[insert draft MND]

TABLE OF CONTENTS

Section 1.0 Introduction and Purpose 1
1.1 Purpose of the Initial Study 1
1.2 Public Review Period 1
1.3 Consideration of the Initial Study and Project 1
1.4 Notice of Determination 1
Section 2.0 Project Information 2
2.1 Project Title 2
2.2 Lead Agency Contact 2
2.3 Project Applicant 2
2.4 Project Location 2
2.5 Assessor's Parcel Number 2
2.6 General Plan Designation and Zoning District 2
2.7 Habitat Plan Designation 2
2.8 Project-Related Approvals, Agreements, and Permits 2
Section 3.0 Project Description 3
Section 4.0 Environmental Setting, Checklist, and Impact Discussion 9
4.1 Aesthetics 10
4.2 Agriculture and Forestry Resources 13
4.3 Air Quality 16
4.4 Biological Resources 27
4.5 Cultural Resources 33
4.6 Energy 37
4.7 Geology and Soils 41
4.8 Greenhouse Gas Emissions 47
4.9 Hazards and Hazardous Materials 51
4.10 Hydrology and Water Quality 57
4.11 Land Use and Planning 64
4.12 Mineral Resources 66
4.13 Noise 68
4.14 Population and Housing 74
4.15 Public Services 76
4.16 Recreation 81
4.17 Transportation 83

4.18 Tribal Cultural Resources 91
4.19 Utilities and Service Systems 94
4.20 Wildfire 100
4.21 Mandatory Findings of Significance 103
Section 5.0 References 105
Section 6.0 Lead Agency and Consultants 110
6.1 Lead Agency 110
6.2 Consultants 110
Section 7.0 Acronyms and Abbreviations 111

TABLE OF CONTENTS

Figures

Figure 3.0-1 Regional Map of Project Site 5
Figure 3.0-2: Vicinity Map of Project Site 6
Figure 3.0-3: Aerial Figure of Project Site 7
Figure 3.0-4: Site Plan 8
Figure 4.17-1: Existing and Proposed Bicycle Facilities 87

Photos

No table of contents entries found.

Tables

Table 4.3-1 Community Risk Significance Thresholds 20
Table 4.3-2 Construction Period Emissions 21
Table 4.3-3 Operational Period Criteria Pollutant Emissions 22
Table 4.3-4: Construction Risk Impacts 23
Table 4.3-5: Operational Risk Impacts 25
Table 4.8-1: GHG Emissions (MT of CO2e) 50
Table 4.13-1: Groundborne Vibration Impact Criteria 69
Table 4.13-2: Vibration Source Levels for Construction Equipment 72
Table 4.17-1: Existing Transit Service 86

Appendices

Appendix A: Illingworth and Rodkin Alpha Charter School Community Risk Assessment
Appendix B: Hexagon Transportation Consultants Transportation Assessment

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The Alum Rock Union School District (District), as the Lead Agency, has prepared this Initial Study for the Alpha Charter School Modular Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City San José, California (as applicable). While the District is the Lead Agency, the project site is located within the City of San José. As such, the City has no authority over the project, but the policies of the City have been considered when applicable to the proposed project.

The project proposes the installation of 15 new classroom buildings, certification of four existing buildings, expansion of a playground, installation of a multi-purpose building, and improvements to the parking lot on the existing Alpha Charter School site in the City of San José. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 30-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 30-day public review period should be sent to:

Alum Rock Union School District
Kolvira Chheng
Assistant Superintendent, Business Services
2930 Gay Avenue
San Jose, CA 95127
408-928-6847

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the District will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The District shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the District may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the District will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Alpha Charter School Modular Project

2.2 LEAD AGENCY CONTACT

Alum Rock Union School District
Kolvira Chheng
Assistant Superintendent, Business Services
2930 Gay Avenue
San Jose, CA 95127
408-928-6847

2.3 PROJECT APPLICANT

Alum Rock Union School District

2.4 PROJECT LOCATION

1601 Cunningham Avenue
San José, California 95122

2.5 ASSESSOR'S PARCEL NUMBER

491-20-014

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

Public/Quasi-Public General Plan Designation, Single-Family Residential Zoning (Up to Eight Dwelling Units per Acre)

2.7 HABITAT PLAN DESIGNATION

Urban Built-up Land

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

Executed Facilities Use Agreement between Alum Rock Union Elementary School District and Alpha Public Schools

Pursuing DSA permit for 4 modular classrooms

SECTION 3.0 PROJECT DESCRIPTION

Project Location

The proposed project is located on 0.09 acres of an approximately 7.7-acre site at 1601 Cunningham Avenue in the City of San José. The Alpha School site is currently developed with 24 classrooms spread across five buildings, one cafeteria building, a library/media center, and faculty offices. Additionally, the southwest side of the site features a large grass field, and the northeast half of the site features an asphalt blacktop and two play structures. The campus serves two co-located schools, the Alpha: Blanca Alvarado and Alpha: José Hernández schools, which currently serve 741 TK through eighth grade students. The site operates from 8:00 AM to 4:00 PM Monday, Tuesday, Thursday, and Friday; and 8:00 AM to 1:30 PM on Wednesday

The surrounding project area is comprised of single and multi-family houses adjacent to the site in all directions. Additionally, the project site is approximately 300 feet east of Highway 101 and is accessible from Wayward Drive and Cunningham Avenue.

Regional and vicinity maps of the site are shown on Figures 3.0-1 and 3.0-2. An aerial photograph of the project site and surrounding area is shown on Figure 3.0-3.

Proposed Project

The project proposes the installation of 15 new classroom buildings, certification of four existing temporary buildings, expansion of a playground, installation of a multi-purpose building, and improvements to the parking lot on the site. The project would be constructed in two phases. Phase I would include the construction of four portable classroom buildings and certification of the four existing temporary classroom structures placed around the large asphalt quad near Wayword Drive. Phase II, which still requires lease approval from Alum Rock School District, would include 11 additional portable classroom buildings, a new playground, parking improvements, and the 2,400 square foot multi-purpose building.

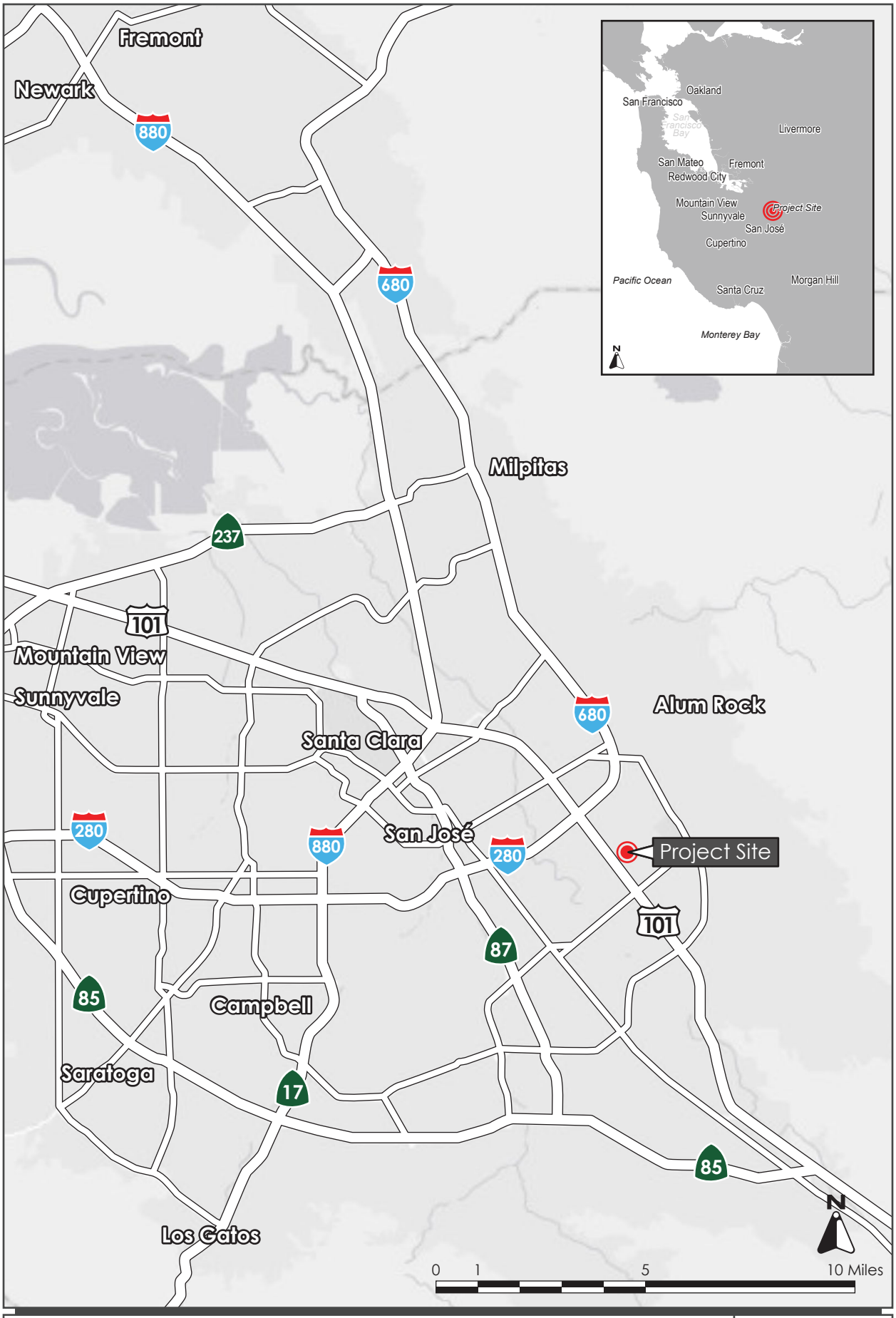
Each classroom building would be approximately 960 square feet, and this would provide capacity to expand the school population by approximately 390 students for a total of 1131 students at full build out.[1] A site plan is included in Figure 3.0-4. The two parking lots located on the southeastern side of the site would be consolidated into one parking lot, which would serve as an area for pick up and drop off for the school.

The modular structures would be brought to the site fully or partially constructed and construction equipment would then be used to position the buildings on-site and construct foundations for the structures. Shallow excavation would be needed to trench for utility connections. The school site would continue standard operations during construction and after completion of the second phase of construction.

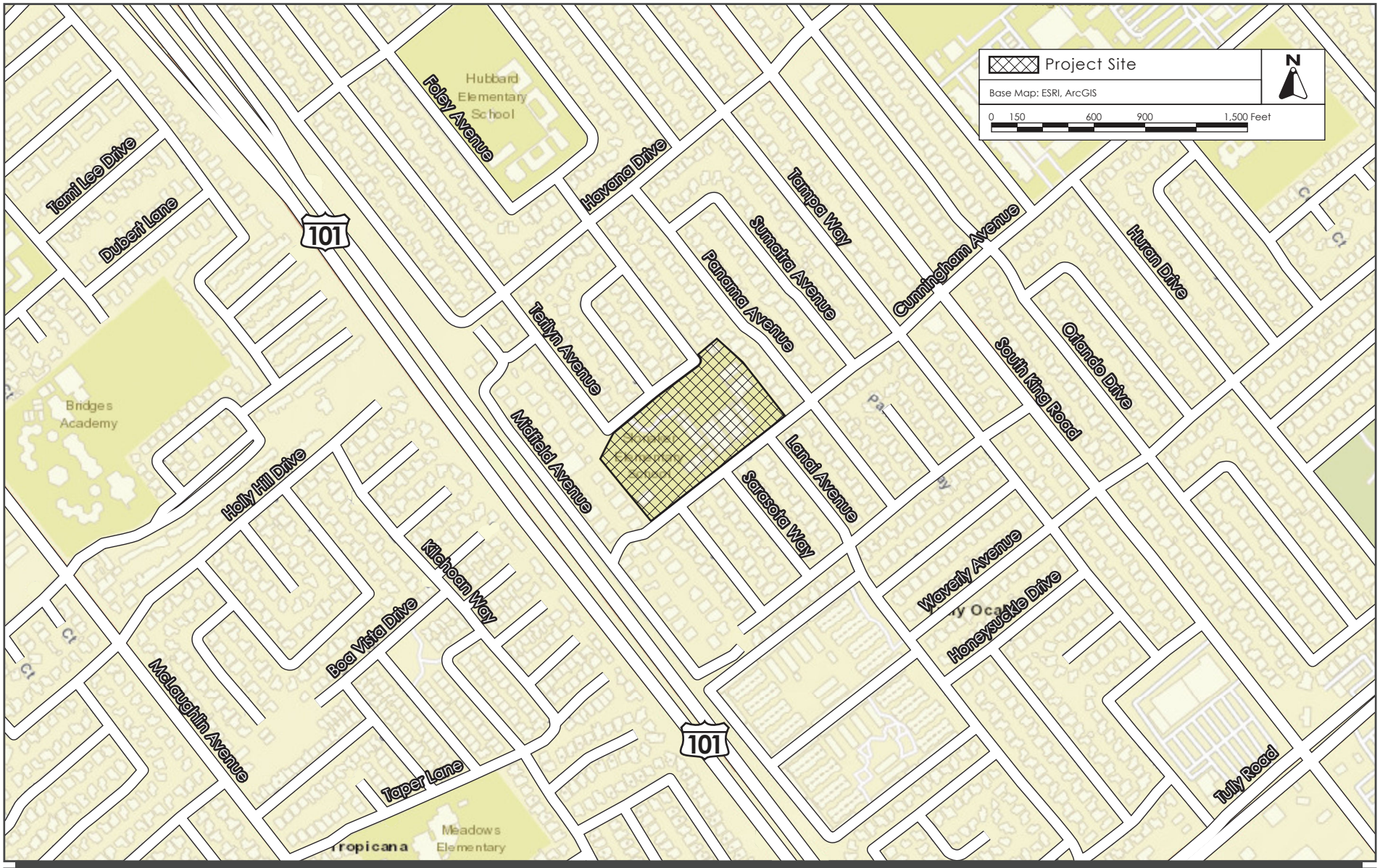
As required by CEQA, the totality of the project must be addressed in the analysis of potential impacts. While the total project (Phases I and II) is assessed in this Initial Study, the final

[1] Personal Correspondence with Alpha Charter Schools. December 2, 2020.

determination by the Lead Agency could result in no project approval, approval of only Phase I, or approval of the total project.



REGIONAL MAP | FIGURE 3.0-1

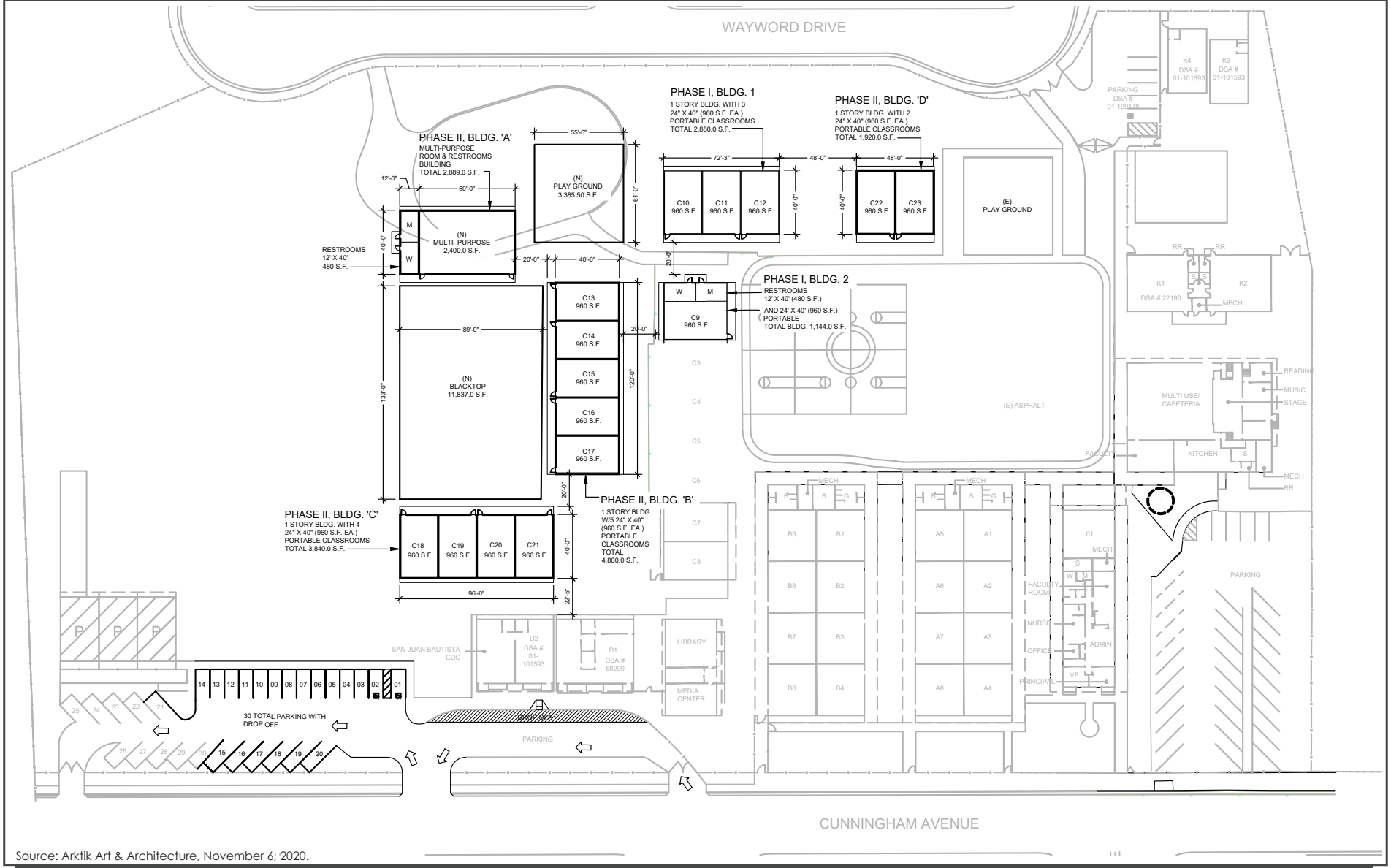


VICINITY MAP

FIGURE 3.0-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 3.0-3



Source: Arktik Art & Architecture, November 6, 2020.

SITE PLAN

FIGURE 3.0-4

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

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

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in San José. Interstate 280 from the San Mateo County line to State Route (SR) 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.[2]

In Santa Clara County, the one state-designated scenic highway is SR 9 from the Santa Cruz County line to the Los Gatos City Limit. Eligible State Scenic Highways (not officially designated) include: SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9, Interstate 280 from the San Mateo County line to SR 17, and the entire length of SR 152 within the County.

4.1.1.2 *Existing Conditions*

The project site is currently occupied by a mixture of single-story school buildings and modular classrooms placed around an asphalt playground and grass field. Additionally, the site contains two play structures. The buildings on site are flat roofed with white stucco walls. The project site does not contain scenic vistas, as defined by the City of San José General Plan, and is not located within a scenic highway.

Surrounding buildings consist of residential structures including townhome style buildings on the west side on the site and single-family houses on the remaining boundaries. These structures have a variety of architectural styles and are primarily one or two stories tall.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒

[2] California Department of Transportation. "Scenic Highways." November 13, 2020. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? [3] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Impact AES-1:	The project would not have a substantial adverse effect on a scenic vista. **(No Impact)**

The project proposes to install modular classrooms on the existing school site adjacent to the existing structures. The project site is not located in a designated scenic corridor as defined in the City of San José General Plan. Additionally, the proposed project would not result in buildings which would be taller than the existing buildings on-site and, therefore, would not obstruct views of the surrounding area. Therefore, the proposed project would have no impact on scenic vistas.

Impact AES-2:	The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(No Impact)**

The proposed project would not be located within a state scenic highway and would, therefore, not impact scenic resources in these areas.

Impact AES-3:	The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. **(Less than Significant Impact)**

[3] Public views are those that are experienced from publicly accessible vantage points.

The proposed project would not change the general aesthetics of the project site because the addition of similar school buildings would be compatible with the existing visual character of the site. While the density of buildings on-site would increase, the site would continue its use as a school with substantial open space and the aesthetics of the site would not change. Therefore, the proposed project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

Impact AES-4:	The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

The proposed project does not include additional exterior lighting or other new sources of light other than interior lights as seen through the windows of the proposed classrooms. The modular classrooms would not create a substantial amount of light, because the primary time these classrooms would be used would be during the day and no nighttime light pollution would be created. Additionally, they would not have a large number of windows which could create excessive glare. Therefore, the proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.[4]

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.[5]

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[6] Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.[7]

4.2.1.2 *Existing Conditions*

The project site is located in a fully developed, urban area of San José and does not contain active agricultural land or forest resources or lands zoned for agricultural or forest uses. The project site also does not contain resources that are identified on the FMMP or identified under Williamson Act contracts.

---

[4] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed November 13, 2020. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.

[5] California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.

[6] Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

[7] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed November 13, 2020. http://frap.fire.ca.gov/.

4.2.2 Impact Discussion

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

Impact AG-1: The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. **(No Impact)**

There are no agricultural resources locate on-site including, Prime Farmland; Unique Farmland; or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the FMMP of the California Resources Agency. The project would have no impact on agricultural resources.

Impact AG-2: The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

The project site is zoned Single-Family Residential [8] and is identified as Urban and Built-Up Land on the California Department of Conservation database of agriculturally related data.[9] The project site is not zoned for agricultural use and is not under a Williamson Act contract. Therefore, the project would not impact these resources by conflicting with existing agricultural zoning or Williamson Act designation.

Impact AG-3:	The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

The project site is zoned for Single-Family Residential Zoning and is identified as Urban and Built-Up Land on California Department of Conservation database of agriculturally related data. The project site is not zoned for forestland, timberland, or timberland zoned Timberland Production. The project would not impact these resources by conflicting with existing zoning of forest land, timberland, or timberland zoned Timberland Production.

Impact AG-4:	The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

The project site is fully developed and does not contain land uses that could serve as forest land. Therefore, the project would not result in the conversion of forest land to non-forest use.

Impact AG-5:	The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

The project site is fully developed and does not contain land uses that could serve as agricultural or forest land. Therefore, the project would not result in the conversion of agricultural or forest land to non-agricultural or non-forest use.

[8] City of San Jose. Zoning Map GIS Portal. https://arcg.is/10Kyzr. Accessed June 22, 2020.
[9] California Department of Conservation. DOC: Maps. https://maps.conservation.ca.gov/agriculture/. Accessed June 22, 2020

4.3 AIR QUALITY

The information in this section is based on a Community Risk Assessment prepared by Illingworth and Rodkin Inc. on December 15, 2020, included in Appendix A.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O_3), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.[10] Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants

Pollutants	Sources	Primary Effects
Ozone (O_3)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO_2)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O_3 levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O_3 levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

[10] The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[11] Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O_3, CO, SO_x, NO_x, and lead.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

[11] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed November 13, 2020. https://www.arb.ca.gov/research/diesel/diesel-health.htm.

The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in additional to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_X.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[12]

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Community Air Risk Evaluation Program

[12] BAAQMD. *Final 2017 Clean Air Plan.* April 19, 2017. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

Under the Community Air Risk Evaluation (CARE) program, BAAQMD has identified areas with high TAC emissions, and sensitive populations that could be affected by them, and uses this information to establish policies and programs to reduce TAC emissions and exposures. Impacted communities identified to date are located in Concord, Richmond/San Pablo, San José, eastern San Francisco, western Alameda County, Vallejo, San Rafael, and Pittsburg/Antioch. The main objectives of the program are to:

- Evaluate health risks associated with exposure to TACs from stationary and mobile sources;
- Assess potential exposures to sensitive receptors and identify impacted communities;
- Prioritize TAC reduction measures for significant sources in impacted communities; and
- Develop and implement mitigation measures to improve air quality in impacted communities.

4.3.1.3 *Existing Conditions*

The Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the federal Clean Air Act and state Clean Air Act. The area is also considered nonattainment for PM_{10} under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O_3 and PM_{10}, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O_3 precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$, and apply to both construction period and operational period impacts.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
3) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Note: Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the determinations.

4.3.2.1 *Thresholds of Significance*

Impacts from the Project

In June 2010, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA and these significance thresholds were contained in the District's 2011 CEQA Air Quality Guidelines. These thresholds were designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA. The thresholds were challenged through a series of court challenges and were mostly upheld. BAAQMD updated the CEQA Air Quality Guidelines in 2017 to include the latest significance thresholds, which were used in this analysis and are summarized in Table 4.3-1.

Table 4.3-1 Community Risk Significance Thresholds

Health Risks and Hazards	Single Sources Within ¼-Mile Zone of Influence	Combined Sources (Cumulative from all sources within ¼-Mile zone of influence)
Excess Cancer Risk	>10.0 per one million	>100 per one million
Hazard Index	>1.0	>10.0
Incremental annual $PM_{2.5}$	>0.3 µg/m_3	>0.8 µg/m_3

Note: PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less. GHG = greenhouse gases.

In January 2020, BAAQMD published school siting guidelines for evaluating environmental impacts at new schools and proposed projects near schools.[13] While the guidelines below are specific to new schools, BAAQMD recommends the guidelines be followed for expansion of existing school sites. Therefore, the following guidelines are applicable to the proposed project:

> New Schools: School siting warrants particular care. Listed below are requirements under the California Public Resources Code (PRC), Division 13, Environmental Quality (§21000 – §21189.57). Projects "involving the purchase of a school site or the construction of a new elementary or secondary school" must have an environmental impact report (EIR) or a negative declaration meeting all requirements per PRC §21151.8 and CEQA Guidelines §15186 (a),(c). In addition, the California Department of Education provides specific standards for school site selection per the California Code of Regulations (CCR), Title 5, §14001 - §14012, which also complies with California Health and Safety Code (HSC), §21372, §22350, §22352, §22358.4, and §22358.5. Beyond CEQA requirements, several guidance documents provide general planning guidance on appropriate school siting decisions.

BAAQMD recommends using a one-quarter mile influence area radius for evaluating the community risk of sources of TACs and localized air pollutants in the vicinity of the project.

[13] Bay Area Air Quality Management District. School Guidelines. January 2020. https://www.baaqmd.gov/~/media/files/planning-andresearch/ceqa/tools/baaqmd-school-siting-guidelines-pdf.pdf?la=en.

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact)**

The proposed expansion of the existing school would not conflict with the 2017 CAP because the total project, combined with the existing school facilities, would be smaller than the BAAQMD CEQA Air Quality Guidelines Operational Criteria Pollutant Screening Size of 2,747 students and 271,000 square feet of area[14], is consistent with the City of San José General Plan, and would be located near bike paths and transit with regional connections. Because the project would not exceed the BAAQMD screening criteria, it would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the BAAQMD thresholds. Therefore, the project would not be required to incorporate project-specific control measures listed in the 2017 CAP. Implementation of the proposed project would not result in a significant impact related to consistency with the Bay Area 2017 CAP.

Construction Period Emissions – Criteria Pollutants

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from on-site construction activity, construction vehicle trips, and evaporative emissions. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The CARB EMission FACtors 2017 (EMFAC2017) model was used to predict emissions from construction traffic, which includes worker travel, vendor trucks, and haul trucks. The proposed project would take place over 158 days (16 days for Phase 1 and 142 days for Phase 2). Table 4.3-2 shows the estimated annual average daily construction emissions associated with the proposed project.

Table 4.3-2 Construction Period Emissions

Year	ROG	NOx	PM10 Exhaust	PM2.5 Exhaust
Construction Emissions (Tons)				
2021	0.002	0.018	0.001	0.001
2022	0.010	0.112	0.006	0.005
Average Daily Construction Emissions Per Year (pounds/day)				
2021 (16 construction workdays)	0.22	2.25	0.13	0.11
2022 (142 construction workdays)	0.14	1.57	0.08	0.06
BAAQMD Thresholds (pounds per day)	54	54	82	54
Threshold Exceeded?	No	No	No	No

Source: *Illingworth and Rodkin, Alpha Charter School Community Health Risk Assessment 2020*

[14] Bay Area Air Quality Management District. California Environmental Quality Act Air Quality Guidelines. May 2017.

As shown above, construction period criteria pollutant emissions associated with the project would not exceed the BAAQMD significance thresholds. Therefore, the project would not result in a significant impact from construction criteria pollutant emissions and would not conflict with or obstruct implementation of the Bay Area 2017 CAP.

Operational Emissions - Criteria Pollutants

Operational emissions from the project would be generated primarily from vehicles visiting the school site. Full operations of the proposed project would occur after 2022. Table 4.3-3 summarizes the estimated daily operational criteria pollutant emissions from the proposed project at full build out. The assumptions and results of emissions calculations are described further in Appendix A of this Initial Study. Emissions with just the Phase I completed would be less.

Table 4.3-3 Operational Period Criteria Pollutant Emissions

Scenario	ROG	NOx	PM10 Exhaust	PM2.5 Exhaust
Operational Emissions (Tons/year)				
Annual Project Operational Emissions	0.1166	0.1608	0.1548	0.0431
BAAQMD Thresholds (tons/year)	10	10	15	15
Average Daily Operational Emissions Per Year (pounds/day)				
Daily Project Operational Emissions	1.371	1.891	1.821	0.5070
BAAQMD Thresholds (pounds/day)[1]	54	54	82	54
Threshold Exceeded?	No	No	No	No

Notes: [1]Assumes 170-days of school operation.
Source: *Illingworth and Rodkin, Alpha Charter School Community Health Risk Assessment 2020*

Operational criteria pollutant emissions associated with the proposed project would not result in emissions above established thresholds. As a result, the project would not conflict with or obstruct implementation of the 2017 CAP.

Impact AIR-2:	The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

As stated in the BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

The proposed project would not, by itself, result in any air pollutant emissions exceeding BAAQMD's significance thresholds as discussed above. Individually, the project would not result in

a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment. Therefore, the proposed project would have a less than significant impact.

Impact AIR-3:	The project would not expose sensitive receptors to substantial pollutant concentrations**. (Less than Significant Impact)**

Construction – Community Risk Impacts

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. The nearest sensitive receptors to the project site are in the single- and multi-family residences directly adjacent to and surrounding the project site. In addition, there are children at two preschools (San Juan Bautista Child Development Center, two – five years old and Max y Lulu's, infant - five years old) in the vicinity of the project site. This project would also introduce new sensitive receptors (i.e. students) to the area.

A health risk assessment of project construction activities was completed to evaluate potential health effects to nearby sensitive receptors (e.g., residences and students attending the preschools) from DPM and $PM_{2.5}$ construction emissions.[15] To quantify the effects of DPM on the nearby sensitive receptors, construction period exhaust emissions were computed using the CalEEMod model. The U.S. EPA AERMOD dispersion model was used to predict construction-related concentrations of DPM and $PM_{2.5}$ concentrations at existing sensitive receptors in the vicinity of the project site. The U.S. EPA AERMOD dispersion model, assumptions, and results are described further in Appendix A of this Initial Study.

BAAQMD does not have significance criteria for construction TAC impacts. As a result, the BAAQMD criteria for operational TAC impacts are used. Based on the BAAQMD Guidelines (2017), a project would result in a significant construction TAC or $PM_{2.5}$ impact if:

- An excess cancer risk level of more than 10 in one million, or a non-cancer (chronic or acute) Hazard Index greater than 1.0.
- An incremental increase of more than 0.3 micrograms per cubic meter (μg/m3) annual average $PM_{2.5}$.

During construction, the proposed project would not exceed BAAQMD thresholds for particulate matter or TACs generated by construction activities at the nearest single-family home to the south or the nearby preschool as seen in Table 4.3-4. Additionally, the proposed project would not exceed the cumulative threshold for all sources of air quality hazards.

Table 4.3-4: Construction Risk Impacts

Source	Cancer Risk (per million)	Annual PM2.5	Hazard Index
Unmitigated Project Construction – Single Family House	1.8 (infant)	0.01	<0.01
BAAQMD Single-Source Threshold	>10.0	>0.3	>1.0

[15] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

Exceed Threshold?	No	No	No
Unmitigated Project Construction - Preschool	0.1	<0.01	<0.01
BAAQMD Single-Source Threshold	>10.0	>0.3	>1.0
Exceed Threshold?	No	No	No
Cumulative Sources			
U.S, 101	33.8 (infant)	0.53	0.01
Combined Sources Unmitigated	35.6 (infant)	0.54	<0.02
BAAQMD Cumulative Source Threshold	>100	>0.8	>10.0
Exceed Threshold?	No	No	No
Source: *Illingworth and Rodkin, Alpha Charter School Community Health Risk Assessment 2020*			

Construction Dust Emissions

Although the project would not exceed the health risk thresholds, short-term fugitive dust may result in unhealthy conditions for sensitive receptors on-site. The proposed project would implement the following standard measures to control dust and exhaust during construction as a condition of project approval.

Conditions of Approval

During any construction period ground disturbance, the project contractor shall implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the dust impacts associated with grading and new construction to a less than significant level. Additional measures are identified to reduce construction equipment exhaust emissions. The contractor shall implement the following best management practices:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

With implementation of the above conditions, construction dust and other particulate matter would have a less than significant construction air quality impact.

Operational Impacts - Community Risk Impacts

The proposed project would result in new traffic trips to/from the site which may result in increased sources of TACs and particulate matter. Based on a community health assessment completed for the project, the only source of TACs and particulates would be the highway adjacent to the project site, which exceeds the normal traffic surrounding the site and is the largest contributor of community risk impacts in the project area. The cumulative impacts on the sensitive receptors would not exceed BAAQMD thresholds as seen in Table 4.3-5.

Table 4.3-5: Operational Risk Impacts

Source	Cancer Risk (per million)	Annual PM2.5	Hazard Index
US 101	9.1 (child)	0.16	0.01
BAAQMD Single-Source Threshold	>10.0	>0.3	>1.0
Exceed Threshold?	No	No	No
Cumulative Total	9.1 (child)	0.16	0.01
BAAQMD Single-Source Threshold	>100	>0.8	>01.0
Exceed Threshold?	No	No	No

Source: *Illingworth and Rodkin, Alpha Charter School Community Health Risk Assessment 2020*

Therefore, the proposed project would not expose sensitive receptors to excessive particulate matter or TAC emissions on the project site and, therefore, the proposed project would have a less than significant impact during operations.

Criteria Pollutant Emissions Health Effects

In a 2018 decision (Sierra Club v. County of Fresno), the State Supreme Court determined that CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards and exceedances of those standards result in continued unhealthy levels of air pollutants.

As stated in the 2017 BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of

ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect.

As discussed previously, the proposed project would result in a less than significant operational and construction criteria pollutant impact. Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations or result in adverse health effects.

Impact AIR-4:	The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. **(Less than Significant Impact)**

The proposed project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors; however, the odors would be localized and temporary and would not adversely affect people off-site. Implementation of the proposed project would not result in odors that would adversely affect a substantial number of people; therefore, it would have a less than significant impact.

4.3.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD),* effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the BAAQMD CEQA Air Quality Guidelines (2017) recommend that projects be evaluated for community risk when they are located within 1,000 feet of freeways, high traffic volume roadways (10,000 average annual daily trips or more), and/or stationary permitted sources of TACs.

Operational Community Risk Impacts – New Project Students

Mobile Sources

A review of the area indicates that Highway 101 is the only substantial source of mobile TAC emissions within 1,000 feet of the project site and has average daily traffic (ADT) above 10,000 vehicles. The estimated cancer risk from Highway 101 would be 9.1 cases per one million and $PM_{2.5}$ concentration would be 0.16 $\mu g/m^3$. The HI for the roadway would be 0.01 or less. As a result, expansion of the existing school would not conflict with the BAAQMD CEQA Air Quality Guidelines.

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.[16] Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

[16] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed November 13, 2020. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers approximately 520,000 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (Valley Water), Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

4.4.1.2 *Existing Conditions*

The project site is located in an urbanized residential neighborhood which is primarily impervious ground cover with vegetation and open space limited to residential lawns/landscaping, parks, and school fields. Natural habitats in the project area are limited to the Coyote Creek riparian corridor, approximately 0.85 miles west of the school. Several street trees are located around the perimeter of the site, and the school site is landscaped with grass and multiple large trees. No trees are proposed for removal. Species expected to be seen at the project site would include animals accustomed to urbanized environments.

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☒	☐
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

Impact BIO-1:	The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. **(Less than Significant Impact)**

The proposed project would slightly increase the area of asphalt to provide foundations for the new modular classrooms. The project site is occupied by lawn grasses and landscaping trees and does not contain habitat that serves special status species. Additionally, there are no species identified as a candidate, sensitive, or special status species located on-site.[17] Therefore, the proposed project would not have a substantial adverse on candidate, sensitive or special status species.

Impacts to Nesting Migratory Birds

There are currently 32 trees in proximity to the location where the proposed buildings would be installed. The trees could provide nesting and/or foraging habitat for migratory birds. Migratory birds, like nesting raptors, are protected under the Migratory Bird Treaty Act and CDFW Code Sections 3503, 3503.5, and 3800. The CDFW defines "taking" as causing abandonment and/or loss of reproductive efforts through disturbance. While exterior construction activities would be limited, noise associated with construction could result in the loss of eggs or nests. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

[17] Santa Clara Valley Habitat Agency. Habitat Agency Geobrowser. Accessed February 5, 2021. http://www.hcpmaps.com/habitat/.

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

Mitigation Measure

In accordance with the MBTA and CDFW, the following mitigation measure is included to reduce impacts to raptors and migratory birds during construction.

MM BIO-1.1: Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st, inclusive.

If tree removals and construction cannot be scheduled outside of nesting season (September 1st through January 31st, inclusive), a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW). The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits, the applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the California Department of Fish and Wildlife designee.

With implementation of Mitigation Measure BIO-1.1, the project's impact to nesting birds and raptors would be less than significant.

Impact BIO-2: The project would not 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. **(No Impact)**

The proposed project is not located near riparian resources or other sensitive natural communities. The proposed project would not modify any natural habitats and, therefore, would not impact riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.

Impact BIO-3:	The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(No Impact)**

The project site is a developed school which does not contain state or federally protected wetlands. Therefore, the proposed project would not impact state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means.

Impact BIO-4:	The project would not 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. **(No Impact)**

The project site is not located in a riparian area and, therefore, would not impact migratory fish. Additionally, the project site is not identified as a migratory corridor or nursery site in the SCVHP. Therefore, the proposed project would not impact migratory fish or other migratory species.

Impact BIO-5:	The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **(Less than Significant Impact)**

The proposed project would not remove trees from the project site; however, the proposed project would involve construction within ten feet of trees on-site which may cause damage to existing trees. To ensure the project would not result in incidental damage or loss of any trees, the project would implement the following Conditions of Approval.

Conditions of Approval

Tree Protection Measures. In the event a tree is damaged, coordination with the City of San José will be required to implement City policies and procedures regarding the protection and replacement of trees on site.
Any tree removal on the project site will require a tree removal permit from the City of San José and will be required to comply with all requirements for tree replacement including tree replacement ratios determined by the City of San José.

Implementation of these conditions of approval would protect the surrounding vegetation from damage and ensure that the proposed project complies with applicable plans and policies for the protection of the urban forest. Therefore, the proposed project would have a less than significant impact.

Impact BIO-6:	The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(Less than Significant Impact)**

The project site is located within the SCVHP and is designated as "Urban-Suburban" land. Private development in the plan area is subject to the SCVHP if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County or one of the cities;
- The activity is described in Section 2.3.2 Urban Development or in Section 2.3.7 Rural Development;[18]
- In Figure 2-5 of the SCVHP, the activity is located in an area identified as "Private Development is Covered," or the activity is equal to or greater than two acres and;
    - The project is located in an area identified as "Rural Development Equal to or Greater than 2 Acres is Covered," or "Urban Development Equal to or Greater than 2 Acres is Covered" or,
    - The activity is located in an area identified as "Rural Development is not Covered" but, based on land cover verification of the parcel (inside the Urban Service Area) or development area, the project is found to impact serpentine, wetland, stream, riparian, or pond land cover types; or the project is located in occupied or occupied nesting habitat for western burrowing owl.

The proposed project is consistent with the activity described in Section 2.3.2 of the SCVHP. Consistent with the SCVHP, the project applicant shall implement the following condition of approval.

Condition of Approval

- The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permit. The project applicant shall be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form and payment of the nitrogen deposition fee to the Santa Clara Valley Habitat Agency. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

With implementation of the identified condition of approval, the project would not conflict with the provisions of the SCVHP.

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

4.5 CULTURAL RESOURCES

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[19]

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

[19] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed August 31, 2020. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

4.5.1.2 *Existing Conditions*

Under existing conditions, the project site does not contain any historic structures and is not in proximity to any historic structures pursuant to the City of San José's Historic Resources Inventory.[20] Furthermore, there are no structure on or adjacent to the site that are listed on the California Register of Historic Resources.[21]

The site has been previously disturbed for construction and is located approximately 0.85 miles from the nearest waterway (Coyote Creek), making the likelihood of encountering buried cultural resources low.

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐

[20] City of San José. Historic Resources Inventory. Accessed October 23, 2020. https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory

[21] California Office of Historic Preservation. California Historic Resources. Accessed October 23, 2020 https://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Impact CUL-1:	The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **(No Impact)**

As stated above, there are no historic resources located on or near the project site, therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.

Impact CUL-2:	The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

The proposed project would require a small amount of excavation related to trenching for utilities and installation of the modular structures. Although the potential to encounter archaeological resources is low, ground disturbing activities could uncover previously unknown resources during excavation. To avoid impacts to these undiscovered resources, the proposed project would comply with the following conditions of approval.

Conditions of Approval

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. A qualified archaeologist will examine the find and make appropriate recommendations. The Division of the State Architect will also be notified and will stop all work on-site until the recommendations of the archaeologist are implemented. 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 Division of the State Architect.

Through compliance with this condition, the proposed project would have a less than significant impact on archeological resources.

Impact CUL-3:	The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact)**

As stated above, the proposed project would require a small amount of excavation related to trenching for utilities and installation of the modular structures. Although the potential to encounter human remains is low, ground disturbing activities could uncover previously unknown resources

during excavation. To avoid impacts to these undiscovered resources, the proposed project would comply with the following condition of approval.

Condition of Approval

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

Through compliance with this condition, the proposed project would have a less than significant impact on human remains.

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." The executive order requires CARB to "ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO_2 from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.[22] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[23]

[22] California Building Standards Commission. "California Building Standards Code." Accessed November 13, 2020. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[23] California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed November 13, 2020. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[24]

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,875 trillion British thermal units (Btu) in the year 2018, the most recent year for which this data was available.[25] Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion Btu) for transportation.[26] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2018 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2018, a total of approximately 16,668 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[27]

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity form entirely renewable sources.

[24] California Air Resources Board. "The Advanced Clean Cars Program." Accessed November 13, 2020. https://www.arb.ca.gov/msprog/acc/acc.htm.
[25] United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed January 22, 2021. https://www.eia.gov/state/?sid=CA#tabs-2.
[26] United States Energy Information Administration. "State Profile and Energy Estimates, 2018." Accessed January 22, 2021. https://www.eia.gov/state/?sid=CA#tabs-2.
[27] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed January 27, 2021. http://ecdms.energy.ca.gov/elecbycounty.aspx.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[28] In 2018, residential and commercial customers in California used 34 percent of the state's natural gas, power plants used 35 percent, the industrial sector used 21 percent, and other uses used 10 percent. Transportation accounted for one percent of natural gas use in California. In 2018, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.[29]

Fuel for Motor Vehicles

In 2018, 15.5 billion gallons of gasoline were sold in California.[30] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2018.[31] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020. [32,33]

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

[28] California Gas and Electric Utilities. 2019 *California Gas Report.* Accessed January 22, 2021. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.
[29] California Energy Commission. "Natural Gas Consumption by County." Accessed January 27, 2021. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[30] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed January 22, 2021. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.
[31] United States Environmental Protection Agency. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.
[32] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed August 31, 2020. http://www.afdc.energy.gov/laws/eisa.
[33] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007.* Accessed August 31, 2020. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

Impact EN-1:	The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. **(Less than Significant Impact)**

The proposed project would implement design features to prevent the unnecessary consumption of energy resources. Per the provisions in the CALGreen building standards, the modular classrooms would be required to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. Incorporation of the CALGreen standards in the proposed project would ensure that the energy use on the project site would not be wasteful, inefficient or unnecessary and the proposed project would result in a less than significant impact regarding wasteful energy usage.

Impact EN-2:	The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

As stated above the proposed project would follow the policies and ordinances established in the CALGreen building standards. The proposed project would be consistent with the state energy use standards established in the CALGreen buildings standards which would allow the proposed project to comply with the state's AB 32 policy, therefore, the project would have a less than significant impact regarding plan conflicts.

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The CBC prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

City of San José

City of San José Policies

Title 24 of the San José Municipal Code includes the 2016 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

4.7.1.2 *Existing Conditions*

The project site is located in northern Santa Clara Valley, which is bounded by the Diablo Range to the east and the Santa Cruz Mountains to the west. The downtown area is relatively flat with an average elevation of approximately 100 feet above mean sea level. There is no landslide hazard.[34] The Santa Clara Valley is underlain by sedimentary and metamorphic rocks of the Franciscan Complex.

Overlying these rocks are alluvial sediments deposited by streams draining the adjacent mountains during recent geologic times (Holocene age). The alluvial deposits consist of unconsolidated to semi-consolidated sand, silt, clay, and gravel.[35,36]

Surface soils in the project area have been mapped as Urbanland-Newpark complex soils[37], which have a moderate infiltration rate and a moderate shrink-swell (expansion) potential. Expansive soils

[34] California Department of Conservation Website. "CGS Information Warehouse: Regulatory Maps". Accessed September 2020. http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps
[35] R.J. McLaughlin, J.C. Clark, E.E. Brabb, E.J. Helley, and C.J. Colon. USGS. Geologic Maps and Structure Sections of the Southwestern Santa Clara Valley and Southern Santa Cruz Mountains, Santa Clara and Santa Cruz Counties, California. 2001.
[36] E.J. Helley, R.W. Graymer, G.A. Phelps, P.K. Showalter, and C.M. Wentworth. Quaternary Geology of Santa Calra Valley, Santa Clara, Alameda, and San Mateo Counties, California: A digital database. May 1994.
[37] NRCS. Soil Web Map Unit Composition: Urbanland-Newpark Complex, 0-2 Percent Slope. Accessed November 11, 2020. https://casoilresource.lawr.ucdavis.edu/soil_web/ssurgo.php?action=explain_mapunit&mukey=2027470.

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.

Seismic Hazards

The San Francisco Bay Area is recognized by geologists as one of the most seismically active regions in the United States. Significant earthquakes occurring in the Bay Area are generally associated with the San Andreas Fault system, which spans the Coast Ranges from the Pacific Ocean to the San Joaquin Valley. The closest active fault to the downtown area is the Hayward fault zone, located approximately five miles to the east. Other potentially active faults within ten miles include the San Andreas, Monte Vista-Shannon, and Calaveras faults. There are no active faults in the project area.[38]

The project site is located within a seismic hazard zone for liquefaction risk during a seismic event due to strong ground shaking.

Paleontological Resources

The San José 2040 General Plan identified the area of the project site as an area with a high sensitivity of paleontological resources at depth. This would mean that resources may be encounter at depth, typically 10 feet or more below the native ground surface.

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
– 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 (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☒	☐
– Strong seismic ground shaking?	☐	☐	☒	☐
– Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
– Landslides?	☐	☐	☐	☒
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

[38] Ibid.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) 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?	☐	☐	☒	☐
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. **(Less than Significant Impact)**

The project site is currently serving as a school with modular and standard construction structures. As stated above, the site contains some areas of expansive soils which could be subject to shrink swell potential or differential settling. The proposed project would not alter the existing on-site structures and would add six modular buildings to the project site. New structures would expand the school site; however, the project would not introduce new uses near existing fault zones or on unstable soil areas and the proposed project would not substantially increase the risk of loss or injury at the project site. Additionally, the landforms on and surrounding the project site are generally low in relief and do not feature dramatic changes in elevation so there is no risk of landslides or other ground shifting. The project would be constructed with the following conditions of approval incorporated:

Conditions of Approval:

The proposed project would need to prepare a site-specific geotechnical report to verify compliance with the California Building Code. The report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including measures for site preparation, compaction, trench excavations, foundation and

subgrade design, drainage, and pavement design. Subsurface exploration, laboratory testing, and engineering analyses may be required as part of the investigations.

The report shall be submitted to the Division of the State Architect for review and approval prior to construction. The primary role of the Division of the State Architect is to ensure that California's K-12 schools and community colleges are seismically safe and accessible to all. Division of the State Architect fulfills this role by reviewing project construction plans for structural safety, fire and life safety, and accessibility (that is, access by disabled persons).

Adherence to the California Building Code would ensure the proposed improvements resist minor earthquakes without damage and major earthquakes without collapse.

Through the incorporation of these condition of approval the hazards created by building in a seismically active area would be reduced by building to proper seismic standard.

Impact GEO-2:	The project would not result in substantial soil erosion or the loss of topsoil. **(Less than Significant Impact)**

Ground disturbance during construction of the project would expose soils, increasing the potential for wind and/or water erosion at the site. Although some erosion may occur, the proposed project would disturb less than one-acre of soil area and the project would below the threshold required to prepare a Storm Water Pollution Prevention Plan (SWPPP) under the National Pollution Discharge Elimination System (NPDES) General Construction Permit (refer to Section 4.10, Hydrology and Water Quality). Therefore, the potential soil erosion on the project site would result in a less than significant impact.

Impact GEO-3:	The project would not 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. **(Less than Significant Impact)**

Based on the California Department of Conservation Regulatory Map, the project site is located within a liquefication zone[39], but the potential for lateral spreading to occur on-site is low due to the location of the site relative to local waterways. The soils on-site have moderate expansion potential. The proposed project would be required to use standard engineering and seismic safety design techniques during project construction and comply with the California Building Code. Additionally, the project would be constructed in conformance with a site-specific geotechnical investigation (refer to Conditions of Approval above). Therefore, the proposed project would stabilize structures and receive sign off from the Division of the State Architect to ensure that no impacts would occur as a result of unstable soils, on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

[39] California Department of Conservation Website. "CGS Information Warehouse: Regulatory Maps". Accessed November 12, 2020. http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps.

Impact GEO-4:	The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

The project would be required to prepare a site-specific geotechnical investigation and implement the recommendations in the investigation to avoid or minimize potential damage from seismic shaking. Although the soils on-site have moderate expansion potential, the project would implement the previously identified conditions of approval and would not result in substantial direct or indirect risks to life or property.

Impact GEO-5:	The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. **(No Impact)**

The project site is served by the local sewer system and would not need septic tanks or alternative waste disposal systems to be installed. Therefore, the project would have no impact regarding septic tanks or alternative waste disposal systems.

Impact GEO-6:	The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

According to the San José 2040 General Plan, the project site is known to be underlain by geologic formations that could contain paleontological resources at depth. The proposed project would include some minor, shallow surface excavation which would not extend to a depth that would result in the disturbance of unknown paleontological resources or unique geologic features. Therefore, the proposed project would not directly or indirectly result in the destruction of a paleontological resource or unique geological feature.

4.8 GREENHOUSE GAS EMISSIONS

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO_2 equivalents (CO_2e). The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO_2 and N_2O are byproducts of fossil fuel combustion.
- N_2O is associated with agricultural operations such as fertilization of crops.
- CH_4 is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF_6 emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO_2E ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

Senate Bill 375

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

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional and Local

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

4.8.1.3 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs

accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns.

The project site is developed with a school. Most of the GHG emissions associated with the existing uses on-site result from the production of electricity for lighting and the emissions from vehicles traveling to and from the site.

4.8.2 Impact Discussion

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

Thresholds of Significance

BAAQMD adopted GHG emissions thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD has determined that GHG emissions would cause significant environmental impacts. The GHG emissions thresholds identified by BAAQMD for 2020 were 1,000 MT or 4.6 MT of CO2e per service population per year.

Because the 2020 threshold is no longer valid, updated GHG efficiency targets have been developed that reflect statewide goals beyond 2020. GHG emissions resulting from operation of the project at maximum build out have been compared to an efficiency metric threshold consistent with state goals detailed in SB 32 EO B-30-15 and EO S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, respectively. Though BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Substantial Progress" efficiency metric of 2.8 MT CO2e/year/service population based on the GHG reduction goals of SB 32/EO B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.

Impact GHG-1: The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact)**

Construction Emissions

Construction activities on-site would result in temporary GHG emissions. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific

construction operations, types of equipment, and number of personnel. BAAQMD has not established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Project construction would occur over a period of approximately five months (16 days for Phase 1 and 142 days for Phase 2) and would not result in a permanent increase in emissions. The proposed project would not interfere with the implementation of AB 32 in 2020 or SB 32 in 2030.

Operational Emissions

A CalEEMod model, was used to estimate daily emissions associated with operation of the proposed project. Annual emissions resulting from project operations are shown below in Table 4.8-1. This analysis was based upon the school land use with 1,131 students after full build out of the proposed project which serve as the service population.

Table 4.8-1: GHG Emissions (MT of CO2e)

Source Category	Proposed Project in 2030
Area	<0.01
Energy Consumption	9
Mobile	147
Solid Waste Generation	11
Water Usage	1
Total	168
Project MT of CO2e/year/service population:	0.15
Significance Threshold:	2.8 in 2030
Significant?	No

Source: Illingworth & Rodkin, Inc. Alpha Charter School Community Risk Assessment. August 11, 2020.

The GHG emissions would not exceed the 2.8 MT CO2e per year per service population threshold. Based on the table above, the proposed project would meet the GHG reduction target set by SB 32 and operation of the project would result in a less than significant GHG emissions impact.

Impact GHG-2: The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

As stated above, the proposed project would not generate a significant amount of GHG emissions and would not conflict with applicable state regulations for GHG emissions under AB 32 or SB 32. Therefore, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

4.9 HAZARDS AND HAZARDOUS MATERIALS

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

- Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;

- Provided for liability of persons responsible for releases of hazardous waste at these sites; and
- Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and
- Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[40]

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[41]

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[42]

[40] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed November 13, 2020. https://www.epa.gov/superfund/superfund-cercla-overview.
[41] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed November 13, 2020. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.
[42] California Environmental Protection Agency. "Cortese List Data Resources." Accessed November 13, 2020. https://calepa.ca.gov/sitecleanup/corteselist/.

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The Santa Clara County Department of Environmental Health reviews CalARP risk management plans as the CUPA.

Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA phased out use of friable asbestos products between 1973 and 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by the Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

4.9.1.2 *Existing Conditions*

The project site is not included on any lists compiled pursuant to Section 65962.5 of the Government Code.[43] There are no Leaking Underground Storage Tank (LUST) cleanup sites or other recognized environmental conditions in the project area that would impact the project site.[44]

[43] California Environmental Protection Agency. *Cortese List Data Resources.* Accessed October 15, 2020. https://calepa.ca.gov/sitecleanup/corteselist
[44] California State Water Resources Control Board. *Geotracker*. Accessed October 15, 2020. https://geotracker.waterboards.ca.gov

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒

Impact HAZ-1: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

Construction

During construction, the proposed project would require some excavation and use of machinery on the site. Some potential for spills of oils and other solvents could occur during construction however, compliance with Cal/OSHA monitoring hazardous materials would reduce the potential for accidents to occur. The site is not identified on a hazardous waste cleanup site database and no recognized environmental conditions in the project area have been reported. Therefore, the excavation would not encounter hazardous materials that would need to be transported or disposed off-site.

Operational

The existing use of the project site is a school which does not require the use of hazardous materials with the exception of household cleaners in small quantities. Additionally, the new structures included in the proposed project would not be for the use or storage of hazardous material. Therefore, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during operations.

Impact HAZ-2:	The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact)**

The project site is used as a school and does not contain hazardous materials with the exception of household cleaners in small quantities. Foreseeable upset and accidents on-site would not have a significant risk of releasing hazardous materials and the proposed project would not add uses that would introduce further risk of hazardous material release. Therefore, the proposed project would not 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.

Impact HAZ-3:	The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(No Impact)**

The project site is a school site which does not emit or handle hazardous or acutely hazardous materials, substances, or waste. The proposed project would add additional school buildings to the site and would not create sources of hazardous materials. Therefore, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Impact HAZ-4:	The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. **(No Impact)**

As stated above, the project site is not included on a list of hazardous materials sites. Therefore, the proposed project would not create a significant hazard to the public or environment as a result of an earlier hazardous waste spill.

Impact HAZ-5:	The project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(Less than Significant Impact)**

The proposed project would be constructed approximately one mile west of the Reid-Hillview Airport. The project site is located within the airport traffic pattern safety zone but is outside of the 60 dBA noise contour designated in the land use plan.[45] Although the school site is within two miles of the airport, the proposed project would not change the existing land use and would not expose people to a significant safety hazard or excessive noise created by the airport. Therefore, the proposed project would not result in a significant impact.

Impact HAZ-6:	The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

Modification to the existing site would be made in accordance with current building and fire codes and the project would be signed off on by the State Architect to avoid unsafe building conditions. The proposed project would not impair or interfere with the implementation of the City's Emergency Operations Plan or any statewide emergency response or evacuation plans.

Impact HAZ-7:	The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(No Impact)**

The project site is not located in a high fire severity zone.[46] The proposed project would not introduce additional population into an area where wildland fires represent a significant hazard. Therefore, the proposed project would not expose people or structures to risk of loss, injury, or death from wildfire and would result in a less than significant impact.

[45] Santa Clara County. Comprehensive Land Use Plan: Reid-Hillview Airport. October 24, 2007.
[46] California Department of Forestry and Fire Protection. Fire and Resource Assessment Program: Very High Fire Hazard Severity Zones in LRA. October 8, 2008. https://osfm.fire.ca.gov/media/5935/san_jose.pdf.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The State Water Resources Control Board (SWRCB) has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff

discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.[47] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g. rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires 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 local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the minimized size threshold, drain into tidally influenced areas or directly into the Bay, or drain into hardened channels, or if they are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious.

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

Post-Construction Hydromodification Management (City Council Policy No. 8-14)

The City of San José's Policy No.8-14 implements the hydromodification management requirements of Provision C.3 of the MRP. Policy No. 8-14 requires new development and redevelopment projects that create or replace one acre or more of impervious surface area and are located within a subwatershed that is less than 65 percent impervious, to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt generation, or other impacts to local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or are infill projects in subwatersheds or

[47] MRP Number CAS612008

catchment areas that are greater than or equal to 65 percent impervious would not be subject to the HMP requirement.

Dam Safety

Since August 14, 1929, the State of California has regulated dams to prevent failure, safeguard life, and protect property. The California Water Code entrusts dam safety regulatory power to California Department of Water Resources, Division of Safety of Dams (DSOD). The DSOD provide oversight to the design, construction, and maintenance of over 1,200 jurisdictional sized dams in California.[48]

As part of its comprehensive dam safety program, Valley Water routinely monitors and studies the condition of each of its 10 dams. Valley Water also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

Floodplain Ordinance – Municipal Code 17.08

City of San José Municipal Code 17.08 covers the requirements for building in various types of flood zones. This includes requirements for elevation, fill, flood passage, flood-proofing, maximum flow velocities, and utility placement for development within a floodplain, based on land use type.

4.10.1.2 *Existing Conditions*

Water Quality

The project site is located approximately 1.5 miles southwest of Thompson Creek and approximately 0.85 miles east of Coyote Creek. Drainage from the project site and surrounding area is collected by storm drains and discharged into Coyote Creek. According to the EPA[49] the water body is currently listed on the 303(d) list of impairment for toxicity.

[48] California Department of Water Resources, Division of Safety of Dams. https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD). Accessed November 13, 2020.

[49] United States Environmental Protection Agency. Waterbody Quality Assessment Report for 2016 Waterbody Report for Coyote Creek (Santa Clara Co.). 2016. Accessed February 8, 2021. https://iaspub.epa.gov/tmdl_waters10/attains_waterbody.control?p_au_id=CAR2053002119990218112824&p_cycle=2016&p_state=CA&p_report_type=.

Flooding

According to the FEMA Flood Insurance Rate Maps (FIRM),[50] the project site is located in Flood Zone D. Zone D is an area of undetermined but possible flood hazard that is outside the 100-year flood plain. The City of San José has no floodplain requirements for Zone D.

Dam Failure

The project site is not located in the Lexington Dam or Anderson Dam failure inundation hazard zones.[51,52]

Seiches, Tsunamis, and Mudflows

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay. There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche.

A tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. There are no bodies of water near the project site that would affect the site in the event of a tsunami.[53]

A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project site and surrounding area are relatively flat. The project site is not susceptible to mudflows.

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐

[50] FEMA. Flood Insurance Rate Map: Santa Clara County Panel 254 of 830. Map Number 06085C0254H. May 18, 2009.
[51] Santa Clara Valley Water District. "Anderson Dam Flood Inundation Maps." Accessed November 12, 2020. https://www.valleywater.org/sites/default/files/Anderson%20Dam%20Inundation%20Maps%202016.pdf.
[52] Santa Clara Valley Water District. "Lexington Dam Flood Inundation Maps." Accessed November 12, 2020. https://www.valleywater.org/sites/default/files/Lexington%20Dam%20Inundation%20Map%202016.pdf.
[53] Association of Bay Area Governments. "Tsunami Maps and Information." Accessed November 12, 2020. http://resilience.abag.ca.gov/tsunamis/.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
– result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
– impede or redirect flood flows?	☐	☐	☒	☐
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Impact HYD-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

Construction

The proposed project would require ground disturbance for the construction of foundations for the classrooms and other structures and expansion of the parking lot. Ground-disturbing activities would temporarily increase the amount of debris on-site and grading activities could increase erosion and sedimentation that could be carried by runoff into the San Francisco Bay. The project site is approximately eight acres in size; however, the proposed project would disturb less than one-acre of the total site; therefore, the project would not be required to obtain an NPDES General Permit for Construction Activities. The proposed project would disturb a soil area less than the threshold for the NPDES General Permit; therefore, the proposed project would not substantially degrade the water quality of surface or ground water during construction.

Post-Construction Impacts

Under existing conditions, the project site is 50 percent (approximately 175,290 square feet) covered with impervious surface area. Upon full build out of the proposed project, impervious surfaces on-

site would increase to approximately 62 percent (218,436 square feet), a net increase of 12 percent. Construction of the project would result in the replacement of more than 10,000 square feet of impervious surface area, which would increase runoff on site, however; the project site is not under the jurisdiction of the San Francisco Bay RWQCB MRP and would not require drainage improvements for stormwater runoff associated with the proposed project. Project runoff would flow into existing stormwater drainage systems on-site or surrounding impervious areas.

Dewatering

The proposed project would not include substantial subsurface excavation and is not expected to encounter groundwater or require dewatering during construction.

Flood Flows

The project site is located in Flood Zone D, which does not have City requirements for development. The proposed project would not alter the existing site in a manner that would impede or significantly alter flood flows during a storm event.

Impact HYD-2:	The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

The proposed project is not located within a groundwater recharge area.[54] Additionally, the project proposes minor excavation for utilities that would not encounter groundwater and would not require dewatering. Therefore, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

Impact HYD-3:	The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Less than Significant Impact)**

Drainage Pattern Impacts

The proposed project would increase impervious surfaces by approximately 43,146 square feet or 12 percent, which would increase runoff on the project site compared to existing conditions. The proposed project would utilize the existing drainage lines on-site and the runoff into pervious areas already on the project site to manage the additional runoff created by these new impervious surfaces.

[54] Santa Clara Valley Water District. Groundwater Management Plan. November 2016.

Additionally, the proposed project would incorporate water drainage features including catch basin filters and bio-swales to treat storm water before collection in underground storm water system. The site is located within a catchment or subwatershed with greater than or equal to 65 percent impervious surfaces. Therefore, the proposed project would not result in hydromodification off-site as a result of increased impervious surfaces.

Storm Drainage Impacts

As mentioned previously, the project site is currently 50 percent covered with impervious surfaces. Under existing conditions, the storm drainage lines have sufficient capacity to serve the site. The impervious surfaces on-site would increase by approximately 43,146 square feet under project conditions which would result in an increase in stormwater runoff. The proposed project would tie into the existing on-site stormwater and impervious areas for stormwater flows. Therefore, through the incorporation of stormwater drainage, the proposed project would not result in significant impacts to stormwater systems.

Impact HYD-4:	The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

The project site is not located within a tsunami or seiche zone nor is the site within the dam inundation areas for the Lexington dam or Anderson dam. The flood hazard for the project site is undetermined but feasible. Within San José, there are no floodplain requirements for Zone D flood zones. Therefore, the proposed project would not risk the release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.

Impact HYD-5:	The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

The proposed project would utilize existing stormwater facilities on-site; therefore, implementation of the project would not significantly impact water quality. The project site is not located within a groundwater recharge area and would not interfere with groundwater recharge. For these reasons, the project would not conflict with implementation of a water quality or groundwater management plan.

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Existing Conditions*

Existing Land Uses

The 7.7-acre project site consists of one parcel (APN 491-20-014) in San José and is currently developed as a school. The project site is zoned Single-Family Residential (up to eight dwelling units per acre) and is designated Public/Quasi-Public under the General Plan. The site is surrounded by single and multi-family houses.

The Public/Quasi-Public designation is intended to provide for publicly serving uses. The publicly serving land uses within this district can include schools, colleges, research institutions, corporation yards, homeless shelters, libraries, fire stations, water treatment facilities, and other similar publicly oriented institutional land uses with associated incidental commercial uses supporting such publicly oriented institutional land uses. This designation may also accommodate private schools, daycare centers, hospitals, public utilities, and the facilities of any organization involved in the provision of public services consistent in character with established public land uses. Private community gathering facilities, including those used for religious assembly or other comparable assembly activity, may also be considered. The appropriate intensity of development can vary considerably depending on potential impacts on surrounding uses and the particular Public/Quasi-Public use developed on a site.

The purpose of the single-family residential district is to reserve land for the construction, use and occupancy of single-family subdivisions. The allowable density range for the R-1 district is one to eight dwelling units per acre.

Surrounding Land Uses

The surround area is entirely composed of single and multi-family housing units. Most of these units are single story, however the units located directly to the west are two-story units.

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	☐	☐	☒	☐
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Impact LU-1:	The project would not physically divide an established community. **(Less than Significant Impact)**

The proposed project is entirely located on the existing school site. This would not create new physical barriers or obstruct the flow of people through the adjacent established communities. Therefore, the proposed project would not result in the physical division of an established community and would have a less than significant impact.

Impact LU-2:	The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

The proposed project would comply with existing land use policies applicable to the school site and conditions of approval applicable to the project site. The project would not cause a significant environmental impact due to a conflict with plans, policies or regulation adopted for the purpose of avoiding or mitigating an environmental effect. In addition, the project would be reviewed for compliance with applicable land use plans and policies. Based on the above, the impact is less than significant

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

Pursuant to the mandate of the SMARA, the SMGB has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, SR 87, and Hillsdale Avenue as containing mineral deposits that are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the SMGB have classified any other areas in San José as containing mineral deposits of statewide significance or requiring further evaluation.

4.12.1.2 *Existing Conditions*

The San José 2040 General Plan did not identify any mineral resources within the area of the project site. The nearest mineral resources to the project site are located at Communication Hill, approximately 2.6 miles southwest of the project site.

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) 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?	☐	☐	☐	☒
2) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Impact MIN-1:	The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

The project site does not contain mineral resources. The proposed project would not result in an impact on known mineral resources of regional or state value.

Impact MIN-2:	The project would not 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. **(No Impact)**

The project site does not contain mineral resources. The proposed project would not result in an impact on known mineral resources of local value.

4.13 NOISE

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, DNL, or CNEL.[55] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

4.13.1.2 *Regulatory Framework*

Federal

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne

[55] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

vibration are shown in Table 4.13-1 below. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

Table 4.13-1: Groundborne Vibration Impact Criteria

Land Use Category	Groundborne Vibration Impact Levels (VdB inch/sec)		
	Frequent Event[1]	Occasional Events[2]	Infrequent Events[3]
Category 1: Buildings where vibration would interfere with interior operations	65	65	65 [4]
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	83

Source: Federal Transit Administration. *Transit Noise and Vibration Assessment Manual.* September 2018.

Notes: [1] Frequent Events" is defined as more than 70 vibration events of the same source per day. Most rapid transit projects fall into this category.

[2] Occasional Events" is defined as between 30 and 70 vibration events of the same source per day. Most commuter trunk lines have this many operations.

[3] Infrequent Events" is defined as fewer than 30 vibration events of the same kind per day. This category includes most commuter rail branch lines.

[4] This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration sensitive manufacturing or research should always require detailed evaluation to define the acceptable vibration levels. Ensuring low vibration levels in a building requires special design of HVAC systems and stiffened floors.

State and Local

California Building Standards Code

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources not exceed 45 L_{dn}/CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, or industrial source.

City of San José

Envision San José 2040 General Plan

The 2040 General Plan includes noise compatibility guidelines for various land uses. For reference, these guidelines are provided in Table 4.13-1 below.

In addition, the following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to noise and are applicable to the project.

General Plan Policies – Noise and Vibration	
Noise and Vibration	
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: <u>Interior Noise Levels</u> • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to 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 2040 General Plan traffic volumes to ensure land use compatibility and 2040 General Plan consistency over the life of this plan. <u>Exterior Noise Levels</u> • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1). The acceptable exterior noise level objective is established for the City, except in the environs of the Norman Y. Mineta San José International Airport, the Downtown Core Area, and along major roadways. For the remaining areas of the City, the following standards apply: o For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. There will be common use areas available to all residents that meet the 60 dBA exterior standard. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. o For single-family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as back yards.

4.13.1.3 *Existing Conditions*

According to noise studies conducted for the San José 2040 General Plan FEIR, the project site is within a traffic noise contour of 60 to 70 dBA. The project site is surrounded by sensitive receptors on all sides because the area around the site is primarily residential properties. In addition, the project site is a school which contains sensitive receptors during operational hours.

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
2) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
3) For a project located within the vicinity of a private airstrip or 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 expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Impact NOI-1: The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Less than Significant Impact)**

Construction

The proposed project would require the use of construction equipment for the installation of the portables and construction of other project features. The equipment would be used in proximity to classrooms that would be occupied and close to housing near the site. The equipment may result in temporary increases in ambient noise which could exceed the standards established in the San José 2040 General Plan. The proposed project would integrate the following Conditions of Approval to reduce potential impacts resulting from construction noise.

Conditions of Approval

Project construction operations shall use best available noise suppression devices and techniques including, but not limited to the following:

- Limit construction hours to between 7:00 AM and 7:00 PM, Monday through Friday. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around construction sites adjacent to operational business, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to scree stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" are compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to current the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Through compliance with this condition, the proposed project would have a less than significant noise impact on sensitive receptors during construction.

Operations

The proposed project would not change the operations of the project site from the existing school operations, but it would result in an increase in students. Sources of noise would be located at similar points on the project site and would be created at similar intensities. Therefore, the proposed project would not create substantial operational noise and would have a less than significant impact on sensitive receptors.

Impact NOI-2:	The project would not result in generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact)**

As stated above, construction equipment would be used in proximity to sensitive receptors. The proposed project would feature limited use of rollers or other high vibratory equipment. Examples of construction equipment that may be used for the proposed project and their associated vibration levels are included below in Table 4.13-2.

Table 4.13-2: Vibration Source Levels for Construction Equipment

Equipment	Approximate VdB at 25 feet	Approximate VdB at 50 feet
Clam Shovel Drop	94	85

Hydromill in soil	66	57
Vibratory roller	94	85
Hoe Ram	87	78
Large Bulldozer	87	78
Caisson Drilling	87	78
Loaded Trucks	86	77
Jackhammer	79	70
Small bulldozer	58	49
Source: Illingworth and Rodkin, 199 Bassett Street Residential Mixed-Use Project Groundborne Vibration Assessment August 24, 2017		

According to the thresholds established in the FTA vibration assessment manual, the nearest uses to the proposed project would consist of Category 3: Institutional land uses with primarily daytime use. A majority of construction of the proposed project would occur at distances greater than 25 feet from surrounding structures, however, this may still result in vibratory levels which may exceed the threshold established by FTA for frequent or occasional events (30 to 70 events per day). Although some equipment may produce high vibration, the intensity of construction planned for the installation of structures would not result in more than 30 vibratory events per day utilizing high vibration equipment. Therefore, the proposed project would not create excessive groundbourne vibration or groundbourne noise levels and would have a less than significant impact.

Impact NOI-3:	The project would not be located within the vicinity of a private airstrip or 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. The project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

The proposed project would be constructed approximately one mile west of the Reid-Hillview Airport. The project site is located within the airport traffic pattern safety zone but is outside of the 60 dBA noise contour designated in the land use plan.[56] Although the school site is within two miles of the airport, the proposed project would not experience noise levels exceeding the ambient noise from surrounding uses. Therefore, the proposed project would not expose people in the project area to excessive noise levels.

[56] Santa Clara County. Comprehensive Land Use Plan: Reid-Hillview Airport. October 24, 2007.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[57] The City of San José Housing Element and related land use policies were last updated in 2015.

Regional and Local

Plan Bay Area 2040

Plan Bay Area 2040 is a long-range transportation, land-use, and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).[58]

ABAG allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population, and Housing, which is an integrated land use and transportation plan through the year 2040 (upon which Plan Bay Area 2040 is based).

4.14.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 1,043,058 in January 2019 with an average of 3.20 persons per household.[59] The City currently has approximately 335,887 housing units

[57] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed November 16, 2020. http://hcd.ca.gov/community-development/housing-element/index.shtml.
[58] Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." http://projectmapper.planbayarea.org/. Accessed January 27, 2021.
[59] State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2019." Accessed September 22, 2020. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

and, by 2040, the City's population is projected to reach 1,445,000 with 472,000 households.[60] The City of San José currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident), but this trend is projected to reverse with full build out under the General Plan.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Induce substantial unplanned 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)?	☐	☐	☒	☐
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Impact POP-1:	The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). **(Less than Significant Impact)**

The proposed project would expand the capacity of the school site by approximately 390 students. The increased capacity would not directly or indirectly induce unplanned population growth and, therefore, the proposed project would have a less than significant population and housing impact.

Impact POP-2:	The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

The existing project site is occupied by a school and would continue to be used as a school with implementation of the project. The proposed project would not existing people or housing, necessitating the construction of replacement housing elsewhere.

[60] Center for the Continuing Study of the California Economy. "Projections of Jobs, Populations, and Households for the City of San José." August 2008. Accessed September 22, 2020. https://www.sanjoseca.gov/DocumentCenter/View/3326

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

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 the issuance of a building permit. Government Code Sections 65995 through 65998 set 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 states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Regional and Local

Countywide Trails Master Plan

The Santa Clara County Trails Master Plan Update is a regional trails plan approved by the Santa Clara County Board of Supervisors. It provides a framework for implementing the County's vision of providing a contiguous trail network that connects cities to one another, cities to the county's regional open space resources, County parks to other County parks, and the northern and southern urbanized regions of the County. The plan identifies regional trail routes, sub-regional trail routes, connector trail routes, and historic trails.

4.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD currently consists of 33 fire stations, 32 engine companies, nine truck companies, three squad

units, and numerous specialty teams and vehicles.[61] The nearest fire station to the project site is Station No. 16 located at 2001 South King Road, approximately 900 feet northeast of the site.

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

Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street. Police headquarters is located approximately 4.1 miles northwest of the project site.

Schools

The project site is a school that currently serves 741 students

Parks/Recreation

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,534 acres of parkland, including neighborhood parks, community parks, and regional parks.[62] The City currently operates 197 neighborhood parks, 51 community centers, nine regional parks, and over 61 miles of urban trails. The nearest park is Welch Park located about 0.5 miles to the east.

Libraries

The San José Public Library is the largest public library system between San Francisco and Los Angeles. The San José Public Library consists of one main library (Dr. Martin Luther King Jr. Library) and 24 branch libraries.[63] The nearest library to the project site is the Hillview Branch Library located approximately 0.8 miles northeast of the project site.

[61] City of San José. "City of San José Annual Report on City Services 2018-19." Accessed November 5, 2020. https://www.sanjoseca.gov/your-government/appointees/city-auditor/services-report
[62] Ibid.
[63] Ibid.

4.15.2 Impact Discussion

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

Impact PS-1: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services. **(Less than Significant Impact)**

The proposed project would expand the capacity of the existing school use. The project would not increase the population of the City, however, there would be additional buildings added to the site and an increase in students on-site which may increase the need for fire protection services. The San José 2040 General Plan EIR determined that fire services would not need expanded facilities to serve the build out of the General Plan. The proposed project would be consistent with the General Plan land use for the project site; therefore, the proposed project would not substantially increase the need for fire protection services and would not require new or physically altered governmental facilities.

Impact PS-2: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services. **(Less than Significant Impact)**

The proposed project would expand the capacity of the existing school use. The project would not increase the population of the City, however, there would be additional buildings added to the site and an increase in students on-site which may increase the need for police protection services. The San José 2040 General Plan EIR determined that the existing police headquarters would need to be

expanded to accommodate for the planned growth. Construction of new police facilities would require supplemental environmental review but is not anticipated to have significant adverse environmental impacts. The proposed project would be consistent with the planned use for the site and would not expand the use of the site outside the General Plan use. Therefore, the proposed project, by itself, would not create new or physically altered governmental facilities, a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts.

Impact PS-3:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools. **(Less than Significant Impact)**

The proposed project would expand the capacity of an existing school in the Alum Rock Union School District. The school district is expecting to expand by 1,579 students through full build out of the General Plan. The proposed project would provide capacity to support new students and would reduce impacts on other existing schools in the district. Therefore, the proposed project would not result in adverse physical impacts associated with the provision of new or physically altered school facilities.

Impact PS-4:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks. **(Less than Significant Impact)**

The proposed project would not increase the resident population of the project area, which is already accounted for in the San José 2040 General Plan. New students at the school would come from the existing resident population and would not increase the need for park space in this area or affect service ratios for the park space in the City. Therefore, the proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks.

Impact PS-5:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities. **(Less than Significant)**

The proposed project would increase the number of students on the project site, but this would not cause increased use of library facilities. As stated above the proposed project would not increase the resident population of the project area and, therefore, would not increase the need for library facilities to meet per capita goals in the San José 2040 General Plan. Therefore, the proposed project would have a less than significant impact on library facilities.

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

4.16.1.2 *Existing Conditions*

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,534 acres of parkland, including neighborhood parks, community parks, and regional parks.[64] The City currently operates 197 neighborhood parks, 51 community centers, nine regional parks, and over 61 miles of urban trails. The nearest park is Welch Park located about 0.5 miles to the east.

The school site itself does not provide public recreation areas and permission must be obtained for access to the site.

4.16.2 Impact Discussion

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

[64] Ibid.

Impact REC-1:	The project would not 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. **(Less than Significant Impact)**

The proposed project would not increase the use of park spaces near the project site. As stated above the proposed project would not increase the resident population of the area surrounding the project site and the existing population is already accounted for in General Plan allocation of park facilities. Therefore, the proposed project would not contribute to substantial physical deterioration of the facility and the proposed project would result in a less than significant impact.

Impact REC-2:	The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **(No Impact)**

The proposed project is constructing on-site playground facilities for private school use and does not include the construction or expansion of any public recreational facilities. Therefore, the proposed project would not have an adverse physical effect on the environment.

4.17 TRANSPORTATION

The information in this section is based on a Transportation Assessment prepared by Hexagon Transportation Consultants Inc. on January 19, 2021, included in Appendix B.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

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. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions were required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

Regional and Local

Congestion Management Program

VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management plan, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, Transportation Analysis Policy, the City of San José uses VMT as the metric to assess transportation impacts from new development.

If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis to analyze

non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access and recommend transportation improvements. The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1; however, it does negate the City's Protected Intersection policy as defined in Policy 5-3.

4.17.1.2 *Existing Conditions*

Existing Roadway Network

Regional access to the project site is provided via Interstate 280 (I-280), Interstate 680 (I-680) and Highway 101 (US 101). Local access to the project site is provided via Story Road, Tully Road, South King Road, Ocala Avenue, Havana Drive, Lanai Avenue, Waverly Avenue, and Cunningham Avenue. These facilities are described below.

I-280/I-680 is an eight-lane freeway in the vicinity of the site. I-280 extends northward through San Francisco and southward to US 101 in San José. East of US 101, it transitions into I-680, which extends to Oakland. Access to and from the site is provided by the interchange at South King Road.

US 101 is an eight-lane freeway in the vicinity of the site. US 101 extends northward through San Francisco and southward to Los Angeles. Access to and from the site is provided by interchanges at Tully Road and Story Road.

South King Road is a four-lane arterial that runs in the north-south direction that provides access to the project site from I-680 to Havana Drive and Cunningham Avenue. The street has left-turn pockets provided at intersections, continuous sidewalks, on-street parking on both sides of the street, and a posted speed limit of 35 mph near the project site. South King Road extends north through Alum Rock Avenue where it transitions into North King Road and extends south to Aborn Road where it transitions into Silver Creek Road.

Story Road is a six-lane arterial that runs in an east-west direction in the vicinity of the site. Story Road provides access to the site from US 101 via a full interchange and a signalized intersection with South King Road. Story Road has center medians with left-turn pockets, continuous sidewalks, and a posted speed limit of 35 mph. The road extends west to Senter Road where it transitions into Keyes Street and extends east to Fleming Avenue where it transitions into a neighborhood street.

Havana Drive/Ocala Avenue is a two-lane neighborhood street that runs in the east-west direction and provides access to the north side of the school campus via Lanai Avenue. It has continuous sidewalks, parking allowed on both sides of the street, and a posted speed limit of 25 mph. Havana Drive begins west of South King Road towards the site and extends east past South King Road transitioning into Ocala Avenue. Ocala Avenue is a four-lane road with a center turn lane, continuous sidewalks, parking allowed on both sides of the street, and a posted speed limit of 35 mph. It extends to South White Road where it transitions into Marten Avenue.

Lanai Avenue is a two-lane neighborhood street that runs in the north-south direction. It has continuous sidewalks and parking allowed on both sides of the street. The street is separated into two

segments near the school site. North of the school site, Lanai Avenue provides access from Havana Drive and has a posted speed limit of 15 mph. South of the school, Lanai Avenue provides access to the site from Tully Road and has a posted speed limit of 25 mph.

Waverly Avenue is a two-lane neighborhood street that runs in the east-west direction. The street extends east past South King Road and west to Lanai Avenue. Waverly Avenue provides access to the school via Lanai Avenue.

Cunningham Avenue is a two-lane neighborhood street that runs in the east-west direction. Cunningham Avenue extends west to the school and east past South King Road. It has continuous sidewalks, parking allowed on both sides of the street, and has a posted speed limit of 25 mph. Cunningham Avenue provides direct access to the south side of the school.

Existing Pedestrian Facilities

A complete network of sidewalks is present along the streets in the vicinity of the project site, including Waverly Avenue, Havana Drive, Lanai Avenue, and Cunningham Avenue. The school is located within a large single-family/multi-family residential area with sidewalks present along all surrounding streets.

There are marked and signalized crosswalks located at the intersections of South King Road/Havana Drive and South King Road/Cunningham Avenue. Only a few marked and unsignalized crosswalks along Cunningham Avenue are located directly adjacent to the school. There are existing curb ramps at intersections within a half-mile of the project site, but most curb ramps are missing truncated domes and do not comply with Americans with Disabilities Act (ADA) guidelines. Aside from the lack of marked crosswalks and truncated domes, there is a large existing network of sidewalks and low speed residential streets providing pedestrians with relatively safe routes to the school.

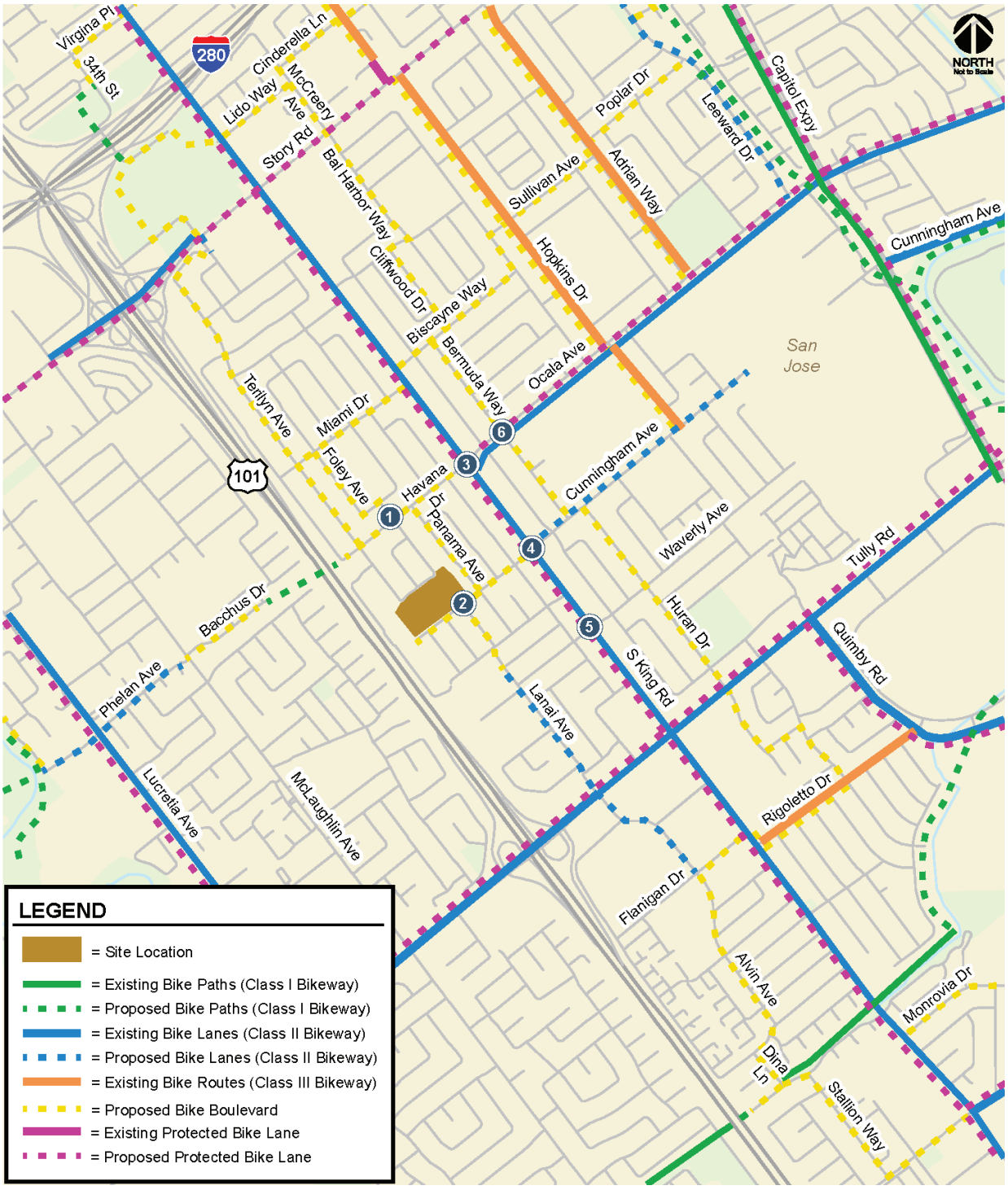
Existing Bicycle Facilities

The bicycle facilities that exist within one mile of the project site (see Figure 4.17-1) include bike paths (Class I bikeway), bike lanes (Class II bikeway), bike routes (Class III bikeway), bicycle boulevards, and separated bike lanes (Class IV bike lane). Bike paths are bicycle facilities completely separated from streets. Bike lanes are lanes designated for use by bicycles with special lane marking, pavement legends, and signage. Bike routes are streets shared by bikes and motor vehicles. A bike boulevard is similar to a bike route in that bikes share the road with motor vehicles, but it is a low-speed, low-volume street which has been optimized for bicycle traffic.

Existing Transit Services

Existing transit service to the project site is provided by two local VTA (see Table 4.17-1) bus routes (Routes 22 and 77), which travel along South King Road. These routes are accessible via the bus stop located at the intersection of South King Road and Cunningham Avenue, approximately 1,000 feet east of the project site. Transit service near the project site is temporarily reduced due to COVID-19 and shelter-in-place requirements.

Table 4.17-1: Existing Transit Service				
Bus Route	**Route Description**	**Closest Stop and Distance to Project Site**	**Weekday Hours of Operation[1]**	**Headway (Minutes)[1]**
Local Bus 77	Eastridge Transit Center- Milpitas Transit Center	South King Road and Cunningham Avenue, 1,000 feet	5:17 AM - 9:21 PM	20-25
Local Bus 22	Palo Alto Transit Center - Eastridge Transit Center	South King Road and Cunningham Avenue, 1,000 feet	5:21 AM - 1:48 AM	15
[1] Approximate weekday operation hours and headways during peak commute periods in the project area, as of December 2020.				



Source: Hexagon Transportation Consultants, Inc., January 19, 2021.

EXISTING AND PROPOSED BICYCLE FACILITIES | FIGURE 4.17-1

Site Access and Circulation

The school site is currently accessed by six driveways along Cunningham Avenue leading to three separate parking lots. Each parking lot has one inbound and one outbound driveway. The parking lot east of Lanai Avenue is the largest and is reserved for school staff. The other two parking lots are smaller. The school can also be accessed by a driveway from Lanai Avenue north of the project site leading to another small parking lot. In addition to the parking lots, the school also has two curbside drop-off zones. The drop-off zone along the north side of Cunningham Avenue extends from the faculty parking lot in the east to Sarasota Way in the west (approximately 200 feet long). The drop-off zone north of the school along the south side of Wayward Drive extends from Lanai Avenue in the east to Terilyn Avenue in the west (approximately 450 feet long).

The school site experiences congestion in both peak hours during drop-off and pick-up. The school currently uses a staggered schedule to disperse traffic, so it is not concentrated within at 15-20 minute period as is typical for other schools.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?	☐	☐	☒	☐
2) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
4) Result in inadequate emergency access?	☐	☐	☒	☐

Impact TRN-1: The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities. **(Less than Significant Impact)**

Circulation System and Roadways

During project operations, the proposed project would increase pick up and drop off. The two parking lots located on the southeastern side of the site would be consolidated into one parking lot, which would serve as an area for pick up and drop off for the school. The additional drop off and pick-up traffic may result in delays due to backups at the driveways, however minor adjustments to the circulation on-site through the inclusion of cones at the driveway, would control traffic operations and prevent the interruption of operation of these roadways during drop off and pick up.

Transit

The VTA Local Routes 22 and 77 serve the vicinity of the school with approximately 15 to 25-minute headways during the AM and PM peak commute hours. Bus stops are located within a typical walking distance (one-quarter mile or five minutes) of the project site. The project is expected to generate a small increase in transit demand, which could be accommodated by the available capacity of the VTA bus service.

Bicycle lanes

The project site is near the bike lanes on King Road and the San José Better Bike Plan 2025 proposes a protected bike lane on King Road and bicycle boulevards on Havana Drive, Cunningham Avenue, and Lanai Avenue in the immediate vicinity of the school. The existing and proposed network of bicycle facilities exhibits is well connected to the residential neighborhoods near the school. The project would not remove any existing bicycle facilities and it would not conflict with any adopted plans or policies for new bicycle facilities.

Pedestrian Facilities

The school has safe routes to school features including school advance warning signs near the south and north entrances to the school, yellow crosswalks along Cunningham Avenue at Lanai Avenue, Cunningham Avenue at King Road, and Havana Drive at Lanai Avenue, and lowered speed limits. The proposed project would not alter the existing pedestrian facilities; therefore, the proposed project would not impact pedestrian access or conflict with existing plans.

Impact TRN-2:	The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact)**

According to the Transportation Analysis conducted by Hexagon, the proposed project, which would increase enrollment by approximately 390 students and 20 staff members, operates similarly to local serving retail and would generate trips equivalent to approximately 19,000 square feet of retail space for the students and 10,000 square feet of office space for the staff. The San José Transportation Analysis Handbook identifies that a threshold for a less than significant VMT impact is less than 100,000 square feet of local serving retail and office projects which generate less than 110 trips daily. Because the proposed project would emulate conditions similar to uses, which meet the screening criteria, the project would have a less than significant impact and would not conflict or be inconsistent with CEQA Guidelines Section 15064.3

Impact TRN-3:	The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). **(Less than Significant Impact)**

The proposed project would design access points in compliance with the San José design guidelines for driveways and sight distance. The on-site circulation would introduce some additional congestion during pick up and drop off; however, the proposed project would not significantly increase the hazards at existing intersections and would create a less than significant impact.

Impact TRN-4:	The project would not result in inadequate emergency access. **(Less than Significant Impact)**

The proposed project would be designed with proper emergency access and would not alter the existing access points for emergency vehicles. The SJFD serves the project site, therefore the proposed project must comply with applicable fire department standards. City of San José Fire Code requires two-way driveways to provide at least 20 feet for fire access and one-way driveway to provide at least 14 feet for fire access. All existing and proposed school driveways would meet this requirement. The SJFD requires that all portions of the buildings be within 150 feet of a fire department access road and requires a minimum of six feet clearance from the property line along all sides of the buildings. The north entrance of the school allows service access to the school asphalt courts in the center of the school, such that all school buildings would be within 150 feet of fire access. The school buildings are also setback more than six feet on all sides, meeting the San José Fire Code. Therefore, the proposed project would have a less than significant emergency vehicle access impact.

4.17.3 Non-CEQA Effects

While the evaluation of project CEQA impacts on the transportation system is based on VMT, in accordance with City San José Transportation Policy (Policy 5-1), the following discussion is included for informational purposes because City Council Policy 5-1 requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, and parking (discussed below).

Roadway Operations

The City of San José level of service standard is LOS D for intersections within the city. Based on analysis of six intersections located near the project, all traffic operations would function at LOS D or better for the AM and PM peak hours under existing conditions and under the conditions of the proposed project, therefore the proposed project would not conflict with the level of service standard for San José intersections.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

4.18.1.2 *Existing Conditions*

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3000 B.C. and 500 A.D.

Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay, south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

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

Artifacts pertaining to the Ohlone occupation of San José have been found throughout the downtown area, and near local waterways including Coyote Creek, located approximately 0.85 miles west of the project site.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☒	☐
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 the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

Impact TCR-1: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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). **(Less than Significant Impact)**

Coyote Creek is located approximately 0.85 miles west of the project site, which is considered a highly sensitive area for prehistoric and archaeological deposits, including tribal cultural objects. No tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified on or adjacent to the project site based on available information. Additionally, the project site has been previously developed and disturbed for the construction of the school and surrounding areas.

Assembly Bill 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the Lead Agency. In 2017, the City of San José sent a letter to tribal representatives in the area for participation in consultation for all ongoing, proposed, or future projects within the City's Sphere of

Influence or specific areas of the City. The Ohlone Tribe submitted a request in July of 2018 for notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the downtown area of the City of San José. The tribal representatives for the Ohlone Tribe, and other tribes known to have traditional lands and cultural places within the City of San José, however, no tribal representative has submitted a formal request under SB 52 for notification from the school district. Any subsurface artifacts found on-site would be addressed consistent with the conditions of approval. Therefore, the proposed project would have a less than significant impact on tribal cultural resources.

Impact TCR-2:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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. **(Less than Significant Impact)**

See response to TCR-1 above.

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of San José adopted its most recent UWMP in June 2016.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the

following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

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

San José Zero Waste Strategic Plan/Climate Smart San José

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

San José Sewer System Management Plan

The purpose of the Sewer System Management Plan (SSMP) is to provide guidance to the City in the operation, maintenance, and rehabilitation of the sewer assets of the City of San José. The SSMP includes construction standards and specifications for the installation and repair of the collection system and its associated infrastructure.

4.19.1.2 *Existing Conditions*

Water Supply

Water service is provided to the City of San José by three water retailers, SJW, the City of San José Municipal Water System, and the Great Oaks Water Company. Water service to the project site is provided by SJW. The service area of SJW is 139 square miles, including most of the cities of San José and Cupertino, the entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. Potable water provided to the service area is sourced from groundwater, imported treated water and local surface water. The site is currently developed with a school. The site currently uses approximately 17,577 gallons of water per day (gpd).[65]

Wastewater Services

Wastewater from the City of San José is treated at the San José-Santa Clara Regional Wastewater Facility (the Facility) which is administered and operated by the City Department of Environmental Services. The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4

[65] Water usage rates were calculated using CalEEMod Appendix D (Elementary School). CalEEMod. "Table 9.1: Water Use Rates." Accessed December 2020. http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixd.pdf.

million residents.[66] The City generates approximately 69.8 million gallons per day (mgd) of dry weather sewage flow. The City's capacity allocation at the Facility is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity.

There is an existing six-inch sewer line along Cunningham Avenue. The San José 2040 General Plan FEIR states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purposes of this analysis, wastewater flow rates are assumed to be 95 percent of the total on-site water use. The existing buildings are estimated to generate approximately 16,698 gpd of wastewater.

Storm Drainage

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. The lines that serve the project site drain into Coyote Creek and carry stormwater from the storm drains into San Francisco Bay. The project site is approximately 0.85 miles east of Coyote Creek. There is no overland release of stormwater directly into any water body from the project site.

Currently, the project site is 50 percent (approximately 175,290 square feet) covered with impervious surfaces. There is an existing 60-inch storm drain line that runs along Cunningham Avenue which serves the project site.

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California IWMB in 1996 and was reviewed in 2004 and 2007. Based on the IWMP, the County has adequate landfill capacity. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The City sends approximately 700,000 tons per year of solid waste to landfills, including 578,000 tons per year at landfill facilities in San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[67]

All solid waste in San José is landfilled at Newby Island Sanitary Landfill (NISL). The City has an existing contract with NISL through December 31, 2041 with the option to extend the contract for as long as the landfill is open. The estimated closure date for NISL is 2041.[68] The City has an annual disposal allocation for 395,000 tons per year. As of December 2019, NISL had approximately 14.6 million cubic yards of capacity remaining.[69]

The site currently contains a school that generates approximately 370.5 pounds of solid waste per day.[70]

---

[66] San José-Santa Clara Regional Wastewater Facility. Data Sheet. April 25, 2016. Accessed January 2021. https://www.sanjoseca.gov/home/showpublisheddocument?id=32061.
[67] Santa Clara County. Five-Year CIWMP/RAIWMP Review Report. June 2016.
[68] North, Daniel. General Manager, Republic Services. Personal communications. November 14, 2019.
[69] Ibid.
[70] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed August 4, 2020. https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates. Based on the generation rate of 0.5 pounds per student per day for educational sites.

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
5) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Impact UTL-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

The proposed project would expand school capacity and introduce approximately 390 additional students to the school site. This would increase the demand for water to approximately 26,827 gallons per day, a net increase of approximately 9,250 gallons per day.[71] The proposed project would connect to existing on-site utilities systems and would not require new or expanded water lines.

The proposed project is estimated to generate approximately 25,486 gallons per day of wastewater. The proposed project would connect to the existing sanitary sewer system serving the proposed

[71] (2,424 gallons per year indoor water use per student + 6,234 gallons per year outdoor water use per student) x 1131 students / 365 days = 26,827 gallons per day

project via on-site pipes. The project would coordinate with the City of San José and comply with all applicable Public Works requirements to ensure sanitary sewer lines would have capacity for sewer services required by the proposed project. The proposed project would dispose of wastewater at the Facility which has adequate capacity to accommodate the increased demand created by the project. Since the proposed development is consistent with planned growth in the City, the project would require expansion or relocation of the existing City infrastructure.

Impervious surfaces on-site would increase by approximately 12 percent (43,146 square feet) under project conditions. The increase in stormwater is not substantial and the existing storm drainage system has sufficient capacity to support the current site conditions.

The project would comply with CALGreen and would be consistent with planned growth in the General Plan. The project would utilize existing utility connections to connect to the City's water, wastewater, storm drainage, electric, natural gas, and telecommunications facilities. Although the project would increase the demand on existing facilities in the City, relocation of existing or construction of new facilities would not be needed to serve the proposed project. As a result, the proposed project would have a less than significant impact on these facilities.

Impact UTL-2:	The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant Impact)**

Water demand could exceed water supply with full build out of the General Plan during dry and multiple dry years after 2025. Existing regulations and proposed policies would substantially reduce demand resulting from current and future development. With implementation of the CALGreen requirements and the City's Green Building Policy, there would be sufficient water supplies available to serve the project and any reasonably foreseeable future development. The proposed project is consistent with General Plan land uses and would comply with policies and procedures regarding water supply and conservation. Therefore, the proposed project would have a less than significant impact on the availability of water resources.

Impact UTL-3:	The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant Impact)**

The proposed project would be consistent with planned growth from build out of the General Plan. Development allowed under General Plan would not exceed the City's allocated capacity at the Facility; therefore, the Facility would have adequate capacity to serve the project's projected demand in addition to the Facility's existing commitments.

Impact UTL-4:	The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

The project would generate approximately 565.5 pounds of solid waste per day, a net increase of 195 pounds per day compared to existing conditions. As mentioned previously, NISL had approximately 14.6 million cubic yards of capacity remaining in December 2019. Given NISL's remaining capacity, the City's contract with NISL, the amount of waste the City disposes at NISL, and the amount of waste the project is estimated to generate, there is sufficient capacity at NISL to serve the project.

Additionally, the proposed project would be required to comply with existing federal, state, and local programs and regulations. Therefore, implementation of the proposed project would not generate solid waste exceeding state or local standards.

Impact UTL-5:	The project would not be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

Consistent with CALGreen requirements, the proposed project would be required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 50 percent of non-hazardous construction/demolition debris (by weight), and implement other waste reduction measures. Additionally, the estimated increases in solid waste generation from future development would be avoided through implementation of the City's Zero Waste Strategic Plan. The Zero Waste Strategic Plan, in combination with existing regulations and programs, would ensure that the proposed project would not result in significant impacts on solid waste disposal capacity exceeding state or local standards or in excess of NISL capacity.

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Regulatory Framework*

State

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and
- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

Fire Management Plans

CAL FIRE has developed an individual Unit Fire Management Plan for each of its 21 units and six contract counties. CAL FIRE has developed a strategic fire management plan for the Santa Clara County Unit, which covers the project area and addresses citizen and firefighter safety, watersheds and water, timber, wildlife and habitat (including rare and endangered species), unique areas (scenic, cultural, and historic), recreation, range, structures, and air quality. The plan includes stakeholder contributions and priorities and identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire issues.

Local

San José Fire Department Wildland-Urban Interface Fire Conformance Policy

Buildings proposed to be built within the SJFD WUI shall comply with all WUI materials and construction methods per CBC Chapter 7A and CRC Section R337.[72] The applicant shall, prior to construction, provide sufficient detail to demonstrate that the building proposed to be built complies with this policy. Building Permit Plans are also to be approved by the SJFD.

4.20.1.2 *Existing Conditions*

The project site is located in a fully urbanized area of San José and the site is not located in a Very High Fire Severity Zone.[73]

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

[72] San José Fire Department. *Wildland-Urban Interface (WUI) Fire Conformance Policy*. January 1, 2017. Accessed February 8, 2021. https://www.sanjoseca.gov/Home/ShowDocument?id=9345.
[73] California Department of Forestry and Fire Protection. Fire and Resource Assessment Program: Very High Fire Hazard Severity Zones in LRA. October 8, 2008. Accessed February 8, 2021. https://osfm.fire.ca.gov/media/5935/san_jose.pdf.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Does the project have the potential to substantially 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, substantially 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?	☐	☐	☒	☐
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Impact MFS-1: The project does not have the potential to substantially 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, substantially 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. **(Less than Significant Impact)**

As stated in Section 4.4, Biology, the proposed project would result in less than significant impacts on biological resources and cultural resource. The proposed project would not substantially reduce the habitat of fish or wildlife species, nor would it cause fish or wildlife populations to drop below self-sustaining levels. Additionally, the proposed project would not threaten elimination of a plant or animal community and would not threaten the range of endangered species or plants.

As stated in Section 4.5, Cultural Resources, the proposed project would implement conditions of approval to avoid impacts with undiscovered historical or prehistoric resources, therefore, the proposed project would not eliminate important examples of these resources.

Impact MFS-2:	The project does not have impacts that are individually limited, but cumulatively considerable. **(Less than Significant Impact)**

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

The analysis found that the proposed project would have no impact on agricultural and forestry resources, mineral resources, and wildfires. The analysis also determined that the project would have a less than significant impact on aesthetics, air quality, energy, geology and soils, greenhouse gases, hazards and hazardous materials, hydrology and water quality, land use, noise, population and housing, public services, recreation, transportation, tribal cultural resources, and utilities. Because the project would have no significant project level impact on these resources, the project would not have a cumulative impact to these resources.

The project could impact nesting birds, similar to other nearby projects in San José. Mitigation measures were included to reduce nest disturbance to less than significant. As a result, the project would not have a cumulatively considerable impact on biological resources. The project could also impact unknown cultural resources that may be located on-site. The project would comply with conditions of approval were included to reduce impacts to these resources if they are encountered. Therefore, the project would not have a cumulatively considerable impact on cultural resources.

Impact MFS-3:	The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact)**

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, hazardous materials, and noise. Implementation of applicable regulations, and conditions of approval would reduce the impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

SECTION 5.0 REFERENCES

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." http://projectmapper.planbayarea.org/. Accessed January 27, 2021.

Association of Bay Area Governments. "Tsunami Maps and Information." Accessed November 12, 2020. http://resilience.abag.ca.gov/tsunamis/.

BAAQMD. Final 2017 Clean Air Plan. April 19, 2017. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

Bay Area Air Quality Management District. California Environmental Quality Act Air Quality Guidelines. May 2017.

Bay Area Air Quality Management District. School Guidelines. January 2020. https://www.baaqmd.gov/~/media/files/planning-andresearch/ceqa/tools/baaqmd-school-siting-guidelines-pdf.pdf?la=en.

CalEEMod. "Table 9.1: Water Use Rates." Accessed December 2020. http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixd.pdf.

California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed November 13, 2020. https://www.arb.ca.gov/research/diesel/diesel-health.htm.

California Air Resources Board. "The Advanced Clean Cars Program." Accessed November 13, 2020. https://www.arb.ca.gov/msprog/acc/acc.htm.

California Building Standards Commission. "California Building Standards Code." Accessed November 13, 2020. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

California Department of Conservation Website. "CGS Information Warehouse: Regulatory Maps". Accessed September 2020. http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps.

California Department of Conservation Website. "CGS Information Warehouse: Regulatory Maps". Accessed November 12, 2020. http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps.

California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed November 13, 2020. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.

California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.

California Department of Conservation. DOC: Maps. https://maps.conservation.ca.gov/agriculture/. Accessed June 22, 2020.

California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed November 13, 2020. http://frap.fire.ca.gov/.

California Department of Forestry and Fire Protection. Fire and Resource Assessment Program: Very High Fire Hazard Severity Zones in LRA. October 8, 2008. https://osfm.fire.ca.gov/media/5935/san_jose.pdf.

California Department of Forestry and Fire Protection. Fire and Resource Assessment Program: Very High Fire Hazard Severity Zones in LRA. October 8, 2008. https://osfm.fire.ca.gov/media/5935/san_jose.pdf.

California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed November 16, 2020. http://hcd.ca.gov/community-development/housing-element/index.shtml.

California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed January 22, 2021. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.

California Department of Transportation. "Scenic Highways." November 13, 2020. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

California Department of Water Resources, Division of Safety of Dams. https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams#:~:text=Since%20August%2014%2C%201929%2C%20the,Safety%20of%20Dams%20(DSOD). Accessed November 13, 2020.

California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed November 13, 2020. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.

California Energy Commission. "Natural Gas Consumption by County." Accessed January 27, 2021. http://ecdms.energy.ca.gov/gasbycounty.aspx.

California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed January 27, 2021. http://ecdms.energy.ca.gov/elecbycounty.aspx.

California Environmental Protection Agency. Cortese List Data Resources. Accessed October 15, 2020. https://calepa.ca.gov/sitecleanup/corteselist.

California Environmental Protection Agency. "Cortese List Data Resources." Accessed November 13, 2020. https://calepa.ca.gov/sitecleanup/corteselist/.

California Gas and Electric Utilities. 2019 California Gas Report. Accessed January 22, 2021. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.

California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed August 31, 2020. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

California Office of Historic Preservation. California Historic Resources. Accessed October 23, 2020 https://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43.

California State Water Resources Control Board. Geotracker. Accessed October 15, 2020. https://geotracker.waterboards.ca.gov.

Center for the Continuing Study of the California Economy. "Projections of Jobs, Populations, and Households for the City of San José." August 2008. Accessed September 22, 2020. https://www.sanjoseca.gov/DocumentCenter/View/3326.

City of San José. "City of San José Annual Report on City Services 2018-19." Accessed November 5, 2020. https://www.sanjoseca.gov/your-government/appointees/city-auditor/services-report.

City of San José. Historic Resources Inventory. Accessed October 23, 2020. https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory.

City of San Jose. Zoning Map GIS Portal. https://arcg.is/10Kyzr. Accessed June 22, 2020.

E.J. Helley, R.W. Graymer, G.A. Phelps, P.K. Showalter, and C.M. Wentworth. Quaternary Geology of Santa Clara Valley, Santa Clara, Alameda, and San Mateo Counties, California: A digital database. May 1994.

Federal Transit Administration. Transit Noise and Vibration Assessment Manual. September 2018.

FEMA. Flood Insurance Rate Map: Santa Clara County Panel 254 of 830. Map Number 06085C0254H. May 18, 2009.

Illingworth and Rodkin, 199 Bassett Street Residential Mixed-Use Project Groundborne Vibration Assessment August 24, 2017

North, Daniel. General Manager, Republic Services. Personal communications. November 14, 2019.

NRCS. Soil Web Map Unit Composition: Urbanland-Newpark Complex, 0-2 Percent Slope. Accessed November 11, 2020. https://casoilresource.lawr.ucdavis.edu/soil_web/ssurgo.php?action=explain_mapunit&mukey=2027470.

Personal Correspondence with Alpha Charter School. December 2, 2020.

Public Law 110–140—December 19, 2007. Energy Independence & Security Act of 2007. Accessed August 31, 2020. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

R.J. McLaughlin, J.C. Clark, E.E. Brabb, E.J. Helley, and C.J. Colon. USGS. Geologic Maps and Structure Sections of the Southwestern Santa Clara Valley and Southern Santa Cruz Mountains, Santa Clara and Santa Cruz Counties, California. 2001.

San José Fire Department. Wildland-Urban Interface (WUI) Fire Conformance Policy. January 1, 2017. https://www.sanjoseca.gov/Home/ShowDocument?id=9345.

San José-Santa Clara Regional Wastewater Facility. Data Sheet. April 25, 2016. Accessed January 2021. https://www.sanjoseca.gov/home/showpublisheddocument?id=32061.

Santa Clara County. Comprehensive Land Use Plan: Reid-Hillview Airport. October 24, 2007.

Santa Clara County. Comprehensive Land Use Plan: Reid-Hillview Airport. October 24, 2007.

Santa Clara County. Five-Year CIWMP/RAIWMP Review Report. June 2016.

Santa Clara Valley Habitat Agency. Habitat Agency Geobrowser. Accessed February 5, 2021. http://www.hcpmaps.com/habitat/.

Santa Clara Valley Water District. "Anderson Dam Flood Inundation Maps." Accessed November 12, 2020. https://www.valleywater.org/sites/default/files/Anderson%20Dam%20Inundation%20Maps%202016.pdf.

Santa Clara Valley Water District. "Lexington Dam Flood Inundation Maps." Accessed November 12, 2020. https://www.valleywater.org/sites/default/files/Lexington%20Dam%20Inundation%20Map%202016.pdf.

Santa Clara Valley Water District. Groundwater Management Plan. November 2016.

State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2019." Accessed September 22, 2020. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

United States Department of Energy. Energy Independence & Security Act of 2007. Accessed August 31, 2020. http://www.afdc.energy.gov/laws/eisa.

United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." Accessed November 13, 2020. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

United States Energy Information Administration. “State Profile and Energy Estimates, 2018.” Accessed January 22, 2021. https://www.eia.gov/state/?sid=CA#tabs-2

United States Environmental Protection Agency. “Summary of the Resource Conservation and Recovery Act.” Accessed November 13, 2020. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.

United States Environmental Protection Agency. “Superfund: CERCLA Overview.” Accessed November 13, 2020. https://www.epa.gov/superfund/superfund-cercla-overview.

United States Environmental Protection Agency. “The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975.” March 2019.

United States Environmental Protection Agency. Waterbody Quality Assessment Report for 2016 Waterbody Report for Coyote Creek (Santa Clara Co.). 2016. Accessed February 8, 2021. https://iaspub.epa.gov/tmdl_waters10/attains_waterbody.control?p_au_id=CAR20530021199902181 12824&p_cycle=2016&p_state=CA&p_report_type=.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

Alum Rock Union School District
School District

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners

SECTION 7.0 ACRONYMS AND ABBREVIATIONS

CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
MND	Mitigated Negative Declaration
NOD	Notice of Determination
RWQCB	Regional Water Quality Control Board
USFWS	United States Fish and Wildlife Service