and to promote environmental, fiscal, and economic benefits of rural agricultural lands.

- **Policy LU-20.2**: Preserve agricultural lands and prime soils in non-urban areas in order to provide local and regional fresh food supplies, reduce dependence on foreign products, conserve energy, and retain the aquifer recharge capacity of these lands.

Municipal Code

The San José Municipal Code (SJMC) Chapter 20.20, Open Space and Agriculture Zoning Districts, sets forth the land use and development regulations applicable to the open space and agricultural zoning districts. This chapter of the SJMC includes regulations to protect and provide for a wide range of agricultural uses.

Existing Conditions

Based on historical aerial photographs the project was previously used for agricultural purposes (orchards) from 1939 to 1968. A 1998 aerial photograph shows the project site development with pavement, landscaping, and parking.\textsuperscript{22} The project site is currently developed as a park-and-ride lot and is not considered Prime Farmland, Unique Farmland, or Farmland of Local Importance within the city.\textsuperscript{23} In addition, according to 2006 mapping data from the California Department of Forestry and Fire Protection (CAL FIRE), the city does not contain any woodland or forestland cover.\textsuperscript{24}

\textsuperscript{22} City of San José, 2017, Phase I Environmental Site Assessment, Cottle Station TOD, page 5.
\textsuperscript{23} City of San José, 2011. Envision San José 2040 General Plan EIR, Section 3.1.1.3, Existing Land Use, pages 141-142.
DISCUSSION

a) Would the project 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?

The project site is not currently in agricultural uses, and is not classified as Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use. Therefore, there would be **no impact**.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

The project site nor the immediately surrounding properties are subject to Williamson Act contracts. Therefore, the proposed project would not conflict with existing zoning for agricultural use or Williamson Act contracts. Accordingly, there would be **no impact**.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code [PRC] Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

The project site nor the immediately surrounding areas feature zoning designations for forest land, timberland, or timber production. Additionally, there are currently no lands within San José zoned for or currently featuring timberland or timber production. The proposed project would therefore not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland. Therefore, there would be **no impact**.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

There is no forest land on the project site or in close proximity to the project site. The surrounding areas currently feature developed, urban uses, and the current site is developed for park and other public uses, such as a library. Therefore, the project would not result in the loss of forest land or conversion of forest land to non-forest use. Accordingly, there would be **no impact**.

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

As detailed above, the project site and surrounding areas do not include any zoning, land use designations, or existing land uses relating to forest land or timber production. As described in Chapter 3, Project Description, the project site is designated Neighborhood/Community Commercial (NCC) and

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Public/Quasi-Public (PQP) which support commercial and institutional uses. Further, the project site is zoned A(PD) Planned Development. Thus, the proposed project would not impact any outlying agricultural or forest lands and would not involve changes to the existing environment that would result in the conversion of forest or agricultural lands. Accordingly, there would be no impact.
III. AIR QUALITY

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards (including releasing emissions which exceed quantitative Standards for ozone precursors or other pollutants)?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Would the project expose sensitive receptors to substantial pollutant concentrations?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>e) Would the project create objectionable odors affecting a substantial number of people?</td>
<td>☐</td>
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</tbody>
</table>

ENVIRONMENTAL SETTING

Federal, State, and local air districts have adopted laws and regulations intended to control and improve air quality. The following is a summary of the relevant regulations pertaining to air quality.

Regulatory Framework

Federal

The pollutants emitted into the ambient air by stationary and mobile sources are regulated by the National Clean Air Act. Air pollutants of concern under Federal and State regulations are described below under the State regulations.

State

California Clean Air Act

The California Clean Air Act (California CAA) is administered by the California Air Resources Board (CARB) at the state level under the California Environmental Protection Agency. CARB is responsible for meeting the state requirements of the Federal CAA, administering the California CAA, and establishing the California ambient air quality standards (AAQS). The California CAA requires all air districts in the state to achieve and maintain the California AAQS. CARB also regulates mobile air pollution sources such as motor vehicles. CARB is responsible for setting emission standards for vehicles sold in California and for other
emission sources, such as consumer products and certain off-road equipment. CARB has established passenger vehicle fuel specifications and oversees the functions of local air pollution control districts and air quality management districts, which in turn administer air quality activities at the regional and county level. CARB also conducts or supports research into the effects of air pollution on the public and develops approaches to reduce air pollutant emissions.

Regional

Bay Area Air Quality Management District (BAAQMD)

California is divided geographically into air basins for the purpose of managing the air resources of the State on a regional basis. An air basin generally has similar meteorological and geographic conditions throughout. The project site is in the San Francisco Bay Area Air Basin (SFBAAB or Air Basin), which comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties; the southern portion of Sonoma County; and the southwestern portion of Solano County. The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency for the SFBAAB. Air quality in this area is determined by such natural factors as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions.28 Air pollutants of concern are criteria air pollutants and toxic air contaminants (TACs).

Air Pollutants of Concern

Criteria Air Pollutants

The pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and State law under the National and California Clean Air Act, respectively. Air pollutants are categorized as primary and/or secondary pollutants. Primary air pollutants are those that are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG) (also referred to as volatile organic compounds [VOC]), VOC, nitrogen oxides (NOx), sulfur dioxide (SO2), coarse inhalable particulate matter (PM10), fine inhalable particulate matter (PM2.5), and lead (Pb) are primary air pollutants. All of these, except for ROGs are “criteria air pollutants,” which means that ambient air quality standards (AAQS) have been established for them. The National and California AAQS are the levels of air quality considered to provide a margin of safety in the protection of the public health and welfare. They are designed to protect those “sensitive receptors” most susceptible to further respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

Toxic Air Contaminants

In addition to criteria air pollutants, both the State and federal government regulate the release of TACs. The California Health and Safety Code defines a TAC as “an air pollutant which may cause or contribute to

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28 Bay Area Air Quality Management District (BAAQMD), 2014, California Environmental Quality Act Air Quality Guidelines, Appendix C: Sample Air Quality Setting.
an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health.” A substance that is listed as a hazardous air pollutant pursuant to Section 112(b) of the federal Clean Air Act (42 United States Code Section 7412[b]) is a TAC. Under State law, the California Environmental Protection Agency, acting through the California Air Resources Board (CARB), is authorized to identify a substance as a TAC if it determines that the substance is an air pollutant that may cause or contribute to an increase in mortality or serious illness, or may pose a present or potential hazard to human health. The current comprehensive air quality management plan (AQMP) is the 2017 Bay Area Clean Air Plan entitled *Spare the Air – Cool the Climate*, adopted by BAAQMD on April 19, 2017.

Local

**General Plan**

The Measurable Environmental Sustainability (MS), Community Design (CD), and Land Use and Transportation (TR) sections of the General Plan includes the following goals and policies specific to air quality and applicable to future development facilitated by the proposed project:

- **Goal MS-10 Air Pollutant Emission Reduction** – Minimize air pollutant emissions from new and existing development.
  - **Policy MS-10.1:** Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
  - **Policy MS-10.2:** Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region’s Clean Air Plan and State law.
  - **Policy MS-10.6:** Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.

- **Goal MS-11 Toxic Air Contaminants** – Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.
  - **Policy MS-11.1:** Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
  - **Policy MS-11.2:** 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.
Policy MS-11.5: Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

Goal MS-13 Construction Air Emissions – Minimize air pollutant emissions during demolition and construction activities.

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

Goal MS-14 Reduce Consumption and Increase Efficiency – Reduce per capita energy consumption by at least 50 percent compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040.

Policy MS-14.1: Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.

Goal CD-3 Connections – Maintain a network of publicly accessible streets and pathways that are safe and convenient for walking and bicycling and minimize automobile use; that encourage social interaction; and that increase pedestrian activity, multi-modal transit use, environmental sustainability, economic growth, and public health.

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.

Goal TR-9 Tier I Reduction of Vehicle Miles Traveled – Reduce Vehicle Miles Traveled (VMT) by 10 percent, from 2009 levels, as an interim goal.

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.

Existing Conditions

The project site is currently developed with a surface parking lot and there are no stationary sources that generate air quality emissions.

Discussion

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

A consistency determination plays an important role in local agency project review by linking local planning and individual projects to the clean air plan. It fulfills the CEQA goal of informing decision makers of the environmental efforts of the project under consideration at an early enough stage to ensure that air
quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to clean air goals in the Bay Area.

Regional growth projections are used by BAAQMD to forecast future emission levels in the Air Basin. For the Bay Area, these regional growth projections are provided by the Association of Bay Area Governments (ABAG) and transportation projections are provided by the Metropolitan Transportation Commission (MTC) and are partially based on land use designations in city and county general plans. Typically, only large, regionally significant projects have the potential to affect the regional growth projections. The proposed project would facilitate potential future development that would not be considered a regionally significant project per Section 15206(b) of the CEQA Guidelines. Thus, the proposed project would not affect regional VMT and warrant intergovernmental review by ABAG and MTC. Additionally, as discussed in Section X, Population and Housing, implementation of the proposed project would not have the potential to substantially affect population projections within the region, which is the basis of the 2017 Bay Area Clean Air Plan projections.

Furthermore, potential future development facilitated by the proposed project on the project site would be required to fall below BAAQMD’s operational emissions thresholds which are included in Table 4-1 below.

<table>
<thead>
<tr>
<th>Table 4-1</th>
<th>Operation-Related Criteria Air Pollutants Emissions Thresholds</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category</strong></td>
<td><strong>Criteria Air Pollutants (average pounds per day)</strong></td>
</tr>
<tr>
<td>BAAQMD Average Daily Project-Level Threshold</td>
<td></td>
</tr>
<tr>
<td><strong>Category</strong></td>
<td><strong>Criteria Air Pollutants (tons per year)</strong></td>
</tr>
<tr>
<td>BAAQMD Annual Project-Level Threshold</td>
<td></td>
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</tbody>
</table>

Notes: PM₁₀ = coarse inhalable particulate matter; PM₂.₅ = fine inhalable particulate matter; Emissions may not total to 100 percent due to rounding. New buildings would be constructed to the 2016 Building & Energy Efficiency Standards (effective January 1, 2017). Average daily emissions are based on the annual operational emissions divided by 365 days. Source: Bay Area Air Quality Management District, California Environmental Quality Act, May 2017, Air Quality Guidelines, Table 2-1, Air Quality CEQA Thresholds of Significance, page 2-2.

These thresholds are established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Mandatory compliance with BAAQMD’s operational emissions thresholds during project operations would ensure that the project would not be considered by BAAQMD to be a substantial emitter of criteria air pollutants. Accordingly, the proposed project would not conflict with or obstruct implementation of the 2017 Bay Area Clean Air Plan and impacts would be considered less than significant.

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29 CEQA Guidelines Section 15206(b), provides the criteria to determine if a project is deemed to be of Statewide, regional, or areawide significance thus potentially resulting in significant environmental impacts beyond the City of San Jose. Criteria under this section includes, residential development over 500 units; commercial project with 1,000 or more employees or 500,000 square feet of floor space; office projects with 1,000 or more employees or 250,000 square feet of floor space; hotel projects with over 500 rooms; or an industrial project with 1,000 or more employees occupying more than 40 acres of land, or more than 650,000 square feet of floor area.
b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

General Plan Policy MS-10.1 requires the assessment of projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines, State, and federal standards. BAAQMD has identified thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including ROG, NOx, PM_{10}, and PM_{2.5}. Developments below the significant thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. In addition, the City of San José GHG Reduction Strategy identifies a series of GHG emissions reduction measures to be implemented by development projects, mandatory compliance with these standards is discussed in Section VII, Greenhouse Gas Emissions, of this Initial Study. The proposed project includes an amendment to the General Plan that would facilitate potential future infill transit-oriented development (TOD) on the project site and does not include a specific development proposal. Thus, the proposed project would not directly result in any construction- or operational-related criteria air pollutant emissions. Potential future development under the proposed project would be subject to review on a project-by-project basis and would be required to comply with City and BAAQMD standards including the Basic Construction Measures for reducing dust and exhaust from construction. Therefore, impacts to any air quality standard due to implementation of the proposed project would result in a less-than-significant impact.

c) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The SFBAAB is currently designated as a nonattainment area for California and National AAQS for ozone (O_3) and for PM_{2.5}, and a nonattainment area under the California AAQS for PM_{10}. Any project that does not exceed or can be mitigated to less than the BAAQMD significance levels would not result in a significant or cumulatively considerable impact. Future development on the project site subject to CEQA review would determine whether emissions would be in excess of State or federal AAQS. Additionally, any new development would be required to comply with BAAQMD regulations to mitigate or prevent the generation of criteria pollutant emissions. The proposed project would result in changes at the policy level and does not include a specific development proposal. Thus, the proposed project would not directly result in any criteria air pollutant emissions. As discussed above Criterion (b), future redevelopment of the project site under the proposed Transit Residential (TR) land use designation that would include residential and commercial uses 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.

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Therefore, the proposed project would not result in a cumulatively considerable net increase to a criteria pollutant for which the Bay Area is classified as non-attainment and cumulative air quality impacts would be less than significant.

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

Sensitive receptors in the vicinity of the project site could be affected by demolition and construction from future development facilitated by the proposed project. The nearest sensitive receptors are the residents of the apartments located approximately 200 feet west of the project site, across Cottle Road. Other nearby sensitive receptors include the residents of the apartments approximately 300 feet to the north of the project site across SR 85. The potential construction of additional housing units could lead to fugitive emissions and TACs affecting adjacent sensitive land uses. The proposed project would result in changes at the policy level and does not include a specific development proposal. Thus, the proposed project would not directly result in any construction-related criteria air pollutant emissions. However, given the close proximity to sensitive receptors future development on the project site would be required to evaluate the impacts of construction emissions on nearby sensitive receptors to demonstrate that the incremental cancer risk would not exceed 10 in one million (10E-06) for individual sources and/or 100 in a million for cumulative sources, PM$_{2.5}$ concentrations would not exceed 0.3 µg/m$^3$ for individual sources and/or 0.8 µg/m$^3$ for cumulative sources, or the appropriate non-cancer hazard index would not exceed 1.0 for individual sources and/or 10.0 for cumulative sources in accordance with BAAQMD’s Thresholds of Significance.$^{31}$ Air quality analyses would be completed on a site-specific basis to determine whether emissions from future proposed development would expose sensitive receptors to substantial pollutant concentrations during construction.

The impacts of localized construction emissions due to implementation of the proposed project would result in a less-than-significant impact.

e) Would the project create objectionable odors affecting a substantial number of people?

Construction and operation of residential developments would not generate substantial odors or be subject to odors that would affect a substantial number of people. The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. Residential uses are not associated with foul odors that constitute a public nuisance. Therefore, an analysis of possible odor impacts and the provision of odor minimization and control measures is not necessary under General Plan Policy MS-12.2. As such, implementation of the proposed project would not create objectionable odors and impacts would be less than significant.

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$^{31}$ Bay Area Air Quality Management District, California Environmental Quality Act, May 2017, Air Quality Guidelines, Chapter 5, Assessing and Mitigating Local Community Risk and Hazard Impacts, page 5-15 and 5-16.
IV. BIOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>Question</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined 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>
</tr>
<tr>
<td>b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
</tr>
<tr>
<td>c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (CWA), (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>
</tr>
<tr>
<td>d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
<td>☐</td>
</tr>
<tr>
<td>e) Would the project conflict with any local ordinances or policies protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
<td>☐</td>
<td>■</td>
<td>☐</td>
</tr>
<tr>
<td>f) Would the project conflict with 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>
</tr>
</tbody>
</table>

ENVIRONMENTAL SETTING

The following is a summary of the relevant federal, and local regulations pertaining to biological resources. There are no State regulations governing this topic relevant to the project.
Regulatory Framework

Federal

Federal Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA), 16 United States Code Section 703, prohibits killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA protects whole birds, parts of birds, and bird eggs and nests; and prohibits the possession of all nests of protected bird species whether they are active or inactive. An active nest is defined as having eggs or young, as described by the Department of the Interior in its April 16, 2003 Migratory Bird Permit Memorandum. Nest starts (nests that are under construction and do not yet contain eggs) are not protected from destruction. All native bird species that occur on the project site are protected under the MBTA.

Regional

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The City adopted the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) on January 29, 2013. The Habitat Plan was developed through a partnership between County of Santa Clara; VTA; Santa Clara Valley Water District (SCVWD); and cities of Gilroy, Morgan Hill, and San José (collectively referred to as the Local Partners), in cooperation with the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS). The Habitat Plan study area covers approximately 519,506 acres, primarily within southern Santa Clara County, and nine special-status plant and nine special-status animal species (called “covered species” in the Habitat Plan). The Habitat Plan is “intended to provide an effective framework to protect, enhance, and restore natural resources in specific areas of Santa Clara County, while improving and streamlining the environmental permitting process for impacts on threatened and endangered species.” Approval of impacts on covered species from project activities covered by the Habitat Plan (i.e., projects that meet a number of criteria concerning location, proponent, and type) are considerably expedited. Fees paid in accordance with the extent and nature of projects’ impacts on wetland, aquatic, and riparian habitats are used to further conservation efforts via the acquisition, creation, or enhancement, as well as the preservation and management, of habitat for these species. In addition, covered projects are subject to a number of measures concerning avoidance and minimization of impacts on covered species and habitats through project design and construction measures (such as preconstruction species surveys and seasonal restrictions on construction activities) to directly protect species. Several “no take” species also exist that, because of their rarity or regulatory status (e.g., state fully protected species), cannot be “taken” by a project that is covered by the plan.

The City is a co-permittee under the Habitat Plan, and the proposed project is a covered project under the Habitat Plan. As such, the City would be covered under the auspices of the Habitat Plan, and would

adhere to the conservation measures set forth therein. Further, the City would pay Habitat Plan fees for habitat impacts, in accordance with the types and acreage of habitat impacted, resulting from the proposed project.

Local

General Plan

The Environmental Resources (ER), Measurable Environmental Sustainability (MS), and Community Design (CD) sections of the General Plan includes the following goals and policies specific to biological resources and applicable to future development facilitated by the proposed project:

- **Goal ER-4 Special-Status Plants and Animals**—Preserve, manage, and restore habitat suitable for special-status species, including threatened and endangered species.
  - **Policy ER-4.4:** Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.

- **Goal ER-5 Migratory Birds**—Protect migratory birds from injury or mortality.
  - **Policy ER-5.1:** Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
  - **Policy ER-5.2:** Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

- **Goal MS-21 Community Forest**—Preserve and protect existing trees and increase planting of new trees within San José to create and maintain a thriving Community Forest that contributes to the City’s quality of life, its sense of community, and its economic and environmental wellbeing.
  - **Policy MS-21.4:** Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
  - **Policy MS-21.5:** As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effects on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
  - **Policy MS-21.6:** As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
  - **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.

- **Goal CD-1 Attractive City** – Create a well-designed, unique, and vibrant public realm with appropriate uses and facilities to maximize pedestrian activity; support community interaction; and attract residents, business, and visitors to San José.

- **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.

**Municipal Code**

**Chapter 13.28, Street Trees, Hedges, and Shrubs**

The San José Municipal Code (SJMC) Chapter 13.328, Street Trees, Hedges, and Shrubs, includes the definitions for trees that qualify as protected trees in San José and regulates the planting, removal, and maintenance of the City’s community forest. This chapter sets forth the permit requirements for planting street trees, pruning or removal street trees, and overall all tree maintenance standards.

**Chapter 13.32, Tree Removal Controls**

The SJMC Chapter 13.32, Tree Removal Controls, regulates the removal of trees, including any live or dead woody perennial plant, having a main stem or trunk 56 inches or more in circumference (18 inches in diameter) at a height of 24 inches above the natural grade slope.
Existing Conditions

Existing landscaping on the project site includes a variety of street trees scattered throughout the site, along the perimeter, and median of the parking lot.33

As shown on Figure 4-1, the project site and surrounding areas are classified as “Developed” habitat.34 Developed land uses are defined as human-altered landscapes that contain large amounts of paved surfaces and/or landscaped gardens with ornamental and/or weedy species.35 As shown on Figure 4-2, the project site is within the Habitat Plan and is characterized as Urban Development land use category, which includes residential, industrial, commercial, institutional, public facilities, public/quasi-public, and major educational facilities land use designations.36 In general, the highly developed nature of the project site and surrounding area make the project site unsuitable for most special status and wildlife species.

DISCUSSION

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on a plant or animal population, or essential habitat, defined 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)?

The project site is located within a developed area of the city and has been completely altered by past grading and no longer supports any natural habitat. The project site is classified as Developed habitat; thus, special-status species are generally not believed to occur on the project site.37 Potential impacts from construction of future development on the site would most likely be related to the removal of trees and other vegetation in these habitats during the nesting season of the migratory birds protected under the MBTA.

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34 According to the Envision San José General Plan EIR, “Developed” habitat is defined as urban, suburban, rural residential areas, golf courses, urban parks, landfills, and the San José-Santa Clara Water Pollution Control Plant (SJ-RC Regional Wastewater Facility).
35 City of San José, 2011. Envision San José 2040 General Plan EIR, Section 3.1.1.3, Existing Land Use, page 408.
36 Santa Clara Valley Habitat Plan, August 2012, Chapter 2 Land Use and Covered Activities, page 2-22.
37 City of San José, 2011. Envision San José 2040 General Plan EIR, Section 3.1.1.3, Existing Land Use, page 408, June.
Figure 4-1

Biotic Habitats

Legend

- Study Area Boundary
- Urban Growth Boundary
- City Boundary
- Waterbodies outside Study Area
- Freeways

Project Site

Source: City of San José, 2011; PlaceWorks, 2017.
Figure 2-2
Santa Clara Valley Habitat Plan Land Use Categories

Legend
- Rural Parks and Open Space
- Urban Parks and Open Space
- Agriculture
- Ranchland/Woodland (1 Dwelling Unit/20.1-160 acres)
- Rural Residential (1 Dwelling Unit/2.6-20 acres)
- Urban Development (1 Dwelling Unit/2.5 or fewer acres)
- Water

Data Sources:
County of Santa Clara (2001), City of Gilroy (2002, 2005), City of Morgan Hill (2006), and City of San Jose (2005, 2006)

Future development facilitated by the proposed project would be required to comply with General Plan Policies ER-4.4, ER-5.1 and ER-5.2 (listed above), which call for surveys and implementation of protection measures for special-status species (particularly migratory birds). In addition, the City could require additional measures to ensure mandatory compliance with MBTA, which could include the following:

- Construction shall be scheduled between September 1 and January 31 (inclusive) to avoid the nesting season. If this is not possible, pre-construction surveys for nesting raptors and other migratory breeding birds shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation onsite and within 250 feet of the site. Between February 1 and April 30 (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May 1 and August 31 (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for nests.

- If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), designate a construction-free buffer zone (typically 250 feet for raptors) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged.

The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Supervising Environmental Planner of Planning, Building and Code Enforcement prior to the issuance of any grading and building permits. Mandatory compliance with General Plan policies as well as SJMC Chapters 13.32, Tree Removal Controls, and federal laws, including the MBTA, (listed above) would ensure impacts to special-status species associated with potential future development would be less than significant.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

The project site is developed with a surface parking lot and classified as Developed habitat. 38 Riparian habitat, native grasslands, and other sensitive natural community types are absent from the project site. Therefore, there would be no impact on sensitive natural communities as a result of implementing the proposed project.

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

Federally protected wetlands as defined by Section 404 of the Clean Water Act are absent from the project site. Therefore, there would be no impact on federally protected wetlands.

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38 City of San José, Envision San José 2040 General Plan EIR, June 2011, Section 3.1.1.3, Existing Land Use, page 408.
d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site?

The project site is located in an urbanized area bordered by the Cottle Station, multi-family residential, and Kaiser Permanente medical facilities. The project site does not contain any creeks or aquatic habitat that would support fish. In addition, the highly urbanized nature of the project site and surrounding area preclude the potential for the movement of any native resident or migratory fish or wildlife species across the project site. Wildlife species common in urban habitat would continue to move through the area, both during and after construction. Thus, implementation of the proposed project would not result in any habitat modifications and would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. As discussed in Criterion (a) above, any future development activities would be required to comply with General Plan policies and federal law (listed above) for the purpose of protecting migratory birds. Therefore, the impact would be less than significant.

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

The project site is located in an urbanized area where sensitive biological and wetland resources are generally considered to be absent, and no major conflicts with relevant policies or ordinances in the General Plan or SJMC (listed above) are anticipated. Future development facilitated by the proposed project could result in the removal of existing trees on-site. Per SJMC Chapter 13.32, Tree Removal Controls, it is unlawful for any person to remove, or cause to remove any live tree or dead tree without a tree removal permit. Per SJMC Section 13.32.070, Permit Application, a written permit application for removal of any live tree must include the number, type, size and location of each tree and the reason for removal of each tree. When submitting an application for removal of a dead tree a certified arborist’s report assessing the condition of the tree(s) and the time frame in which the assessment occurred, is also necessary. In addition, as outlined in SJMC Section 13.32.130, Safeguarding Trees During Construction, appropriate safeguards must be taken to avoid damage to remaining trees during constructions activities.

In addition to mandatory compliance with SJMC, trees removed shall be replaced in accordance to the following tree replacement ratio and measures included in Table 4-2 below.

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39 Per SJMC Section 13.32.020, a live tree is defined as means any tree that is not a dead tree. A dead tree is defined as a tree that is no longer alive, has been removed beyond repair, or is in an advanced state of decline and has been determined to be in such a state by a certified arborist during a non-dormant or other natural stage of the tree.
**TABLE 4-2**  **SAN JOSÉ TREE REPLACEMENT RATIOS**

<table>
<thead>
<tr>
<th>Circumference of Tree to be Removed</th>
<th>Native&lt;sup&gt;a&lt;/sup&gt;</th>
<th>Non-Native&lt;sup&gt;a&lt;/sup&gt;</th>
<th>Orchard</th>
<th>Minimum Size of Each Replacement Tree</th>
</tr>
</thead>
<tbody>
<tr>
<td>56 inches or more</td>
<td>5:1</td>
<td>4:1</td>
<td>3:1</td>
<td>24-inch box</td>
</tr>
<tr>
<td>38 to 56 inches</td>
<td>3:1</td>
<td>4:1</td>
<td>none</td>
<td>24-inch box</td>
</tr>
<tr>
<td>Less than 38 inches</td>
<td>1:1</td>
<td>4:1</td>
<td>none</td>
<td>15-gallon container</td>
</tr>
</tbody>
</table>

Notes: Trees greater than or equal to 56-inch trunk circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

<sup>a</sup>: XX = Tree replacement to tree loss ratio.

Source: City of San José, Guidelines for Inventorying, Evaluating, and Mitigating Impacts to Landscaping Trees in the City of San José, 2006.

The species of trees to be planted shall 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. All trees replacement would occur on-site or the applicant will pay an in-lieu fee to Our City Forest to compensate for the loss of trees on-site. Accordingly, future development facilitated by the proposed project would be required to comply with these provisions to minimize potential impacts to on-site trees. As such, impacts would be less than significant.

f) Would the project conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

As described above, the City is a co-permittee under the Habitat Plan. As previously shown on Figure 4-2, the project site is within the Urban Development land use category.<sup>40</sup> Per the Habitat Plan, the construction of residential, commercial, industrial, and other types of development in areas designated as urban or rural development is considered a “covered activity” under the Habitat Plan.<sup>41</sup> As such, future development facilitated by the proposed project would be covered under the Habitat Plan, and would adhere to the conservation measures set forth therein. No sensitive species or habitat types are present on the project site and implementation of the proposed project would not have any direct impacts to any of the covered species in the Habitat Plan. In conformance with the Habitat Plan, future project proponents are subject to all applicable provisions and payment of fees prior to the start of ground disturbance activities.<sup>42</sup> Accordingly, future development facilitated by the proposed project would be required to comply with all applicable provisions of the Habitat Plan to ensure that no substantial conflicts occur. Accordingly, implementation of the proposed project would not conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan and impacts would be less than significant.

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<sup>40</sup> Santa Clara Valley Habitat Plan, August 2012, Chapter 2 Land Use and Covered Activities, page 2-22.

<sup>41</sup> Santa Clara Valley Habitat Plan, August 2012, Chapter 2 Land Use and Covered Activities, page 2-36 to 2-38.

<sup>42</sup> Santa Clara Valley Habitat Plan, August 2012, Chapter 2 Land Use and Covered Activities, page 2-106.
## V. CULTURAL AND TRIBAL CULTURAL RESOURCES

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC 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:</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>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>
</tr>
<tr>
<td>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.</td>
<td>☐</td>
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</tbody>
</table>

### ENVIRONMENTAL SETTING

The following is a summary of the relevant State, and local regulations pertaining to cultural resources. There are no federal regulations that are applicable to the project site.
State

Assembly Bill 52

Assembly Bill 52 (AB 52), the Native American Historic Resource Protection Act, sets forth a proactive approach intended to reduce the potential for delay and conflicts between Native American and development interests. Projects subject to AB 52 are those that file a notice of preparation for an EIR or notice of intent to adopt a negative or mitigated negative declaration on or after July 1, 2016. AB 52 adds “tribal cultural resources” (TCR) to the specific cultural resources protected under CEQA. Under AB 52, a TCR is defined as a site, feature, place, cultural landscape (must be geographically defined in terms of size and scope), sacred place, and object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register, or included in a local register of historical resources. A Native American Tribe or the lead agency, supported by substantial evidence, may choose at its discretion to treat a resource as a TCR. AB 52 also mandates lead agencies to consult with tribes, if requested by the tribe, and sets the principles for conducting and concluding consultation. On June 1, 2017, notification letters were sent to a list of Native American contacts provided by the Native American Heritage Commission (NAHC). At the time of preparation of this Initial Study, the City of San José had yet to receive any requests for notification from tribes.

Public Resources Code Section 5097.5

California PRC Section 5097.5 prohibits “knowing and willful” excavation or removal of any “vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands.” Public lands are defined to include lands owned by or under the jurisdiction of the State or any city, county, district, authority, or public corporation, or any agency thereof.

Health and Safety Code Section 7050.5

California law protects Native American burials, skeletal remains, and associated grave goods regardless of their antiquity and provides for the sensitive treatment and disposition of those remains. Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner’s authority. If the human remains are determined to be of Native American origin, the county coroner must contact the California NAHC within 24 hours of this identification. An NAHC representative will then identify a Native American Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. In addition, CEQA Guidelines Section 15064.5 specifies the procedures to be followed in case of the discovery of human remains on non-federal land. The disposition of Native American burials falls within the jurisdiction of the NAHC.
Local

General Plan

The Environmental Resources (ER) and Land Use/Transportation (LU) sections of the General Plan include the following environmental goals and policies relevant to the cultural resources and applicable to future development facilitated by the proposed project:

- **Goal ER-10 Archaeology and Paleontology** – Preserve and conserve archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity.

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

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

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

Municipal Code

SJMC Chapter 13.48, Historic Preservation, outlines the City’s Historic Preservation Ordinance which provides information on the general provisions, designation process, conversation areas, requirements of the Historic Preservation Permit, and financial incentives through a Mills Act Historical Property Contract.

Historic Resources Inventory

The City maintains a database of historic properties linked to the City’s geographic information system (GIS) that provides a listing and mapping of historic resources that have been documented and evaluated for their significance. The Historic Resources Inventory, a product of this database, is publicly available sorted by address and by significance category. 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:

- An individual structure or portion thereof;
- An integrated group of structures on a single lot;
- A site or portion thereof; or
- Any combination thereof.
Existing Conditions

The project site is currently developed with a surface parking lot. The project site is not included in the California Register and is not included as a designated historic resource in the City’s Historic Resource Inventory database. Currently there are no Traditional Cultural Properties or Cultural Landscapes identified within the city. In addition, the project site is located on a paleontological sensitive area in the city where the degree of sensitivity varies by depth. Furthermore, the City has not received any request from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified about projects in the city.

DISCUSSION

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

Historic Resources

Under CEQA, both prehistoric and historic-period archaeological sites may qualify as historic resources. Archaeological resources are discussed below under Criterion (b). As described above, there are no existing structures on the project site and the project site is not included as a designated historic resource in the City’s Historic Resources Inventory database. The closest City-designated historic resource site is located approximately 2.5 miles northwest of the project site. Therefore, with no historical resources on the project site, there would be no impact as a result of implementing the proposed project.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Archaeological Resources

The proposed project would result in changes at the policy level and would not result in any excavation or other forms of development that could adversely affect archaeological resources. However, any future development facilitated by the proposed project could result in construction activities such as site preparation, grading, and excavation that could potentially expose previously undiscovered buried archaeological resources on the project site. Future development on the project site would be required to adhere to General Plan Policies ER-10.1 and ER-10.3 (listed above) for the discovery of unknown archaeological resources. In addition, the City could require additional measures to further reduce potential impacts to unknown archaeological resources, which could include the following:

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44 Envision San José 2040 General Plan Final Program Environmental Impact Report (State Clearinghouse Number 2009072096), page 703.
45 Envision San José 2040 General Plan Final Program Environmental Impact Report (State Clearinghouse Number 2009072096), Figure 3.11.1, Paleontological Sensitivity of City of San José Geologic Units, page 677.
In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning, Building and Code Enforcement.

Mandatory compliance with General Plan Policies ER-10.1 and ER-10.3 listed above, would ensure that implementation of the proposed project would have a **less-than-significant** impact on archaeological resources.

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

### Paleontological Resources

The site is located within a paleontological sensitive area of San José, where the degree of sensitivity varies by depth. However, the proposed project would result in changes at the policy level and would not directly result in any excavation or other forms of development that could adversely affect paleontological resources. While no paleontological resources have been identified on the project site, future development facilitated by the proposed project could result in construction activities such as site preparation, grading, and excavating that could potentially expose previously undiscovered fossils of potential significance and other unique geological features that have not yet been recorded. Therefore, ground-disturbing construction associated with future development under the proposed project could cause damage to, or destruction of, paleontological resources or unique geologic features. Future development on the project site would be required to adhere to General Plan Policies ER-10.1 and ER-10.3 listed above for the discovery of unknown paleontological resources. In addition, the City could require additional measures to further reduce potential impacts to undiscovered paleontological resources, which could include the following:

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

Mandatory compliance with General Plan Policies ER-10.1 and ER-10.3 listed above, would ensure that implementation of the proposed project would have a **less-than-significant** impact on any unknown unique paleontological resource or site, or unique geologic feature.

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47 Envision San José 2040 General Plan Final Program Environmental Impact Report (State Clearinghouse Number 2009072096), Figure 3.11.1, Paleontological Sensitivity of City of San José Geologic Units, page 677.
d) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

**Human Remains**

Similar to the discussions under Criteria (b) and (c) above, there are no known human remains, including those of Native American ancestry, on the project site. While implementation of the proposed project would not directly result in development that could adversely affect any unknown human remains, future development facilitated by the proposed project could result in construction activities such as site preparation, grading, and excavating that could potentially unearth unknown human remains. Future development on the project site would be required to adhere to General Plan Policies ER-10.1, ER-10.2, and ER-10.3 (listed above) for the discovery of unknown human remains. As required under General Plan Policy ER-10.2, any human remains encountered during ground-disturbing activities associated with the proposed project would be subject to State regulations to ensure no adverse impacts to human remains would occur in the unlikely event human remains are found. California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA), mandate procedures of conduct following the discovery of human remains. According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Santa Clara County Coroner (Coroner) shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who would, in turn, notify the person the NAHC identifies as the Most Likely Descendants (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD’s recommendations, the owner or the descendent may request mediation by the NAHC. Compliance with these regulations would ensure that human remains are handled appropriately.

Mandatory compliance with General Plan Policies ER-10.1, ER-10.2, and ER-10.3, and California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA), would ensure that implementation of the proposed project would have a less-than-significant impact on human remains.

e) Would the proposed project cause a substantial adverse change in the significance of a tribal cultural resources as defined in PRC 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 (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.
Tribal Cultural Resources

As described above, a TCR is as a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, and an object with cultural value to a California Native American tribe that are either included and that is listed or eligible for inclusion in the California Register or in a local register of historical resources, or if the City, acting as the lead agency, supported by substantial evidence, chooses to treat the resource as a TCR. As discussed under Criteria (b) and (d) above, no known archeological resources, ethnographic sites, or Native American remains are known to be located on the project site. In addition, the project site has not been designated as a TCR by a California Native American tribe or the City. While implementation of the proposed project would not directly result in development that could adversely affect any potentially identified TCRs, future development facilitated by the proposed project could result in construction activities such as site preparation, grading, and excavation that could potentially unearth unknown and potentially identified TCRs. Future development on the project site would be required to adhere to General Plan Policies ER-10.1, ER-10.2, and ER-10.3 (listed above) and State laws regulating the discovery of human remains of Native American ancestry discussed under Criterion (d) for the discovery of unknown prehistoric or historic resources or human remains of Native American ancestry that could be determined to be a TCR. In addition, as described under Criterion (b), the City could require additional measures to further reduce potential impacts to unknown prehistoric or historic resources that could be determined to be a TCR.

Mandatory Compliance with General Plan Policies ER-10.1, ER-10.2, and ER-10.3, and State laws regulating the discovery of human remains of Native American ancestry listed above, would ensure that implementation of the proposed project would have a less-than-significant impact on TCRs.
VI. GEOLOGY AND SOILS

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<td>i)</td>
<td>Rupture of a known earthquake fault, as delineated 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?</td>
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<td>Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?</td>
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<td>Would the project 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>
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<td>Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?</td>
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ENVIRONMENTAL SETTING

The following is a summary of the relevant State and local regulations pertaining to geology and soils. There are no federal regulations governing this topic relevant to the project.
Regulatory Framework

State

California Building Code

The State of California provides minimum standards for building design and construction through Title 24 of the California Code of Regulations (CCR). The California Building Code is located in Part 2 of Title 24. The California Building Code is updated every three years, and the most recent current version went into effect in January 2017. The California Building Code contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. It also regulates grading activities, including drainage and erosion control.

Local

General Plan

The Environmental Considerations/Hazards (EC) section of the General Plan includes the following goals, policies, and implementation actions specific to geology and soils and applicable to future development facilitated by the proposed project:

- **Goal EC-3 Seismic Hazards** – Minimize the risk of injury, loss of life, property damage, and community disruption from seismic shaking, fault rupture, ground failure (liquefaction and lateral spreading), earthquake-induced landslides, and other earthquake-induced ground deformation.
  - **Policy EC-3.1:** Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
  - **Policy EC-3.2:** Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

- **Goal EC-4 Geologic and Soil Hazards** – Minimize the risk of injury, loss of life, and property damage from soil and slope instability, including landslides, differential settlement, and accelerated erosion.
  - **Policy EC-4.1:** Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and Municipal Code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
  - **Policy EC-4.2:** Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor
contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

- **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, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

- **Policy EC-4.7:** Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.

- **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.

- **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 a grading permit by the Director of Public Works.

**Municipal Code**

Title 24 of the San José Municipal Code (SJMC) includes the 2013 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 SJMC. Requirements for grading, excavation, and erosion control are included in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with the SJMC, 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.

**Existing Conditions**

**Regional Seismicity**

**Faults**

The project site, like much of the San Francisco Bay area, is vulnerable to seismic activity due to the presence of active faults in the region. The best-known active faults in this region include the Hayward Fault System, Monte Vista Fault, San Andreas Fault, the Calaveras Fault, and the San Gregorio Fault.
According to maps published by the California Geological Survey (CGS), no mapped earthquake faults run through or adjacent to the project site. Figure 4-3 in the General Plan EIR graphically repeats these findings. Thus, surface fault rupture is not considered a significant hazard within the project area.

**Ground Shaking**

The severity of ground shaking depends on several variables such as earthquake magnitude, hypocenter proximity, local geology, including the properties of unconsolidated sediments, groundwater conditions, and topographic setting. In general, ground shaking hazards are most pronounced in areas that are underlain by loosely consolidated soil/sediment.

The USGS estimates that the probability of a magnitude (M) 6.7 or greater earthquake in the greater San Francisco Bay region prior to year 2032 to be 62 percent, or roughly a two-thirds probability over this timeframe. The forecasted probability for each individual fault to produce an M 6.7 or greater seismic event by the year 2032 is as follows: 27 percent for the Hayward Fault, 21 percent for the San Andreas Fault, 11 percent for the Calaveras Fault, and ten percent for the San Gregorio Fault. Earthquakes of this magnitude can create ground accelerations severe enough to cause major damage to structures and foundations not designed to resist the forces generated by earthquakes. Underground utility lines are also susceptible where they lack sufficient flexibility to accommodate the seismic ground motion. In the event of an M 7.9 earthquake on the San Andreas Fault, the seismic forecasts presented on ABAG’s interactive GIS website (developed by a cooperative working group that included the USGS and the CGS) suggest that the project site is expected to experience “very strong” shaking.

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48 City of San José, *Envision San José 2040 General Plan* Draft Program EIR, June 2011, Section 3 (Environmental Setting, Impacts, and Mitigation), page 499, Figure 3.6-1.
50 Association of Bay Area Governments, 1995, *The San Francisco Bay Area On Shaky Ground*, Publication Number P95001EQK, 13 maps, scale 1:1,000,000.
Figure 4-3
Geologic and Seismic Hazards

Source: City of San José, 2011, Envision San José General Plan EIR, page 499; PlaceWorks, 2017.
Liquefaction

Liquefaction typically occurs in areas where moist, fine-grained, cohesionless sediment or fill materials are subjected to strong, seismically-induced ground shaking. Under certain circumstances, the ground shaking can temporarily transform an otherwise solid material to a fluid state. Liquefaction is a serious hazard because buildings in areas that experience liquefaction may subside and suffer major structural damage. Liquefaction is most often triggered by seismic shaking, but it can also be caused by improper grading, landslides, or other factors. In dry soils, seismic shaking may cause soil to consolidate rather than flow, a process known as densification. According to hazard maps published by CGS, the project site lies within a designated liquefaction hazard zone. Such zones are roughly defined as areas where historical liquefaction events or local geological and hydrogeological conditions suggest the potential for permanent ground displacements during major earthquakes. The CGS’ findings are graphically reproduced on Figure 4-3 of the of this Initial Study.

Landslides

The project site is located in the Santa Clara Valley, which is bounded by the Diablo Range to the east and the Santa Cruz Mountains to the west. Based on the United States Geological Survey’s topographic map of the area, the project site is relatively flat with an average elevation of approximately 190 feet above mean sea level. The California Geological Survey has determined that the project site is not located in a designated landslide hazard zone. Figure 4-3 of this Initial Study repeats the CGS’ findings.

Soils

Expansive soils have a high shrink-swell potential and occur where a sufficient percentage of certain clay materials are present in the soil. These soil conditions can impact the structural integrity of buildings and other structures. Much of the soil in San José is moderately to highly expansive. Moderately to highly expansive soils are found both on the valley floor and in hillside areas. Expansive soils on sloping hillsides can be subject to soil creep, which can induce lateral forces on foundations and retaining walls. The Santa Clara Valley is underlain by sedimentary and metamorphic rocks of the Franciscan Complex. Overlying these rocks are alluvial sediments deposited by streams that drained the adjacent mountains during recent geologic times (i.e., the Holocene Epoch). These alluvial deposits reportedly consist of unconsolidated to semi-consolidated sand, silt, clay, and gravel. The United States Department of Agriculture (USDA) web-based soil database indicates that the predominant soil type at the project site belong to the so-called “Urbanland-Campbell” complex that consist of moderately well-drained silt loams and silty clay loams.52

Weak soils can compress, collapse, or spread laterally under the weight of buildings and fill, causing settlement relative to the thickness of the weak soil. Usually the thickness of weak soil will vary and differential settlement will occur. Weak soils also tend to amplify shaking during an earthquake, and can be susceptible to liquefaction, as discussed further in sections below. The most hazardous weak soils in San José are younger Bay Mud and certain granular soils or fills with a high water content. Bay Mud is

present in the margins near San Francisco Bay; potentially collapsible soils are located in isolated areas around the City; and potentially liquefiable soils occur throughout much of the lands of San José. For reference, the project site lies roughly 17 miles south-southeast of San Francisco Bay.

**DISCUSSION**

a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: (i) Rupture of a known earthquake fault, as delineated 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; (ii) Strong seismic ground shaking; (iii) Seismic-related ground failure, including liquefaction; (iv) Landslides, mudslides or other similar hazards?

As discussed in Section 4.1, Introduction, the California Supreme Court in a December 2015 opinion (CBIA v. BAAQMD) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, and not the effects the existing environment may have on a project. Therefore, the introduction of people or structures to existing seismic hazards would not be considered an impact under CEQA. Nevertheless, the City currently has policies that address existing seismic hazards and new development. The impact analysis for this criterion, presented below, is followed by an assessment of the proposed project’s mandatory compliance with relevant General Plan policies.

i. The project site is not located within a State-designated Alquist-Priolo Earthquake Fault Zone. No impact would occur from implementation of the proposed project.

ii. An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture, and local geological conditions. In the event of an M 7.9 earthquake on the San Andreas Fault, the project site would be expected to experience “very strong” shaking. Because the project site is located in a seismically active region, strong ground shaking would be expected during the lifetime of the proposed project. However, the project would not exacerbate this existing hazard pursuant to the CBIA v. BAAQMD case. Therefore, no impact with respect to strong seismic ground shaking would occur from implementation of the proposed project.

iii. As previously noted, the project site is located within a State-designated liquefaction hazard zone. Liquefaction hazards are an existing environmental condition, and not the result of project implementation. The proposed project would not exacerbate this hazard pursuant to the recent CBIA v. BAAQMD case. Therefore, no impact would occur from implementation of the proposed project.

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iv. The topography of the project site is generally flat, and the proposed project would not result in an erosion or landslide hazard. Accordingly, no impact would occur from implementation of the proposed project.

Future development facilitated by the proposed project would be required to implement measures to avoid significant hazards from site soils and geologic conditions in compliance with the City’s General Plan policies and actions, and the SMJC (listed above), which are required of all projects in the City of San José. In addition, the City could require additional measures to further reduce geologic and soil impacts associated with the construction of future development on the project site, which could include:

- A design-level geotechnical investigation report addressing the potential hazard of liquefaction and expansive soils must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Department of Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation, and should provide detailed geotechnical recommendations for the design and construction of the project.

- The geotechnical investigation shall be reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance for the project.

- Since the project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.

- Implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site. These measures are generally covered by measures included to protect air quality and water quality. They include, but are not limited to:
  - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day or covered.
  - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

Mandatory compliance with General Plan policies and actions, and the SJMC (listed above) would ensure that potential soil-related hazards do not pose significant risks to future structures built on the site. In addition, mandatory compliance with a site-specific SWPPP and best management practices to prevent erosion would also avoid significant erosion impacts. Compliance with these regulations is required of all projects in the City of San José as conditions of project approval; therefore, geological-related hazards would be less than significant.
b) Would the project result in substantial soil erosion or the loss of topsoil?

The proposed project would not result in any ground disturbing activities but rather would amend the land use designation on the project site. As such, the proposed project would not result in soil erosion or loss of topsoil.

Future development facilitated by the proposed project would be constructed in accordance with the standard engineering practices of the California Building Code, as adopted by the SJMC. In addition, the City of San José Department of Public Works must issue a Public Works Clearance prior to the commencement of ground disturbance activities. Future development would be required to implement measures to avoid significant erosion and/or loss of topsoil, such as those listed under Criterion (a). Mandatory compliance with the City’s General Plan policies and actions, as well as the SJMC (listed above) would ensure impacts would be less than significant.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

As previously discussed in existing conditions, the project site is generally flat. The adjacent properties also have low topographic relief. Therefore, the risk of landslides is low. In addition, the project site is not located within a State-designated landslide hazard zone.56

The project site is located within a State-mapped liquefaction zone. These map results notwithstanding, the United State Geological Survey’s estimate of the probability of liquefaction at the project site during a M 7.8 earthquake on the northernmost segments of the San Andreas Fault is between 0.0 to 5.0 percent.57 In light of this information, the potential impact of the proposed project with respect to unstable geological units or soil is considered less than significant.

d) Would the project 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?

As described above, the USDA soil survey broadly identified the major soil associations in the project site, as Urbanland-Campbell complex, which possesses a silt loam, or a silty clay loam profile and natural drainage class is moderately well drained.58 In light of the on-site clay characteristics, the soil is considered to be potentially expansive and subject to expansion and contraction as a result of seasonal or human-made soil moisture. Expansive soils can undergo significant volume changes as a result of wetting or drying. This volume change can cause damage to foundations and pavement. While the proposed project would not result in any ground disturbing activities as a policy-level proposal, future development facilitated by the proposed project would be required to implement measures to reduce the risks

56 City of San José, Envision San José 2040 General Plan Draft Program EIR, June 2011, Section 3 (Environmental Setting, Impacts, and Mitigation), page 499, Figure 3.6-1
associated with expansive soils such as those listed under Criterion (a). Mandatory compliance with City’s General Plan policies and actions, as well as the SJMC (listed above), would ensure impacts would be less than significant.

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

Future development of the proposed project would not require the construction or use of septic tanks or alternative wastewater disposal systems, because the project site would be connected to the existing municipal sewage system that is operated by San José-Santa Clara Regional Wastewater Facility. This facility treats Silicon Valley’s wastewater to very high standards, handling an average of 110 million gallons of wastewater per day. Accordingly, the proposed change in land use under the proposed project would result in no impact.
VII. GREENHOUSE GAS EMISSIONS

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<tr>
<td>a) Would the project generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
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<tr>
<td>b) Would the project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?</td>
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ENVIRONMENTAL SETTING

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as greenhouse gases (GHGs), into the atmosphere. The primary source of these GHG emissions is fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHGs—water vapor, carbon dioxide (CO₂), methane (CH₄), and O₃—that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHGs identified by the IPCC that contribute to global warming to a lesser extent include nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydro fluorocarbons, perfluorocarbons, and chlorofluorocarbons. Black carbon emissions are not included in the GHG analysis because CARB does not include this pollutant in the State’s AB 32 inventory and treats this short-lived climate pollutant separately. The following is a summary of the relevant federal, State, and local regulations pertaining to GHG emissions.

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59 Water vapor (H₂O) is the strongest GHG and the most variable in its phases (vapor, cloud droplets, ice crystals). However, water vapor is not considered a pollutant, but part of the feedback loop rather than a primary cause of change.

60 Black carbon contributes to climate change both directly, by absorbing sunlight, and indirectly, by depositing on snow (making it melt faster) and by interacting with clouds and affecting cloud formation. Black carbon is the most strongly light-absorbing component of PM emitted from burning fuels. Reducing black carbon emissions globally can have immediate economic, climate, and public health benefits. California has been an international leader in reducing emissions of black carbon, with close to 95 percent control expected by 2020 due to existing programs that target reducing PM from diesel engines and burning activities. However, State and national GHG inventories do not yet include black carbon due to ongoing work resolving the precise global warming potential of black carbon. Guidance for CEQA documents does not yet include black carbon.

61 Particulate matter emissions, which include black carbon, are analyzed in Section 5.2, Air Quality. Black carbon emissions have sharply declined due to efforts to reduce on-road and off-road vehicle emissions, especially diesel particulate matter. The State’s existing air quality policies will virtually eliminate black carbon emissions from on-road diesel engines within 10 years.

Regulatory Framework

Federal

The United States Environmental Protection Agency (USEPA) announced on December 7, 2009, that GHG emissions threaten the public health and welfare of the American people and that GHG emissions from on-road vehicles contribute to that threat. The USEPA’s final findings respond to the 2007 United States Supreme Court decision that GHG emissions fit within the Clean Air Act definition of air pollutants. The findings do not in and of themselves impose any emission reduction requirements, but allow the EPA to finalize the GHG standards proposed in 2009 for new light-duty vehicles as part of the joint rulemaking with the Department of Transportation. The USEPA’s endangerment finding covers emissions of six key GHGs—CO₂, CH₄, N₂O, hydrofluorocarbons, perfluorocarbons, and SF₆—that have been the subject of scrutiny and intense analysis for decades by scientists in the United States and around the world. The first three are applicable to future development facilitated by the proposed project because they constitute the majority of GHG emissions from the on-site land uses, and per BAAQMD guidance are the GHG emissions that should be evaluated as part of a GHG emissions inventory.

State

Assembly Bill 32 and Executive Order S-03-05

Executive Order S-03-05, signed June 1, 2005, set the following GHG reduction targets for the State: 2000 levels by 2010, 1990 levels by 2020, 80 percent below 1990 levels by 2050. AB 32, also known as the Global Warming Solutions Act, was passed in 2006 and follows the 2020 tier of emissions reduction targets established in Executive Order S-03-05 (i.e., 1990 levels by 2020). CARB is the state agency in charge of coordinating the GHG emissions reduction effort and establishing targets along the way. The 2008 Scoping Plan was adopted by CARB on December 11, 2008.

Senate Bill 32 and Executive Order B-03-05

Executive Order B-30-15, signed April 29, 2015, sets a goal of reducing GHG emissions within the State to 40 percent of 1990 levels by year 2030. In September 2016, Governor Brown signed SB 32, making the Executive Order goal for year 2030 into a statewide mandated legislative target. Executive Order B-30-15 and SB 32 required CARB to prepare another update to the Scoping Plan to address the 2030 target for the state. On January 20, 2017, CARB released the Draft 2017 Climate Change Scoping Plan Update with adoption hearings planned for April of 2017. The Draft 2017 Climate Change Scoping Plan Update includes the potential regulations and programs to achieve the 2030 target.

Senate Bill 375

SB 375, the Sustainable Communities and Climate Protection Act, was adopted in 2005 to connect the Scoping Plan’s GHG emissions reductions targets for the transportation sector to local land use decisions that affect travel behavior. Specifically, SB 375 required CARB to establish GHG emissions reduction targets for each of the 18 regions in California managed by a metropolitan planning organization (MPO). The Metropolitan Transportation Commission (MTC) is the MPO for the nine-county San Francisco Bay Area region. MTC’s targets are a 7 percent per capita reduction in GHG emissions from 2005 by 2020, and 15 percent per capita reduction from 2005 levels by 2035.

Plan Bay Area 2040 is the Bay Area’s Regional Transportation Plan/Sustainable Community Strategy. Plan Bay Area 2040 is a limited and focused update to the 2013 Plan Bay Area, with updated planning assumptions that incorporate key economic, demographic, and financial trends from the last several years. Plan Bay Area 2040 was adopted jointly by the Association of Bay Area Governments (ABAG) and MTC on July 26, 2017. To achieve MTC/ABAG’s sustainable vision for the Bay Area, Plan Bay Area concentrates the majority of new population and employment growth in the region in transit-oriented, infill development PDAs within existing communities. The project site is within the Santa Clara Valley Transportation Authority (VTA) City Cores, Corridors & Station Areas PDA. Plan Bay Area 2040 lays out a development scenario for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by the California Air Resources Board (CARB). Plan Bay Area 2040 remains on track to meet a 16 percent per capita reduction of GHG emissions by 2035 and a 10 percent per capita reduction by 2020 from 2005 conditions.

California Green Building Standards Code

New buildings associated with future developments on the project site are required to comply with the current Building Energy Efficiency Standards and California Green Building Standards Code (CALGreen), at minimum, which include performance standards for energy efficiency and require installation of electric vehicle charging stations and secured bicycle parking. These standards are updated triennially, with the goal of requiring zero-net-energy residential buildings by 2020 and zero-net-energy non-residential buildings by 2030.

Regional

The 2017 Bay Area Clean Air Plan addresses air emissions in the San Francisco Bay Area Air Basin (SFBAAB). One of the key objectives in the 2017 Bay Area Clean Air Plan is climate protection, which includes emission control measures and performance objectives, consistent with the state’s climate

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65 Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG). 2017, March. Plan Bay Area 2040.
66 Multi-family structures that are four stories or higher are regulated under the California Energy Commission’s non-residential building standards.
protection goals under AB 32 and SB 375, designed to reduce GHG emissions to 1990 levels by 2020 and 40 percent below 1990 levels by 2035, and to meet the State’s 2030 GHG reduction target and 2050 GHG reduction goal.

Local

General Plan

The Housing (H) and Land Use/Transportation (TR) sections of the General Plan include the following goals and policies specific to GHG emissions and applicable to future development facilitated by the proposed project:

- **Goal H-4 Environmental Sustainability** – Provide housing that minimizes the consumption of natural resources and advances our City’s fiscal, climate change, and environmental goals.
  - **Policy H-4.2**: Minimize housing’s contribution to greenhouse gas emissions, and locate housing, consistent with our City’s land use and transportation goals and policies, to reduce vehicle miles traveled and auto dependency.
  - **Policy H-4.3**: Encourage the development of higher residential densities in complete, mixed-use, walkable and bikeable communities to reduce energy use and greenhouse gas emissions.

- **Goal TR-9 Tier I Reduction of Vehicle Miles Traveled** – Reduce Vehicle Miles Traveled (VMT) by 10 percent, from 2009 levels, as an interim goal.
  - **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.

Greenhouse Gas Reduction Strategy

The City adopted its Greenhouse Gas Reduction Strategy (GHG Reduction Strategy) in June 2011. The GHG Reduction Strategy was updated in December 2015, and was prepared in conjunction with the preparation of the *Envision San José 2040 General Plan* to ensure that the implementation of the General Plan Update aligned with the implementation requirements of AB 32. The GHG Reduction Strategy is designed to help the City sustain its natural resources, grow efficiently, and meet California legal requirements for GHG emissions reduction. Multiple policies and actions in the General Plan have GHG emission reduction implications including those targeting land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The policies also include 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.

The GHG Reduction Strategy identifies a target for the City to meet the plan efficiency threshold of 6.6 metric tons of CO₂ equivalent (MT CO₂e) per service population (SP) per year (MT CO₂e / SP / year) for the year 2020. To achieve the City’s GHG reduction target, the GHG Reduction Strategy outlines energy, transportation, land use, water, solid waste, and off-road equipment GHG reduction measures that would
be implemented in the city. San José’s GHG Reduction Strategy also quantifies GHG reduction measures to achieve the City’s 2020 GHG reduction targets. Additionally, the City tracks the progress in achieving the targets and implementing the GHG Reduction Strategy through its annual report of the Green Vision and update of its General Plan.

While the City is forecasted to meet its 2020 target, based on its year 2035 forecast, the City would yield a carbon efficiency per service population of 6.7 MTCO₂e/SP, which would not meet the calculated year 2035 target of 3.04 MTCO₂e/SP. The year 2035 calculated target is used as a measure to gauge the City’s trajectory towards meeting the state’s 2050 GHG reduction goal of 80 percent below 1990 levels.

**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. The proposed project would be subject to this policy. Any future development with residential units of 75 feet or greater height, it would be required to achieve LEED Silver certification, at minimum.

**Existing Conditions**

The project site currently generates GHG emissions from energy used to power the lighting on-site. However, because this is nominal GHG emissions are considered to be zero for the site.

**DISCUSSION**

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

A project does not generate enough GHG emissions on its own to influence global climate change; therefore, implementation of the proposed change in land use that would facilitate future development on the site is appropriately evaluated based on its contribution to cumulative environmental impacts. Implementation of the proposed project would facilitate an infill Transit Oriented Development (TOD) project, which would contribute in efforts to reduce vehicle trips, VMT, and mobile sources of GHG emissions overall due to its proximity to transit. However, because the site is currently used for parking only, an increase in to/from vehicle trips and onsite energy use, water use, wastewater generation, and solid waste disposal would occur from future development. In addition, future construction activities could generate a short-term increase in GHG emissions. Future development would be subject to measures in the City’s GHG Reduction Strategy in addition to statewide measures to reduce GHG emissions and demonstrate it would not exceed BAAQMD’s bright-line screening threshold of 1,100 metric tons of carbon dioxide equivalent (MT CO₂e). As such, GHG emissions due to implementation of the proposed project would be **less than significant.**
b) Would the project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?

The proposed project would result in changes at the policy level and does not include a specific development proposal. However, implementation of the proposed project would facilitate an infill TOD project, which would contribute in efforts to reduce vehicle trips, VMT, and mobile sources of GHG emissions overall due to its proximity to transit. Future development facilitated by the proposed project would be required to demonstrate consistency with City’s GHG Reduction Strategy to ensure impacts would be less than significant. A preliminary consistency analysis with these state, regional, and local plans is presented below.

**City of San José GHG Reduction Strategy**

The GHG Reduction Strategy identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. When the GHG Reduction Strategy was in effect, some measures were considered mandatory for all proposed development projects, while others were considered voluntary. Voluntary measures were incorporated as mitigation measures for proposed projects at the discretion of the City. While the proposed project involves a policy-level proposal to allow for a future infill TOD, any future development proposed on the project site would be required to comply with all applicable mandatory criteria outlined below.

**Mandatory Criteria**

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)
2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
   - Solar Site Orientation
   - Site Design
   - Architectural Design
   - Construction Techniques
   - Consistency with City Green Building Ordinance and Policies
   - Consistency with GHG Reduction Strategy Policies: MS-1.1, MS-1.2, MS-2.3, MS-2.11, and MS-14.4
3. Pedestrian/Bicycle Site Design Measures
   - Consistency with the Zoning Ordinance
4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;
5. Complete an evaluation of operation energy efficiency and design measures for energy intensive industries (e.g., data centers) (General Plan Policy MS-2.8), if applicable
6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and
7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

Consistency with GHG Reduction Strategy’s Mandatory Criteria identified above would ensure impacts would be less than significant.
### VIII. HAZARDS AND HAZARDOUS MATERIALS

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<tbody>
<tr>
<td>a)</td>
<td>Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?</td>
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<td>b)</td>
<td>Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
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<td>c)</td>
<td>Would the project emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?</td>
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<td>d)</td>
<td>Would the project be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?</td>
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<td>e)</td>
<td>For a project within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people living or working in the project area?</td>
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<td>f)</td>
<td>For a project within the vicinity of a private airstrip, result in a safety hazard for people living or working in the project area?</td>
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<td>g)</td>
<td>Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<td>h)</td>
<td>Would the project 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>
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### ENVIRONMENTAL SETTING

The following is a summary of the relevant federal, State, regional, and local regulations pertaining to hazards and hazardous materials that are relevant to the proposed project.
Regulatory Framework

Federal

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Key federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). Laws and regulations established by the USEPA are enforced in Santa Clara County by the California Environmental Protection Agency (discussed below).

State

California Environmental Protection Agency

The California Environmental Protection Agency was created in 1991 by Executive Order W-5-91. Several State regulatory boards, departments, and offices were placed under the Agency’s umbrella to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources. The California Environmental Protection Agency also oversees the unified hazardous waste and hazardous materials management regulatory program (Unified Program).

California Department of Toxic Substances Control

The California DTSC, which is a department of California Environmental Protection Agency, is authorized to carry out the federal hazardous waste program in California to protect people from exposure to hazardous wastes. The department regulates hazardous waste, cleans up existing contamination, and looks for ways to control and reduce the hazardous waste produced in California. Permitting, inspection, compliance, and corrective action programs ensure that people who manage hazardous waste follow federal and State requirements and other laws that affect hazardous waste specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

California Building Code

The State of California provides minimum standards for building design and construction through Title 24 of the CCR. The California Building Code is located in Part 2 of Title 24 and is adopted by reference in Chapter 24.03 of the SMJC. The California Building Code is updated every three years. Commercial and residential buildings are plan-checked by City building officials for compliance with the typical fire safety requirements of the California Building Code.

California Fire Code

Part 2 of SJMC Chapter 17.12 adopts the California Fire Code. The California Fire Code adopts by reference the International Fire Code (IFC) with necessary State amendments. Updated every three years, the California Fire Code includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Typical fire safety requirements include: installation of sprinklers in all high-rise...
buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas.

**California Emergency Management Agency**

The California Emergency Management Agency (CalEMA) was established as part of the Governor’s Office on January 1, 2009—created by AB 38 (Nava), which merged the duties, powers, purposes, and responsibilities of the former Governor’s Office of Emergency Services with those of the Governor’s Office of Homeland Security. The California Emergency Management Agency is responsible for the coordination of overall State agency response to major disasters in support of local government. The agency is responsible for assuring the State’s readiness to respond to and recover from all hazards—natural, human-made, emergencies, and disasters—and for assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts.

**California Department of Forestry and Fire Protection**

The CAL FIRE has mapped fire threat potential throughout California. CAL FIRE ranks fire threat based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat, moderate, high, and very high fire threat. Additionally, CAL FIRE produced the *2012 Strategic Fire Plan for California*, which contains goals, objectives, and policies to prepare for and mitigate for the effects of fire on California’s natural and built environments.

**Regional**

**San Francisco Bay Regional Water Quality Control Board**

The Porter-Cologne established the State Water Resource Board (SWRCB) and the San Francisco Bay RWQCB, which regulates water quality in the project area. The San Francisco Bay RWQCB has the authority to require groundwater investigations when the quality of groundwater or surface waters of the State is threatened, and to require remediation actions, if necessary.

**Bay Area Air Quality Management District**

The BAAQMD has primary responsibility for control of air pollution from sources other than motor vehicles and consumer products, which are the responsibility of California Environmental Protection Agency and CARB. The BAAQMD is responsible for preparing attainment plans for non-attainment criteria pollutants, control of stationary air pollutant sources, and the issuance of permits for demolition and renovation activities affecting asbestos containing materials (District Regulation 11, Rule 2) and lead (District Regulation 11, Rule 1).

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Airport Land Use Compatibility Plans

No portions of the project site are located within the airport land use compatibility zones established by the Norman Y. Mineta San José International Airport Comprehensive Land Use Plan (CLUP).  

County of Santa Clara County Department of Environmental Health

The County of Santa Clara Department of Environmental Health (SCCDEH) is the local Certified Unified Program Agency (CUPA). The SCDEH conducts inspections, surveillances, or monitoring, or other purposes to protect the present and future public health and safety and the environment as provided in Chapter 6.5 and 6.8 of the California Health and Safety Code and Chapter 4 of Division 7 of the Water Code. Further, the Hazardous Materials Compliance Division (HMCD) was established in 1983 with the adoption of the local Hazardous Materials Storage Ordinance (HMSO), which regulates the storage of hazardous materials both above and below ground. In addition to the HMSO, HMCD enforces the County’s Toxic Gas Ordinance and Non-Point Source (Urban Runoff) Ordinance.

Local General Plan

The Environmental Considerations/Hazards (EC) and Parks, Open Space, and Recreation (PR) sections of the General Plan include goals and policies specific to hazards and hazardous materials and applicable the proposed project:

- **Goal EC-6 Hazardous Materials** – Protect the community from the risks inherent in the transport, distribution, use, storage, and disposal of hazardous materials.

- **Policy EC-6.1:** Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, State and federal laws, regulations and guidelines.

- **Policy EC-6.2:** Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.

- **Policy EC-6.6:** 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.

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70 County of Santa Clara Department of Environmental Health Programs and Services, https://www.sccgov.org/sites/deh/program/Pages/default.aspx, accessed on October 21, 2016.

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.

- **Policy EC-6.7**: Do not approve land uses and development that use hazardous materials that could impact existing residences, schools, day care facilities, community or recreation centers, senior residences, or other sensitive receptors if accidentally released without the incorporation of adequate mitigation or separation buffers between uses.

- **Goal EC-7 Environmental Contamination** – Protect the community and environment from exposure to hazardous soil, soil vapor, groundwater, and indoor air contamination and hazardous building materials in existing and proposed structures and developments and on public properties, such as parks and trails.

- **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-7.6**: The City will encourage use of green building practices to reduce exposure to volatile or other hazardous materials in new construction materials.

- **Policy 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.

- **Goal PR-6 High Quality Facilities and Programs** – Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant natural, historic, scenic and other open space resources; and meet the parks and recreation services needs of San José’s residents, workers, and visitors.

- **Policy PR-6.5**: Design and maintain park and recreation facilities to minimize water, energy and chemical (e.g., pesticides and fertilizer) use. Incorporate native and/or drought-resistant vegetation and ground cover where appropriate.
San José Emergency Operations Plan

An Emergency Operations Plan (EOP) is required for each local government in California. The guidelines for the plan come from the Federal Emergency Management Agency (FEMA), and are modified by the State Office of Emergency Services (OES) for California needs and issues. The purpose of the plan is to provide a legal framework for the management of emergencies and guidance for the conduct of business in the Emergency Operations Center (EOC). The City of San José Emergency Operations Plan was adopted by City Council on August 17, 2004 and was revised on May 15, 2016.

Existing Conditions

The following discussion is primarily based on the Phase I Environmental Site Assessment prepared for the project site in June 2017, herein referred to as Phase I ESA. This document is included for reference in Appendix A of this Initial Study.

Hazardous Materials Sites

The term "hazardous material" is defined in different ways for different regulatory programs. The California Health and Safety Code Section 25501 definition of a hazardous material is: “any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.” The DTSC divides hazardous material sites into three categories: clean-up sites, permitted sites, and other sites. Sites listed within these three categories can be at various stages of evaluation or clean up, from the beginning to the end of the process. California Government Code Section 65962.5 requires the California Environmental Protection Agency to compile, maintain, and update specified lists of hazardous material release sites. The CEQA Statute (PRC Section 21092.6) requires the Lead Agency to consult the lists compiled pursuant to Government Code Section 65962.5 to determine whether a proposed project and any alternatives are identified as contaminated sites.

The required lists of hazardous material release sites are commonly referred to as the “Cortese List” after the legislator who authored the legislation. Those requesting a copy of the Cortese List are referred directly to the appropriate information resources contained on internet websites hosted by the boards or departments referenced in the statute, including DTSC’s online EnviroStor database and the SWRCB’s online GeoTracker database. These two databases include hazardous material release sites, along with other categories of sites or facilities were reviewed to identify known or suspected sources of contamination.

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DTSC EnviroStor Database

A search of DTSC’s EnviroStor database on February 17, 2017 revealed that there are no listings within the project site. However, there is a hazardous materials site located near the project. The nearest hazardous materials site is a former RCRA cleanup site (CAD 990843989) at the nearby International Business Machines (IBM) facility located at 5600 Cottle Road, north of the project site. The EnviroStor ID is 80001517 and the Site Code is 200051. Historical releases of solvents and other hazardous wastes from former IBM operations, first discovered in 1980, contaminated soil and groundwater beneath the IBM site, and offsite to the northwest. Remediation of this contamination began in the 1980s and continued for more than a decade. The current DTSC status of the IBM RCRA Hazardous Waste facility is “closed.”74 Ongoing evaluation of the cleanup site has been referred to the RWQCB. No violations have been reported.75 Based on review of documentation available on GeoTracker and EnviroStor, the SCVTA Cottle project site is unlikely to be affected by the contamination at the IBM site.

State Water Resources Control Board Geotracker Database

A search of the SWRCBs GeoTracker database on February 17, 2017, revealed that there are no listings within the project site. The IBM site is identified on the Geotracker web site, which as described above is considered “closed.” Other than the IBM site, the nearest listed site is a cleanup program site (T10000008997), identified as a Caltrans case, located directly west of the project site at 225 Cottle Road. Waste oil, motor oil and/or hydraulic/lubricating oil were released to soil in 1990. Contaminated soil was remediated by excavation. As of 1992, the cleanup status is identified as “Completed-Case Closed.”

The only other site identified within 0.15 miles of the project site is a Chevron gasoline station (#9-0038), located at 6096 Cottle Road, where soil and ground water contamination was discovered in 1994 following closure of an underground storage tank (UST). This site identified as local agency case number 08S2E18E01f. Remedial action included soil excavation, soil vapor extraction, and groundwater pump and treat, through April 2005. The cleanup status, following verification monitoring, is listed as Completed – Case Closed, as of 9/25/2007.76

General Plan

Chrysotile and amphibole asbestos are minerals that occur naturally within mountainous areas or areas of shallow bedrock in the City of San José. Construction activities such as clearing, grading, and excavation, have the potential to generate asbestos-containing dust in areas where they are known to naturally occur. Exposure to asbestos dust can result in adverse health effects including lung cancer, mesothelioma, and

asbestosis. Per Figure 3.6-2, Naturally-Occurring Asbestos, in the General Plan EIR, the project site is not within an area known to contain naturally-occurring asbestos.77

**Phase I Environmental Site Assessment**

As previously stated, a Phase I Environmental Site Assessment (Phase I ESA) of the Cottle Station was prepared. The Phase I ESA is included in Appendix A of this Initial Study. As described in more detail in the Phase I ESA, the project site historically consisted of agricultural land with orchards and row crops. Residential development in the area began in the 1960s and continued to the north, west, and south of the project site. The site was primarily undeveloped and remained vacant from 1974 through 1982. Historical photographs from 1998 show the project site developed with pavement, landscaping, and parking. Currently, the project site serves as the Cottle Station Park-and-Ride. As previously mentioned, agency records indicate that most of the project site was used as orchards and row crops. Dating to 1942 or earlier, pesticides could have been used in the orchards, based on widespread agricultural practices at that time. Although a review of County agency records revealed no pesticide application reports or records for the project site, it remains possible that pesticides were historically used or stored at the site and that pesticide residues could remain in soil. Only one recognized environmental condition (REC) associated with the historical agricultural uses on the project site was identified in the Phase I ESA. Although no record of past pesticide use was found, it is possible that organo-chlorine pesticides (OCPs) may be locally present in soil given the long agricultural history of the area. Areas where pesticides may have been stored, mixed, or disposed of on the project site could have resulted in localized OCP residues. In order to address this concern, a limited soil sampling program for OCPs in shallow soil is recommended prior to future development.

**Schools**

The project site is not located within 0.25 miles from a school. The closest school, Santa Teresa Elementary School, is located about 0.70 miles from the site.

**Aircraft Hazards**

The Norman Y. Mineta San José International Airport is located more than 10 miles northwest of the project site and the Reid-Hillview airport is located about 8 miles northeast of project site. The nearest heliport, County Medical Center, is located approximately 10 miles northwest of the project site. No portions of the project site are located within the airport land use compatibility zones established by the Norman Y. Mineta San José International Airport CLUP.78

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77 City of San José, *Envision San José 2040 General Plan Draft Program EIR*, June 2011, Section 3 (Environmental Setting, Impacts, and Mitigation), page 501, Figure 3.6-2.

Wildland Fires

The severity of the wildfire hazard is determined by the relationship between three factors: fuel classification, topography, and critical fire weather frequency. The project site is not located within an area of moderate, high, or very high Fire Hazard Severity for the Local Responsibility Area,\(^79\) nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility Area.\(^80\)

**DISCUSSION**

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

The proposed project constitutes an amendment to the land use designation on the project site and would not directly involve the routine transport or disposal of hazardous materials. However, future development facilitated by the proposed project could result in the use of small amounts of potentially hazardous materials associated with heavy mechanical equipment during construction or during routine maintenance. Due to the small scale of the potential future development, such uses would not be of a large enough quantity to create a hazard to the public or the environment. Standard precautions and best management practices to prevent spills would minimize exposure of hazardous materials to people and the environment. Future project operation may involve the use of small amounts of hazardous materials for cleaning and maintenance purposes, such as cleansers, degreasers, pesticides, and fertilizers. These potentially hazardous materials would not be of a type or be present in sufficient quantities to pose a significant hazard to public health and safety or the environment. Also, the proposed project would be required to comply with existing federal, State, and local regulations. In addition, the project would be required to be consistent with General Plan Policy EC-6.2, which requires proper storage and use of hazardous materials. Therefore, the future development facilitated by the proposed project would not create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and would not create a hazardous condition that would lead to the reasonably foreseeable upset that could release hazardous materials into the environment. Accordingly, the impact would be a *less than significant*.

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

As discussed under Criterion (d) below, the project site does not contain any known hazardous materials spills or storage. Although the project site has been a surface parking lot since the 1990s, the project site has a history of being used for agricultural purposes, which during construction of future development facilitated by the land use change could release hazardous materials into the environment.

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As described in Criterion (a), future development on the project site would involve the routine usage of small amounts of hazardous materials during future project construction and operation, but these materials would not be of a quantity or type to be susceptible to an accidental spill or release that would affect the environment or surrounding uses. Also, the proposed project would be required to comply with existing federal, State, and local regulations. In addition, future development would be required to adhere to General Plan Policy EC-6.2, which requires proper storage and use of hazardous materials; and Policy EC-7.11, which requires sampling for residual agricultural chemicals for sites to be used for new development to account for worker and community safety during construction. Mandatory compliance with General Plan policies and existing federal, State, and local regulations would ensure that implementation of the proposed project would have a less-than-significant impact with respect to the release of hazardous materials.

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

The project site is not located within 0.25 miles of a school. The closest school, Santa Teresa Elementary School, is located about 0.70 miles from the site. Therefore, no impact would occur from implementation of the proposed project.

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

Based on information gathered from a review of the applicable regulatory databases, including EnviroStor and the GeoTracker, described above, to identify known or suspected sources of contamination, it was determined that the project site does not contain any known hazardous materials spills or storage sites. Additionally, as previously stated, the project site is not within an area known to contain naturally-occurring asbestos. Also, implementation of the proposed project would not create a significant hazard to the public or the environment by virtue of its location in proximity to a known hazardous materials site. Therefore, potential impacts would be less than significant.

e) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people living or working in the project area?

The project site is not located within the airport land use plan of any airport. Accordingly, implementation of the project would result in no impact.

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f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people living or working in the project area?

Given the distance from any airports, implementation of the proposed project would not create any safety hazards related to private airstrips. Therefore, implementation of the proposed project would result in no impact.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The proposed project would not adversely impact access points for emergency vehicles and would not alter the existing roadway system that could potentially change or obstruct any routes identified in the City of San José Emergency Operations Plan. The SJMC Chapter 17.12, Fire Code, adopts the California Fire Code. The California Fire Code regulates permit processes, emergency access, hazardous material handling, and fire protection systems. In addition, future development facilitated the proposed project would plan-checked by SJFD for mandatory compliance with the California Fire Code. Therefore, implementation of the proposed project would result in a less-than-significant impact.

h) Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildland are adjacent to urbanized areas or where residences are intermixed with wildlands?

The project site is located in a highly urbanized area in San José and is not located within an area of moderate, high, or very high Fire Hazard Severity for the Local Responsibility Area, nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility Area. Accordingly, implementation of the proposed project would result in no impact related to wildfires.

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## IX. HYDROLOGY AND WATER QUALITY

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<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant</th>
<th>No Impact</th>
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<tr>
<td>a) Would the project violate any water quality standards or waste discharge requirements?</td>
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<td>b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?</td>
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<td>c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
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<tr>
<td>d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
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<td>e) Would the project create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?</td>
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<td>f) Would the project otherwise substantially degrade water quality?</td>
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<td>g) Would the project place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<td>h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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<tr>
<td>i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
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ENVIRONMENTAL ANALYSIS

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<tr>
<th>j) Would the project potentially be inundated by seiche, tsunami, or mudflow?</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant</th>
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ENVIRONMENTAL SETTING

The following is a summary of the federal, State, and local regulations pertaining to hydrology and water quality that are relevant to the project.

Regulatory Framework

Federal

Clean Water Act

The Clean Water Act (CWA) of 1977, as administered by the USEPA, seeks to restore and maintain the chemical, physical, and biological integrity of the nation’s waters. The CWA employs a variety of regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. The CWA authorizes the USEPA to implement water-quality regulations. The National Pollutant Discharge Elimination System (NPDES) permit program under Section 402(p) of the CWA controls water pollution by regulating stormwater discharges into the waters of the United States. California has an approved State NPDES program. The USEPA has delegated authority for water permitting to the SWRCB and the San Francisco Bay Regional Water Quality Control Board (RWQCB).

Section 303(d) of the CWA requires that each state identify water bodies or segments of water bodies that are “impaired” (i.e., not meeting one or more of the water-quality standards established by the state). These waters are identified in the Section 303(d) list as waters that are polluted and need further attention to support their beneficial uses. Once the water body or segment is listed, the state is required to establish Total Maximum Daily Load (TMDL) for the pollutant causing the conditions of impairment. TMDL is the maximum amount of a pollutant that a water body can receive and still meet water-quality standards. Typically, TMDL is the sum of the allowable loads of a single pollutant from all contributing point and non-point sources. The intent of the 303(d) list is to identify water bodies that require future development of a TMDL to maintain water quality. In accordance with Section 303(d), the RWQCB has identified impaired water bodies within its jurisdiction, and the pollutants or stressors responsible for impairing the water quality. Stormwater from the project site drains into the City’s catch basins along Branham Road and Narvaez Avenue, which connect to the City’s storm drain, with eventual discharge into
Canoas Creek, the Guadalupe River, and South San Francisco Bay. The Guadalupe River and South San Francisco Bay are listed on the SWRCB’s 303(d) list.

**National Pollutant Discharge Elimination System**

The CWA-established NPDES permit program regulates municipal and industrial discharges to surface waters of the United States from their municipal separate storm sewer systems (MS4s). Under the NPDES program, all facilities that discharge pollutants into waters of the United States are required to obtain a NPDES permit. Requirements for stormwater discharges are also regulated under this program.

The proposed project is subject to the Waste Discharge Requirements (WDR) of the Municipal Regional Permit (MRP) Order Number R2-2015-0049 and NPDES Permit Number CAS612008, issued on November 19, 2015. The MRP is effective as of January 1, 2016 and expires on December 31, 2020. The City of San José, Santa Clara County, and the Santa Clara Valley Water District (SCVWD) are three of the Santa Clara permittees under the MS4 permit. The C.3 provisions for new development and redevelopment allow the permittees to use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new projects and redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from these projects. The goal is accomplished primarily through the implementation of low impact development techniques. Low impact development techniques reduce water quality impacts by preserving and recreating natural landscape features, minimizing imperviousness, and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff.

**National Flood Insurance Program**

The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 mandate the Federal Emergency Management Agency (FEMA) to evaluate flood hazards. FEMA provides Flood Insurance Rate Maps (FIRMs) for local and regional planners to promote sound land use and floodplain development and identify potential flood areas based on current conditions. To delineate a FIRM, FEMA conducts engineering studies called Flood Insurance Studies (FISs). Using information gathered in these studies, FEMA engineers and cartographers delineate Special Flood Hazard Areas (SFHAs) on FIRMs. The most recent FIRM that includes the project site is 06085C0263H dated May 18, 2009. The FIRM shows that the project site is not located within a 100-year floodplain.

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State

Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Act is the basic water-quality control law for California and under this Act the SWRCB has ultimate control over State water rights and water-quality policy. In California, the California Environmental Protection Agency has delegated authority to issue NPDES permits to the SWRCB. The SWRCB, through its nine RWQCBs, carries out the regulation, protection, and administration of water quality in each region. Each regional board is required to adopt a Water Quality Control Plan, or Basin Plan, that recognizes and reflects the regional differences in existing water quality, the beneficial uses of the region’s ground and surface water, and local water-quality conditions and problems. The City is within the Santa Clara Basin and is under the jurisdiction of the San Francisco Bay RWQCB (Region 2). The San Francisco RWQCB monitors surface water quality through implementation of the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) and designates beneficial uses for surface water bodies and groundwater within the Santa Clara Valley. The Basin Plan for the San Francisco Bay Watershed was last updated in 2015 and will continue to be updated as deemed necessary to maintain pace with technological, hydrological, political, and physical changes in the region.\(^9\) This Basin Plan describes the water quality that must be maintained to support the designated beneficial uses and provides programs, projects, and other actions necessary to achieve the standards established in the Basin Plan. The Basin Plan also contains water quality criteria for groundwater.

Statewide General Construction Permit

Construction projects of one acre or more are regulated under the General Construction Permit (GCP), Order No. 2012-0006-DWQ, issued by the SWRCB. Under the terms of the permit, applicants must file Permit Registration Documents (PRDs) with the SWRCB prior to the start of construction. The PRDs include a Notice of Intent (NOI), risk assessment, site map, Storm Water Pollution Prevention Plan (SWPPP), annual fee, and a signed certification statement. The PRDs are submitted electronically to the SWRCB via the Stormwater Multiple Application and Report Tracking System (SMARTS) website.

Applicants must also demonstrate conformance with applicable best management practices and prepare a SWPPP, containing a site map that shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project locations. The SWPPP must list best management practices that would be implemented to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources. Additionally, the SWPPP must contain a visual monitoring program, a chemical monitoring program for nonvisible pollutants if there is a failure of the best management practices, and a sediment-monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Some sites also require implementation of a Rain Event Action Plan. The GCP also requires applicants to comply with post-construction runoff reduction requirements. Since the project would disturb more than one acre, it would be subject to these requirements.

\(^9\) California Regional Water Quality Control Board (RWQCB), 2015. San Francisco Bay Basin (Region 2), Water Quality Control Plan (Basin Plan), March.
Regional

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) is an association of 13 cities and towns in the Santa Clara Valley, together with the County of Santa Clara and the SCVWD. The RWQCB has conveyed responsibility for implementation of stormwater regulations to the member agencies of SCVURPPP. The SCVURPPP incorporates regulatory, monitoring, and outreach measures aimed at improving the water quality of South San Francisco Bay and the streams of the Santa Clara Valley to reduce pollution in urban runoff to the “maximum extent practicable.” The SCVURPPP maintains mandatory compliance with the MS4 Permit and promotes stormwater pollution prevention within that context. Participating agencies (including the City) must meet the provisions of the Santa Clara County permit by ensuring that new development and redevelopment mitigate water quality impacts to stormwater runoff both during the construction and operation of projects.  

The SCVURPPP has successively implemented a series of comprehensive stormwater management plans for urban runoff management meeting RWQCB standards. When the MRP was reissued in 2009, new design standards for runoff treatment control measures from new development and significant redevelopment were required, such as low impact development. The MRP also requires development of a Hydrograph Modification Management Plan (HMP) to manage increased peak runoff flows and volumes (hydromodification) and avoid erosion of stream channels and degradation of water quality caused by new and redevelopment projects in areas subject to hydromodification impacts. The MRP was issued to cover “surface runoff generated from various land uses in all the hydrologic sub basins in the basin which discharge into watercourses, which in turn flow into South San Francisco Bay.” The latest program activities conducted by the SCVURPPP are described in the FY2015-2016 Annual Report.

The City is a member of the SCVURPPP and follows the guidelines for stormwater runoff control and treatment specified in the C.3 Stormwater Handbook. In addition, the project must comply with the City’s Post-Construction Urban Runoff Management Policy (6-20) and the City’s Post-Construction Hydromodification Management Policy (8-14), as described below.

Santa Clara Valley Water District

The Santa Clara Valley Water District (SCVWD) is the flood control agency for the County. Their responsibilities include creek restoration, pollution prevention efforts, and groundwater recharge. The SCVWD requires permits for all well construction and destruction activities and projects occurring on any SCVWD property or easement. Permits are required under the SCVWD’s Water Resources Protection Ordinance and the District Well Ordinance. The SCVWD along with 15 cities (including San José), Santa Clara County, business, agriculture, streamside property owners, and environmental interests have established the Water Resources Protection Collaborative, which has prepared and adopted Guidelines

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Local

Post-Construction Urban Runoff Management Policy

The City’s Post-Construction Urban Runoff Management Policy 6-29 requires all new development and redevelopment projects to implement post-construction best management practices and treatment control measures (TCMs). The policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces. Policy 6-29 is updated as changes to the MRP are made. This policy also sets limitations on the use of infiltration treatment measures for the purpose of groundwater protection from contaminants. A Stormwater Control Plan (SCP) must be prepared for new development and redevelopment projects that create and/or replace 10,000 square feet or more of impervious surface. The SCP must be submitted and approved by the City prior to the issuance of grading permits. Because the proposed project will create or replace more than 10,000 square feet of impervious surface, it is subject to this policy.

Post-Construction Hydromodification Policy

The City’s Post-Construction Hydromodification Policy 8-14 requires all new development 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 preparation and submittal of a HMP. New development and redevelopment projects that create and/or replace one acre or more of impervious surface and are located in subwatersheds or catchment areas that are less than 65 percent impervious are subject to these requirements. Policy 8-14 is updated periodically to reflect the latest MRP requirements. According to the City’s Hydromodification Map, the project site is within a catchment and subwatershed that is greater than or equal to 65 percent impervious and therefore the project would not be subject to hydromodification requirements.

Riparian Corridor Policy

The City has adopted a Riparian Corridor Policy that addresses how development of all types should be designed to protect and preserve riparian corridors. Riparian Corridor Policy Guidelines 6A, 6F, 6G, 7A, 7B, 7D, and 7D promote water quality and flood protection.

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General Plan

The Measurable Environmental Sustainability (MS), Environmental Resources (ER), Environmental Considerations/Hazards (EC), and Infrastructure (IN) sections of the General Plan includes the following goals, policies, and implementation actions relevant to the water quality and applicable to future development facilitated by the proposed project:

- **Goal MS-3 Water Conservation and Quality** – Maximize the use of green building practices in new and existing development to minimize the use of potable water and to reduce water pollution.
  - **Policy MS-3.1**: 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 recreational needs or other area functions.
  - **Policy MS-3.2**: Promote use of green building technology or techniques that can help reduce the depletion of the City’s potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
  - **Policy MS-3.3**: Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.
  - **Policy MS-3.4**: 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.

- **Goal MS-18 Water Conservation** – Continuously improve water conservation efforts in order to achieve best in class performance. Double the City’s annual water conservation savings by 2040 and achieve half of the Water District’s goal for Santa Clara County on an annual basis.
  - **Policy MS-18.12**: Encourage stormwater capture and encourage, when feasible and cost-effective, on-site rainwater catchment for new and existing development.
  - **Policy MS-18.13**: Encourage graywater use whenever appropriate and in areas that do not impact groundwater quality as determined through coordination with local agencies.

- **Goal MS-20 Water Quality** – Ensure that all water in San José is of the highest quality appropriate for its intended use.
  - **Policy MS-20.2**: Avoid locating new development or authorizing activities with the potential to negatively impact groundwater quality in areas that have been identified as having a high degree of aquifer vulnerability by the Santa Clara Valley Water District or other authoritative public agency.
  - **Policy MS-20.3**: Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.
Goal ER-8 Stormwater – Minimize the adverse effects on ground and surface water quality and protect property and natural resources from stormwater generated in the City of San José.

- **Policy ER-8.1:** Manage stormwater runoff in compliance with the City’s Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
- **Policy ER-8.5:** Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff on-site.
- **Policy ER-8.6:** Eliminate barriers to and enact policies in support of the reuse of stormwater runoff for beneficial uses in existing infrastructure and future development in San José.
- **Policy ER-8.7:** Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.

Goal ER-9 Water Resources - Protect water resources because they are vital to the ecological and economic health of the region and its residents.

- **Policy ER-9.2:** In consultation with the SCVWD restrict or carefully regulate public and private development in upland areas to prevent uncontrolled runoff that could impact the health and stability of streams.
- **Policy ER-9.3:** Utilize water resources in a manner that does not deplete the supply of surface or groundwater or cause overdrafting of the underground water basin.

Goal EC-3 Seismic Hazards – Minimize the risk of injury, loss of life, property damage, and community disruption from seismic shaking, fault rupture, ground failure (liquefaction and lateral spreading), earthquake-induced landslides, and other earthquake-induced ground deformation.

- **Policy EC-3.6:** Restrict development in close proximity to water retention levees or dams unless it is demonstrated that such facilities will be stable and remain intact during and following an earthquake.

Goal EC-4 Geologic and Soil Hazards – Minimize the risk of injury, loss of life, property damage from slope instability, including landslides, differential settlement, and accelerated erosion.

- **Policy EC-4.1:** Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and Municipal Code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
- **Policy EC-4.5:** Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15th and April 15th.

- **Action EC-4.12:** Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of a grading permit by the Director of Public Works.
Goal EC-5 Flooding Hazards – Protect the community from flooding and inundation and preserve the natural attributes of local floodplains and floodways.

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

- Policy EC-5.2: Allow development only when adequate mitigation measures are incorporated into the project design to prevent or minimize siltation of streams, flood protection ponds, and reservoirs.

- Policy EC-5.3: Preserve designated floodway areas for non-urban uses.

- Policy EC-5.4: Develop flood control facilities in cooperation with the Santa Clara Valley Water District to protect areas from the occurrence of the “1%” or “100-year” flood or less frequent flood events when required by the State.

- Policy EC-5.5: Prepare and periodically update appropriate emergency plans for the safe evacuation of occupants of areas subject to possible inundation from dam and levee failure and natural flooding. Include maps with pre-established evacuation routes in dam failure plans.

- 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-5.8: Cooperate with the Santa Clara Valley Water District to develop and maintain additional flood protection retention facilities in areas where they are needed or where the design capacity of existing retention facilities cannot be restored.

- Policy EC-5.9: Work with local, regional, state, and federal agencies to ensure new and existing levees provide adequate flood protection and actively partner with the Santa Clara Valley Water District and other levee owners with respect to National Flood Insurance Program (NFIP) levee recertification.

- Policy EC-5.10: Encourage the preservation and restoration of urban creeks and rivers to maintain existing floodplain storage. When in-channel work is proposed, engineering techniques which include the use of plant materials (bio-engineering) are encouraged.

- Policy EC-5.11: Where possible, reduce the amount of impervious surfaces as a part of redevelopment or roadway improvements through the selection of materials, site planning, and street design.

- Action EC-5.14: Implement the requirements of FEMA relating to construction in Special Flood Hazard Areas as illustrated on Flood Insurance Rate Maps. Periodically update the City’s Flood Hazard Regulations to implement FEMA requirements.

- Action EC-5.15: San José will participate in the NFIP CRS. The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that
exceed minimum NFIP requirements. Flood insurance premium rates for property owners within the City may be discounted to reflect the reduced flood risk resulting from community actions meeting the three goals of the CRS, which are to reduce flood damage to insurable property; strengthen and support the insurance aspects of the NFIP; and encourage a comprehensive approach to floodplain management.

- **Action EC-5.16:** Implement the Post-Construction Urban Runoff Management requirements of the City’s Municipal NPDES Permit to manage runoff flow and volume from project sites.
- **Action EC-5.17:** Implement the Hydromodification Management requirements of the City’s Municipal NPDES Permit to manage runoff flow and volume from project sites.
- **Action EC-5.18:** Maintain City storm drain infrastructure in a manner that reduces flood hazards. As the storm drainage system is extended or modified, provide capacity to adequately convey the 10-year storm event.
- **Action EC-5.19:** Develop and maintain a Storm Drainage Master plan and work with other agencies to develop broader Watershed Management Plans to model the City’s hydrology.

- **Goal EC-3 Water Supply, Sanitary Sewer, and Storm Drainage**—Provide water supply, sanitary sewer, and storm drainage infrastructure facilities to meet future growth planned within the City, to assure high-quality service to existing and future residents, and to fulfill all applicable local, State and Federal regulatory requirements.

- **Policy IN-3.1:** Achieve minimal level of services: for storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City and in compliance with all local, State, and Federal regulatory requirements.
- **Policy IN-3.7:** Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
- **Policy IN-3.9:** Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
- **Policy IN-3.10:** Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City’s NPDES permit.
- **Policy IN-3.12:** Coordinate efforts with other agencies in the development of regional stormwater facilities.
- **Policy IN-3.13:** Encourage the use of flood protection guidelines in development, such as those recommended by the SCVWD, FEMA, and DWR.

- **Action IN-3.16:** Develop a Storm Drainage Infrastructure Master Plan to:
  - Identify facilities needed to prevent “10-year” event street flooding and “100-year” event structure flooding.
  - Ensure that public facilities and infrastructure are designed pursuant to approved State, regional and local regulatory requirements.
- Ensure that adequate land area and any other elements are provided for facilities subject to incremental sizing (e.g., detention basins and pump stations).
- Identify opportunities to meet water quality protection needs in a cost-effective manner.

**Municipal Code**

**Chapter 15.11, Water Efficient Landscape Standards for New and Rehabilitated Landscaping**

This chapter promotes the conservation and efficient use of water by regulating landscape design, installation, and maintenance in accordance with the Water Conservation in Landscaping Act. The chapter requires new construction projects with a total landscape area of 500 square feet or more that require a building permit or rehabilitated landscape projects with a total landscape area of 2,500 square feet or more that require a building permit to demonstrate that the project meets the water efficiency criteria required by this chapter, including restrictions on turf area, irrigation sensors that use evapotranspiration or soil moisture sensor data, water budget calculations and recycled water options. A landscape documentation package must be submitted to the City as part of the development permit application that includes project information, water efficient landscape worksheet, soil management report, landscape design plan, irrigation design plan, and grading design plan.

**Chapter 15.16, Sewer Connection and Storm Drainage**

This chapter requires the payment by project developers of storm drainage fees to the City to construct, reconstruct, and maintain the City’s storm drainage system. In addition, storm drainage service charges are collected from each property owner to derive adequate revenue for the acquisition, repair, rehabilitation, construction, and maintenance of the City’s storm drainage system.

**Chapter 17.08, Special Flood Hazard Area Regulations**

This chapter, also known as the Floodplain Ordinance, establishes flood damage prevention measures, which apply to all areas of special flood hazard (i.e., the 100-year floodplain). It is designed to minimize loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary expenditures for flood protection and relief, and impairment of the tax base. It requires that buildings and redevelopment projects that are vulnerable to floods be protected against flood damage at the time of construction by implementing construction standards that must be applied within the 100-year floodplain.

**Chapter 20.95, Storm Water Management**

The purpose of this chapter is to promote adequate storm water management and promote the proper siting of stormwater runoff treatment to mitigate potential adverse impacts on adjacent land uses. It also encourages the use of alternative modes of stormwater runoff treatment. The provisions in this chapter are in accordance with the requirements of the NPDES permit and are consistent with the City Council Policy 6-29, Post-Construction Urban Runoff Management. It applies to new development or redevelopment projects that create and/or replace 10,000 square feet of impervious surfaces, or special
land use category projects, such as restaurants, auto service facilities, gas stations, or uncovered parking lots, that create and/or replace 5,000 square feet of impervious surfaces. These projects are required to implement stormwater treatment measures and must also maintain these measures for perpetuity.

**Existing Conditions**

The project site lies within the Guadalupe River Watershed, which encompasses a large portion of south and western San José. The watershed consists of natural creek channels, engineered channels or conduits, water transfer canals, artificial bodies of water, mudflats, Baylands, and tidal marshes. Canoas Creek is located approximately 0.38 miles south of the project site.94

The City of San José Public Works Department is responsible for the design, construction, and maintenance of the City-owned storm drain system, which includes a network of 1,150 miles of storm drains and drainage channels, and 29 stormwater pump stations. Stormwater runoff is collected from City streets and properties via catch basins and storm drain pipes and is then discharged into local creeks that eventually flow into San Francisco Bay. The SCVWD and U.S. Army Corps of Engineers (USACE) are responsible for the design and construction of flood control facilities and the maintenance of stream channels within the city and Santa Clara County.

The City is in the process of developing a Storm Drain Master Plan that would identify areas with storm drain deficiencies. However, most of the existing storm drain system is designed to accommodate a three-year storm event. As a result, areas of the City may be subject to ponding or flooding issues. The proposed project would connect to the existing storm drain system, and as per City requirements, the storm drain connections must be designed and constructed to meet the City’s ten-year storm event design standard. In addition, project developers are required to pay storm drain connection fees and storm drain service charges to assist in funding capital improvements to the system.

The project site is within the Santa Clara Subbasin of the Santa Clara Valley Groundwater Basin. Water service within the project site is provided by Great Oaks Water Company (Great Oaks). All of the water provided by Great Oaks is obtained from groundwater supplies from the Santa Clara Valley Groundwater Basin. Great Oaks’ groundwater supplies are subject to decisions made by SCVWD pertaining to groundwater recharge and surface stream flows.95 Additional details on water usage and water supply are provided in Section XIV, Utilities and Service Systems. Groundwater quality in the Santa Clara Subbasin is generally considered to be good and water quality objectives are met in at least 95 percent of the County water supply wells without the use of treatment methods.96

The project site is not located in a FEMA-designated 100-year floodplain or Special Flood Hazard Area (SFHA)97 and therefore, would not be subject to the FEMA regulations and San José regulations (SJMC Chapter 17.08, Special Flood Hazard Area Regulations). The project site is located within the Leroy

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97 Federal Emergency Management Administration (FEMA), 2014. Flood Insurance Rate Map No. 06085C0401H.
Anderson Dam flood inundation zone. The Anderson Reservoir is located approximately 10.8 miles southeast of the project site. The project site is not within an area of possible flooding as a result of failure of dikes in the area.

The project site is approximately 16 miles from San Francisco Bay and 19 miles from the Pacific Ocean and is not within a tsunami inundation zone, as indicated on the California Emergency Management Agency tsunami inundation maps. Seiches are standing waves oscillating in an enclosed or semi-enclosed body of water, similar to water sloshing in a bathtub. The site is not located proximate to aboveground water tanks or reservoirs and therefore would not be subject to a seiche in the event of a large magnitude earthquake. The project site and the surrounding area is relatively flat and is not in an area subject to debris flows, landslides, or mud flows, as per ABAG landslide maps.

**DISCUSSION**

a) Would the project violate any water quality standards or waste discharge requirements?

Increasing the total area of impervious surfaces can result in a greater potential to introduce pollutants to receiving waters. Urban runoff can carry a variety of pollutants, such as oil and grease, metals, sediments, and pesticide residues from roadways, parking lots, rooftops, and landscaped areas, and deposit them into an adjacent waterway via the storm drain system. The proposed project is a request to amend the land use designation on the project site. As such, the proposed project would not directly increase the area of impervious surface on the project site.

Future development facilitated by the proposed project could result in clearing, grading, excavation, and construction activities that have the potential to impact water quality through soil erosion and increased silt and debris discharged into runoff. In addition, the use of construction materials such as fuels, solvents, and paints may present a risk to surface water quality. The refueling and parking of construction vehicles and other equipment on site during construction may result in oil, grease, or related pollutant leaks and spills that may discharge into the storm drain system. Future development would be required to comply with the NPDES General Construction Permit, given the potential to disturb more than one acre of soil on the project site.

The GCP requires the submittal of Permit Registration Documents (PRDs) to the State Water Resource Board (SWRCB) prior to the start of construction. The PRDs include a Notice of Intent (NOI), risk assessment, site map, annual fee, signed certification statement, SWPPP, and post-construction water balance calculations. The SWPPP describes the incorporation of best management practices to control sedimentation, erosion, and the potential for hazardous materials contamination of runoff during

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99 Santa Clara County, 2016. Dike Failure Flooding Hazard Zones: Santa Clara County, California.
construction. New requirements by the SWRCB also require the SWPPP to include post-construction treatment measures aimed at minimizing stormwater runoff.

All development projects in San José must also comply with the City’s Grading Ordinance, specified in Chapter 17.40, Part 6 – Excavation and Grading. The City 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. Future development must detail the best management practices that would be implemented to minimize the potential for stormwater pollutants.

In addition to the aforementioned requirements, future development on the project site would be required to implement RWQCB best management practices and required of all construction projects in San José, to prevent stormwater pollution and minimize potential sedimentation during construction. The following best management practices, which include, but are not limited to the following, would be required to be implemented prior to and during earthmoving and demolition activities, and continue until any future construction is complete:

- Restrict grading to the dry season (April 15 to October 15) or meet City requirements for grading during the rainy season.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Utilize on-site sediment control best management practices to retain sediment on the project site.
- Utilize stabilized construction entrances and/or wash racks.
- Sweep or vacuum any street tracking immediately and secure sediment sources to prevent further tracking.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- Provide temporary cover of disturbed surfaces to help control erosion during construction.
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.
- Prevent sediment from migrating offsite and protect storm drain inlets, drainage courses, and streams by installing appropriate best management practices (i.e., silt fences, gravel bags, fiber rolls, temporary swales, etc.).

Water quality in stormwater runoff is regulated locally by the SCVURPPP, which includes the C.3 provisions of the MRP adopted by the San Francisco Bay RWQCB. Under the C.3 provisions, all new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface must incorporate site design, source control, and treatment measures to the maximum extent practicable. Therefore, future development facilitated by the proposed project would be required to comply with the stormwater management C.3 provisions of the MRP. Details of site design, source control, and stormwater treatment control measures demonstrating compliance with C.3 provisions of the MRP, shall be included.
in the future project design to the satisfaction of the Director of Planning, Building, and Code Enforcement. In addition, the future development would be required to comply with the City’s Post-Construction Urban Runoff Management Policy 6-20. All treatment measures would be required to be designed in accordance with Provision C.3.d of the MRP and the feasibility of low impact development features will be determined in accordance with the procedures set forth in the SCVURPPP C.3 Stormwater Handbook. Prior to the issuance of grading permits, a Stormwater Control Plan (SCP) would be required to be prepared and submitted to the City for review and approval. Mandatory compliance with the NPDES permit and C.3 provisions of the MRP and the City’s Post-Construction Urban Runoff Management Policy would render any potential construction and operational water quality impacts from future development facilitated by the proposed project to a less-than-significant level.

b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

Implementation of future development on the site from implementation of the proposed project could result in a reduction in groundwater recharge if there is an increase in impervious surfaces and/or construction dewatering. According to the Department of Conservation/California Geological Survey’s map of depth to historically highest groundwater, groundwater in the vicinity of the site is approximately 30 feet below ground surface (bgs). Therefore, construction dewatering would most likely not be necessary unless subterranean parking is proposed. If dewatering is necessary, future development facilitated by the proposed project shall meet the following C.15 provision of the MRP which include regulations for discharges of uncontaminated groundwater with flows of less than 10,000 gallons per day:

- Discharge to a landscaped area or bioretention unit that is properly-designed to accommodate the volume of pumped ground water; or
- Discharge to the sanitary sewer. Discharges to the sanitary sewer system shall be subject to all wastewater permitting requirements and fees; or
- If the two discharge options described above are not feasible, as determined by the authority having jurisdiction, and these discharges must enter the storm drain system, pre-discharge sampling shall be done in accordance with Provision C.15.b.i.(2)(c) through (e) of the MRP to verify that the discharge is not contaminated. The project shall provide to the City a record of the pre-discharge sampling data collected for verification that the pumped groundwater is not contaminated.

Any proposed new discharges of uncontaminated groundwater with flows equal to or more than 10,000 gallons per day, and all new discharges of potentially contaminated groundwater, shall obtain a permit from the San Francisco Bay RWQCB. Future projects designed to address or triggering the discharge threshold shall provide a copy of the approved permit from the San Francisco Bay RWQCB to with its Building Permit application submittal.

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102 California Department of Conservation (CDC), California Geological Survey (CGS), 2003. Seismic Hazard Zone Report for the Santa Teresa Hills 7.5 Minute Quadrangle, Santa Clara County, California.
In addition, each new development site in San José must be evaluated in terms of the City’s Policy 6-29 that sets limitations on the use of infiltration treatment measures for the purpose of groundwater protection from contaminants. Mandatory compliance with the General Plan Policy 6-29 and C.15 provisions of the MRP would ensure that impacts from future development on the site would be less than significant.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

The project site does not contain any waterways and therefore, implementation of the proposed project would not alter the course of a stream or river. Future development facilitated by the proposed project would require grading or soil exposure during construction. If not controlled, the transport of these materials into local waterways could temporarily increase suspended sediment concentrations. To minimize this impact, future development would be required to comply with all of the requirements of the State GCP, including preparation of PRDs and submittal of a SWPPP to the SWRCB prior to the start of construction activities.

In addition, the City’s Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Future development would be required to prepare an Erosion Control Plan that details the best management practices that would be implemented to minimize the potential for erosion and/or siltation during construction. The applicant for any future development would be required to submit an Erosion Control Plan to the Director of Public Works for review and approval prior to the issuance of any grading permits. Mandatory compliance with State and City regulations would ensure that impacts from erosion and siltation during construction would be less than significant.

Given the nature of the proposed land use change and the location of the project site (i.e., infill TOD on a fully paved site), there is limited potential for erosion or siltation to occur once the project has been constructed. In addition, the C.3 requirements of the MRP include source control measures and site design measures that address stormwater runoff and would reduce the potential for erosion or siltation. Furthermore, Provision C.3 of the MRP will require the future development on the site to implement stormwater treatment measures to contain site runoff, using specific numeric sizing criteria based on volume and flow rate.

Pursuant to the SCVURPPP and MRP, future development on the site would be required to implement construction phase best management practices, post-construction design measures that encourage infiltration in pervious areas, and post-construction source control measures to help keep pollutants out of stormwater. In addition, post-construction stormwater treatment measures are required for projects that create or replace 10,000 square feet or more of impervious surface. With implementation of these erosion and sediment control measures and regulatory provisions to limit runoff, the implementation of the proposed project would not result in significant increases in erosion and sedimentation and impacts would be less than significant.
d)  Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

As described above under Criterion (c) above, implementation of the proposed project would not alter the course of a stream or river. Because the majority of the project site is already developed with a paved parking lot, existing conditions currently include a very large percentage of impervious surfaces. In mandatory compliance with C.3 provisions of the MRP, future development facilitated by the proposed project would be required to implement site design, source control, and stormwater treatment measures (as needed) to control the amount of stormwater runoff and therefore minimize the potential for on- or off-site flooding.

Future development project would also be required to comply with the City’s Post-Construction Urban Runoff Management Policy 6-20. Prior to the issuance of grading permits, applicant future developer would be required to prepare an SCP that describes the best management practices and low impact development treatment measures that would reduce the amount of stormwater runoff from the site. The City would review the future project’s connection to the existing storm drain system and determine its acceptability. Review and approval of the SCP, implementation of stormwater treatment measures, and mandatory compliance with City and County regulatory requirements would ensure that stormwater runoff from future development on the site would not result in on- or off-site flooding and impacts would be less than significant.

e)  Would the project create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Future development facilitated by the proposed project would not significantly increase the amount of impervious surfaces as the majority of the site is currently a paved parking lot. Future development would be required to implement stormwater treatment control measures in accordance with the MRP and SCVURPPP guidelines, in order to control the amount of stormwater runoff from the site. In addition, mandatory compliance with the San José Hydromodification Management Policy (8-14) (listed above) would require stormwater runoff from the site to match pre-project conditions.

Operational best management practices would be required to meet the C.3 provisions of the MRP and any future project would be required to implement site design, source control, and stormwater treatment measures that would reduce the amount of stormwater runoff.

Any future project resulting from implementation of the proposed project would be required to comply with the hydromodification requirements that would ensure that stormwater flow rates and volumes do not exceed existing conditions, and therefore, the impacts on the capacity of existing or planned storm drain systems would be less than significant.

Furthermore, as previously discussed in Criterion (a) above, future development on the site would be required to implement best management practices and low impact development features during construction and operation that would control and reduce the potential for sediment, debris, and other pollutants to be discharged into the storm drain system. With implementation of these measures,
implementation of the proposed project would not result in substantial additional sources of polluted runoff and impacts would be *less than significant*.

**f) Would the project otherwise substantially degrade water quality?**

As discussed under Criterion (a) above, future development facilitated by the proposed project would be required to implement best management practices and low impact development measures. These measures would be required to control and prevent the release of sediment, debris, and other pollutants into the storm drain system. Implementation of best management practices during future construction activities, in accordance with the provisions of the SWPPP, would minimize the release of sediment, soil, and other pollutants. In addition, operational best management practices would be required to meet the C.3 provisions of the MRP. These requirements include the incorporation of site design, source control, and treatment control measures to treat and control runoff before it enters the storm drain system. With implementation of these best management practices and low impact development measures in accordance with City and MRP requirements, the potential impact on water quality resulting from future development on the site as a result of project implementation would be *less than significant*.

**g) Would the project place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

The most recent FIRM shows that the project site is outside of the 100-year floodplain. Therefore, implementation of the proposed project would not place housing within a 100-year floodplain and there would be *no impact*.

**h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

As discussed under Criterion (g) above, the project site is not within a 100-year or 500-year flood zone. Therefore, implementation of the proposed project would not result in future structures within a 100-year floodplain and would not impede or redirect flood flows. Accordingly, there would be *no impact*.

**i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

As discussed in Section 4.1, Introduction, the California Supreme Court in a December 2015 opinion (*CBIA v. BAAQMD*) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, and not the effects the existing environment may have on a project. Therefore, the introduction of people or structures to existing flooding hazards associated with dam failure would not be considered an impact under CEQA. Therefore, the discussion below is for informational purposes.

The project site is not within an area of possible flooding as a result of failure of dikes in the area. According to maps compiled by the SCVWD, the project site is located within the Anderson Reservoir dam

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104 Santa Clara County, 2016. Dike Failure Flooding Hazard Zones: Santa Clara County, California.
inundation zone.\textsuperscript{105} Dam inundation zones are based on the highly unlikely scenario of a catastrophic dam failure occurring in a very short period of time. Dam failure could result in the release of water held behind the dams and result in flooding in parts of the city, including the project site. A major seismic event, if sufficiently intense, would be the most likely cause of dam failure. The Anderson Dam is owned and operated by the SCVWD. The dam inundation zone for Anderson Reservoir is based on the reservoir being completely full (i.e., at 100 percent storage capacity). Anderson Dam is currently under storage restrictions while seismic upgrades and fault studies are being completed.\textsuperscript{106} Therefore, Anderson Reservoir is restricted to 68 percent capacity. As a result, the mapped dam inundation zone would be much smaller than the mapped area. Also, the arrival time of a flood wave at the project site would be approximately 1.5 to 2 hours with peak arrival times of 4 to 4.5 hours for Anderson Reservoir, which would be sufficient time for the City to coordinate evacuation procedures.

The probability of dam failure is extremely low and there is no historic record of dam failure in Santa Clara County or San José.\textsuperscript{107} Dams in California are continually monitored by various governmental agencies, including the California Division of Safety of Dams (DSOD), which conducts inspections twice a year and reviews all aspects of dam safety. The SCVWD also maintains Emergency Action Plans (EAPs) that include procedures for damage assessment and emergency warnings. In addition, the City, in conjunction with Santa Clara County, addresses the possibility of dam failure in the Local Hazard Mitigation Plan (LHMP), which also provides emergency response actions. Accordingly, implementation of the proposed project would not expose people or structures to a significant risk of loss, injury, or death in the case of dam failure and the impacts would be \textit{less than significant}.

\textit{j)} Would the project potentially be inundated by seiche, tsunami, or mudflow?

As discussed in Section 4.1, Introduction, the California Supreme Court in a December 2015 opinion (\textit{CBIA v. BAAQMD}) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, and not the effects the existing environment may have on a project. Therefore, the introduction of people or structures to existing flooding hazards associated with seiches, tsunamis, or mudflows would not be considered an impact under CEQA. Therefore the discussion below is for informational purposes.

The project site is more than 15 miles from San Francisco Bay and the Pacific Ocean and is not within a tsunami inundation zone.\textsuperscript{108} According to the ABAG interactive debris flow and landslide maps, the project site is not within an area susceptible to mudflows.\textsuperscript{109} A seiche is a surface wave generated in a closed or

\textsuperscript{107} Santa Clara County, 2011, Santa Clara County Hazard Mitigation Plan.
partially enclosed body of water, similar to the sloshing back-and-forth in a bathtub and can occur on lakes, reservoirs, swimming pools, bays, harbors, and seas. Seiches typically are created by winds, earthquakes, or tsunamis. The site is not located in close proximity to a body of water or aboveground storage tanks and would not be subject to a seiche in the event of a large magnitude earthquake. Therefore, the proposed project would not be subject to seiches, tsunamis, or mudflows and there would be no impact.
X. LAND USE

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<th>Potential Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
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<td>Potentially Significant Impact</td>
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<td>b) Would the project 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>
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<td>c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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ENVIRONMENTAL SETTING

The following is a summary of the relevant regional and local regulations pertaining to Land Use. There are no federal or State regulations governing this topic relevant to the project.

Regulatory Framework

Regional

Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan

As discussed in Section II, Biological Resources, the Habitat Plan adopted by the City on January 29, 2013, provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities. The Habitat Plan allows the Local Partners to receive endangered-species permits for activities and projects they conduct and those under their jurisdiction, and comprehensively evaluates natural-resource impacts and mitigation.

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Local

General Plan

The Community Design (CD), Measurable Environmental Sustainability (MS), Land Use/Transportation (LU)/(TR) sections of the General Plan include the following goals and policies specific to land use factors and applicable to future development facilitated by the proposed project.

- **Goal CD-1 Attractive City** – Create a well-designed, unique, and vibrant public realm with appropriate uses and facilities to maximize pedestrian activity; support community interaction; and attract residents, business, and visitors to San José.
  - **Policy CD-1.1:** Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
  - **Policy CD-1.24:** Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees 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.

- **Goal CD-2 Function** – Create integrated public and private areas and uses that work together to support businesses and to promote pedestrian activity and multi-modal transportation.
  - **Policy CD-2.5:** Integrate Green Building Goals and Policies into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.

- **Goal CD-3 Connections** – Maintain a network of publicly accessible streets and pathways that are safe and convenient for walking and bicycling and minimize automobile use; that encourage social interaction; and that increase pedestrian activity, multi-modal transit use, environmental sustainability, economic growth, and public health.
  - **Policy CD-3.11:** Encourage new development to connect with the surrounding community and continue the existing street grid to integrate with the neighborhood.

- **Goal CD-5 Community Health, Safety, and Wellness** – Create great public places where the built environment creates attractive and vibrant spaces, provides a safe and healthful setting, fosters interaction among community members, and improves quality of life.
  - **Policy CD-5.1:** Design areas to promote pedestrian and bicycle movements, to facilitate interaction between community members, and to strengthen the sense of community.
  - **Policy CD-5.3:** Promote crime prevention through site and building designs that facilitate surveillance of communities by putting “eyes on the street.” Design sites and buildings to promote visual and physical access to parks and open space areas. Support safe, accessible, and well-used public open spaces by orienting active use areas and building facades towards them.
- **Goal CD-8 Building Height** – Regulate the height of new development to avoid adverse land use incompatibility while providing maximum opportunity for the achievement of the General Plan goals for economic development and the provision of new housing within the identified Growth Areas.

  - **Policy CD-8.1**: Ensure new development is consistent with specific height limits established within the City’s Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/Transportation Diagram provide an indication of the typical number of stories expected for new development, however specific height limitations for buildings and structures in San José are not identified in the Envision General Plan.

- **Goal MS-1 Green Building Policy Leadership** – Demonstrate San José’s commitment to local and global Environmental Leadership through progressive use of green building policies, practices, and technologies to achieve 100 million square feet of new or retrofitted green buildings by 2040.

  - **Policy MS-1.3**: Continually update and strengthen the City’s Green Building policies and ordinances for new construction and rehabilitation of existing buildings to provide flexibility for application of new technologies and innovative techniques that may develop in the green building field.

- **Goal LU-2 Growth Areas** – Focus new growth into identified Growth Areas to protect the quality of existing neighborhoods, while establishing new mixed-use neighborhoods with a compact and dense form that is attractive to the City’s projected demographics i.e., a young and senior population, and that supports walking, provides opportunities to incorporate retail and other services in a mixed-use format, and facilitates transit use.

  - **Policy LU-2.2**: Include within the General Plan Land Use/Transportation Diagram significant job and housing growth capacity within the following identified Growth Areas:

    - **Urban Villages: Transit Commercial Corridors.** A large and balanced amount of job and housing growth capacity is planned for the Transit /Commercial Corridor Urban Villages with the goal to maximize the opportunity for creating new mixed-use Urban Villages in these areas. While the BART area job capacity is planned primarily for mid-rise and high-rise offices, the Light Rail Urban Villages provide more opportunity for retail and service.

    - **Jobs that benefit from close proximity to residential use.** Although the BART system serves as a regional transit line that brings workers from throughout the region to employment centers within San José, the light rail system is more appropriate for shorter commute trips and is also less likely to generate land use compatibility concerns. Accordingly, it is appropriate to include more residential and retail growth capacity along the light rail system.

- **Goal LU-9 High Quality Living Environments** – Provide high quality living environments for San José’s residents.

  - **Policy LU-9.3**: Integrate housing development with our City’s transportation system, including transit, roads, and bicycle and pedestrian facilities.

- **Goal LU-10 Efficient Use of Residential and Mixed-Use Lands** – Meet the housing needs of existing and future residents by fully and efficiently utilizing lands planned for residential and mixed-use and by maximizing housing opportunities in locations within a half mile of transit, with good access to employment areas, neighborhood services, and public facilities.
- **Policy LU-10.3:** Develop residentially- and mixed-use-designated lands adjacent to major transit facilities at high densities to reduce motor vehicle travel by encouraging the use of public transit.

- **Goal TR-1 Balanced Transportation System** – San José desires to provide a safe, efficient, fiscally, economically, and environmentally-sensitive transportation system that balances the needs of bicyclists, pedestrians, and public transit riders with those of automobiles and trucks.

- **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 toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

**Municipal Code**

**Chapter 20.10, General Provisions**

The San José Zoning Ordinance implements the land use designations by establishing comprehensive zoning rules for the city. Chapter 20.10, General Provisions, states that the purpose of the Zoning Ordinance is to guide, control, and regulate future growth and development in the city in a sound and orderly manner, and to promote achievement of the goals and purposes of the General Plan; protect the character and economic and social stability of agricultural, residential, commercial, industrial, and other areas in the city; provide light, air, and privacy to property; preserve and provide open space and prevent overcrowding of the land; appropriately regulate the concentration of population; provide access to property and prevent undue interference with and hazards to traffic on public rights-of-way; and prevent unwarranted deterioration of the environment and to promote a balanced ecology.

**Existing Conditions**

As shown on Figure 3-2, the project site is bounded by SR 85 to the north and south and Cottle Road to the west. The project site is located within a developed area adjacent to the existing Cottle Station and surrounded by multi-family residential to the north and west, and Kaiser Permanente medical facilities to the east and south.

The project site is currently developed with a surface parking lot. The project site has a General Plan land use designation of Neighborhood/Community Commercial (NCC) and Public/Quasi-Public (PQP) The NCC land use designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. NCC uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation. The PQP land use designation includes land uses that are institutional in nature, such as hospitals, museums, and schools; churches and other religious institutions; other non-profit activities of an educational, youth,

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welfare, or philanthropic nature which cannot be considered a residential, commercial, or industrial activity; and public utilities and the facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications.  

The project site is zoned A(PD) Planned Development. The PD Zoning District allows for any use or combination of uses as described in an approved planned development permit. The PD Zoning District are individual designed to meet the needs of the territory zo zoned are subject to the provisions of SJMC Chapter 20.12.10

**DISCUSSION**

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

As described above, the project site is adjacent to the existing Cottle Station and surrounded by residential and commercial development. Implementation of the proposed project would facilitate infill TOD and would retain the existing roadway patterns, and would not introduce any new major roadways or other physical features through existing residential neighborhoods or other communities that would create new barriers. Accordingly, implementation of the proposed project would not facilitate a future project that would physically divide an established community and the impact would be less than significant.

b) **Would the project 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?**

Implementation of the proposed project would change the project site’s current General Plan land use designation from NCC and PQP to Transit Residential (TR). The TR land use designation is the primary designation for new high-density, mixed-use residential development sites that are located in close proximity to transit, jobs, amenities, and services. This designation also supports intensive commercial employment uses, such as office, retail, hotels, hospitals and private community gathering facilities. The allowable density/intensity for mixed-use development would be determined using a FAR range of 2.0 to 12.0. The maximum allowable residential density would be 250 dwelling units per acre (du/ac). Building heights in the TR land use designation can range from five stories and above.

Future development of the site would most likely be infill TOD. If the proposed General Plan amendment is approved, future development would be required to comply with all applicable land use plan, policy, and zoning regulations for the purpose of avoiding or mitigating an environmental effect. Future development would also need to comply

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113 City of San José Municipal Code (SJMC), Title 20 (Zoning), Chapter 20.50 (Industrial Zoning Districts), Section 20.50.100 (Allowed Uses and Permit Requirements).

with surrounding land use character. Therefore, a *less-than-significant* impact would occur as a result of implementing the proposed project.

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

As discussed in Section II, Biological Resources, the project site is subject to the Habitat Plan. The project site characterized as Urban Development in the Habitat Plan, which includes residential, industrial, commercial, institutional, public facilities, public/quasi-public, and major educational facilities land use designations.\(^{115}\) No sensitive species or habitat types are present on the project site and implementation of the proposed project would not have any direct impacts to any of the covered species in the Habitat Plan. Accordingly, future development facilitated by the proposed project would be required to comply with all applicable provisions of the Habitat Plan to ensure that no substantial conflicts occur and impacts would be *less than significant*.

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\(^{115}\) Santa Clara Valley Habitat Plan, August 2012, Chapter 2 Land Use and Covered Activities, page 2-22.
XI. MINERAL RESOURCES

Would implementation of the proposed Plan:

<table>
<thead>
<tr>
<th>Would implementation of the proposed Plan</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) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>

ENVIRONMENTAL SETTING

Regulatory Framework

State

Surface Mining and Reclamation Act of 1974

The California Department of Conservation, Geological Survey (CGS) classifies lands into Aggregate and Mineral Resource Zones (MRZs) based on guidelines adopted by the California State Mining and Geology Board, as mandated by the Surface Mining and Reclamation Act of 1974. These MRZs identify whether known or inferred significant mineral resources are present in areas. Lead agencies are required to incorporate identified MRZs resource areas delineated by the State into their General Plans.\(^\text{116}\)

Local

General Plan

The Environmental Leadership (ER) section of the General Plan includes the following goals and policies specific to mineral resources and applicable to future development facilitated by the proposed project.

- **Goal ER-11 Extractive Resources** – Conserve and make prudent use of commercially usable extractive resources.

- **Policy ER-11.2**: Encourage the conservation and development of SMARA-designated mineral deposits wherever economically feasible.

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\(^{116}\) Public Resources Code Section 2762(a)(1).
Existing Conditions

Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated the Communications Hill Area, bounded generally by the Southern Pacific Railroad, Curtner Avenue, SR 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. The project site is approximately 4 miles northeast from the Communications Hill area; therefore, the project site is not located within a Mineral Resource Zone (MRZ). In addition, the City has no General Plan land use designation for mineral resources.

Discussion

d) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Lead agencies are required to incorporate identified MRZs resource areas delineated by the State into their General Plans. The City of San José General Plan identified the Communications Hill Area as containing mineral deposits of regional significance. The project site is not identified as containing any mineral deposits and is located approximately 4 miles northeast of the Communications Hill Area. Accordingly, the proposed project would result in no impact.

e) Would the project 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?

As described above under criterion (a), the project site is not identified as containing any mineral deposits. Accordingly, the proposed project would result in no impact.
### XII. NOISE

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>b) Would the project expose people to or generate excessive groundborne vibration or ground borne noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>c) Would the project create 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>
</tr>
<tr>
<td>d) Would the project create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
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</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
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</tbody>
</table>

### ENVIRONMENTAL SETTING

Noise is defined as unwanted sound, and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise the federal government, State of California, and the City have established criteria to protect public health and safety and to prevent disruption of certain human activities. Noise is most often defined as unwanted sound. Although sound can be easily measured, the perception of noise and the physical response to sound complicate the analysis of its impact on people. People judge the relative magnitude of sound sensation in subjective terms such as “noisiness” or “loudness.”

The following are brief definitions of terminology used in this section:

- **Sound.** A disturbance created by a vibrating object, which, when transmitted by pressure waves through a medium such as air, is capable of being detected by a receiving mechanism, such as the human ear or a microphone.
- **Noise.** Sound that is loud, unpleasant, unexpected, or otherwise undesirable.
- **Decibel (dB).** A unit-less measure of sound on a logarithmic scale.
Vibration Decibel (VdB). A unit-less measure of vibration, expressed on a logarithmic scale and with respect to a defined reference vibration velocity. In the U.S., the standard reference velocity is 1 micro-inch per second (1x10^{-6} in/sec).

A-Weighted Decibel (dBA). An overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.

Equivalent Continuous Noise Level (L_{eq}); also called the Energy-Equivalent Noise Level. The value of an equivalent, steady sound level which, in a stated time period (often over an hour) and at a stated location, has the same A-weighted sound energy as the time-varying sound. Thus, the L_{eq} metric is a single numerical value that represents the equivalent amount of variable sound energy received by a receptor over the specified duration.

Statistical Sound Level (L_n). The sound level that is exceeded “n” percent of time during a given sample period. For example, the L_{50} level is the statistical indicator of the time-varying noise signal that is exceeded 50 percent of the time (during each sampling period); that is, half of the sampling time, the changing noise levels are above this value and half of the time they are below it. This is called the “median sound level.” The L_{10} level, likewise, is the value that is exceeded 10 percent of the time (i.e., near the maximum) and this is often known as the “intrusive sound level.” The L_{90} is the sound level exceeded 90 percent of the time and is often considered the “effective background level” or “residual noise level.”

Day-Night Level (L_{dn} or DNL). The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels occurring during the period from 10:00 p.m. to 7:00 a.m. This is a measure of the cumulative noise exposure in a community.

Community Noise Equivalent Level (CNEL). The energy average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added to the A-weighted sound levels occurring during the period from 7:00 a.m. to 10:00 p.m. and 10 dB added to the A-weighted sound levels occurring during the period from 10:00 p.m. to 7:00 a.m. For general community/environmental noise, CNEL and L_{dn} values rarely differ by more than 1 dB. As a matter of practice, L_{dn} and CNEL values are interchangeable and are treated as being equivalent in this assessment.

Sensitive Receptor. Noise- and vibration-sensitive receptors include land uses where quiet environments are necessary for enjoyment and public health and safety. Residences, schools, motels and hotels, libraries, religious institutions, hospitals, and nursing homes are examples.

The following is a summary of the relevant local regulations pertaining to noise. There are no federal or State regulations governing this topic relevant to future development facilitated by the proposed project.
Regulatory Framework

Local

General Plan

The Environmental Considerations/Hazards (EC) section of the General Plan includes the following goals and policies relevant to the noise and vibration and applicable to future development facilitated by the proposed project:

- **Goal EC-1 Community Noise Levels and Land Use Compatibility** – Minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.

- **Policy EC-1.1**: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:
  - **Interior Noise Levels**: The City’s standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.
  - **Exterior Noise Levels**: The City’s acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses.

- **Policy EC-1.2**: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:
  - Cause the DNL at noise sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain “Normally Acceptable;” or
  - Cause the DNL at noise sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level

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

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

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

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

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

- Policy EC-1.9: Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA $L_{max}$ in bedrooms and 55 dBA $L_{max}$ in other rooms.

- Goal EC-2 Vibration – Minimize vibration impacts on people, residences, and business operations.

- Policy EC-2.1: Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.

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

**Municipal Code**

The SJMC Section 20.100.450, Hours of Construction within 500 Feet of a Residential Unit, prohibits construction activities within 500 feet of residences, unless they take place between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday.

**Vibration**

**Vibration-Related Architectural Damage**

The City does not define any quantitative vibration limits in the SJMC. The thresholds used to determine vibration annoyance for this project are those provided by the United States Department of Transportation (USDOT) Federal Transit Administration (FTA). General Plan Policy EC-2.2 sets a vibration limit of 0.200 inches per second (in/sec) peak particle velocity (PPV) for cosmetic architectural damage,
which is the same as the threshold set by the FTA pertaining to non-engineered timber and masonry buildings (which is taken to include the vast majority of single-family and multi-family residences with lumber framing). Beyond the City’s damage threshold, the FTA also provides guidelines for other classifications of structures, as shown in Table 4-3.

**Table 4-3**  **Groundborne Vibration Criteria: Architectural Damage**

<table>
<thead>
<tr>
<th>Building Category</th>
<th>PPV (in/sec)</th>
<th>Lv (VdB)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Reinforced concrete, steel, or timber (no plaster)</td>
<td>0.5</td>
<td>102</td>
</tr>
<tr>
<td>II. Engineered concrete and masonry (no plaster)</td>
<td>0.3</td>
<td>98</td>
</tr>
<tr>
<td>III. Non-engineered timber and masonry buildings</td>
<td>0.2</td>
<td>94</td>
</tr>
<tr>
<td>IV. Buildings extremely susceptible to vibration damage</td>
<td>0.12</td>
<td>90</td>
</tr>
</tbody>
</table>

Note: Lv (VdB): Lv is the velocity level in decibels, as measured in 1/3-octave bands of frequency over the frequency ranges of 8 to 80 Hz.


**Vibration-Related Human Annoyance**

While the General Plan provides a threshold for architectural damage, there is no similar standard for vibration annoyance. Further, the City does not define any quantitative vibration limits in the SJMC. In lieu of such local standards for vibration annoyance, the thresholds provided by USDOT Federal Transit Administration (FTA) will be used for this assessment.

The human reaction to various levels of vibration is highly subjective and varies from person to person. Table 4-4 shows the FTA’s vibration criteria to evaluate vibration-related annoyance due to resonances of the structural components of a building. These criteria are based on extensive research that suggests humans are sensitive to vibration velocities in the range of 8 to 80 Hz.

**Table 4-4**  **FTA Groundborne Vibration Criteria: Human Annoyance**

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Max Lv (VdB)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workshop</td>
<td>90</td>
<td>Distinctly felt vibration. Appropriate to workshops and non-sensitive areas</td>
</tr>
<tr>
<td>Office</td>
<td>84</td>
<td>Felt vibration. Appropriate to offices and non-sensitive areas.</td>
</tr>
<tr>
<td>Residential – Daytime</td>
<td>78</td>
<td>Barely felt vibration. Adequate for computer equipment.</td>
</tr>
<tr>
<td>Residential – Nighttime</td>
<td>72</td>
<td>Vibration not felt, but groundborne noise may be audible inside quiet rooms.</td>
</tr>
</tbody>
</table>

Note: Max Lv (VdB): Lv is the velocity level in decibels, as measured in 1/3-octave bands of frequency over the frequency ranges of 8 to 80 Hz.


**Existing Conditions**

The project site is an existing light rail station, and is surrounded by medical uses to the south and residential uses to the west; across Cottle Road. Multi-family residential uses lie across SR 85, which bounds the site to the north. The nearest sensitive receptors are the medical uses to the south,
approximately 270 feet from the center of the project site, and approximately 100 feet from the southern edge of the project site. Residences to the west (across Cottle Road) are over 450 feet from the center of the project site, and approximately 200 feet to the western edge of the site. Residences to the north (across SR 85) are over 450 feet from the center of the site, and over 450 feet from the northwest corner of the project site. Existing noise sources in the area include railway noise from the adjacent Cottle Station, and roadway noise along SR 85 and Cottle Road. Given these dominant transportation-related noise sources, noise resulting from the medical uses to the south and residential uses to the west and north (i.e., people talking, HVAC noise, property maintenance, occasional truck movements) is not expected to contribute noticeably to the overall noise environment experienced at the project site.

**DISCUSSION**

a) Would the project expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards?

As previously discussed in Section 4.1, the Supreme Court decision in “CBIA vs. BAAQMD” determined that CEQA is primarily concerned with the impacts of a project on the environment and not the reverse 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. However, General Plan polices under Goal EC-1(EC-1.1-1.7) (listed above) 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. The analysis of noise exposure for future project residents discloses information on the project’s compliance with General Plan polices (listed above).

Implementation of the proposed project would facilitate future infill TOD that would primarily be affected by traffic on SR 85, which borders the project site to the north, and Cottle Road, which borders the project site to the west. Railway noise from the rail line in the SR 85 median also contributes to the site’s environmental noise conditions. As shown in Appendix B, Noise Data, of this Initial Study the existing noise level contours, the entire project site would be within the 65 dBA CNEL contour due to traffic on SR 85, and part of the site would be within the 70 dBA CNEL contour. Therefore, the site would fall within the ‘conditionally acceptable’ range for noise compatibility for residential uses, which would mandate the need for a detailed acoustical analysis as well as the inclusion of adequate acoustical treatments aimed at acceptable exterior-to-interior noise reduction performance. Future acoustical analysis and overall detailed architectural design would also need to account for proper ventilation features so as to allow adequate air exchanges with these façade-related windows being closed. The detailed acoustical analysis would need to encompass the entire residential uses to define which units would need acoustical treatments and the extent of those noise reduction measures.

Future development of the site would be required to comply with the General Plan noise Policies EC-1.1, EC-1.2, EC-1.9, and EC-1.14 (listed above). Specifically, General Plan Policy EC-1.1 requires the preparation of an acoustical analysis to determine appropriate noise attenuation measures to ensure interior noise levels of 45 dBA DNL for residential uses. Implementation of General Plan policies at the planning permit and building permit phases will ensure future residents on the project site would not be exposed to excessive interior noise levels.
Future development at the project site could increase the community noise environment around the area due to stationary sources such as heating, ventilation, and air conditioning (HVAC) equipment on top of the proposed buildings. Future development would likely be comparable to similar, existing equipment being used at buildings surrounding the project site, and through mandatory compliance with the City’s building regulations, would likewise be expected to be placed within appropriate sound enclosures or behind parapets such that the operations would not exceed the City’s exterior noise standards at adjacent or nearby receptor locations. Additionally, future project development could increase numbers of residents and workers in the area immediately surrounding the proposed development, as compared to existing conditions. Such an increase in potential number of residents (a stationary noise source) may result in increased, but localized, noise generation from people talking and other such activities on the project site. However, such localized noise sources would be inconsequential in relation to the existing (and future) overall noise environments that are (and would be) dominated by existing freeway, railway, and roadway flows. Mandatory compliance with local applicable standards are aimed at controlling stationary noise sources (primarily through the SJMC) and at managing traffic-related noise emissions would ensure that impacts would be less than significant.

b) Would the project expose people to or generate excessive groundborne vibration or ground borne noise levels?

Potential vibration impacts associated with development projects are usually related to the use of heavy construction equipment during demolition and grading phases of construction (including the operation of large trucks over uneven surfaces) and/or (project operations that would involve large sources of vibration such as heavy, out-of-balance rotating machinery, metal-forming presses/punches/shears, and impact devices. Most of these types of vibration sources are almost always associated with industrial land uses (which would not result from implementation of the proposed project).

For potential future project-generated vibration impacts to nearby receptors, future infill TOD would not include equipment that could generate substantial levels of long-term groundborne vibration levels. Therefore, vibration from future onsite project sources would be less than significant.

Construction activities can generate groundborne vibration that varies depending on the construction procedures, equipment used, and proximity to vibration-sensitive uses. Such vibrations may have two types of potential impacts: (a) architectural damage to nearby buildings and (b) annoyance to vibration-sensitive receptors. The most intense vibration from future construction activities would be generated by blasting and pile driving. The threshold at which there is a risk of architectural damage to normal houses with plastered walls and ceilings is 0.200 in/sec, as set by both the FTA and Policy EC-2.3 of the General Plan. The nearest off-site structures to construction activities would be the Kaiser Permanente medical buildings approximately 90 feet southeast of the project boundary. Under normal construction activities, at a distance of 90 feet, the vibration level generated by a vibratory roller is 0.031 PPV, and the level generated by a large bulldozer is 0.013 PPV. These vibration levels are well below the architectural damage threshold of 0.200 PPV at this nearest receptor distance, and smaller equipment or more distant activity would result in still-lower construction-generated vibration levels. However, mandatory compliance with General Plan Policy EC-2.3 would ensure architectural-damage vibration impacts would be less than significant.
Annoyance vibration can range from no perceptible effects at the lowest levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight damage at the highest levels. Vibration is typically noticed — and can be deemed as annoying — when objects in a building generate noise from rattling windows or picture frames. It is typically not perceptible outdoors, and therefore impacts are based on the distance to the nearest building.\(^{117}\) The effect on buildings near a construction site depends on soil type, ground strata, and receptor building construction. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. As such, vibration annoyance is typically assessed via a spatial-averaging methodology (i.e., as heavy construction equipment moves around the project site, average vibration levels at the nearest structures would diminish with increasing distance between structures and the equipment). This methodology is implemented by using the distance from the center of the construction zone to the nearest sensitive receptors.

The nearest sensitive uses to the site, the Kaiser Permanente medical buildings, are approximately 270 feet from the center of the project site. Although this can be considered as an ‘office’ usage (having a threshold of 84 VdB), to be conservative, the daytime-residential threshold of 78 VdB is used in this discussion.\(^{118}\) At this distance, the average vibration level generated by a vibratory roller is 63 VdB, and the level generated by a large bulldozer is 56 VdB. These average vibration levels are well below the vibration annoyance threshold of 78 VdB.\(^{119}\) More distant receptors, including the residences across Cottle Road (475 feet) and across SR 85 (600 feet), would experience still-lower construction-generated vibration levels due to large propagation distances. Given that the average vibration levels are below the significance threshold for all nearby receptors, it is likely that no annoyance vibration impacts would occur.

Criterion (c) above addresses potential noise impacts to surrounding uses, resulting from future developments at the proposed project site. Due to the location of the site, future development of the site with infill TOD is not anticipated result in a significant increase in additional noise above existing ambient noise levels. Mandatory Compliance with General Plan Policies EC-1.2 and EC-1.7 would reduce any potential increase in ambient noise to a less-than-significant level.

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\(^{118}\) Since construction activities would only occur during daytime hours, only daytime-focused criteria would be applicable.

d) Would the project create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Future development under the proposed project would be required to comply with the SJMC Section 20.100.450, which prohibits construction within 500 feet of residences, except between 7:00 a.m. and 7:00 p.m. on Monday through Friday to limit noise disturbance from construction activities. In addition, best management practices, required per General Plan Policy EC-1.7 for projects in San José to further reduce potential impacts from construction noise, could include the following:

- Where feasible, erect a temporary noise barrier/curtain between the construction zone and residential receptors that share a boundary with the project site. The temporary sound barrier shall have a minimum height of 16 feet and be free of gaps and holes and must achieve a Sound Transmission Class (STC) of 35 or greater. The barrier can be (a) a ¾-inch-thick plywood wall OR (b) a hanging blanket/curtain with a surface density of at least 2 pounds per square foot. For either configuration, the construction side of the barrier shall have an exterior lining of sound absorption material with a Noise Reduction Coefficient (NRC) rating of at least 0.7.

- Notify residents within 500 feet of the boundary of the project site regarding the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the duration and hours when construction would occur. The notification should include the telephone number of the project applicant’s authorized representative to respond in the event of a vibration or noise complaint. If the authorized representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City.

- Post a sign at the entrance to the job site—clearly visible to the public—that contains the above contact name and telephone number of the authorized representative that is responsible for responding vibration or noise complaints.

- To the extent feasibly, limit construction-related trips (including worker commuting, material deliveries, and debris/soil hauling) from residential areas around the project site.

- All heavy construction equipment used on the proposed project shall be maintained in good operating condition, with all internal combustion, engine-driven equipment fitted with intake and exhaust muffles, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.

- Limit all internal combustion engine idling both on the site and at nearby queuing areas to no more than five minutes for any given vehicle or machine. Signs shall be posted at the job site and along queueing lanes to reinforce the prohibition of unnecessary engine idling.

- Where feasible, use electrically powered equipment instead of pneumatic or internal combustion powered equipment.

- Where feasible, all stationary noise-generating equipment shall be located as far away as possible from neighboring property lines.

- The use of noise producing signals, including horns, whistles, alarms, and bells will be for safety warning purposes only. Use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters.
Future construction activities would be limited to standard construction equipment (i.e., dozers, graders, pavers, and rollers) and would be required to conform to the time-of-day restrictions of the SJMC (during the daytime (when people are least sensitive to construction noise). Furthermore, future development would be required with typical best management practices to limit construction noise required by the General Plan Policy EC-1.7. For these reasons, future construction noise impacts would be less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The project site is not located within the airport land use plan of any airport. Accordingly, implementation of the proposed project would result in no impact.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Given the distance from any airports, future development on the project site would not expose residents to excessive heliport- or airstrip-related noise levels. Therefore, implementation of the proposed project would result in no impact.
XIII. POPULATION AND HOUSING

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<tr>
<td>a) Would the project induce substantial unexpected population growth or growth for which inadequate planning has occurred, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
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<td>b) Would the project displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?</td>
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<td>c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
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ENVIRONMENTAL SETTING

The following is a summary of the relevant regional and local regulations pertaining to population and housing. There are no federal or State regulations governing this topic relevant to the project.

Regulatory Framework

Regional

Association of Bay Area Governments Projections 2013

ABAG is the official regional planning agency for the San Francisco Bay Area region, which is composed of the nine Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Sonoma, and contains 101 cities. ABAG produces growth forecast on 4-year cycles so that the other regional agencies, including the MTC and the BAAQMD, can use the forecasts to make project funding and regulatory decisions. The General Plans, zoning regulations and growth management programs of local jurisdictions inform ABAG’s projections. The projections are also developed to reflect the impact of “smart growth” policies and incentives that could be used to shift development patterns from historical trends towards a better jobs-housing balance, increased preservation of open space, and greater development and redevelopment in urban core and transit-accessible areas throughout the region.

Plan Bay Area

As previously discussed in Section 4.1, Introduction, and Section V, Greenhouse Gas Emissions, an overarching goal of the Plan Bay Area 2040, the Bay Area’s Regional Transportation Plan/Sustainable Community Strategy, is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth to outlying areas where substantial transportation
investments would be necessary to achieve the per capita passenger vehicle, VMT, and associated GHG emissions reductions. Accordingly, the majority of new population and employment growth in the region projected under Plan Bay Area 2040 is located in transit-oriented, infill development PDAs within existing communities. The project site is within the VTA City Cores, Corridors & Station Areas PDA. The Plan Bay Area 2040 envisions this PDA as station areas adjacent to VTA light rail, Caltrain, and future BRT stations that would serve as focal points for new and future residential and employment infill.

Local

General Plan

The Housing (H) section of the General Plan includes the following goals and policies specific to population and housing factors and applicable to future development facilitated by the proposed project:

- **Goal H-1 Social Equity and Diversity** – Provide housing throughout our City in a range of residential densities, especially at higher densities, and product types, including rental and for-sale housing, to address the needs of an economically, demographically, and culturally diverse population.

  - **Policy H-1.1**: Through the development of new housing and the rehabilitation of existing housing, facilitate the creation of economically, culturally, and demographically diverse and integrated communities.

- **Goal H-3 High Quality Housing and Great Places** – Create and maintain safe and high quality housing that contributes to the creation of great neighborhoods and great places.

  - **Policy H-3.2**: Design high density residential and mixed residential/commercial development, particularly development located in identified Growth Areas, to:

    1. Create and maintain safe and pleasant walking environments to encourage pedestrian activity, particularly to the nearest transit stop and to retail, services, and amenities.
    2. Maximize transit usage.
    3. Allow residents to conduct routine errands close to their residence, especially by walking, biking, or transit.
    4. Integrate with surrounding uses to become a part of the neighborhood rather than being an isolated project.
    5. Use architectural elements or themes from the surrounding neighborhood when appropriate.
    6. Provide residents with access to adequate on- or off-site open space.
    7. Create a building scale that does not overwhelm the neighborhood.

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8. Be usable by people of all ages, abilities, and needs to the greatest extent possible, without the need for adaptation or specialized design.

- **Goal H-4 Environmental Sustainability** – Provide housing that minimizes the consumption of natural resources and advances our City’s fiscal, climate change, and environmental goals.

- **Policy H-4.2:** Minimize housing’s contribution to greenhouse gas emissions, and locate housing, consistent with our City’s land use and transportation goals and policies, to reduce vehicle miles traveled and auto dependency.

- **Policy H-4.3:** Encourage the development of higher residential densities in complete, mixed-use, walkable and bikeable communities to reduce energy use and greenhouse gas emissions.

### Existing Conditions

According to the US Census Bureau’s decennial data, the City had approximately 1,000,860 residents and 325,256 housing units in 2015. The estimated vacancy rate in 2015 was 3.4 percent and the average number of persons per was estimated at 3.07. Based on the City’s General Plan, the projected population in 2035 would be 1.3 million persons occupying 429,350 households.

The jobs to 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 often quantified by the jobs to employed resident ratio. When the ratio is below 1.0, the number of employed residents is higher than the number of jobs in the city meaning that people must commute outside of the city for work. In 2014, San José had a jobs to employed resident ratio of 0.84 which; however, employment growth is one of the central strategies of the General Plan, which includes a goal of adding 470,000 jobs by the buildout year of 2040. This would establish a jobs-to-employed-resident ratio of 1.3 to 1.

The proposed project is currently developed with a surface parking lot and has no housing units or residents currently exist on the project site.

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124 Association of Bay Area Governments (ABAG), Projections 2013, Subregional Study Area Table, Santa Clara County, Persons Per Household 2015.

125 City of San José, 2011. Envision San José 2040 General Plan, Appendix 5, Growth Areas Planned Capacity by Horizon, page 3.

126 City of San José Four-Year General Plan Review, San José Market Overview and Employment Lands Analysis, January 20, 2016, page 18.

127 City of San José, 2011. Envision San José 2040 General Plan, Chapter 1, General Purpose and Use, page 17.
a) *Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Future development facilitated by the proposed project would be capped at to 495 multi-family units, which could generate up to 1,515 new residents, assuming the average household size of 3.06 persons per household. As discussed in Section VIII, Land Use, the proposed project is a General Plan amendment to redesignate the project site from Neighborhood/Community Commercial (NCC) and Public/Quasi-Public (PQP) to Transit Residential (TR). The maximum allowable residential density under the TR designation would be 250 du/ac, which could result in the development of up to 1,120 multi-family units. Accordingly, development of up to 495 multi-family units falls within these buildout parameters. Therefore, with the approval of the proposed project, future development of up to 495 multi-family units would be consistent with proposed land use designation for the project site.

The project site is well served by utility and transportation infrastructure. Future development under the proposed project would be infill TOD and would not indirectly induce substantial growth through the extension of roads or other new infrastructure that would lead to additional growth outside the project site. Accordingly, indirect impacts related to substantial population growth would be less than significant.

As described above, the project site is within the VTA City Cores, Corridors & Station Areas PDA, which is intended to support concentrated residential and employment infill growth. Therefore, implementation of the proposed project would be consistent with these regional growth projections and would not induce substantial regional population growth. In addition, the City’s General Plan includes goals and policies that support housing that increases other mobility options such as walking, biking and using transit and in turn reduces GHG emissions, VMT, and auto dependency (See Goal H-4 and Policies H-4.2 and H-4.3 listed above). The proposed project would be consistent General Plan Policies H-4.2 and H-4.3, because it would facilitate an infill TOD project and increase transit ridership, which would contribute in efforts to reduce vehicle trips, VMT, and mobile sources of GHG emissions overall due to its proximity to transit.

As discussed in the other sections of this Initial Study, implementation of the proposed project would not result in physical impacts to the environment as a result introducing new housing and population on the project site. While implementation of the proposed project would result in new housing and population, it would be TOD infill housing that would not substantially induce new population growth either directly or indirectly because this is growth that has been accounted for regionally and is supported by the City’s General Plan. Accordingly, impacts related to substantial population growth would be less than significant.

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128 4.48 acres x 250 dwelling units per acre = 1,120 total dwelling units; however, the maximum evaluated in this Initial Study is 495 total dwelling units.

129 495 dwelling units x 3.06 persons per household = 1,515 total residents.
b) Would the project displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?

The project site currently does not contain any residential units and implementation of the proposed project would not displace housing or people. Therefore, no impact would occur.

c) Would the proposed project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No residents currently occupy the project site. Therefore, people would not be displaced as a result of implementation of the proposed project and no impact would occur.
XIV. PUBLIC SERVICES

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ENVIRONMENTAL SETTING

The following is a summary of the relevant State, and local regulations pertaining to public services. There are no federal regulations governing this topic relevant to the project.

Regulatory Framework

State

California Fire Code

Part 9 of the California Building Code contains the California Fire Code, which includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Typical fire safety requirements include: installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas.

California Government Code Section 65995 to 65998 (School Facilities)

The 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. Sections 65995 to 65998 sets forth provisions for the payment of school impact fees by new development by “mitigating impacts on school facilities that occur (as a result of) the planning, use, or development of real property” [Section 65996(a)]. The legislation goes on to say that the payment of school impact fees “are hereby deemed to provide full and complete school facilities mitigation” under
CEQA [Section 65996(b)]. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code. In accordance with California Government Code Section 65996, developers pay a school impact fee to the school district to offset the increased demands on school facilities caused by their proposed residential development project.

Local

General Plan

The Education and Services (ES) section of the General Plan includes goals, policies, and programs relevant to the public services factors and applicable to future development facilitated by the proposed project:

- **Goal ES-2 Libraries** – Maintain and expand Library Information Services within the City to:
  - Enrich lives by fostering lifelong learning and providing every member of the San José community access to a vast array of ideas and information
  - Give all members of the community opportunities for educational and personal growth throughout their lives
  - Develop partnerships to further the educational, cultural and community missions of organizations in San José
  - Support San José State University Library’s educational mission in expanding the base of knowledge through research and scholarship.
  - Locate branch libraries in central commercial areas of neighborhoods for essential public access to library resources, events, and community meeting spaces, and to stimulate economic development.
  - Maximize branch library hours of operation to facilitate daily patronage.

- **Policy 2.2**: 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 square feet of space per capita in library facilities.

- **Goal ES-3 Law Enforcement and Fire Protection** – Provide high-quality law enforcement and fire protection services to the San José community to protect life, property and the environment through fire and crime prevention and response. Utilize land use planning, urban design and site development measures and partnerships with the community and other public agencies to support long-term community health, safety and well-being.

- **Policy ES-3.1**: Provide rapid and timely Level of Service 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.
3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.

4. Measure service delivery to identify the degree to which services are meeting the needs of San José’s community.

5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

   - **Policy ES-3.2**: Strive to ensure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with law enforcement and fire service operations.

   - **Policy ES-3.3**: Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.

### Municipal Code

#### Title 17, Buildings and Construction

The SJMC includes Title 17, Buildings and Construction, which is relevant to the provision of public services and relevant public services factors. The SJMC Chapter 17.12 adopts the California Fire Code described above as part of the SJMC to regulate permit processes, emergency access, hazardous material handling, and fire protection systems, including automatic sprinkler systems, fire extinguishers, and fire alarms. Project applications for development in San José are plan-checked by SJFD for mandatory compliance with the California Fire Code.

### Existing Conditions

#### Fire Protection Services

Fire protection service for the project site is provided by the San José Fire Department (SJFD). The SJFD protects 206 square miles (178 square miles incorporated) and approximately 1.2 million residents (City and county areas).\(^\text{130}\) The SJFD has 33 stations within the city and also participates in a mutual aid program with Saratoga, Morgan Hill, Campbell, Milpitas, and Santa Clara. Through this program, should the SJFD need assistance above and beyond what is available within the city; one or more of the mutual aid cities would provide assistance. The department responds to over 79,000 calls each year and the adopted annual operating budget for SJFD in 2014-2015 in $178,000,000.\(^\text{131}\) SJPD Fire Station No. 35, located at 135 Poughkeepsie Road, is approximately 0.7 miles north of the project site. Total daily on-duty staffing level for Fire Station No. 35 is eight personnel.\(^\text{132}\) Fire Station No. 35 would be the primary

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\(^{132}\) Lee, Ivan, Fire Marshal, San José Fire Department, Personal communication with PlaceWorks, March 1, 2017.
responding station to the project site. SJFD has 31 engine companies, 9 truck companies, an Urban Search and Rescue Company, a Hazardous Incident Team, Aircraft Rescue Fire Fighting trained personnel and equipment at the Norman Y. Mineta International Airport, and five transport-capable Advanced Life Support Squads.\footnote{City of San José, April 2015. Memorandum: San José Fire Department Strategic Business Plan, http://sanjoseca.gov/DocumentCenter/View/42137, page 7, accessed on February 2, 2017.} The General Plan identifies a goal for fire response time of 8 minutes and a total travel time of 4 minutes for 80 percent of emergency incidents.\footnote{Envision San José 2040 General Plan, November 2011, Chapter 4 (Quality of Life), Goal ES-3, Policy ES-3.1, page 37.} Fire Station No. 35 experienced a total of 413 incidents (fire and other) in 2016; the average call processing time was 2 minutes and 15 seconds; the average turnout time (response time) was 1 minute and 47 seconds; the average travel time was 5 minutes and 22 seconds.\footnote{City of San José Fire Department Fire Station No. 23 Response Metrics, December 14, 2016, http://www.sanJoseca.gov/DocumentCenter/View/36886, accessed on February 17, 2017.}

**Police Protection Services**

Police protection service for the project site is provided by the San José Police Department (SJPD), headquartered at 201 West Mission Street and approximately 7 miles north of the project site. Officers patrolling the city are dispatched from police headquarters. The City has four patrol divisions, which consist of a total of 16 patrol districts.\footnote{City of San José Police Department, Bureau of Field Operations, http://www.sjpd.org/BFO/, accessed on February 20, 2017.} The patrol districts consist of 83 patrol beats, and the patrol beats consist of 357 patrol beat building blocks.\footnote{City of San José, 2011. *Envision San José 2040 General Plan EIR*, Section 3.9.1.2, Police Protection, page 595, June.} While the SJPD is authorized to have 1,109 sworn members the SJPD currently has 870 sworn positions filled. The SJPD has 50 officers either in the Academy or the Field Training program and has 189 vacancies.\footnote{Garcia, Edgardo, Chief of Police, San José Police Department. Personal communication with PlaceWorks, February 2, 2017.} The General Plan identifies a goal for police response time of 6 minutes or less for 60 percent of all Priority 1 calls, and of 11 minutes or less for 60 percent of all Priority 2 calls.\footnote{Envision San José 2040 General Plan, November 2011, Chapter 4 (Quality of Life) Goal ES-3, Policy ES-3.1, page 37.} The project site is served by the District X-Ray officers (beat X1). As of the first quarter of the 2016 to 2017 Fiscal Year, the response times in District X-Ray are estimated at 8.87 minutes for Priority 1 and 23.97 minutes for Priority 2 calls.\footnote{Garcia, Edgardo., Chief of Police, San José Police Department. Personal communication with PlaceWorks, February 2, 2017.}

**School Services**

The project site is located within the Oak Grove School District (OGSD) and San José Unified School District (SJUSD) service boundaries. Students enrolled in Pre-Kindergarten to eighth grade would attend schools within the SJUSD service area. Students enrolled in ninth to twelve grade would attend schools within the OGSD service area.
The OGSD has a total student enrollment of 10,628 from Pre-Kindergarten to eighth grade. There are 16 elementary schools and three intermediate schools. The closest schools to the project site are Santa Teresa Elementary School located 0.7 miles to the southeast, and Bernal Intermediate School located 1.3 miles to the southeast. The SJUSD serves 31,539 students in grades Pre-Kindergarten to twelve grade among a total of 42 schools. The closest high school to the project site is Leland High School located 2.75 miles to the southwest.

Measure P allows OGSD to continue to modernize facilities. The OGSD collects developer fees of $2.13 per square foot for residential projects. The SJUSD unrestricted general fund for the 2016 to 2017 fiscal year is now projected to be $301,047,017. The unrestricted general fund consistently has revenue that exceeds expense. As of the first interim report, that amount is almost $25 million, which is used to support other funds with contributions, primarily routine repair and maintenance along with special education. Funds 251, or developer fees, are collected per state law and in coordination with the City to mitigate the impact of property development within the district’s boundaries. The total revenue collected for developer fees for the 2016 to 2017 First Interim Budget is 3,909,578. SFUSD collects developer fees of $3.48 per square foot for residential projects.

**Library Services**

The San José Public Library System (SJPL) consists of one main library and 18 open branch libraries. An additional three branches are closed for expansion and one new library is being constructed. A new branch library is also planned for the Evergreen area of San José. The Pearl Avenue Branch Library, located at 4270 Pearl Avenue, is approximately 0.5 miles to the northwest of the project site. In 2000, San José voters approved the Branch Library Bond Measure to provide funding over 10 years to construct six new branch libraries and expand 14 existing libraries in the City. As of April 2010, work on 15 branch libraries was completed, four branch libraries were undergoing construction or expansion, and an additional library was in the planning stages. When construction under the Bond Measure is complete, the City will

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145 Pham, Mariane, Executive Division Secretary, Oak Grove Unified School District. Personal communication with PlaceWorks, February 23, 2017.
have over 950,000 square feet of library space.\textsuperscript{150} The General Plan identifies benchmarks for library services, which are 10,000 square feet of library space per 36,000 population, and 18.3 weekly service hours per 10,000 population.\textsuperscript{151}

\textbf{DISCUSSION}

The primary purpose of a public services impact analysis is to examine the impacts associated with physical improvements to public service facilities required to maintain acceptable service ratios, response times or other performance objectives. Public service facilities need improvements (i.e., construction, renovation or expansion) as demand for services increase. Increased demand is typically driven by increases in population. The proposed project would have a significant environmental impact if it would exceed the ability of public service providers to adequately serve residents, thereby requiring construction of new facilities or modification of existing facilities.

As discussed in Section X, Population and Housing, the proposed project would result in a net increase of 1,515 new residents\textsuperscript{152} at the project site. This represents a 0.15 percent growth increase to the population in San José.\textsuperscript{153}

\textit{a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, and libraries?}

\textbf{Fire Protection Services}

According to the SJFD, the construction and operation of future development facilitated by the proposed project would not prevent the SJFD from maintaining acceptable service ratio, response times, or other performance objectives that would require the new construction of or modifications to an existing fire station.\textsuperscript{154} Furthermore, mandatory compliance with current building codes and City policies and actions (listed above) to avoid unsafe building conditions, promote public safety and maintain adequate fire protection services for the San José area would ensure implementation of the proposed project would result in \textit{less-than-significant} impacts to the fire protection services.

\textbf{Police Protection Services}

While future development would increase the number of persons and level of activity on the project site, given the project site has been in regular use and surrounded by the types of uses associated with residential and commercial land uses, it is reasonable to expect that future development would not result in a substantial increase in the amount of crime in the proposed project area. According to the SJPD, the

\begin{itemize}
  \item[\textsuperscript{150}] City of San José, 2011. \textit{Envision San José 2040 General Plan EIR}, Section 3.9.1.5, Libraries, page 603, June.
  \item[\textsuperscript{151}] Bourne, Jill, City Librarian, San José Public Library. Personal communication with PlaceWorks, February 16, 2017.
  \item[\textsuperscript{152}] 495 dwelling units x 3.06 persons per household = 1,515 total residents.
  \item[\textsuperscript{153}] (1,515 proposed future residents/1,000,860 San José 2015 population) X 100 = 0.151 percent of proposed future residents
  \item[\textsuperscript{154}] Lee, Ivan, Fire Marshal, San José Fire Department, Personal communication with PlaceWorks, March 1, 2017.
\end{itemize}
construction and operation of future development facilitated by the proposed project would not prevent the SJPD from maintaining acceptable service ratio, response times, or other performance objectives that would require the new construction of or modifications to an existing fire station.\textsuperscript{155} Mandatory compliance with current building codes and City policies (listed above) to promote public and property safety and maintain the SJPD facilities would ensure implementation of the proposed project would result in \textit{less-than-significant} impacts to the police services.

\textbf{School Services}

Future development facilitated by the proposed project could increase the demand on local school facilities. As provided in Section 65996 of the California Government Code, the payment of Developer Impact Fees is deemed to fully mitigate the impacts of new development on school services. As discussed above, SJUSD collects developer fees ($3.48 per square foot) on residential projects and OGSD collects developer fees ($2.13 per square foot) on residential projects. Under Section 65996 of the California Government Code, the payment of such fees is deemed to fully mitigate the impacts of new development on school facilities. Therefore, the impacts to the SJUSD would be \textit{less than significant}.

\textbf{Library Services}

As discussed above, the General Plan benchmarks for library services are 10,000 square feet of library space per 36,000 population, and 18.3 weekly service hours per 10,000 population. SJPL is currently not meeting the goal related to weekly service hours; however, this goal is not related to the construction or expansion of a new facility resulting in a physical impact on the environment. Therefore, while future development facilitated by the proposed project could increase the demand for library facilities, the SJPL would not need to construct additional facilities to maintain current service objectives.\textsuperscript{156} Therefore impacts would be \textit{less than significant}.

\textsuperscript{155} Garcia, Edgardo, Chief of Police, San José Police Department. Personal communication with PlaceWorks, February 2, 2017.

\textsuperscript{156} Bourne, Jill, City Librarian, San José Library Services. Personal communication with PlaceWorks, February 14, 2017.
XV. PARKS AND RECREATION

<table>
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<tr>
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<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 would occur or be accelerated?</td>
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<tr>
<td>b) Would 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>
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ENVIRONMENTAL SETTING

The following is a summary of the relevant local regulations pertaining to parks and recreation. There are no federal or State regulations governing this topic relevant to the project.

Regulatory Framework

Local

General Plan

The Parks, Open Space, and Recreation (PR) section of the General Plan includes the following goals and policies relevant to parks and recreation factors and applicable to future development facilitated by the proposed project:

- **Goal PR-1 High Quality Facilities and Programs** – Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant natural, historic, scenic and other open space resources; and meet the parks and recreation services needs of San José’s residents, workers, and visitors.
  - **Policy PR-1.1**: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
  - **Policy PR-1.8**: Enhance existing parks and recreation facilities in built-out areas through new amenities and other improvements to ensure that residents’ needs are being met.

- **Goal PR-3 Provide and equitable Park System** – Create a balanced park system that provides all residents access to parks, trails, open space, community centers, dog parks, skate parks, aquatics facilities, sports fields, community gardens, and other amenities.
Policy PR-3.2: Provide access to an existing or future neighborhood park, a community park, recreational school grounds, a regional park, open space lands, and/or a major City trail within a ⅓-mile radius of all San José residents by either acquiring lands within ½-mile or providing safe connections to existing recreation facilities outside of the ½-mile radius. This is consistent with the United Nation’s Urban Environmental Accords, as adopted by the City for recreation open space.

Goal VN-1 Vibrant, Attractive, and Complete Neighborhoods – Develop new and preserve and enhance existing neighborhoods to be vibrant, attractive and complete.

Policy VN-1.1: Include services and facilities within each neighborhood to meet the daily needs of neighborhood residents with the goal that all San José residents be provided with the opportunity to live within a ½-mile walking distance of schools, parks, and retail services.

Municipal Code

Chapter 19.38, Parkland Dedication Ordinance and Park Impact Ordinance

The SJMC includes Chapter 19.38, Parkland Dedication, which includes the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) that requires residential developers to dedicated public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland creating the residential projects. Per SJMC Section 19.38.310 is based on the number of dwelling units and the average number of persons per household that will reside in the proposed residential development.

Greenprint 2009 Update Plan for Parks, Recreation Facilities, and Trails

In December 2009, the City Council adopted the City Greenprint 2009 Update Plan for Parks, Recreation Facilities, and Trails (Greenprint 2009 Update) The Greenprint 2009 Update is the City’s 20-year strategic plan for parks, recreational facilities, and programs. The Greenprint 2009 Update is a guide for City staff and policy makers in the day to day decision making process, which provides opportunities to improve resident health and wellness through parks, recreational programs and facilities.

Existing Conditions

As of 2015, the City provides and manages regional, neighborhood and community parkland, community gardens and open space lands. Some recreation facilities available to San José residents are also provided by other public agencies, such as playgrounds and fields on public school sites, County parks, and City trails on SCVWD and PG&E Company lands. The City Departments of Parks, Recreation and Neighborhood Services, General Services and Public Works are responsible for the design, construction, operation, and maintenance of all City parks and recreational facilities.¹⁵⁷

The City has 196 neighborhood/community serving parks and nine citywide/regional parks. The total acreage of regional and neighborhood/community serving parkland is 3,486.¹⁵⁸ Amenities can include

¹⁵⁷ City of San José, 2011. Envision San José 2040 General Plan, Chapter 4 (Quality of Life), page 48, June.
¹⁵⁸ City of San José, Parks, Recreation & Neighborhood Services, Fast Facts, October 1, 2015.
basketball courts, barbecues, exercise (par) courses, picnic tables, playgrounds, restrooms, soccer fields, softball fields, swimming pools, and tennis courts. In addition to parks, recreational facilities include community centers, trails, and open space preserves.159

The City’s General Plan has established level of service benchmarks for parks and community centers. The City has a service level objective of 3.5 acres of neighborhood and community serving recreational lands per 1,000 residents, of which a minimum is 1.5 acres of City-owned neighborhood, community, or locally serving regional/city-wide park lands and up to 2 acres of school playgrounds, and all of which are located within a reasonable walking distance from the surrounding residences; 7.5 acres of regional/city-wide parkland per 1,000 population; and 500 square feet of community center floor area per 1,000 population.160

The City has sufficient neighborhood/community and combined City and other City/regionwide parkland. The City is deficient in school recreation and City-owned Citywide/regionwide parkland.161

The closest park to the project site is the City owned Palmia Park, located 0.4 miles southwest of the project site. This 4.1-acre park offers picnic tables, an unlighted tennis court and two-half court basketball courts.162

DISCUSSION

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

Future development facilitated by the proposed project could bring as many as 1,515 new residents to the southern San José area that could use the City’s existing park and community centers.163 To ensure that there are adequate parks for the residents of San José, the future development would be required to comply with the Parkland Dedication Ordinance (PDO), which requires new housing projects to provide 3.0 acres of neighborhood/community serving parkland per 1,000 population or pay the equivalent Parkland In-Lieu Fee, per SJMC Chapter 19.38.164 Per SJMC Section 19.38.345, Use of Parkland Fees, the Parkland In-Lieu Fees supports the development, acquisition, and renovation of park facilities and recreational facilities. Future development facilitated by the proposed project would be required to comply with the PDO requirements. Therefore, impacts to park facilities in San José would be less than significant.

159 City of San José Greenprint, 2009 Strategic Plan Update, Chapter 4 (Facilities and Programs), pages 47- 48.
160 City of San José, 2011. Envision San José 2040 General Plan, Chapter 4 (Quality of Life), page 49.
161 City of San José, 2011. Envision San José 2040 General Plan Draft Program EIR, Section 3 (Environmental Setting, Impacts, and Mitigation), Table 3.9-3, page 599, June.
163 495 dwelling units x 3.06 persons per household = 1,515 total residents.
164 City of San José Municipal Code (SJMC), Title 19 (Subdivisions), Chapter 19.38 (Parkland Dedication).
b) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

As described above, there 196 neighborhood/community serving parks and nine citywide/regional parks totaling 3,486 acres of parkland in San José.¹⁶⁵ Future residents of the proposed project would therefore be expected to use these parks; however, given the vast amount of the parkland compared to the potential new residents on the project site, implementation of the proposed project would not result in their substantial deterioration. The increase in usage that could potentially result from the proposed project would not result in the construction of new recreational facilities over and above established goals for maintaining existing recreation facilities in the General Plan. Therefore, impacts to park facilities in San José and the surrounding area would be less than significant.

¹⁶⁵ City of San José, Parks, Recreation & Neighborhood Services, Fast Facts, October 1, 2015.
## XVI. TRANSPORTATION AND CIRCULATION

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<tr>
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<th>Less Than Significant Mitigation Incorporated</th>
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**a)** Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

| | ☐ | ☐ | ■ | ☐ |

**b)** Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

| | ☐ | ☐ | ■ | ☐ |

**c)** Would the project 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?

| | ☐ | ☐ | ☐ | ■ |

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

| | ☐ | ☐ | ■ | ☐ |

**e)** Would the project result in inadequate emergency access?

| | ☐ | ☐ | ☐ | ■ |

**f)** Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

| | ☐ | ☐ | ☐ | ■ |

### ENVIRONMENTAL SETTING

The following is a summary of the relevant State and local regulations pertaining to transportation and circulation. There are no federal regulations governing this topic relevant to the project.

### Regulatory Framework

**State**

The California Department of Transportation (Caltrans) is the primary State agency responsible for transportation issues. One of its duties is the construction and maintenance of the State highway system, including State Route (SR) 85 (Norman Y. Mineta Highway) that borders the project site to the north. Caltrans approves the planning, design, and construction of improvements for all State-controlled facilities.
including SR 85. Caltrans has established standards for roadway traffic flow and developed procedures to determine if State-controlled facilities require improvements. For projects that may physically affect facilities under its administration, Caltrans requires encroachment permits before any construction work may be undertaken. For projects that would not physically affect facilities, but may influence traffic flow and levels of services at such facilities, Caltrans may recommend measures to mitigate the traffic impacts of such projects.

Caltrans maintains a minimum level of service described as LOS, at the transition between LOS C and LOS D for all of its facilities. Where an existing facility is operating at less than the LOS C/D threshold, the existing measure of effectiveness should be maintained.

Regional

The Metropolitan Transportation Commission (MTC) 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. The most recent edition of the Regional Transportation Plan, known as Transportation 2035, was adopted in April 2009. Transportation 2035 directs funding for various projects in Santa Clara County, including pavement maintenance for local streets, improvement programs for Caltrain, VTA, and countywide shuttle service programs.

In Santa Clara County, the VTA is the Congestion Management Agency (CMA) tasked with preparing the Santa Clara County Congestion Management Plan (CMP) that describes the strategies to address congestion problems and monitoring compliance. The VTA has designated a CMP roadway system for Santa Clara County, which is a subset of the broader nine-county regional transportation system managed by the MTC. The Santa Clara County CMP contains level-of-service standards for highways and arterials, multimodal performance standards, a capital improvement program, a program for analyzing land use decisions, and a Transportation Demand Management (TDM) program.

The minimum level-of-service standard for VTA-monitored CMP intersections is LOS E, except for facilities grandfathered in at LOS F, which states that intersections operating at LOS F at the baseline year for implementation of a level-of-service standard can be grandfathered in. The level-of-service standards for Santa Clara County were established in October of 1991; thus, any intersection operating at LOS F prior to the established 1991 level-of-service standards are not held to the minimum standard of LOS E. The nine member agencies, which include the cities and County of Santa Clara, must ensure that CMP roadways operate at or better than the minimum level-of-service standard. The VTA monitors the performance of CMP facilities at a minimum of every 2 years. If the minimum level-of-service standards are not being maintained on a specific roadway in the designated system, actions must be taken to address problems on that facility or plans must be developed to improve the overall level of service of the system.
Local

**City Council Policy 5-3, Transportation Level of Service**

As established in City Council Policy 5-3, Transportation Level of Service Policy, the City of San José uses the same level of service (LOS) method for assessing transportation impacts and City Council Policy 5-3 requires City signalized intersections to function at a LOS D. According to this policy and General Plan 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.

**General Plan**

The Community Design (CD) and Land Use/Transportation (TR) sections of the General Plan include the following goals and policies specific to transportation and circulation factors and are applicable to future development facilitated by the proposed project:

- **Goal CD-2 Function** – Create integrated public and private areas and uses that work together to support businesses and to promote pedestrian activity and multi-modal transportation.

- **Policy CD-2.1**: Promote the Circulation Goals and Policies in this Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of this Plan.

  1. Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness.

  2. Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb-outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles.

  3. Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parking are considered in real estate and business transactions.

- **Goal TR-1 Balanced Transportation System** – Complete and maintain a multimodal transportation system that gives priority to the mobility needs of bicyclists, pedestrians, and public transit users while also providing for the safe and efficient movement of automobiles, buses, and trucks.

- **Policy TR-1.1**: Accommodate and encourage use of non-automobile transportation modes to achieve San José’s mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

Goal TR-3 Maximize use of Public Transit – Maximize use of existing and future public transportation services to increase ridership and decrease the use of private automobiles.

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 toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Goal TR-4 Passenger Rail Service – Provide maximum opportunities for upgrading passenger rail service for faster and more frequent trains, while making this improved service a positive asset to San José that is attractive, accessible, and safe.

Policy TR-4.1: Support the development of amenities and land use and development types and intensities that increase daily ridership on the VTA, BART, Caltrain, ACE and Amtrak California systems and provide positive fiscal, economic, and environmental benefits to the community.

Goal TR-5 Vehicular Circulation – Maintain the City’s street network to promote the safe and efficient movement of automobile and truck traffic while also providing for the safe and efficient movement of bicyclists, pedestrian, and transit vehicles.

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

Vehicular Traffic Mitigation Measures. Review development proposals for their impacts on the level of service and require appropriate mitigation measures if development of the project has the potential to reduce the level of service to “E” or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.

Area Development Policy. An “area development policy” may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which identifies development impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies should be considered during the General Plan Annual Review and Amendment Process.

Small Projects. Small projects may be defined and exempted from traffic analysis per the City’s transportation policies.

Downtown. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, development within the Downtown is exempted from traffic mitigation requirements. Intersections within and on the boundary of this area are also exempted from the level of service “D” performance criteria.
- **Special Strategy Areas.** In recognition of the unique characteristics and particular goals of Special Strategy Areas, intersections identified as Protected Intersections within these areas, may be exempt from traffic mitigation requirements. Special Strategy Areas are identified in the City’s adopted General Plan and include Urban Villages, Transit Station Areas, and Specific Plan Areas.

- **Protected Intersections.** In recognition that roadway capacity-enhancing improvement measures can impede the City’s ability to encourage infill, preserve community livability, and promote transportation alternatives that do not solely rely on automobile travel, specially designated Protected Intersections are exempt from traffic mitigation measures. Protected Intersections are located in Special Planning Areas where proposed developments causing a significant LOS impact at a Protected Intersection are required to construct multimodal (non-automotive) transportation improvements in one of the City’s designated Community Improvement Zones. These multimodal improvements are referred to as off-setting improvements and include improvements to transit, bicycle, and/or pedestrian facilities.

**San José 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, as well as the following goals for improving bicycle access and connectivity: 1) Complete 500 miles of bikeways, 2) Achieve a 5 percent bike mode share, 3) Reduce bike collision rates by 50 percent, 4) Add 5,000 bicycle parking spaces, and 5) Achieve Gold-Level Bicycle Friendly Community status.

**Existing Conditions**

The following discussion is primarily based on the *Long-Range Traffic Impact Analysis* prepared by Hexagon Transportation Consultants, Inc. for the City of San José 2017 General Plan Amendments on August 18, 2017, herein referred to as Long-Range TIA. The site-specific traffic analysis including the description of the existing conditions for the project site and analysis methodology is located in Chapter 6 of the Long-Range TIA. The Long-Range TIA is included for reference in Appendix C of this Initial Study.

**Roadway Segment and Intersection Network**

Regional access to the project site is provided via SR 85 and US Highway 101 (Highway 101). Local access to the project site is provided by Cottle Road and Santa Teresa Boulevard. These roadways are described below.

- **Highway 101** is an eight-lane (three mixed-flow lanes and one High Occupancy Vehicle (HOV) lane in each direction) freeway in the vicinity of the site. It extends north through San Francisco and south through Gilroy. Regional access to the project site is provided via its interchange with SR 85.

- **SR 85** is a predominantly north-south freeway that is oriented in an east-west direction in the vicinity of the project. It extends from Mountain View to Highway 101 in south San José. SR 85 is a six-lane freeway with four mixed-flow lanes and two HOV lanes. It connects to Interstate 280 (I-280), SR 17, SR 87, and Highway 101. Access to the site is provided via its interchange Cottle Road.
- **Cottle Road** is a six-lane north-south arterial roadway in the vicinity of the site that extends from Curie Drive to Blossom Hill Road. Access to the project site is provided via the Cottle Road and SR 85 intersection.

- **Santa Teresa Boulevard** is a six-lane north-south arterial roadway that extends from South San José to SR 85, where it transitions to SR 87. Access to the project site is provided via Cottle Road.

**Bicycle and Pedestrian**

There are several bike lanes and a bike routes in the vicinity of the project site. Bicycle facilities are divided into three classes of relative significance. Class I bikeways are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Class III bikeways are bike routes and only have signs to help guide bicyclists on recommended routes to certain locations. Class II striped bike lanes roadways near the project site are shown on Figure 4-4 and listed below:

- **Cottle Road**: Along its entire length northward starting from Curie Drive
- **Santa Teresa Boulevard**: Along its entire length northward starting from Bailey Avenue
- **Beswick Drive/Raleigh Road**: Between Charlotte Drive and Blossom Hill Road

In addition, the *San José Bike Plan 2020* provides policies and improvements to bicycle facilities to improve the use of bicycles in the City. It includes an inventory of existing bicycle facilities and identifies locations for enhancement of existing facilities by expansion and or establishing potential connections. Pedestrian facilities in the project area consist primarily of sidewalks along the streets in most residential and commercial areas, as well as the aforementioned bike/pedestrian path. Sidewalks are located along virtually all previously described local roadways in the study area, including Cottle Road, Santa Teresa Boulevard and other roadways in the project vicinity.

**Transit Service**

Existing VTA transit services are described below and shown on Figure 4-5.
Figure 4-4

Existing Bicycle Facilities

Source: Hexagon Transportation Consultants, 2017; PlaceWorks, 2017.
Figure 4-5
Existing Transit Services

Source: Hexagon Transportation Consultants, 2017; PlaceWorks, 2017.
VTA Light Rail Transit (LRT) Service

The Cottle Station is within walking distance of, and adjacent to the project site. The VTA currently operates the 42.2-mile light rail line system extending from south San José through downtown to the northern areas of San José, Santa Clara, Milpitas, Mountain View and Sunnyvale. The LRT service at the Cottle Station is provided by the Alum Rock-Santa Teresa LRT line, which operates nearly 24 hours a day (4:00 a.m. to 2:00 a.m.) with 10 to 15 minute headways during peak commute and midday hours. This line provides service from the Santa Teresa station in south San José, through downtown San José to north San José, then east along the Tasman Corridor, then south along the Capitol Corridor, and terminates in east San José south of Alum Rock Avenue.

Bus Service

Multiple bus stops are located within walking distance of the project site. The closest bus stop is located at the Cottle Station, which is served by Local Routes 27 and 68. Bus routes that serve the project site are shown on Figure 4-5 and listed as follows:

- **Local Route 27** runs from Good Samaritan Hospital to Kaiser San José and operates from 6:00 a.m. to 8:30 p.m. with 30-minute headways during the weekday commute periods. The bus stop closest to the project site is located along the project frontage on Cottle Road.

- **Local Route 68** runs from Gilroy Transit Center to San José Diridon Transit Center and operates from 4:00 a.m. to 1:00 a.m. with 15-minute headways during the weekday commute periods. The bus stop closest to the project site is located along the project frontage on Cottle Road.

- **Local Route 42** runs from Kaiser San José to Evergreen Valley College and operates from 6:00 a.m. to 7:00 p.m. with 50-minute headways during the weekday commute periods. The bus stop closest to the project site is located along International Circle.

- **Local Route 66** runs from Kaiser San José to Milpitas/Dixon Road and operates from 5:00 a.m. to 12:00 a.m. with 15- to 20-minute headways during the weekday commute periods. The bus stop closest to the project site is located within the Kaiser Permanente Hospital parking area.

- **Express Route 102** runs from South San José to Palo Alto and operates six trips northbound in the morning and southbound in the evening, with 30-minute headways during the weekday commute periods. The bus stop closest to the project site is located along Santa Teresa Boulevard near its intersection with Cottle Road.

- **Express Route 122** runs from South San José to Lockheed Martin/Moffett Industrial Park and operates one trip northbound in the morning and southbound in the evening. The bus stop closest to the project site is located along Santa Teresa Boulevard near its intersection with Cottle Road.

- **Express Route 182** runs from Palo Alto to IBM/Bailey Avenue and operates one trip southbound in the morning and northbound in the evening. The bus stop closest to the project site is located at the Santa Teresa Light Rail Station.

- **Limited-Stop Route 304** provides limited service from the Sunnyvale Transit Center, through downtown San José, to the Santa Teresa Light Rail Station. Route 304 operates four trips northbound in the morning and southbound in the evening with 30- to 50-minute headways during the weekday
commute periods. The bus stop closest to the project site is located along Santa Teresa Boulevard near its intersection with Cottle Road.

Methodology

As described in Chapter 3, Project Description, the proposed project consists of an amendment to the General Plan land use designation for the project site. The specific long-range impacts resulting from the proposed General Plan land use amendment were determined based on the citywide transportation system in accordance with the guidelines set forth by the City of San José for General Plan amendment traffic analysis. The traffic impacts of the General Plan and subsequent General Plan amendments, for example, are evaluated using measures of effectiveness (MOEs) that relate specifically to the transportation goals that the City has set for itself within the General Plan and using the City’s established practices for long-term transportation analysis. Per the City’s General Plan amendment traffic analysis guidelines, a “site-specific GPA traffic impacts analysis” is required if the proposed amendment would result in an increase of more than 250 peak-hour trips. Because the proposed project would generate an increase of more than 250 peak-hour trips, the Long-Range TIA prepared for the 10 proposed General Plan amendments included as site-specific GPA TIA (see Chapter 6 in the Long-Range TIA included in Appendix C of this Initial Study). However, since the City of San José’s approach to long-range transportation analysis recognizes that it is not possible to accurately estimate how many cars can or might move through any particular intersection in a particular direction in 2035, which is a measure of impact used for evaluating current intersection operations (i.e., transportation level of service), that discussion of future intersection level-of-service standards are not used in this Initial Study. A near-term traffic analysis in conjunction with any future development permit applications consistent with the General Plan would still be required once the specific development proposal for the site is identified.

Travel Demand Forecasting Model

The citywide TDF model was prepared as part of the General Plan. The TDF model was developed to provide improved citywide travel demand forecasting as part of continued planning efforts to address transportation infrastructure needs and to assist in the update of the City’s General Plan. The model was developed from the VTA countywide travel demand model, which is based on MTC’s BAYCAST trip-based regional model. The VTA model contains all cities and counties within the model’s extents roughly bounded by southern Monterey County, eastern San Joaquin County, northern Sonoma County, and the Pacific Ocean. The San José model is a sub-area model of the VTA model it maintains the general inputs (roadway network, land use, trip generation rates, etc.), structure, and process as the VTA model, but with refinement within the City of San José. This allows regional travel patterns and behavior to be accounted for in the focused area of San José, which will become more important with the recent legislative requirements associated with greenhouse gas quantification and impacts.

The VTA and San José models both include four elements traditionally associated with models of this kind. These elements include trip generation, trip distribution, mode choice, and traffic assignment. These are further described as follows:

- **Trip Generation.** Trip generation involves estimating the number of trips that would occur with the proposed General Plan land uses. The City’s TDF model includes trip generation formulas that are
based on the MTC regional travel demand model. Trip generation is estimated based on the type and amount of specific land uses within each travel analysis zone (TAZ). The TDF model produces trip estimates in person trips (as opposed to vehicle trips, which are typically used in near-term traffic analyses).

- **Trip Distribution.** Trip distribution is the second element of the model. Trip distribution involves distributing the trips to various internal destinations and external gateways. The model pairs trip origins and trip destinations (starting and ending points) for each person trip based on the type of trip (e.g., home-to-work, home-to-school, etc.) and the distance a person is willing to travel for that purpose. The distance a person is willing to travel is determined by a gravity model, which is analogous to Newton’s law of gravity. In a gravity model, estimates are made about how many trips occur between two locations where the interaction between those two locations diminishes with increasing distance, time, and cost between them.

- **Mode Choice.** Mode choice is the third element of the model. Mode choice, as assigned by the model, determines which mode of transport a person will choose for each trip, based on the availability of a vehicle, the trip distance, and the trip purpose.

- **Traffic Assignment.** Traffic assignment is the fourth and final element of the model. Traffic assignment involves determining which route to take to travel between the trip origin and destination. The model assigns the trips to the roadway network to minimize travel time between the start and end points.

Subsequent trip distribution, assignment, and mode choice iterations are completed by the model to account for roadway congestion. These iterations continue under equilibrium traffic conditions until the optimal trip assignment is reached.

**Transportation Network and Traffic Analysis Zones**

The fundamental structure of the City of San José TDF model includes a computer readable representation of the roadway system (highway network) that defines roadway segments (links) identified by end points (nodes). Each roadway link is further represented by key characteristics (link attributes) that describe the length, travel speeds, and vehicular capacity of the roadway segment. Small geographic areas (i.e., TAZs) are used to quantify the planned land use activity throughout the City’s planning area. The boundaries of these small geographic areas are typically defined by the modeled roadway system, as well as natural and man-made barriers that have an effect on traffic access to the modeled network. Transit systems are represented in the model by transit networks that are also identifiable by links and nodes. Unlike the roadway network, the key link attributes of a transit link are operating speed and headways – elapsed time between successive transit services. Transit stops and “dwelling times” (the time allowed for passengers embarking and disembarking transit vehicles) are described as transit node attributes. Transit networks are further grouped by type of transit (rail versus bus) and operator (VTA bus versus AC Transit bus). Transit accessibility for each TAZ is evaluated by proximity to transit stops or stations, and the connectivity of transit lines to destinations.

The socioeconomic data for each TAZ in the model includes information about the number of households (stratified by household income and structure type), population, average income, population age distribution, and employment (stratified by groupings of Standard Industrial Codes). The worker per household ratios and auto ownership within a TAZ are calculated based on these factors and the types and
densities of residences. The model projects trip generation rates and the traffic attributable to residents and resident workers, categorized by trip purposes, using set trip generation formulas that are based on the MTC regional travel demand model. The land use data and roadway network used for the GP base year reflect land use development and roadway projects completed as of approximately mid-2015.

**Traffic Assignment**

Travel times within and between TAZs (intra-zonal, inter-zonal and terminal times) are developed from the network being modeled. Travel times within zones (intra-zonal travel times) are derived for each zone based on half its average travel time to the nearest three adjacent zones. Time to walk to and from the trip maker’s car (terminal times) are also added. The projected daily trips are distributed using a standard gravity model and friction factors calibrated for the modeling region, which presently consists of 13 counties. The City of San José TDF model is capable of estimating up to seven modes of transportation:

- Auto drive alone
- Auto carpool with two persons
- Auto carpool with three or more people
- Rail transit
- Bus transit
- Bicycle
- Walk

Before the traffic is assigned to the roadway networks, time-of-day factors and directionality factors are applied to automobile trips occurring during the:

- AM peak hour (6:00 to 10:00 a.m.)
- AM 4-hour peak
- PM peak hour (3:00 to 7:00 p.m.)
- PM 4-hour peak
- Mid-day 6-hour
- Mid-night 10-hour periods

The assignment of the trip tables to the roadway network uses a route selection procedure based on minimum travel time paths (as opposed to minimum travel distance paths) between TAZs and is done using a capacity-constrained user equilibrium-seeking process. This capacity constrained traffic assignment process enables the model to reflect diversion of traffic around congested areas of the overall street system. High-occupancy-vehicle or HOV (i.e., carpool) lanes on freeways, expressways, and on-ramps are specifically dealt with in the model network, with access restricted to auto-shared-ride mode trips only, similar to real world operations of roadway facilities with HOV lanes.

**Transit Mode Share**

Transit use is modeled for peak and non-peak periods based on computed transit levels of services (speeds and wait times). Based on the conditions that influence transit speeds and wait times (such as traffic congestion), transit use numbers are modified to reflect the likelihood of transit use, based on the constraints to the system. This feedback loop is a modern enhancement in the model to address the dynamics of transit ridership related to the expansion or contraction of roadway capacities.

In addition to providing projected peak hour and peak period volumes and ratios comparing projected traffic volume to available roadway capacity (V/C ratios) on each roadway segment, the model provides information on vehicle-miles and vehicle-hours of travel by facility type (freeway, expressways, arterial streets, etc.). These informational reports can be used to compare projected conditions under the adopted GP with the impacts of proposed land use amendments. The City’s TDF model is intended for use...
as a "macro or large-scale analysis tool" to project probable future conditions. Therefore, the TDF model is best used when comparing alternative future scenarios, and is not designed to answer "micro or development-specific analysis level" operational questions typically address in detailed traffic impact reports.

**General Plan Transportation Network**

This analysis addresses the long-range impacts of the proposed General Plan land use amendments on the citywide transportation system through the use of three MOEs (i.e., measures of effectiveness) developed for the General Plan. The results of the analysis for the proposed General Plan amendments are compared to the current General Plan to determine if the proposed General Plan amendments would result in any new or substantially more severe transportation impacts. The long-range analysis includes analysis of the following three MOEs as well as an analysis of the potentially cumulative effects on adjacent jurisdictions:

- **Vehicle Miles Traveled (VMT) per Service Population.** VMT per service population is a measure of the daily vehicle miles traveled divided by the number of residents and employees within the City of San José. VMT per service population (residents + employees) is used for the analysis as opposed to VMT per capita (residents only), since per service population more accurately captures the effects of land use on VMT. The City not only has residents that travel to and from jobs, but also attracts regional employees. VMT is calculated based on the number of vehicles multiplied by the distance traveled by each vehicle in miles.

- **Journey-to-Work Mode Share (Drive Alone Percentage).** Mode share is the distribution of all daily work trips by travel mode, including the following categories: drive alone, carpool with two persons, carpool with three persons or more, transit (rail and bus), bike, and walk trips.

- **Average Travel Speeds within the City's Transit Priority Corridors.** Average travel speed for all vehicles (transit and non-transit vehicles) in the City's 14 transit corridors is calculated for the AM peak hour based on the segment distance dividing the vehicle travel time. A transit corridor is a segment of roadway identified as a Grand Boulevard in the General Plan Land Use/Transportation Diagram. Grand Boulevards serve as major transportation corridors and, in most cases, are primary routes for VTA, LRT, bus rapid transit (BRT), local buses, and other public transit vehicles. Although transit services are found on other street types throughout the City, transit has the utmost priority on Grand Boulevards.

- **Adjacent Jurisdictions.** Roadway conditions on major streets within adjacent jurisdictions are evaluated for the AM 4-hour peak period based on the volume-to-capacity (V/C) ratios of the street segments and the City of San José ’s contributions to the total traffic of the street segments. V/C is a performance measure and represents the level of saturation (proportion of roadway capacity that is being used). A lower ratio indicates a roadway’s capacity is not fully utilized while a larger ratio, or ratio greater than 1.00, represents a roadway’s capacity is fully utilized or over saturated. Freeway facilities operated by Caltrans and expressways operated by the Santa Clara County are also considered as adjacent jurisdictions.
Significant Impact Criteria

The City of San José adopted policies and goals in the General Plan to reduce the drive-alone mode share to no more than 40 percent of all daily commute trips, and to reduce the VMT per service population by 40 percent from existing (year 2008) conditions. To meet these goals by the General Plan horizon year (2040) and to satisfy CEQA requirements, the three MOE significance thresholds were used to evaluate long-range transportation impacts resulting from the proposed project. Table 4-5 summarizes the MOEs significance thresholds associated with vehicular modes of transportation that were adopted as part of the General Plan for the evaluation of long-range traffic impacts resulting from proposed land use amendments and used in this analysis as well as the significance thresholds for impacts to adjacent jurisdictions.

<table>
<thead>
<tr>
<th>Measures of Effectiveness</th>
<th>Citywide Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>VMT/Service Population</td>
<td>Any increase over current General Plan conditions</td>
</tr>
<tr>
<td>Mode Share (Drive Alone Percentage)</td>
<td>Any increase in journey-to-work drive alone mode share over current General Plan conditions.</td>
</tr>
</tbody>
</table>
| Transit Corridor Travel Speeds | Decrease in average travel speed on a transit corridor below current General Plan conditions in the AM one-hour peak 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 General Plan conditions. |
| Adjacent Jurisdiction     | When 25 percent or more of total deficient lane miles on streets in an adjacent jurisdiction are attributable to the City of San José during the AM 4-hour peak 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. |

Notes: VMT = vehicle miles traveled; mph = miles per hour; V/C = volume-to-capacity.
Source: Hexagon Transportation Consultants, Inc., City of San José 2017 General Plan Amendments, Long-Range Traffic Analysis, Table 3, page 23.

In addition to the MOEs described above, the effects of the proposed land use adjustments on transit, bicycle, and pedestrian facilities were evaluated. A significant long-range transportation impact would occur if the adjustments would:

- Disrupt existing, or interfere with planned transit services or facilities;
- Disrupt existing, or interfere with planned bicycle facilities;
- Conflict or create inconsistencies with adopted bicycle plans, guidelines, policies, or standards;
- Not provide secure and safe bicycle parking in adequate proportion to anticipated demand;
- Disrupt existing, or interfere with planned pedestrian facilities;
- Not provide accessible pedestrian facilities that meet current ADA best practices; or
- Create inconsistencies with adopted pedestrian plans, guidelines, policies, or standards.
DISCUSSION

a) Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Traffic conditions were evaluated for the following scenarios:

- **Projected Year 2015 Conditions:** The Projected Year 2015 Conditions represent a projection of transportation conditions in 2015 using the City’s General Plan TDF model. The roadway network also reflects the Year 2015 roadway network and transportation system.

- **Current 2040 General Plan Conditions:** Future traffic due to the current General Plan land uses (i.e., including the adopted 4-Year General Plan Review Land Use amendments) is added to regional growth that can be reasonably expected to occur by 2040. Current General Plan conditions include the citywide roadway network to reflect the current roadway network as well as all transportation system improvements as identified in the current General Plan.

- **Proposed 2040 General Plan Amendment Conditions:** Current General Plan conditions with the proposed land use amendment. Transportation conditions for the Proposed General Plan Amendment Conditions were evaluated relative to the Current General Plan Conditions to determine any long-range traffic impacts.

**Daily Vehicle Miles Traveled per Service Population**

The San José TDF model was used to calculate daily VMT per service population where service population is defined as the number of residents plus the number of employees citywide. This approach focuses on the VMT generated by new population and employment growth. VMT is calculated as the number of vehicle trips multiplied by the length of the trips in miles. Any increase in VMT per service population over the current General Plan due to the proposed land use amendment is considered a significant impact.

As shown in Table 4-6 below, the daily VMT would decrease slightly and the VMT per service population would not change with the proposed land use amendment when compared to the current General Plan. Therefore, the proposed land use amendment would result in a less-than-significant impact on citywide VMT. Additionally, 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 General Plan policies and goals that would further reduce VMT by increased use of non-auto modes of travel.

<table>
<thead>
<tr>
<th></th>
<th>Projected Year 2015 Conditions</th>
<th>Current 2040 General Plan Conditions</th>
<th>Proposed 2040 General Plan Amendment Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citywide Daily VMT</td>
<td>20,588,249</td>
<td>31,251,446</td>
<td>31,243,016</td>
</tr>
<tr>
<td>Citywide Service Population</td>
<td>1,385,030</td>
<td>2,065,462</td>
<td>2,065,461</td>
</tr>
<tr>
<td>Daily VMT Service Population</td>
<td>14.9</td>
<td>15.1</td>
<td>15.1</td>
</tr>
</tbody>
</table>
Table 4-6  Site-Specific (Cottle Station TOD) Daily Vehicle Miles Traveled per Service Population

<table>
<thead>
<tr>
<th>Increase in VMT/Service Population over General Plan Conditions</th>
<th>Projected Year 2015 Conditions</th>
<th>Current 2040 General Plan Conditions</th>
<th>Proposed 2040 General Plan Amendment Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant Impact?</td>
<td>0.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes: VMT = vehicle miles traveled  
Source: Hexagon Transportation Consultants, Inc., City of San José 2017 General Plan Amendments, Long-Range Traffic Analysis, Table 12, page 47.

Journey-to-Work Mode Share

The San José TDF model was used to calculate journey-to-work citywide mode share percentages. Mode share is the distribution of all daily work trips by travel mode. The modes of travel included in the TDF model are drive alone, carpool with two persons, carpool with three persons or more, transit (rail and bus), bike, and walk trips. Although work trips may occur at any time of the day, a majority of work trips occur during typical peak commute periods (6:00 to 10:00 a.m. and 3:00 to 7:00 p.m.). Any increase in the journey-to-work drive alone mode share percentage over the current General Plan due to the proposed land use amendment is considered a significant impact.

Table 4-7 below, summarizes the citywide journey-to-work mode share analysis results. When compared to the current General Plan, the percentage of journey-to-work drive alone trips would not change as a result of the proposed project. Approximately 73 percent of the commuters would drive single-occupancy vehicles to travel to and from work under the current General Plan and the current General Plan with the proposed project. Therefore, the proposed project would result in a less-than-significant impact on citywide journey-to-work drive alone mode share.

Table 4-7  Site-Specific (Cottle Station TOD) Journey-to-Work Mode Share

<table>
<thead>
<tr>
<th>Mode</th>
<th>Projected Year 2015 Conditions</th>
<th>Current 2040 General Plan Conditions</th>
<th>Proposed 2040 General Plan Amendment Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive Alone</td>
<td>724,530 78.3</td>
<td>1,061,730 72.5</td>
<td>1,061,620 72.4</td>
</tr>
<tr>
<td>Carpool 2</td>
<td>112,030 12.1</td>
<td>178,190 12.2</td>
<td>178,100 12.2</td>
</tr>
<tr>
<td>Carpool 3 or more</td>
<td>42,310 4.6</td>
<td>79,220 5.4</td>
<td>79,560 5.4</td>
</tr>
<tr>
<td>Transit</td>
<td>26,820 2.9</td>
<td>99,570 6.8</td>
<td>100,260 6.8</td>
</tr>
<tr>
<td>Bicycle</td>
<td>7,060 0.8</td>
<td>19,610 1.3</td>
<td>19,690 1.3</td>
</tr>
<tr>
<td>Walk</td>
<td>12,130 1.3</td>
<td>26,260 1.8</td>
<td>26,280 1.8</td>
</tr>
</tbody>
</table>

Increase in Drive Alone Percentage over General Plan Conditions  

-0.1 percent
TABLE 4-7  SITE-SPECIFIC (COTTLE STATION TOD) JOURNEY-TO-WORK MODE SHARE

<table>
<thead>
<tr>
<th>Mode</th>
<th>Projected Year 2015 Conditions</th>
<th>Current 2040 General Plan Conditions</th>
<th>Proposed 2040 General Plan Amendment Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mode</td>
<td>Trips</td>
<td>Percent</td>
<td>Trips</td>
</tr>
<tr>
<td></td>
<td>Significant Impact?</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

Source: Hexagon Transportation Consultants, Inc., City of San José 2017 General Plan Amendments, Long-Range Traffic Analysis, Table 13, page 48.

**Average Vehicle Speeds in Transit Priority Corridors**

The San José TDF model was used to calculate the average vehicle travel speeds during the AM peak hour for the City’s 14 transit corridors that were evaluated in the General Plan TIA. The analysis of transit priority corridor speeds was completed to assist with the assessment of whether the proposed land use amendment would cause a significant change in travel speeds on the transit priority corridors compared to the current General Plan. A transit corridor is a roadway segment identified as a Grand Boulevard in the General Plan Land Use/Transportation Diagram. Grand Boulevards serve as major transportation corridors and, in most cases, are primary routes for VTA’s LRT, BRT, local buses, and other public transit vehicles. The travel speeds are calculated by dividing the segment distance by the vehicle travel time. A land use amendment that result in a decrease in average travel speed on a transit corridor in the AM peak one-hour period when the average speed drops below 15 miles per hour (mph) or decreases by 25 percent or more, or the average speed drops by one mph or more for a transit corridor with average speed below 15 mph when compared to the current General Plan is considered a significant impact.

As shown in Table 4-8 below, the average vehicle speeds on the City’s 14 transit priority corridors (i.e., Grand Boulevard segments) during the AM peak hour of traffic. When compared to the travel speeds under current General Plan conditions, the change in traffic resulting from the proposed land use amendment would have a minimal effect on the travel speeds in the transit corridors. The model estimates decrease in travel speeds of less than 1 mph and 1 percent on four corridors due to the proposed land use amendment. Travel speeds on the remaining corridors would improve slightly or remain unchanged when compared to the current General Plan. Therefore, the proposed land use amendment would result in a *less than significant* impact on the vehicle speeds in the transit priority corridors.
### Table 4-8: Site-Specific (Cottle Station TOD) AM Peak Hour Vehicle Speeds for San José Transit Priority Corridors

<table>
<thead>
<tr>
<th>Transit Priority Corridor</th>
<th>Base Year 2015 Conditions</th>
<th>Current 2040 General Plan Conditions</th>
<th>Current 2040 General Plan Plus Project Conditions</th>
<th>Percent Change&lt;sup&gt;a&lt;/sup&gt;</th>
<th>Absolute Change&lt;sup&gt;b&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>2&lt;sup&gt;nd&lt;/sup&gt; Street from San Carlos Street to Saint James Street</td>
<td>11.4</td>
<td>11.4</td>
<td>11.4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Alum Rock Avenue from Capitol Avenue to Highway 101</td>
<td>21.2</td>
<td>15.3</td>
<td>15.1</td>
<td>-1</td>
<td>-0.2</td>
</tr>
<tr>
<td>Camden Avenue from SR 17 to Meridian Avenue</td>
<td>22.2</td>
<td>14.6</td>
<td>15.4</td>
<td>5</td>
<td>0.7</td>
</tr>
<tr>
<td>Capitol Avenue from South Milpitas Boulevard to Capitol Expressway</td>
<td>23.9</td>
<td>20.8</td>
<td>20.6</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>25.3</td>
<td>3</td>
<td>0.8</td>
</tr>
<tr>
<td>East Santa Clara Street from Highway 101 to Delmas Avenue</td>
<td>20.3</td>
<td>19.9</td>
<td>16.8</td>
<td>-1</td>
<td>-0.1</td>
</tr>
<tr>
<td>Meridian Avenue from Park Avenue Blossom Hill Road</td>
<td>22.7</td>
<td>19.1</td>
<td>19.1</td>
<td>0</td>
<td>-0.1</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>0</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>13.3</td>
<td>5</td>
<td>0.6</td>
</tr>
<tr>
<td>San Carlos Street from Bascom Avenue to SR 87</td>
<td>22.1</td>
<td>21.0</td>
<td>20.9</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Stevens Creek Boulevard from Bascom Avenue to Tantau Avenue</td>
<td>21.3</td>
<td>17.2</td>
<td>17.3</td>
<td>1</td>
<td>0.1</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</td>
</tr>
<tr>
<td>The Alameda from Alameda Way to Delmas Avenue</td>
<td>19.7</td>
<td>14.1</td>
<td>14.1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>West San Carlos Street from SR 87 to 2nd Street</td>
<td>19.3</td>
<td>18.3</td>
<td>18.3</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Notes:

<sup>a</sup> Percent change = Proposed 2040 General Plan Amendment Conditions minus Current 2040 General Plan Conditions.

<sup>b</sup> Absolute change: Proposed 2040 General Plan Amendment Conditions minus Current 2040 General Plan Conditions.

Source: Hexagon Transportation Consultants, Inc., City of San José 2017 General Plan Amendments, Long-Range Traffic Analysis, Table 14, page 49.
Adjacent Jurisdictions

The San José TDF model was used to calculate the number of lane miles of street segments with V/C ratios of 1.0 or greater during the peak 4-hour AM period within adjacent jurisdictions. The effect of the proposed land use amendment is evaluated based on the percentage of traffic that would be added to the deficient roadways. A deficient roadway segment in an adjacent jurisdiction is attributed to San José when trips originating from residents and jobs within San José equal 10 percent or more on the deficient segment. An impact to an adjacent jurisdiction is considered significant when 25 percent or more of total deficient lane miles are attributable to the City of San José. The 25 percent threshold represents what would be a noticeable change in traffic.

Table 4-9 below, summarizes the City of San José’s traffic impacts on the roadway segments within adjacent jurisdictions. City of San José traffic would significantly impact roadway segments in the same 13 adjacent jurisdictions under both the current General Plan conditions and the current General Plan plus Proposed Land Use Amendment conditions. With the proposed land use amendment, the percentage of deficient lane miles attributable to the City would be the same at all but five roadway segments when compared to the current General Plan. The model estimates increase in traffic contribution of 2 percent or less in four jurisdictions and a minimal decrease in traffic contribution in one jurisdiction due to the proposed land use amendment. The proposed land use amendment would not result in further impacts on roadways in adjacent jurisdictions than that those identified for the current General Plan. Therefore, the proposed land use amendment would result in a less-than-significant impact on the roadway segments in adjacent jurisdictions.

b) Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

As described earlier in Regulatory Setting of this section under subheading “Regional”, the CMP uses level-of-service standards for highways and arterials. As described under the subheading “Methodology” of this section, because the proposed project is amendment to the General Plan, and not a specific development project, no level-of-service standards were used for long-term transportation analysis. The City of San José’s approach to long range transportation analysis recognizes that it is not possible to accurately estimate how many cars can or might move through any particular intersection in a particular direction in 2035, which is a measure of impact used for evaluating current intersection operations (i.e., transportation level of service). A near-term traffic analysis in conjunction with any future development permit applications consistent with the General Plan would be required, and would include a discussion of future intersection level-of-service standards, once a specific development proposal for the site is identified. The impact discussion under Criterion (a) includes the Santa Clara County CMP network. As discussed under Criterion (a), the proposed land use amendment would not result in further impacts to the study area than that those identified for the current General Plan. Therefore, the proposed project would not conflict with the CMP, and impacts would be less than significant.
<table>
<thead>
<tr>
<th>City</th>
<th>Projected Year 2015 Conditions</th>
<th>Current 2040 General Plan Conditions</th>
<th>Proposed 2040 General Plan Amendment Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TDL Miles(^a)</td>
<td>TDL Miles Attributable to San José(^b)</td>
<td>% TDL Miles Attributable to San José(^b)</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</td>
<td>0</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</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</td>
<td>0</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>
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<tr>
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<td>Caltrain Facilities</td>
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<td>Santa Clara County Expressway</td>
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Notes: % = Percent  
\(^a\): Total deficient lane miles are total lane miles of street segments with volume-to-capacity (V/C) ratios of 1.0 or greater.  
\(^b\): A deficient roadway segment is attributed to San José when trips from the City are 10 percent or more on the deficient segment.  
\(^c\): Bolded values indicate significant impacts.  
Source: Hexagon Transportation Consultants, Inc., City of San José 2017 General Plan Amendments, Long-Range Traffic Analysis, Table 15, page 50.
c) **Would the project 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?**

Implementation of the proposed project would not result in the construction of tall structures, would not affect air travel, and is not located within an airport land use area. **No impacts** would occur.

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

Vehicular access to the project site to the project site would continue to be provided via Cottle Road. Future development facilitated by the proposed project would be required to submit, but not limited to, the following approvals to the City:

- Environmental Clearance
- Plan review
- Public Work Clearances
- Building Clearances

Accordingly, future development site access, site distance on driveways, site circulation, station drop-off areas, and parking would be evaluated by review of a site plan during the approvals for future development at the project site. Therefore, impacts related to site access and circulation would be **less than significant.**

e) **Would the project result in inadequate emergency access?**

Fire protection services are provided by the SJFD. Vehicular access to the project site under a future development facilitated by the proposed project would continue to be provided via Cottle Road at the existing signalized intersection of Cottle Road at SR 85 Eastbound Off-Ramp. Factors such as number of driveway access points, roadway width, and proximity to fire stations determine whether a project provides sufficient emergency access. The SJMC Chapter 17.12 adopts the California Fire Code as part of the SJMC to regulate permit processes and emergency access. Future development facilitated by the proposed project would be required to submit, but not limited to, the following approvals to the City:

- Environmental Clearance
- Plan review
- Public Work Clearances
- Building Clearances

The driveway resulting from future development on the project site would be designed, approved by the City planning and public works departments and by the SJFD. It would be therefore constructed to meet the minimum widths according to SJMC and California Fire Code requirements to be adequate for emergency vehicle access. Mandatory compliance with required approvals described above, would ensure that **no impacts** related to emergency access occur.
f) Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

New development projects in San José should encourage multi-modal travel, consistent with the goals of the City’s General Plan (listed above). A goal of the General Plan is for development projects to accommodate and encourage the use of non-automobile transportation modes in order to reduce vehicle trip generation and VMT while achieving the City’s mobility goals. The San José Bike Plan 2020 establishes goals, policies and actions to make bicycling a part of daily life in San José. The San José Bike Plan 2020 includes designated bike lanes along all city streets and on designated bike corridors. Development project amenities that facilitate pedestrian and bicycle usage are seen as furthering the goals of the City and are encouraged for new development projects.

Pedestrian facilities consist mostly of sidewalks along the streets in the immediate vicinity of the project site. Crosswalks with pedestrian signal heads and push buttons are located at all of the signalized intersections in the study area. Crosswalks are also located on Cottle Road slightly to the north of the project driveway. The existing pedestrian access to Cottle Station would remain. Overall, the existing network of sidewalks exhibits good connectivity and would provide new residents with safe routes to transit services and other points of interest in the area.

Many roadways in the study area have bicycle facilities and more are planned. From the Cottle Station, nearby Alex Anderson, and Santa Teresa elementary schools, the Guadalupe River multi-use trail system can be accessed. Bicycles are allowed on LRT trains and Caltrain. The Cottle Station is located in the immediate vicinity of the project site and will be a significant benefit for the project. Cottle Station is served by LRT trains. San José Diridon Station Caltrain is located seven stops northwest (including transfer at Tamien Station), which is served by the Altamont Commuter Express (ACE) and Amtrak. Due to the convenient location of the Cottle Station, it is reasonable to assume that many residents would utilize the transit services in the area. Given that the Santa Clara VTA light-rail system is operating with available capacity, it is likely that the increased transit demand generated by the proposed project could be accommodated by the current operating capacities of the transit services in the study area.

Implementation of the proposed project would not restrict access to transit, displace an existing or planned pedestrian, bicycle or transit facility. Therefore it would not have an adverse effect on the existing transit, pedestrian or bicycle facilities within the study area. Consequently, the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or decrease safety. No impacts would occur.
XVII. UTILITIES AND SERVICE SYSTEMS

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant</th>
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<tr>
<td>a) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☑</td>
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<td>□</td>
</tr>
<tr>
<td>b) Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☑</td>
<td>☑</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>c) Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☑</td>
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<tr>
<td>d) Would the project have sufficient water supplies available to serve the project from existing and identified entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☑</td>
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<td>□</td>
</tr>
<tr>
<td>e) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
<td>☐</td>
<td>☑</td>
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<td>f) Would the project not be served by a landfill with sufficient permitted capacity to accommodate the buildout of the project’s solid waste disposal needs?</td>
<td>☐</td>
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<tr>
<td>g) Would the project comply with federal, State, and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☑</td>
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<td>h) Would the project result in a substantial increase in natural gas and electric service demands requiring new energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities?</td>
<td>☐</td>
<td>☑</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

ENVIRONMENTAL SETTING

The following is a summary of the relevant State and local regulations pertaining to utilities and service systems. There are no federal regulations governing this topic relevant to the project relevant to the project.
Regulatory Framework

State

California Urban Water Management Planning Act

Through the Urban Water Management Planning Act of 1983, the California Water Code requires all urban water suppliers within California to prepare and adopt a UWMP and update it every five years. This requirement applies to all suppliers providing water to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. The Act is intended to support conservation and efficient use of urban water supplies. The Act requires that total project water use be compared to water supply sources over the next 20 years in five-year increments, that planning occur for single and multiple dry water years, and that plans include a water recycling analysis that incorporates a description of the wastewater collection and treatment system within the agency’s service area along with current and potential recycled water uses. In September 2014 the Act was amended by SB 1420 to require urban water suppliers to provide descriptions of their water demand management measures and similar information.

State Updated Model Landscape Ordinance

The updated Model Landscape Ordinance requires cities and counties to adopt landscape water conservation ordinances by February 1, 2016 or to adopt a different ordinance that is at least as effective in conserving water as the updated Model Ordinance (MO). The City adopted Water Efficient Landscaping Standards for new and Rehabilitated Landscaping, in 2013, and the revised SJMC Chapter 15.11.

Assembly Bill 939

AB 939 established the California Integrated Waste Management Board and required all California counties to prepare integrated waste management plans. AB 939 also required all municipalities to divert 25 percent of their solid waste from landfill disposal by January 1, 1995. Fifty percent of the waste stream was to be diverted by the year 2000. The City currently generates approximately 1.7 million tons of solid waste annually, and diverts approximately 60 percent of its waste streams through a variety of waste diversion programs, including curbside recycling and yard waste collection and composting.

Title 24 California Building Code

Title 24 of the California Administrative Code sets forth energy standards for buildings, rebates/tax credits are provided for installation of renewable energy systems, and the Flex Your Power program promotes conservation in multiple areas.

CALGreen Building Code

In January 2010, the State of California adopted CALGreen that establishes 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 a mandatory set of minimum guidelines, as well as more
rugged voluntary measures, for new construction projects to achieve specific green building performance levels.

Mandatory measures include:
- Reducing indoor water use by 20 percent.
- Reducing wastewater by 20 percent.
- Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris.
- Providing readily accessible areas for recycling by occupant.

Local communities may institute more stringent versions of the code if they choose. The code went into effect as part of a local jurisdiction’s building code on January 1, 2010.

**Senate Bill (SB) X7-7**

SB X7-7 was enacted in November 2009, requiring all water suppliers to increase water use efficiency. The legislation sets an overall goal of reducing per capita urban water use by 20 percent by December 31, 2020. The state was to make incremental progress towards this goal by reducing per capita water use by at least 10 percent by December 31, 2015.

**Local**

**2015 Urban Water Management Plan**

Water is provided to the project site by the Great Oaks Water Company (Great Oaks). The Great Oaks adopted the 2015 UWMP in June 2016 and has submitted the adopted plan to the SWRCB in accordance with the SB X7-7 and the Urban Water Management Planning Act, outlined in Section 10610 of Division 6 of the California Water Code. One of the purposes of the UWMPs is to identify measures to meet SB X7-7 requirements that mandate a 20-percent reduction of per capita water use and agricultural water use throughout the State by 2020. The UWMP evaluates the water supply capacity and the projected water demands of the service area through the year 2040. The UWMP also provides action plans in the event of a catastrophic interruption in water supplies.¹⁶⁶

**General Plan**

The Infrastructure (IC) and the Measurable Environmental Sustainability (MS) sections of the General Plan includes the following goals and policies relevant to utilities and public services and are applicable to future development facilitated by the proposed project:

- **Goal IN-3 Water Supply, Sanitary Sewer, and Storm Drainage** – Provide water supply, sanitary sewer, and storm drainage infrastructure facilities to meet future growth planned within the City, to assure high-quality service to existing and future residents, and to fulfill all applicable local, State and Federal regulatory requirements.

 **Policy IN-3.1:** Achieve minimum level of services:
  - For sanitary sewers, achieve a minimum level of service “D” or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines.
  - For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.

 **Policy IN-3.10:** Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City’s National Pollutant Discharge Elimination System (NPDES) permit.

 **Goal IN-5 Solid Waste-Materials Recovery/Landfill**—Develop and maintain materials recovery and landfill facilities to meet community needs, advance the City’s Zero Waste goals and to comply with applicable regulatory requirements.
  - **Policy IN-5.3:** Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City’s Zero Waste goals.

 **Goal MS-6 Waste Reduction**—Reduce generation of solid and hazardous waste.
  - **Policy MS-6.3:** Encourage the use of locally extracted, manufactured or recycled and reused materials, including construction materials and compost.
  - **Policy MS-6.5:** Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
  - **Policy MS-6.6:** Promote the development of energy conversion technologies for converting residual wastes into energy.
  - **Policy MS-6.8:** Maximize reuse, recycling, and composting citywide.
  - **Policy MS-6.12:** Promote use of recycled materials, including reuse of existing building shells/elements, as part of new construction or renovations.

 **Goal MS-14 Reduce Consumption and Increase Efficiency**—Reduce per capita energy consumption by at least 50% compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040.
  - **Policy MS-14.4:** Implement the City’s Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Goal MS-15 Renewable Energy – Receive 100 percent of electrical power from clean renewable sources (e.g., solar, wind, hydrogen) by 2022 and to the greatest degree feasible increase generation of clean, renewable energy within the City to meet its own energy consumption needs.

Policy MS-15.6: Utilize municipal facilities to showcase the application of outstanding, innovative, and locally developed energy efficiency and renewable energy technologies and practices, to demonstrate the effectiveness of these technologies and to highlight the City’s energy leadership.

Goal MS-18 Water Conservation – Continuously improve water conservation efforts in order to achieve best in class performance. Double the City’s annual water conservation savings by 2040 and achieve half of the Water District’s goal for Santa Clara County on an annual basis.

Policy MS-18.4: Retrofit existing development to improve water conservation.

Goal MS-19 Water Recycling – Recycle or beneficially reuse 100% of the City’s wastewater supply, including the indirect use of recycled water as part of the potable water supply.

Policy MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.

Zero Waste Resolution

In October 2007, the City Council adopted a Zero Waste Resolution (No. 74077), which set a goal of 75 percent waste diversion by 2013 and a goal of zero waste by 2022 for the City. “Zero Waste” is a perception change. It requires rethinking what is traditionally regarded as garbage and treating all materials as valued resources instead of items to discard. Zero waste entails shifting consumption patterns, more carefully managing purchases, and maximizing the reuse of materials at the end of their useful life. Zero waste takes into account the whole materials management system, from product design and the extraction of natural resources, to manufacturing and distribution, to product use and reuse, to recycling or disposal. The Zero Waste Resolution identified the City’s zero waste principles as:

Improving “downstream” reuse and recycling of end-of-life products and materials to ensure their highest and best use;

Pursuing “upstream” redesign strategies to reduce the volume and toxicity of discarded products and materials while promoting less wasteful lifestyles;

Supporting the reuse of discarded products and materials to stimulate and drive local economic workforce development; and

Preserving land for sustainable development and green industry infrastructure.

Zero Waste Strategic Plan

The City of San José Environmental Services Department prepared the Integrated Waste Management Zero Waste Strategic Plan in November 2008. The Zero Waste Strategic Plan supports several Green Vision Goals, but its primary focus is to identify the path to achieve zero waste. The Zero Waste Strategic Plan identifies policies, programs, and facilities to help the City reach its goal. To achieve zero waste, the City has adopted the following phased approach:

Phase 1 – voluntary actions, education, and creation of incentives;
Phase 2 – new programs and advocacy; and
Phase 3 – bans, mandates, and legislation.

San José has been active over the years in phase one and two activities, but to meet zero waste goals, the City may need to focus on bans, mandates, advocacy, and legislation. To achieve the City’s short-term goal of diverting 75 percent of waste from landfills, the Zero Waste Strategic Plan identifies that the City needs to:

- Enhance residential recycling;
- Redesign the commercial waste system to provide recycling and composting services;
- Enhance the construction and demolition debris recycling;
- Evaluate anaerobic digestion of food scraps at the RWF; and
- Pursue opportunities to support Extended Producer Responsibility initiatives and target reduction of single-use carryout bags as well as non-recyclable/non-compostable take-out food packaging.

To achieve the long-term goal of zero waste, the Zero Waste Strategic Plan identifies that the City needs to:

- Modify existing revenue streams to mitigate funding lost from zero waste efforts;
- Support implementing zero waste policies locally, regionally, and statewide;
- Continue implementing mixed waste recycling of single-family residential garbage and recycling processing residue;
- Develop and strengthen markets for recoverable and reusable materials, and lead by example;
- Promote the future development of energy conversion technologies for conversion technologies for converting residual wastes into energy; and
- Educate the public about the benefits of reducing wasteful consumption.

**Existing Conditions**

The project site is located within the City of San José Urban Service Area.167

**Wastewater**

Wastewater is water containing wastes from residential, commercial, and industrial processes. Municipal wastewater contains sewage, gray water (e.g., water from sinks and showers), and sometimes industrial wastewater.

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Wastewater Treatment

Wastewater treatment service for the area is provided by the City. The San José-Santa Clara Regional Wastewater Facility (RWF) provides primary, secondary, and tertiary treatment of wastewater, and is located approximately 14.5 miles north of the project site. The existing capacity of the RWF is 167 million gallons per day (mgd). The RWF currently treats an average of approximately 110 mgd (dry weather flow)—or about 65 percent of its 167 mgd capacity. Treated effluent is discharged to the San Francisco Bay. As discussed below, the RWQCB also has established an effluent flow trigger of 120 mgd, to minimize the amount of fresh water effluent discharged to the Bay. In 2016, the actual Average Dry Weather Influent flow (ADWIF), defined as the highest 5-weekday period from June through October, was 101.1 mgd. For 2016, actual Average Dry Weather Effluent flow was 73.0 mgd and occurred during the months of July to September. Based on the average daily dry weather flow from sources in San José of approximately 69.8 mgd, or 64 percent of the City’s total allocated 108.6 mgd of wastewater flow to the RWF, the City currently has approximately 38.8 mgd of excess treatment capacity. The City’s level-of-service goal for sewage treatment is to remain within the capacity of the RWF.

The RWF is currently operating under a 120 mgd (dry weather) flow trigger. This requirement is based upon the SWRCB and the San Francisco Bay RWQCB concerns over the effects of additional freshwater discharges from the RWF on saltwater marsh habitat, and pollutant loading to the Bay from the RWF. In response to these issues, the City has prepared a Clean Bay Strategy and the South Bay Action Plan. The Clean Bay Strategy details the City’s control strategy to reduce effluent discharges to the South San Francisco Bay as required by the NPDES permit. The Clean Bay Strategy promotes an integrated watershed protection approach and considers all factors influencing water quality in the South Bay, including point and non-point sources of pollution, water supply issues and improving plant performance. The South Bay Action Plan describes in some detail the conservation, reuse and diversion activities designed to reduce effluent flow from the RWF to ensure that it remains below 120 mgd. A contingency plan of additional measures will be implemented if Average Dry Weather Effluent flow reach a planning trigger of 115 mgd.

Sanitary Sewer System

The City maintains the wastewater collection system within the project site. Wastewater is conveyed to the RWF through the City’s sewer collection system, which consists of lateral lines and main lines in the public right-of-way. The City has developed a sewer capacity improvement program to prioritize and construct capital projects that address the needs identified in the Sewer Master Plan that will be based on

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a hydraulic model of the trunk sewer system (10-inch and larger pipes), using land use and flow information.

The City’s sanitary sewer system serves a population of approximately one million people in a 178-square-mile service area. The City owns and operates approximately 2,294 miles of wastewater collection system pipeline that ranges from six to 90 inches in diameter, approximately 45,000 manholes and 16 sewage lift stations.

Sewer laterals, ranging in size from 6 to 8 inches in diameter, originate at individual sites and convey flows by gravity to sewer mains. Sewer lift stations and force mains are used at several locations to transport sewer flows that cannot be conveyed by gravity. The sanitary sewer system line running beneath the project site is a 33-inch vitrified clay pipe. The sewer collection system serving the project site drains towards the north, generally beneath and/or roughly parallel to Cottle Road.173

The SWRCB has issued statewide waste discharge requirements for sanitary sewer systems, which include requirements for development of a Sewer System Management Plan (SSMP). The City prepared a SSMP in October 2004.174 The purpose of the SSMP is to provide guidance to the City in the operation, maintenance and rehabilitation of the sewer assets of the City.

The Department of Public Works (DPW) designs and builds sanitary sewer infrastructure funded through the City’s Capital Improvement Program (CIP). Public Works also reviews and inspects sanitary sewer improvements performed by private developers and other public agencies.

The Sanitary Sewer Condition Assessment (SSCA Program) was initiated in 2010 by DPW. The original pilot project utilized closed circuit television (CCTV) to video and collect data on a 46-mile, representative sample, of the City’s approximately 2,290 mile sanitary sewer system. The raw data collected established the foundation to begin analysis on the overall condition of the City’s sanitary sewer network. The long-term goal of the program is to utilize larger data sets collected to perform analysis and ultimately develop various risk assessments to develop and prioritize the rehabilitation portion of the Sanitary Capital Improvement Program. The current program schedule involves condition assessment on one-tenth of the City every year with an anticipated completion of the full assessment of the City by 2021.

The majority of funds in the Sanitary Sewer System CIP are used to construct sewer improvement projects. Construction projects in the Proposed CIP meet one of two goals: (a) enhance sewer capacity to meet economic development; or (b) rehabilitate existing sewers, with higher priority given to those with extensive, severe deterioration. A project that will enhance capacity and rehabilitate existing sewers is considered a rehabilitation project for the purpose of the City’s budget process. Priority is given to larger lines within each category. The Sanitary Sewer Master Plan Capacity Assessment was completed on April 2013 and is used to help identify high priority capacity in the proposed CIP.

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Capacity Improvement projects are selected by utilizing a computerized sewer flow model (which utilizes the San José 2040 General Plan to project sewage flows in the system), City maintenance records, and flow monitoring. These allow sewer capacity constraints to be identified. The Master Plan identified a total of 93 new capacity projects that will upsize for existing deficiencies and will accommodate near-term and long-term flows. Rehabilitation projects are selected based on hydrogen sulfide studies that analyze pipe corrosion, condition assessment studies, maintenance records and reports, and actual pipe failures due to pipe corrosion or other physical deficiencies. The actual condition of candidate projects is verified by internal videotape inspections, which are then evaluated to establish project priorities.

The General Plan calls for a level of service (LOS) D for sanitary sewer lines. At LOS D, the sewer main is occasionally running full. New development is required by existing policies to avoid or minimize impacts upon any existing or anticipated LOS E sewer lines by constructing or contributing to the construction of new lines or by waiting for completion of planned sewer line improvements. The City’s existing sanitary sewer system operates with approximately 95 percent of the trunk sewer pipelines at LOS D or better, under dry weather conditions.

**Water Service and Supply**

Water service within the project site is provided by Great Oaks Water Company (Great Oaks). All of the water served by Great Oaks is sourced from the underground water supplies in the Santa Clara Valley Groundwater Basin.

The vast majority of Great Oaks’ service area is within the City, and the entire service area is located within the County of Santa Clara. Two other water utilities, SJWC and San José Municipal Water System (SJMWS), also provide water service within the City and, to the extent SJWC and SJMWS utilize the Santa Clara Valley Groundwater Basin (Basin No. 2-09), Santa Clara Subbasin (Subbasin No. 2-09.02) as a source of supply, Great Oaks shares a source of supply with those utilities. SCVWD is the local government agency responsible for groundwater management; however, SCVWD is not a water utility or wholesale agency for Great Oaks. SCVWD does not supply water to Great Oaks.

Great Oaks’ groundwater supplies are subject to decisions made by SCVWD pertaining to groundwater recharge and surface stream flows. In recent years, SCVWD has chosen to divert local and imported water supplies historically used for artificial recharge to its water treatment plants, causing groundwater supplies to become more vulnerable and less resilient during and after drought events. SCVWD has also discontinued stream flows in Coyote Creek, one of the primary natural recharge facilities for Great Oaks’ water supplies. SCVWD’s rights with respect to minimum stream flows in Coyote Creek and elsewhere are being challenged in a complaint by the Guadalupe Coyote Resource Conservation District that is currently pending before the SWRCB.

The SCVWD is required to prepare an UWMP every five years to provide long-term water resource planning and to ensure adequate water supplies are available to meet existing and future water demands.

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in accordance with the UWMP Act. The Final Draft 2015 UWMP was completed in May 2016. In order to maintain maximum efficiency and flexibility a mix of four primary sources are used to supply water to San José.

**Stormwater**

The City storm drainage system is comprised of a network of storm drain inlets, manholes, pipes, outfalls, channels, and pump stations designed to protect infrastructure and the traveling public from flood waters during storm events. The various components of the storm drainage system function collectively to collect, convey, and discharge stormwater runoff to receiving water bodies. The underground collection system consists of approximately 1,250 miles of reinforced concrete pipes varying in size from 12 to 144 inches in diameter that function by gravity to carry untreated stormwater to local creeks and rivers. Collected stormwater runoff is discharged to the creeks and rivers via storm outfall structures. The creeks and rivers, in turn, flow to the San Francisco Bay. In low lying areas of the city stormwater pump stations are employed to facilitate drainage when gravity drainage is not possible or feasible.177

The nearest mapped stormwater infrastructure to the project site includes: 1) a manhole over a 27-inch diameter storm drain pipe beneath Cottle Road and draining to the north, located just north of the site; a manhole cover and underlying 12-inch diameter storm drain pipe beneath Cottle Road and draining south, located just south of the site; and 3) 4-inch and 6-inch storm drains and a pump station associated with the Kaiser Permanente Medical Center, located to the southeast of the site.178

**Solid Waste**

The City currently generates approximately 1.7 million tons of solid waste annually. The City is primarily served by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris. The landfills include Guadalupe Mines, Kirby Canyon, Newby Island, Zanker Road Materials Processing Facility, and Zanker Road. The five landfills have a total permitted capacity of 5.3 million tons per year. Based on available capacity of the landfills, the projected closure dates are 2021 for Guadalupe Mines and 2025 for Kirby Canyon and Newby Island. The Zanker Road facilities have no closure date due to the minimal amount of material landfilled each year. Considering these projected closure dates and current generation rates, there will be adequate landfill capacity to accommodate waste generated in Santa Clara County for at least 15 years. After this

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177 Envision San José 2040 Draft Environmental Impact Report, June 2011.
179 This does not include the numerous facilities that primarily handle a single type of material such as scrap metal.
181 Envision San José 2040 General Plan EIR. In August 2012, the City approved the expansion of the Newby Island landfill to allow operation through 2025.
time, regional landfills could reach capacity in the absence of additional waste reduction efforts. According to the Integrated Waste Management Plan (IWMP), the County has adequate disposal capacity beyond 2022.

In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. In 2014, City diverted approximately 73 percent of the waste generated through a variety of programs, including residential curbside recycling and yard trimmings collection programs, civic recycling, and the Construction & Demolition Diversion Deposit (CDDD) program.\(^{183,184}\)

Garden City Sanitation provides onsite garbage collection at project site location. California waste Solutions provides recycling services for the site. GreenWaste Recovery hauls yard trimmings for the project site location.\(^{185}\)

**Electricity and Natural Gas**

Pacific Gas and Electric Company (PG&E) provides electricity and natural gas services to the city. PG&E is a publicly traded utility company which generates, purchases, and transmits energy under contract with the California Public Utilities Commission. PG&E’s service territory is 70,000 square miles in area, roughly extending north to south from the City of Eureka to the City of Bakersfield, and east to west from the Sierra Nevada mountain range to the Pacific Ocean. PG&E owns and maintains above- and below-ground networks of electric and gas transmission and distribution facilities throughout the city. Both gas and electrical service is available throughout the San José.

**DISCUSSION**

\[a]\) **Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

As described above, the RWF provides wastewater treatment services to the City of San José and other cities and tributary agencies in the South Bay Area. While the proposed project is a GPA, it could facilitate a future development of up to 495 dwelling units, which would house up to 1,515 people. Wastewater produced on site would be directed to the RWF facilities for treatment. Future development facilitated by the proposed project would be required to comply with existing wastewater treatment regulations of the San Francisco Bay RWQCB, and water conservation policies adopted by the City, such as those included in the General Plan, the San José Green Vision, and the SJMC Chapter 15.10, Water Waste Prevention and Water Shortage Measures, which would serve to minimize the amount of wastewater generated. Mandatory compliance with these regulations would ensure that the proposed project would not exceed

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\(^{183}\) The CDDD is an incentive program to encourage the recovery of debris from construction and demolition projects. The City collects a deposit that is fully refundable with proper documentation that the debris was diverted from burial in a landfill. http://www.sanjoseca.gov/index.aspx?NID=2193, accessed on February 20, 2017.


the RWF’s wastewater treatment requirements. Accordingly, implementation of the proposed project would result in a **less-than-significant** impact.

b) **Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

The RWF is permitted to discharge 167 mgd dry weather effluent flow. In addition, if the average dry weather flow effluent flow equals or exceeds 120 mgd, the Discharger shall immediately implement measures to reduce discharge flows as identified in the South Bay Action Plan and submit to the RWQCB annual reports with its annual self-monitoring reports describing the year’s accomplishments and actions planned for the upcoming year. Currently, the RWF treats an average of about 110 mgd and discharges slightly less than that amount of effluent (dry weather peak) to the San Francisco Bay. Based on the average daily dry weather flows from sources in San José (approximately 69.8 mgd), the City currently has approximately 38.8 mgd of excess treatment capacity. On-site activities associated with implementation of the proposed project would generate an average of about 121,200 gallons per day—or 0.121 mgd—of effluent that would be directed to the RWF for treatment.\(^\text{186}\) As described above, the City has approximately 38.8 mgd of excess treatment capacity at the RWF; therefore, the RWF has adequate capacity to accept wastewater produced by the proposed project. In addition, future development facilitated by the proposed project would be required to comply with existing wastewater treatment regulations of the San Francisco Bay RWQCB, and water conservation policies adopted by the City, such as those included in the General Plan and the San José Green Vision, and the SJMC Chapter 15.10, Water Waste Prevention and Water Shortage Measures, which would serve to minimize the amount of wastewater generated. Mandatory compliance with these regulations would ensure that future development facilitated by the proposed project would not exceed the design or permitted capacity of the RWF that serves the project site. Accordingly, implementation of the proposed project would result in a **less-than-significant** impact.

c) **Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

As discussed under Criterion (e) in Section VII, Hydrology and Water Quality, above, implementation of the proposed project would not increase the amount of impervious surfaces and with the implementation of stormwater treatment control measures in accordance with the MRP and SCVURPPP guidelines, the amount of stormwater runoff from the site should decrease with proposed development.

Operational best management practices would be required to meet the C.3 provisions of the MRP and the project would be required to implement site design, source control, and stormwater treatment measures that would minimize any increase in stormwater runoff. The proposed project would result in changes at the policy level and does not include a specific development proposal. Therefore, the stormwater low impact development features and stormwater treatment measures that would be implemented as part of a future project on the site have yet to be determined. Once detailed engineering drawings are drafted

\(^{186}\) See impact discussion XIV.

**d) Would there be sufficient water supplies available to serve the project from existing and identified entitlements and resources, or are new or expanded entitlements needed?** Assuming the estimated 125,200 gpd water demand for the proposed project all becomes wastewater.
and submitted along with the Stormwater Control Plan (SCP), the City would review the project’s planned connection to the City’s storm drain system and would determine whether the storm drain can accept the stormwater runoff from the site without exceeding the capacity of the storm drain system.

As under Criterion (a) in Section VII, Hydrology and Water Quality, above, best management practices and low impact development features will be implemented during future construction and project operation that would control and reduce the potential for sediment, debris, and other pollutants to be discharged into the storm drain system. With implementation of these measures, implementation of the proposed project would not result in substantial additional sources of polluted runoff. Therefore, any impact on the capacity of existing or planned storm drain systems would not be substantial.

In addition, future development facilitated by the proposed project would be required to comply with existing stormwater management policies adopted by the City such as General Plan Policy 6-29, the SJMC Chapter 15.10, Water Waste Prevention and Water Shortage Measures, and General Plan Policy IN-3.10, which requires compliance with the City’s NPDES permit. Mandatory compliance with these regulations would ensure that future development facilitated by the proposed project would not require the expansion of existing stormwater facilities or the construction of new facilities, the construction of which could otherwise have significant impacts. Accordingly, implementation of the proposed project would result in a less-than-significant impact.

d) Would there be sufficient water supplies available to serve the project from existing and identified entitlements and resources, or are new or expanded entitlements needed?

Future development facilitated by the proposed would involve replacement of the existing park-and-ride lot and construction of up to 495 multi-family units generating up to 1,515 residents. The Great Oaks 2015 UWMP identified 80 gallons per capita per day (gpcd) as the “2015 Compliance Year” per capita water demand rate in the Great Oaks service territory. Therefore, future development facilitated by the proposed project would require an estimated 121,200 gallons per day (1,515 residents x 80 gpcd = 121,200 gpd), or 44 million gallons per year (mgd). This is a very small fraction of the water demand of the approximately 100,000 population served by Great Oak.

As described in the Great Oaks UWMP (2015), the water retailer has adequate water supplies to satisfy demand through to the 2040 horizon year in normal, dry, and multiple dry years. In addition, the proposed project would be required to comply with General Plan Policies such as PR-6.5 to reduce water use, MS-3.2 to promote use of green building techniques that can help reduce the depletion of the City’s potable water supply, as building codes permit, MS-18.4 to retrofit existing development to improve water efficiency where a future project plans to renovate existing buildings, and MS-19.4 to require the use of recycled water.

In addition, the future development would include on-site landscaping in accordance with the SJMC Chapter 15.11, which regulates water conservation through landscape design, installation, and

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maintenance consistent with the Water Conservation in Landscaping Act, California Government Code Section 65591 et seq.  

Mandatory compliance with these regulations would ensure that water demand from future development facilitated by the proposed project would not exceed the available water supply or require new or expanded entitlements. Accordingly, implementation of the proposed project would result in a less-than-significant impact.

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?

As described under Criterion (a) above, the RWF has the available capacity to treat the 121,200 gpd of effluent conservatively estimated to be produced by future development facilitated by the proposed project. In addition, future development facilitated by the proposed project would be required to comply with existing wastewater treatment requirements of the San Francisco RWQCB, and water conservation policies adopted by the City, such as those included in the General Plan, the San José Green Vision, and Chapter 15.10 of the SJMC, which would serve to minimize the amount of wastewater generated. Mandatory compliance with these regulations would ensure that the proposed project would not exceed the design or permitted capacity of the RWF and would not require new or expanded water treatment facilities. Accordingly, implementation of the proposed project would result in a less-than-significant impact.

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

As described above, the City currently generates 1.7 million tons of solid waste per year. All solid waste produced in the city is processed by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris. The five landfills have a total permitted capacity of 5.3 million tons per year. Future development facilitated by proposed project would generate approximately 400 tons of waste per year. Future development facilitated by proposed project would be required to comply with the City’s Zero Waste Resolution and Strategic Plan and the SJMC Chapter 9.10, which sets forth requirements for solid waste management. In addition, future development facilitated by proposed project would be required to comply with General Plan Policies IN-5.3 related to integrating solid waste technology into new development, Policy MS-6.3 to reduce construction waste, and Policies MS-6.5, MS-6.8, and MS-6.12, which encourages and promotes recycling, composting and reusing in the city. Mandatory compliance with these regulations would ensure that implementation of the proposed project would not cause landfills or transfer stations to exceed permitted capacity. Accordingly, implementation of the proposed project would result in a less-than-significant impact.


190 City of San José, 2011. Envision San José 2040 General Plan EIR, Section 3.10.3.4, Solid Waste, page 663.

191 31.1 pounds of solid waste per week for multi-family residential x 495 multi-family units = 800,514 pounds of solid waste per year.

800,514 pounds of solid waste per year/2000 (the number of pounds in 1 ton) = 400.25 tons of solid waste per year.
g) Comply with federal, State, and local statutes and regulations related to solid waste?

As discussed above under Criteria (f), future development facilitated by proposed project would generate approximately 400 tons of waste per year.192 The San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. In 2014, City diverted approximately 73 percent of the waste generated through a variety of programs, including residential curbside recycling and yard trimmings collection programs, civic recycling, and the CDDD program.193,194 In addition, the City’s Environmental Services Department prepared an Integrated Waste Management Zero Waste Strategic Plan in November 2008. The Zero Waste Strategic Plan supports several Green Vision Goals, but its primary focus is to identify the path to achieve zero waste. These programs would ensure that future development facilitated by proposed project would not compromise the ability to achieve or exceed the State-mandated waste target. In addition, the project would be subject to the SJMC Chapter 9.10, which sets forth requirements for solid waste management. Mandatory compliance with applicable statutes and regulations would ensure that the impact would be less than significant.

h) Result in a substantial increase in natural gas and electric service demands requiring new energy supply facilities and distribution infrastructure or capacity enhancing alterations to existing facilities?

Future development facilitated by proposed project would involve redeveloping the project site with a new infill TOD that would be served by existing PG&E distribution systems that would provide natural gas and electricity. Future development facilitated by the proposed project could require electrical services totaling up to an estimated 3,280 KWhr/yr and additional natural gas service up to and estimated 7,916 KBTU/yr.195 These are very modest increases in energy use, especially compared to the total for the PG&E service territory.196 Future development facilitated by the proposed project would not result in a substantial increase in natural gas and electricity requiring new energy supply facilities. In addition, future development facilitated by the proposed project would be required to comply with energy efficiency standards set forth by Title 24 of the California Administrative Code, CALGreen, Action MS-2.11 of the General Plan, which requires reduced energy use through construction techniques and design, and City Council Policy 8-13 which made green building the standard practice in San José. Accordingly, impacts would be less than significant.

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192 31.1 pounds of solid waste per week for multi-family residential x 495 multi-family units = 800,514 pounds of solid waste per year.
193 800,514 pounds of solid waste per year/2000 (the number of pounds in 1 ton) = 400.25 tons of solid waste per year.
194 The CDDD is an incentive program to encourage the recovery of debris from construction and demolition projects. The City collects a deposit that is fully refundable with proper documentation that the debris was diverted from burial in a landfill, http://www.sanjoseca.gov/index.aspx?NID=2193, accessed on February 20, 2017.
196 CalEEMod was used by staff at PlaceWorks to determine these estimates.
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporated</th>
<th>Less Than Significant</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would implementation of the proposed 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>
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<td>b) Would implementation of the proposed project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
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<td>c) Would implementation of the proposed project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
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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 throughout this Initial Study, the project site is in a highly urbanized, extensively developed area of San José. It is entirely built out with a surface parking lot; and landscaped trees, which may have nesting birds and raptors. As discussed in Section IV, Biological Resources, of this Initial Study, there are no sensitive natural communities, no areas of sensitive habitat, and no areas of critical habitat occurring at the project site. Future development facilitated by the proposed project would be required to comply with General Plan Policies ER-4.4, ER-5.1 and ER-5.2, which call for surveys and implementation of protection measures for special-status species (particularly migratory birds). In addition, as a matter of standard practice for sites with existing trees, the City could require additional measures that call for seasonal avoidance measures and preconstruction bird surveys in order to avoid potential impacts to nesting birds and raptors. Mandatory compliance with General Plan policies as well as SJMC Chapters 13.32, Tree Removal Controls, and federal laws, including the Migratory Bird Treaty Act, (listed above) would ensure approval of the proposed General Plan amendment would result in a less-than-significant impact to the environment and wildlife.
As discussed in Section V, Cultural Resources, of this Initial Study, there are no buildings currently listed or eligible for listing on the California Register of Historical Resources, no recorded archaeological sites, and no known paleontological resources located on the project site. In addition, future development facilitated by the proposed project would be required to adhere to General Plan Policies ER-10.1, ER-10.2, and ER-10.3 that require adequate protection of archaeological resources, paleontological resources, human remains, and Tribal Cultural Resources, as well as California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA), which mandate procedures of conduct following the discovery of human remains. Accordingly, the proposed project would result in a less-than-significant impact to major periods of California history or prehistory.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Section 15355 of the CEQA Guidelines defines cumulative impacts as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. CEQA Guidelines Section 15130(b) advises that a discussion of cumulative impacts should reflect both the severity of the impacts and the likelihood of their occurrence. To accomplish these two objectives, CEQA Guidelines Section 15130 permits two different methodologies for completion of a cumulative impact analysis:

- The ‘list’ approach permits the use of a list of past, present, and probable future projects producing related or cumulative impacts, including projects both within and outside the city; and

- The ‘projections’ approach allows the use of a summary of projections contained in an adopted plan or related planning document, such as a regional transportation plan, or in an EIR prepared for such a plan. The projections may be supplemented with additional information such as regional modeling.

This Initial Study uses the projections approach and takes into account growth from the proposed project together with the existing General Plan projections together combined with the proposed General Plan amendments projections applied in the Long-Range TIA.197

The cumulative setting considered for each cumulative impact depends upon the impact that is being analyzed. For example, in assessing aesthetic impacts, the pertinent geographic study area is the vicinity of the areas of potential future development facilitated by the proposed project from which the new development can be publicly viewed and may contribute to a significant cumulative visual effect. In assessing macro-scale air quality impacts, on the other hand, all development within the air basin contributes to regional emissions of criteria pollutants, and basin-wide projections of emissions is the best tool for determining the cumulative effect.

197 Long-Range Traffic Impact Analysis, City of San Jose 2017 General Plan Amendments, prepared by Hexagon Transportation Consultants, August 18, 2017. See Appendix C of this Initial Study.
The discussion below addresses two aspects of cumulative impacts: (1) would the effects of the cumulative development result in a cumulatively significant impact on the resources in question and, if that cumulative impact is likely to be significant, (2) would the contributions to that impact from the project, which is the subject of this Initial Study, be cumulatively considerable. Per CEQA Guidelines Section 15064(h)(1), “cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past, current, and probable future projects. The CEQA Guidelines state that a Lead Agency has discretion to determine if a project’s contribution to a significant cumulative impact is cumulatively considerable.

As discussed in the sections below, the implementation of the proposed project would not be expected to contribute to or result in significant cumulative impacts. The following provides cumulative impact analysis for each impact area discussed in this Initial Study:

- **Aesthetics:** The cumulative impact for aesthetics includes potential future development under the proposed project combined with effects of development on lands in close proximity to the project site that together would result in a substantial adverse effect on a designated scenic vista or if it would result in a substantial degradation of the visual quality or character in the vicinity of the project site. As described in Section I, Aesthetics, of this Initial Study, all new development is subject to the City’s design review process to ensure that project features such as building design, landscaping, site planning, and signage, are consistent with the City’s adopted plans, regulations, and design aesthetics. Moreover, similar to the proposed project, other projects would be required to be in conformance with General Plan goals and policies that seek to preserve and enhance the character of existing neighborhoods in San José. The uniform application of these regulations, goals, and policies would ensure that all development in San José is compatible with its surroundings upon approval. Additionally, the design review requirement as well as subsequent CEQA review, if necessary, would give the City the opportunity to evaluate projects’ potential impacts on scenic resources prior to approval. Therefore, implementation of the proposed project would not substantially contribute to or result in a significant cumulative impact. Cumulative impacts would be less than significant.

- **Agriculture and Forestry Resources:** As described in Section II, Agriculture and Forestry Resources, of this Initial Study, the project site is currently developed as a park-and-ride lot and is not considered Prime Farmland, Unique Farmland, or Farmland of Local Importance within the city. In addition, according to 2006 mapping data from the California Department of Forestry and Fire Protection (CALFIRE), the city does not contain any woodland or forestland cover. Accordingly, the project would not contribute to or result in a cumulative impact on farmland or forestland. In addition, future development within San José would be subject to San José Municipal Code (SJMC) Chapter 20.20 and General Plan goals and policies which seek to preserve agricultural lands. Therefore, implementation of the proposed project would have a less-than-significant cumulative impact with respect to agriculture and forestry resources.

- **Air Quality:** Emissions affecting air quality are by their nature regionally and globally cumulative impacts; therefore, the discussion in Section III, Air Quality of this Initial Study, evaluates cumulative impacts.

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198 City of San José, 2011. Envision San José 2040 General Plan EIR, Section 3.1.1.3, Existing Land Use, pages 141-142.
conditions. As discussed in Section III, the San Francisco Bay Area Air Basin (SFBAAB) is currently designated as a nonattainment area for California and national O₃, California and national fine inhalable particular matter (PM₂.₅), and California coarse inhalable particulate matter (PM₁₀) ambient air quality standards (AAQS). Any project that does not exceed or can be mitigated to less than the Bay Area Air Quality Management District (BAAQMD) significance levels will not result in a significant or cumulatively considerable impact. Future development on the project site would be subject to CEQA review and would determine whether emissions would be in excess of State or federal AAQS. Additionally, any new development would be required to comply with BAAQMD regulations to mitigate or prevent the generation of criteria pollutant emissions. The proposed project would result in changes at the policy level and does not include a specific development proposal. Thus, the proposed project would not directly result in any criteria air pollutant emissions. 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. Therefore, implementation of the proposed project would not contribute to or result in a cumulative impact with respect to air quality. Cumulative impacts would be less than significant.

- **Biological Resources:** The potential impacts of a proposed project on biological resources tend to be site-specific, and the overall cumulative effect is dependent on the degree to which significant vegetation and wildlife resources are protected on a particular site. This includes preservation of well-developed native vegetation (e.g., marshlands, native grasslands, oak woodlands, riparian scrub and woodland, etc.), populations of special-status plant or animal species, and wetland features (including seasonal wetlands and drainages). Environmental review of specific development proposals in the vicinity of a development site should serve to ensure that important biological resources are identified, protected, and properly managed, and to prevent any significant adverse development-related impacts, including development for the remaining undeveloped lands in the surrounding area.

As discussed in Section IV, Biological Resources, of this Initial Study, the footprint of the proposed project lacks any sensitive biological resources. In addition, required compliance with General Plan ER-4.4, ER-5.1 and ER-5.2 would ensure potential impacts to special-status species (particularly migratory birds) would be less than significant. Accordingly, the project would not contribute to any cumulative impacts on special-status species, sensitive natural communities, or regulated wetlands. And the impacts associated with future development facilitated by the proposed project would not contribute to a cumulative reduction of important wildlife habitat. Therefore, implementation of the proposed project would have a less-than-significant cumulative impact with respect to biological resources.

- **Cultural Resources:** The cumulative impact for cultural resources includes potential future development under the proposed project combined with effects of development on lands within the San José and region. Future development facilitated by the proposed project, in conjunction with development on lands within the SOI, has the potential to cumulatively impact cultural resources including archaeological and paleontological deposits, human remains, and Tribal Cultural Resources (TCRs). As discussed in Section V, Cultural Resources, of this Initial Study, there are no structures on the project site; thus future development facilitated by the proposed project would result in no impact to historic architectural resources. Compliance with General Plan Policies ER-10.1, ER-10.2, and ER-10.3 compliance with State regulations for managing human remains, listed in Section V, Cultural Resources, would ensure that implementation of the proposed project would have a less-
than-significant impact to unknown archaeological resources, paleontological resources, human remains, or TCRs on the projects. Accordingly, implementation of the proposed project would not create or contribute to a cumulative impact on cultural resources. Additionally, the existing federal, State, and General Plan policies serve to protect cultural resources in San José. Other projects in San José would be required to comply with these regulations to avoid impacts to historical, archaeological, paleontological resources, human remains, and TCRs to the maximum extent practicable. Therefore, in combination with past, present, and reasonably foreseeable projects, the project would result in a less-than-significant cumulative impact with respect to cultural resources.

- **Geology and Soils**: Any potential future development facilitated by the proposed project or in the surrounding vicinity would be required to meet the latest standards set forth in the California Building Code. The California Building Code requirements, along with requirements in the SJMC, ensure that any development on unstable soil or expansive soil is regulated to minimize potential hazards. The SJCC includes requirements for the performance and review of geological investigations prior to the issuance of building permits in a State-designated Alquist-Priolo fault zone. Moreover, in combination with foreseeable development in the surrounding area, implementation of the proposed project would not change the geology or soil characteristics of the project area as a whole. Implementation of the proposed project would not result in a significant impact with respect to geology, and soils, and would not significantly contribute to cumulative impacts in this regard. Therefore, the cumulative impacts associated with potential future development allowed by the proposed project, together with anticipated cumulative growth, would result in a less-than-significant cumulative impact with respect to geology and soils.

- **Greenhouse Gas Emissions**: Emissions contributing to the accumulation of greenhouse gas (GHG) emissions are by nature regionally and globally cumulative impacts; therefore, the discussion in Section VII, Greenhouse Gas Emissions, of this Initial Study, evaluates cumulative impacts. As discussed in Section VII, future development facilitated by the proposed project as well as cumulative projects would be subject to measures in the City’s GHG Reduction Strategy in addition to statewide measures to reduce GHG emissions and demonstrate it would not exceed BAAQMD’s bright-line screening threshold of 1,100 metric tons of carbon dioxide equivalent (MT CO₂e) and incorporate mitigation measures to reduce the impact if required. In addition, implementation of the proposed project would facilitate an infill Transit-Oriented Development (TOD) project, which would contribute in efforts to reduce vehicle trips, VMT, and mobile sources of GHG emissions overall due to its proximity to transit. Therefore, the proposed project would not substantially contribute to long-term cumulative GHG emissions and cumulative impacts would be less than significant.

- **Hazards and Hazardous Materials**: As discussed in Section VIII, Hazards and Hazardous Materials, of this Initial Study, the project site does not contain any known hazardous materials spills or storage. Implementation of the proposed project would introduce infill TOD to the project site, which could release hazardous materials into the environment during construction, but this type of use would not involve the use of hazardous materials large enough quantity (cleansers, degreasers, pesticides, and fertilizers) to create a hazard to the public or the environment. Standard precautions and best management practices to prevent spills would minimize exposure of hazardous materials to people and the environment would be carried out in accordance with applicable local, State, and federal laws described in Section VIII. Therefore, the project would not contribute to a significant cumulative hazardous materials impact. In addition, the project site is not in the vicinity of a private airstrip or...
airport, located in a wildfire hazard area, and would not obstruct any routes identified in the City of San José Emergency Operations Plan. Accordingly, implementation of the proposed project would not contribute to a significant cumulative impact related to airports, wildfires, or interference with an emergency response plan. Future development on the project site and other future development in San José, would be required to comply with the existing General Plan policies, such as Policy EC-6.2, which requires proper storage and use of hazardous materials and Policy EC-7.11, which requires sampling for residual agricultural chemicals for sites to be used for new development to account for worker and community safety during construction, in addition to other local, State and federal regulations discussed in Section VIII aimed at protecting public safety. As such, the cumulative impacts from implementation of the proposed project would be less than significant.

- **Hydrology and Water Quality:** The geographic context used for the cumulative assessment of water quality and hydrology impacts is the Guadalupe River Watershed, which encompasses a large portion of south and western San José. As discussed in Section IX, Hydrology and Water Quality, future potential development facilitated by the proposed project would be required to comply with State and local policies that would reduce hydrology and water quality impacts to less-than-significant levels. Any new development in San José and the Guadalupe River Watershed would be subject, on a project-by-project basis, to independent CEQA review, if necessary, as well as policies in the General Plan, design guidelines, zoning codes, adherence to SJMC Chapter 20.95, Storm Water Management, and other applicable City requirements that protect water quality. More specifically, potential changes from cumulative development related to stormwater quality, stormwater flows, drainage, impervious surfaces, and flooding would be minimized via the implementation of stormwater control measures, retention, and low impact development measures, and review by City personnel that could require additional measures to reduce potential flooding impacts.

Compliance with the City’s Post-Construction Urban Runoff Management Policy 6-20, Santa Clara County’s low impact development regulations, and the San Francisco Bay Regional Water Quality Control Board’s (San Francisco Bay RWQCB’s) Municipal Regional Permit (MRP) would require best management practices and low impact development features to be included in any proposed project. These best management practices include site design, source control, and treatment control measures that provide both flow control and treatment to runoff before it enters the storm drain system or receiving water bodies. In addition, all projects that disturb over 1 acre or more would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) with erosion and sediment controls that address construction impacts.

All cumulative projects would be subject to similar permit requirements. The water quality regulations implemented by the San Francisco Bay RWQCB take a basin-wide approach and consider water quality impairment in a regional context. For example, the NPDES Construction Permit ties receiving water limitations and basin plan objectives to terms and conditions of the permit, and the MRP works with all municipalities to manage stormwater systems to be collectively protective of water quality. For these reasons, impacts to water quality for the proposed project are not cumulatively considerable and the cumulative impact would be less than significant.

- **Land Use:** As discussed in Section X, Land Use, of this Initial Study, the proposed project would not conflict with any applicable land use plans, policies, or regulations. In addition, the proposed project would not physically divide an existing community, nor would the proposed project conflict with an
adopted conservation plan. Therefore, the proposed project would not contribute to or result in a significant cumulative impact land use and planning impact. Cumulative impacts would be **less than significant**.

- **Mineral Resources**: As described in Section XI, Mineral Resources, of this Initial Study, the project site is not identified as containing any mineral deposits and is located approximately 4 miles northeast of the Communications Hill Area, which is identified as containing mineral deposits of regional significance per the San José General Plan. Accordingly, the project would not contribute to or result in a cumulative impact on mineral resources. In addition, future development in San José would be subject to General Plan Policy ER-11.2, which encourages the conservation of Surface Mining and Reclamation Act (SMARA)-designated mineral deposits. Therefore, implementation of the proposed project would have a **less-than-significant** cumulative impact with respect to mineral resources.

- **Noise**: Noise impacts discussed in Section XII, Noise, of this Initial Study are evaluated in their cumulative context. Future development at the project site could increase the community noise environment around the area due to stationary sources from construction equipment and building operation (e.g., heating, ventilation, and air conditioning equipment on top of the future buildings) and from vehicles trips traveling to and from the project site. Cumulative projects in the area of the proposed project that could increase the community noise level would be subject to the same applicable standards are aimed at controlling stationary noise sources (primarily through the SJMC) and at managing traffic-related noise emissions would ensure that impacts would be less than significant. As discussed in Section XII, the proposed project would not contribute to or result in a significant cumulative impact.

- **Population and Housing**: Impacts of cumulative growth are considered in the context of their consistency with regional planning efforts. As described in Section XIII, Population and Housing, the proposed project would not induce a substantial amount of growth or require the construction of replacement housing elsewhere. Although the proposed project could generate up to 1,515 new residents, the project site is within the VTA City Cores, Corridors & Station Areas Planned Development Area (PDA), which is intended to support concentrated residential and employment infill growth. Therefore, implementation of the proposed project would be consistent with these regional growth projections and would not induce substantial regional population growth. The cumulative projects would introduce an additional 2,809 new residents\(^{200}\) to San José. The Association of Bay Area Government’s *Projections 2013* estimate a total number of 1,363,000 new residents in San José by 2040. The total number of new residents under the combined General Plan amendments plus the current General Plan population projects would total an estimated 1,318,135 residents\(^{201}\) in San José by 2040. Thus, the proposed project would not contribute to cumulative growth that would displace substantial numbers of people or housing or exceed planned levels of growth. As future projects are proposed, they would be required to demonstrate consistency with regional growth projections the same as the proposed project. Therefore, cumulative impacts would be **less than significant**.

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\(^{200}\) Using the net new 918 households applied to the *Long-Range Traffic Impact Analysis, City of San Jose 2017 General Plan Amendments*, prepared by Hexagon Transportation Consultants, August 18, 2017, multiplied by 3.06 persons per household would result in 2,809 total net new residents without the project.

\(^{201}\) Envision San José 2040 General Plan EIR, Table 3.14-4, Comparison to ABAG Projections, page 771.
Public Services: The primary purpose of a public services impact analysis is to examine the impacts associated with physical improvements to public service facilities required to maintain acceptable service ratios, response times or other performance objectives. Public service facilities need improvements (i.e., construction, renovation or expansion) as demand for services increase. Increased demand is typically driven by increases in population. A significant environmental impact would occur if a proposed project would exceed the ability of public service providers to adequately serve residents, thereby requiring construction of new facilities or modification of existing facilities resulting in a physical impact to the environment. As with the proposed project, future development in San José would be required to undergo project review and comply with the most recent California Building Code as California Fire Code as incorporated into the San José Municipal Code and General Plan policies required to reduce impacts to public services. In additional, future projects would also be required to pay all developer impact fees to the school districts that serve their sites per Section 65996 of the California Government Code, which is deemed to fully mitigate the impacts of new development on school services. As discussed in section XIV, Public Services, of this Draft EIR, the proposed project would not cause any of the public service providers that serve the project site to construct a new facility or modify an existing facility in order to meet their performance objectives. Accordingly, the proposed project would not result in or contribute to a significant cumulative impact. Cumulative impacts would be less than significant.

Parks and Recreation: Like the proposed project, future cumulative projects in San José that introduce new residents to San José would be required to comply with the Parkland Dedication Ordinance (PDO), which requires new housing projects to provide 3.0 acres of neighborhood/community serving parkland per 1,000 population or pay the equivalent Parkland In-Lieu Fee, per SJMC Chapter 19.38. Per SJMC Section 19.38.345, Use of Parkland Fees, the Parkland In-Lieu Fees supports the development, acquisition, and renovation of park facilities and recreational facilities. Future development facilitated by the proposed project and future projects would be required to comply with the PDO requirements. Therefore, cumulative impacts to park facilities in San José would be less than significant.

Transportation and Circulation: In addition to the “site-specific GPA traffic impacts analysis” that was prepared for the proposed project and discussed in Section XVI, Transportation and Circulation, of this Initial Study, the cumulative long-range traffic impacts of all of the nine proposed 2017 General Plan Amendments were evaluated in the Long-Range TIA (see Appendix C of this Initial Study). Each of the proposed General Plan amendments is shown in Table 4-10.

<table>
<thead>
<tr>
<th>#</th>
<th>Project Name</th>
<th>Address</th>
<th>APN</th>
<th>Acres</th>
<th>Land Use</th>
<th>Maximum Density</th>
<th>Land Use</th>
<th>Maximum Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>GP16-011 Oakland Rd.</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>
</tbody>
</table>

202 City of San José Municipal Code (SJMC), Title 19 (Subdivisions), Chapter 19.38 (Parkland Dedication).
As discussed in Section XVI, Transportation and Circulation, the City of San Jose has adopted policy goals in the General Plan to reduce the drive-alone mode share to no more than 40 percent of all daily commute trips, and to reduce the VMT 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 MOE thresholds were used to evaluate long-range transportation impacts resulting from implementation of the other General Plan amendments. The other General Plan amendments would be considered to have a significant cumulative long-range traffic impact if one or more of the following occurs: i) the amendments result in an increase in daily VMT per service population, ii) the amendments result in an increase in the percentage of journey-to-work drive alone trips; and/or iii) the amendments result in a 7.5 percent decrease in average vehicle speeds on designated transit priority corridors (summarized in Table 4-5 above). In addition to the three MOEs, the cumulative traffic analysis evaluated potential cumulative effects on adjacent jurisdictions.

The results of the cumulative Long-Range TIA for all the 2017 General Plan amendments with the proposed project are summarized in Tables 4-11 through 4-14 and discussed as follows:

- **Daily Vehicle Miles Traveled per Service Population.** As shown in Table 4-11, 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>
<thead>
<tr>
<th>TABLE 4-11 CUMULATIVE GENERAL PLAN AMENDMENTS DAILY VEHICLE MILES TRAVELED PER SERVICE POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Projected Year 2015 Conditions</strong></td>
</tr>
<tr>
<td>Citywide Daily VMT</td>
</tr>
<tr>
<td>Citywide Service Population</td>
</tr>
<tr>
<td>Daily VMT Service Population</td>
</tr>
<tr>
<td>Increase in VMT/Service Population over General Plan Conditions</td>
</tr>
<tr>
<td>Significant Impact?</td>
</tr>
</tbody>
</table>

Notes: VMT = vehicle miles traveled  
Source: Hexagon Transportation Consultants, Inc., City of San José 2017 General Plan Amendments, Long-Range Traffic Analysis, August 18, 2017, Table 4, page 25.

- **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 4-12 below, summarizes the citywide journey-to-work mode share analysis results. When compared to the current General Plan, the percentage of journey-to-work drive alone trips would not change as a result of the proposed General Plan amendments. Approximately 73 percent of the commuters would drive single-occupancy vehicles to travel to and from work under the current General Plan and the current General Plan with the proposed
General Plan amendments. Therefore, the proposed General Plan amendments would result in a *less-than-significant* impact on citywide journey-to-work drive alone mode share.

<table>
<thead>
<tr>
<th>Table 4-12</th>
<th>Cumulative General Plan Amendments Journey-to-Work Mode Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mode</td>
<td>Projected Year 2015 Conditions</td>
</tr>
<tr>
<td></td>
<td>Trips</td>
</tr>
<tr>
<td>Drive Alone</td>
<td>724,530</td>
</tr>
<tr>
<td>Carpool 2</td>
<td>112,030</td>
</tr>
<tr>
<td>Carpool 3 or more</td>
<td>42,310</td>
</tr>
<tr>
<td>Transit</td>
<td>26,820</td>
</tr>
<tr>
<td>Bicycle</td>
<td>7,060</td>
</tr>
<tr>
<td>Walk</td>
<td>12,130</td>
</tr>
<tr>
<td>Increase in Drive Alone Percentage over General Plan Conditions</td>
<td><strong>-0.1 percent</strong></td>
</tr>
</tbody>
</table>

*Significant Impact?* No


- **Average Vehicle Speeds in Transit Priority Corridors.** As shown in Table 4-13, the proposed General Plan amendments would not result in a decrease in travel speeds of greater than 1 mph 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>Table 4-13</th>
<th>Cumulative General Plan Amendments AM Peak Hour Vehicle Speeds for San José Transit Priority Corridors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transit Priority Corridor</td>
<td>Base Year 2015 Conditions</td>
</tr>
<tr>
<td>2nd Street from San Carlos Street to Saint James Street</td>
<td>11.4</td>
</tr>
<tr>
<td>Alum Rock Avenue from Capitol Avenue to Highway 101</td>
<td>21.2</td>
</tr>
<tr>
<td>Camden Avenue from SR 17 to Meridian Avenue</td>
<td>22.2</td>
</tr>
<tr>
<td>Capitol Avenue from South Milpitas Boulevard to Capitol Expressway</td>
<td>23.9</td>
</tr>
<tr>
<td>Capitol Expressway from Capitol Avenue to Meridian Avenue</td>
<td>25.8</td>
</tr>
<tr>
<td>East Santa Clara Street from Highway 101 to Delmas Avenue</td>
<td>20.3</td>
</tr>
</tbody>
</table>
### TABLE 4-13  CUMULATIVE GENERAL PLAN AMENDMENTS AM PEAK HOUR VEHICLE SPEEDS FOR SAN JOSÉ TRANSIT PRIORITY CORRIDORS

<table>
<thead>
<tr>
<th>Transit Priority Corridor</th>
<th>Base Year 2015 Conditions</th>
<th>Current 2040 General Plan Conditions</th>
<th>Current 2040 General Plan Plus Amendment Conditions</th>
<th>Percent Change^a</th>
<th>Absolute Change^b</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meridian Avenue from Park Avenue to Blossom Hill Road</td>
<td>22.7</td>
<td>22.7</td>
<td>22.7</td>
<td>0</td>
<td>0.0</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>

**Notes:**

^a: Percent change = Proposed 2040 General Plan Amendment Conditions minus Current 2040 General Plan Conditions.
^b: Absolute change: Proposed 2040 General Plan Amendment Conditions minus Current 2040 General Plan Conditions.

**Source:** Hexagon Transportation Consultants, Inc., City of San José 2017 General Plan Amendments, Long-Range Traffic Analysis, August 18, 2017, Table 6, page 27.

**Adjacent Jurisdictions.** Table 4-14 below, summarizes the City of San José’s traffic impacts on the roadway segments within adjacent jurisdictions. The current General Plan land use designations and proposed General Plan land use amendments result in the same impacts to roadway segments within the same 14 adjacent jurisdictions identified in the current 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 EIR for the current General Plan. Therefore, the proposed General Plan amendments would result in a less-than-significant impact on the roadway segments in adjacent jurisdictions.

In summary, when compared to the current General Plan, the proposed 2017 General Plan amendments would i.) not result in an increase citywide daily VMT per service population; ii) reduce the percentage of journey-to-work drive alone trips; or iii) increase average vehicle speeds on the transit priority corridors. Accordingly, cumulative impacts would less than significant. Furthermore, future development on each of the General Plan Amendment project sites will be required to evaluate near-term traffic for project-level CEQA clearance for each planning permit.

---

203 City of San José, 2011. Envision San José 2040 General Plan EIR.
### Table 4-14 Cumulative General Plan Amendments AM 4-Hour Traffic Impacts in Adjacent Jurisdictions

<table>
<thead>
<tr>
<th>City</th>
<th>Projected Year 2015 Conditions</th>
<th>Current 2040 General Plan Conditions</th>
<th>Proposed 2040 General Plan Amendment Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TDL Miles&lt;sup&gt;a&lt;/sup&gt;</td>
<td>TDL Miles Attributable to San José&lt;sup&gt;b&lt;/sup&gt;</td>
<td>% TDL Miles Attributable to San José&lt;sup&gt;b&lt;/sup&gt;</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</td>
<td>0</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</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</td>
<td>0</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>Caltrain Facilities</td>
<td>5,313</td>
<td>4,133</td>
<td>78</td>
</tr>
<tr>
<td>Santa Clara County Expressway</td>
<td>2.75</td>
<td>2.75</td>
<td>100</td>
</tr>
</tbody>
</table>

Notes: % = Percent  
<sup>a</sup>: Total deficient lane miles are total lane miles of street segments with volume-to-capacity (V/C) ratios of 1.0 or greater.  
<sup>b</sup>: A deficient roadway segment is attributed to San José when trips from the City are 10 percent or more on the deficient segment.  
<sup>c</sup>: Bolded values indicate significant impacts.  
Utilities and Service Systems: Impacts evaluated under Section XVII, Utilities and Service Systems, are assessed in their cumulative context. As discussed in Section XVII, the utility service providers that serve the project site (San José-Santa Clara Regional Wastewater Facility, Great Oaks Water Company, the City’s storm drainage system, and the Guadalupe Mines, Kirby Canyon, Newby Island, Zanker Road Materials Processing Facility, and Zanker Road landfills) and residents of San Jose in their service area have adequate supply and capacity to serve a future development on the project site facilitated by the proposed project in addition to their other customers/users. Same as the proposed project, future projects developed in San Jose would be required to demonstrate there are adequate supplies and capacity to serve their projects in addition to the other users in the service provider’s area. Future development would also be required to comply with regulations that reduce water use, solid waste disposal, and conserve energy as described in Section XVII. As shown in Section XVII, the proposed project would not result in or contribute to a significant cumulative impact. Therefore, cumulative impacts would be less than significant.

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

The proposed project, a General Plan amendment, would not directly result in physical changes on the project site causing an adverse environmental impact to human beings. However, future development of the project site could result in construction-related air and noise emissions that have potential to adversely impact residents in the vicinity of the project site. Compliance with local, State and federal regulations, described in detail in each environmental topic area of this Initial Study, aimed at protecting human beings from adverse environmental effects would reduce these impacts. A future development project would adhere to relevant building codes and follow recommendations of a site-specific geotechnical report in order to avoid and mitigate potential seismic hazards. In addition, future development on the project site may require additional mitigation measures through future environmental clearance or standard conditions of approval to ensure impacts would be less than significant. Potential impacts from the proposed project on the environment and to human health would be less than significant.
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5. Organizations and Persons Consulted

This Initial Study was prepared by the following consultants and individuals:

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- Ronald M. Estrada, Senior Fire Protection Engineer

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