Initial Study

Bellarmine College Preparatory Master Plan Update Project



Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with
50 YEARS EST. 1972
DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

June 2023

MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: Bellarmine College Preparatory Master Plan Update Project

PROJECT FILE NUMBER: PDC220-099, PD22-030 & ER22-166

PROJECT DESCRIPTION: Planned Development Rezoning maintaining the PQP(PD) zoning and Planned Development Permit increasing the maximum building square footage from 347,561 square feet to 485,000 square feet for an existing school campus on an approximately 17.64 gross acre site. The project also includes demolition of two existing structures, renovation of two buildings, and relocation of a historic structure.

PROJECT LOCATION: 960 West Hedding Street, San Jose

ASSESSORS PARCEL NOS.: 261-11-005, 261-12-001, 261-12-002, 261-12-074, 261-12-087, 230-41-043, 230-41-029, 230-41-030, 230-41-031, 230-41-032, 261-10-095, 261-10-096, 261-10-104, 261-10-105, and 261-10-106

COUNCIL DISTRICT: 6

APPLICANT CONTACT INFORMATION: Bellarmine College Preparatory (Attn: Ron Miller), 960 West Hedding Street, San Jose, CA, 95126, (408)294-9224.

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The attached Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Mitigated Negative Declaration (MND), has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

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

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

C. AIR QUALITY.

Impact AIR-1: Construction activities associated with the proposed project would expose sensitive receptors at the maximally exposed individual ("MEI") to toxic air contaminants ("TAC") emissions (cancer risk would be 20.80 per million and annual PM2.5 emissions of 0.36 micrograms) in excess of the BAAQMD thresholds for cancer risk and annual PM2.5 emissions of 10 per million and 0.3 micrograms, respectively.

MM AIR-1.1: Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Director of Planning, Building, and Code Enforcement or the Director's designee that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below:

- All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for PM (PM10 and PM2.5), if feasible, otherwise,
    - If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 60 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).
        - Use of electrical welders during construction of the new academic building and new administration building.
        - Use of other electrical or non-diesel fueled equipment.
- Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 60 percent or greater. Elements of the plan could include a combination of some of the following measures:
    - Implementation of No. 1 above to use Tier 4 or alternatively fueled equipment,
    - Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,
    - Use of electrically-powered equipment,
    - Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
    - Change in construction build-out plans to lengthen phases, and
    - Implementation of different building techniques that result in less diesel equipment usage.

D. BIOLOGICAL RESOURCES.

Impact BIO-1: Project construction could directly or indirectly impact nesting birds protected under the Migratory Bird Treaty Act and the California Fish and Game Code.

MM BIO-1: The project applicant shall schedule demolition and construction activities 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).

MM BIO-1.2: If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a

qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 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). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

MM BIO-1.3: If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction free buffer zone to be established around the nest (typically 250 feet), to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

MM BIO-1.4: Prior to any tree removal, or City's issuance of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement.

E. CULTURAL RESOURCES

Impact CUL-1: Relocation of the architecturally significant Berchmans Hall to a site directly west across Elm Street could result in the loss of its historic integrity.

MM CUL-1.1: Prior to the issuance of any demolition, grading or building permits for the project, whichever occurs first, the Permittee shall retain a qualified professional meeting the Secretary of the Interior's Professional Qualification Standards to prepare a Relocation Plan that fully outlines and documents the relocation plans for the architecturally significant Berchmans Hall, the proposed schedule of such work, and identifies the location of construction staging and storage on-site in relation to Berchmans Hall. The plan shall demonstrate compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, which includes the preservation of the character-defining features of Berchmans Hall. The Relocation Plan shall be reviewed and approved by the City's Historic Preservation Officer or designee prior to issuance of any grading, demolition or building permits, whichever comes first, for the project.

MM CUL-1.2: Prior to relocation of the architecturally significant Berchmans Hall, the Permittee shall retain a qualified historic building mover and a qualified Historic Architect to document the existing conditions and features of the building and stabilize the structure prior to relocation. Documentation of the existing building conditions shall be reviewed and approved by the City's Historic Preservation Officer or designee prior to issuance of any grading, demolition, or building permits, whichever comes first, for the project.

MM CUL-1.3: Prior to issuance of an occupancy permit for the new Academic Building, the Permittee shall retain a qualified professional meeting the Secretary of the Interior's Professional Qualification Standards to prepare a Rehabilitation Plan. The plan shall demonstrate compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, which includes the preservation of the character-defining features of Berchmans Hall. The Rehabilitation Plan shall be reviewed and approved by the City's Historic Preservation Officer or designee. Upon completion of the buildings' rehabilitation in accordance with the approved Rehabilitation Plan, a qualified Historic Architect shall prepare a Completion Report (including photographs) to document conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the in preservation of the character-defining features of Berchmans Hall, the historic

resource. The Completion Report shall be submitted to the City's Historic Preservation Officer or designee and the Director of Planning, Building and Code Enforcement or Director's Designee for review and approval once rehabilitation of the house is complete and prior to issuance of occupancy permits for Matthewson Hall.

F. **ENERGY** – The project would not have a significant impact on this resource, therefore no mitigation is required.

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

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

I. **HAZARDS AND HAZARDOUS MATERIALS**.

Impact HAZ-1: Due to the site history, previously unidentified features or conditions and/ or residual soil contamination associated with the former Leaking Underground Storage Tank (LUST) on-site could be encountered during construction and result in exposure risks to construction workers, the nearby community, and the environment.

MM HAZ-1.2: Prior to issuance of a grading permit, the applicant shall hire a qualified environmental professional to develop a self-directed Site Management Plan ("SMP") due to a portion of the site being listed as a closed Leaking Underground Storage Tank cleanup site with a potential to encounter residual soil contamination. The SMP is intended to provide guidelines and protocols in the event of encountering any previously unidentified features or conditions and/or soil contamination during redevelopment. Components of the SMP shall include, but shall not be limited to:

- A detailed discussion of the site background;
- Preparation of a Health and Safety Plan (HASP);
- Notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction;
- On-site soil reuse guidelines based on the California Regional Water Quality Control Board (RWQCB), San Francisco Bay Region's reuse policy;
- Sampling and laboratory analyses of excessive soil requiring disposal at an appropriate off-site waste disposal facility;
- Soil stockpiling protocols; and
- Protocols to manage groundwater that may be encountered during trenching and/or subsurface excavation activities.

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

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

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

M. NOISE

Impact NOI-1: Project construction activities would take place for a period of more than 12 months, which may cause adverse construction noise impacts on nearby residential and commercial land uses.

MM NOI-1: Pursuant to General Plan Policy EC-1.7, 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, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- 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.
- A construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Impact NOI-2: Construction vibration levels at adjacent structures on Myrtle Street and University Avenue would range from 0.003 to 0.210 in/sec PPV, exceeding the General Plan threshold of 0.2 in/sec PPV for buildings of conventional construction approximately 30 feet or less from the project site.

MM NOI-2: The following measures shall be included in a Construction Vibration Operations Plan and implemented during construction to reduce vibration levels to 0.2 in/sec PPV or less at 878, 884, 896, and 898 Myrtle Street and 959 and 971 University Avenue.

- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- Use smaller vibratory rolling equipment, for example the Caterpillar model CP433E vibratory compactor, within 30 feet of normal buildings.
- Select demolition methods not involving impact tools.
- Avoid dropping heavy equipment within 30 feet of normal buildings, and use alternative methods for breaking up existing pavement, such as a pavement grinder.
- Hoe rams, large bulldozers, drill rigs, loaded trucks, and other similar equipment shall not be used within 15 feet of adjacent buildings.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- Prior to issuance of any demolition, grading, or building permits for the project, the applicant shall submit a Construction Vibration Operations Plan shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee prior to issuance of demotion, grading, or building permits for review and approval. Additionally, the measures shall be included on the issued Grading Permit and Building Permit plan sets.

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

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

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

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

R. TRIBAL CULTURAL RESOURCES – The project would not have a significant impact on this resource, therefore no mitigation is required.

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

T. WILDFIRE – The project would not have a significant impact on this resource, therefore no mitigation is required.

U. MANDATORY FINDINGS OF SIGNIFICANCE

Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-significant impacts on air quality, biological resources, cultural resources, hazards and hazardous materials, and noise.. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment that have any potential

to cause substantial adverse direct or indirect effects on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Friday, July 21, 2023** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

2. Submit written comments regarding the information and analysis in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Christopher Burton, Director
Planning, Building and Code Enforcement

June 26, 2023 — Date

Tina Garg — Deputy

Kara Hawkins
Environmental Project Manager

Circulation period: June 29, 2023 to July 21, 2023

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Appendix H: Transportation Analysis

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José, as the Lead Agency, has prepared this Initial Study for the Bellarmine College Preparatory Master Plan Update 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 of San José, California.

The project proposes renovations to and replacement of existing aging educational facilities on-site. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

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

Kara Hawkins, Environmental Project Manager
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113
Phone: (408) 535-7852, Email: kara.hawkins@sanjoseca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

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

1.4 NOTICE OF DETERMINATION

If the project is approved, the City 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

Bellarmine College Preparatory Master Plan Update

2.2 LEAD AGENCY CONTACT

Kara Hawkins, Environmental Project Manager
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113
Phone: (408) 535-7852, Email: kara.hawkins@sanjoseca.gov

2.3 PROJECT LOCATION

960 West Hedding Street, San José, CA 95126

A regional location map is shown on Figure 2.7-1, a vicinity map is shown on Figure 2.7-2, and an aerial of the project site and surrounding uses is shown on Figure 2.7-3.

2.4 ASSESSOR'S PARCEL NUMBER

Assessor's Parcel Numbers: 261-11-005, 261-12-001, 261-12-002, 261-12-074, 261-12-087, 230-41-043, 230-41-029, 230-41-030, 230-41-031, 230-41-032, 261-10-095, 261-10-096, 261-10-104, 261-10-105, and 261-10-106.

2.5 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The site has a Public/Quasi-Public Land Use designation in the Envision San José 2040 General Plan and is zoned Planned Development (Public/Quasi-Public) in the San José Municipal Code.

2.6 HABITAT PLAN DESIGNATION

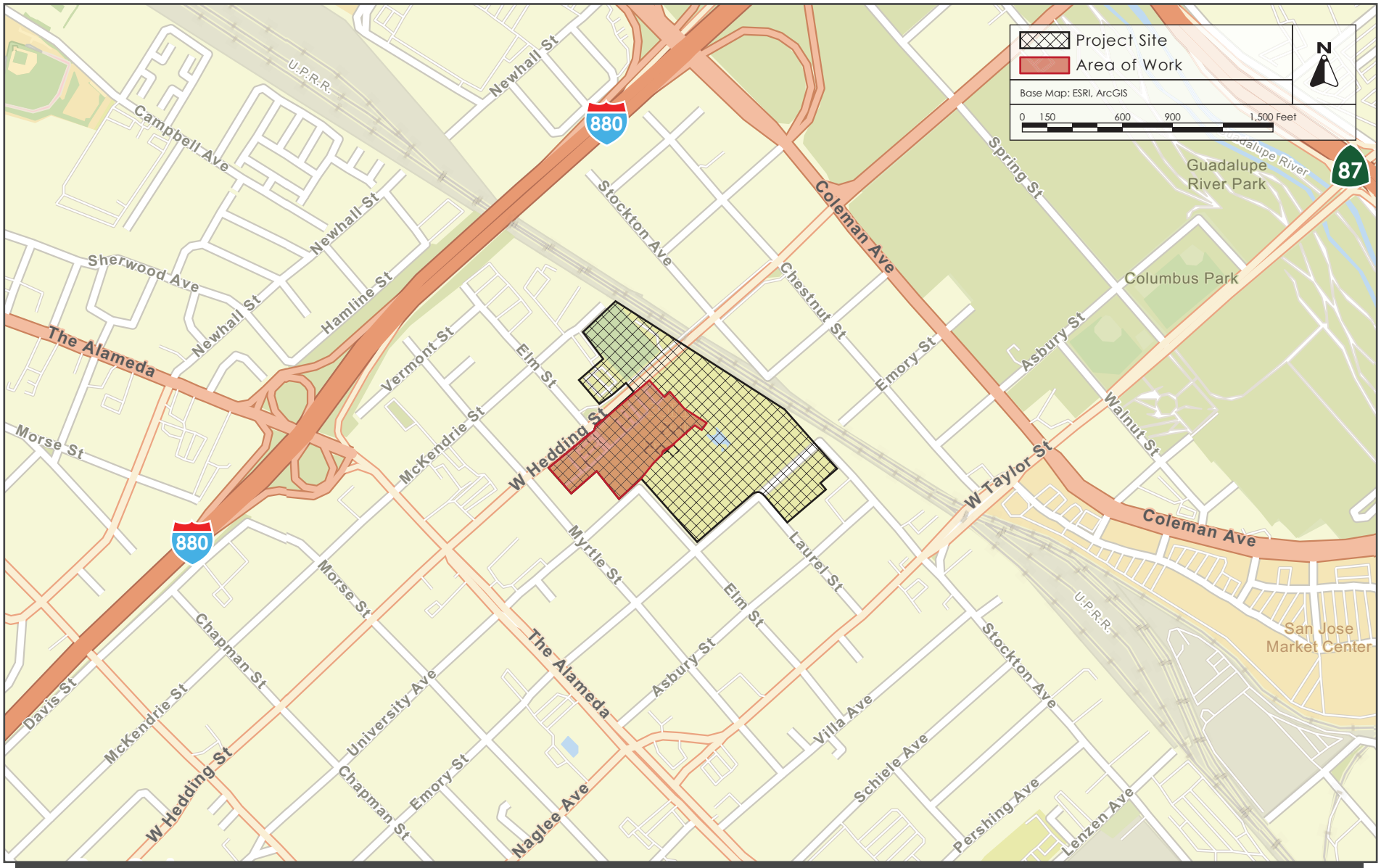
The project site has an Urban-Suburban land cover designation in the Santa Clara Valley Habitat Plan.

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Planned Development Rezoning
- Planned Development Permit
- Historic Preservation Permit
- Building Permits

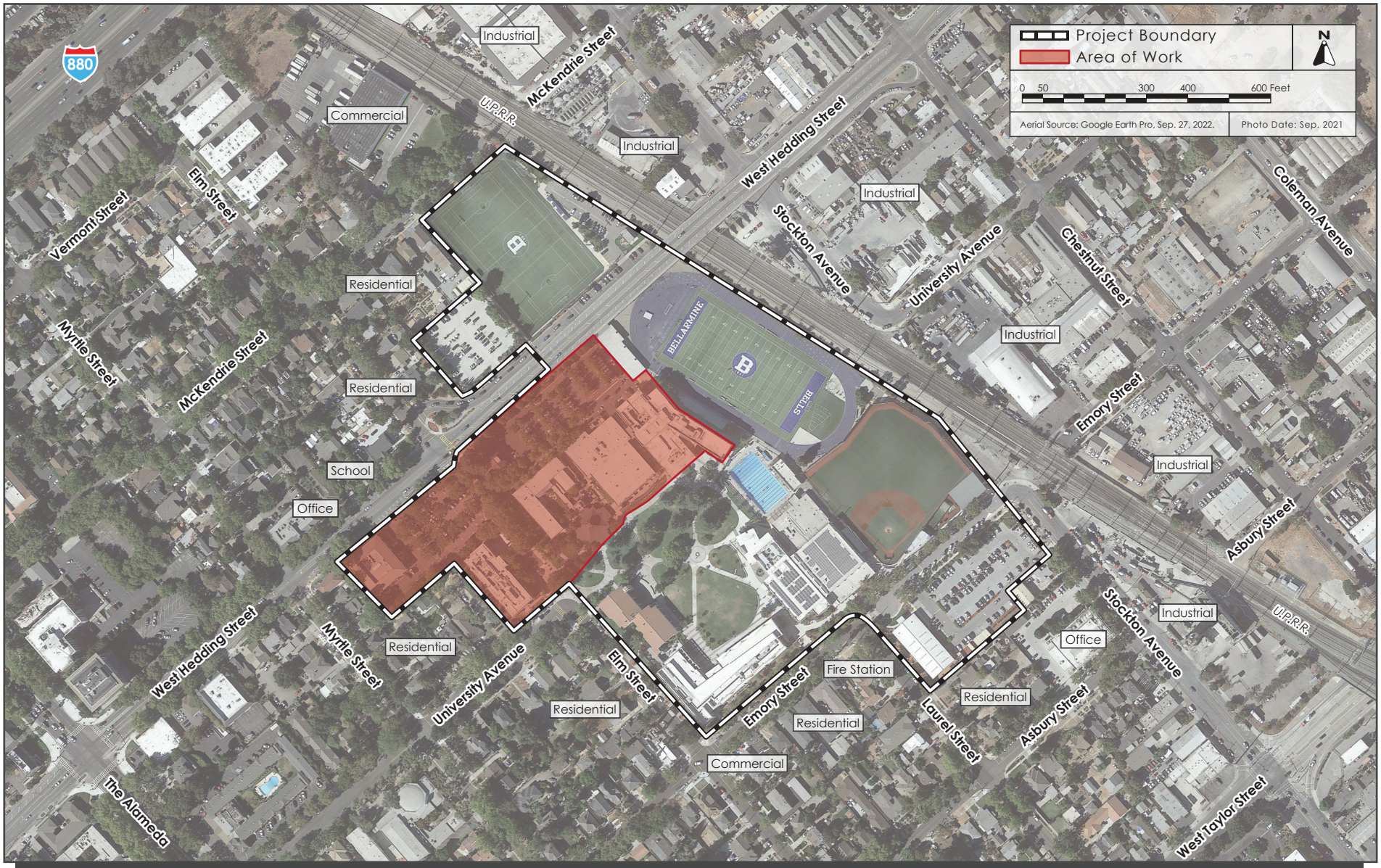


REGIONAL LOCATION MAP | FIGURE 2.7-1



VICINITY MAP

FIGURE 2.7-2



AERIAL LOCATION MAP

FIGURE 2.7-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT DESCRIPTION

3.1.1 Overview

The project proposes renovations to and redevelopment of an existing 17.64-acre project site currently developed with a private high school and residential uses for some staff. The current school enrollment is 1,650 students with approximately 208 faculty and staff, including 17 faculty and staff that live on campus.[1] The maximum approved enrollment is 1,750 students. The proposed Master Plan Update would not result in a change in student enrollment or staffing on campus and would include revisions to the current PD Zoning District to allow for the following renovations and replacement of existing aging educational facilities:

- Demolish Wade Hall and construct a new 44,000 square foot academic building
- Demolish O'Donnell Hall and construct a new 23,000 square foot administrative/academic building
- Relocate Berchmans Hall from its current location at the southeast corner of Elm Street and Hedding Street to the southwest corner of the same intersection
- Renovate the existing Liccardo Center building
- Renovate the existing Matthewson Hall
- Redesign the existing driveway and campus entry on West Hedding Street

Detailed descriptions of these renovation and replacement activities are included below. A conceptual site plan is shown on Figure 3.1-1.

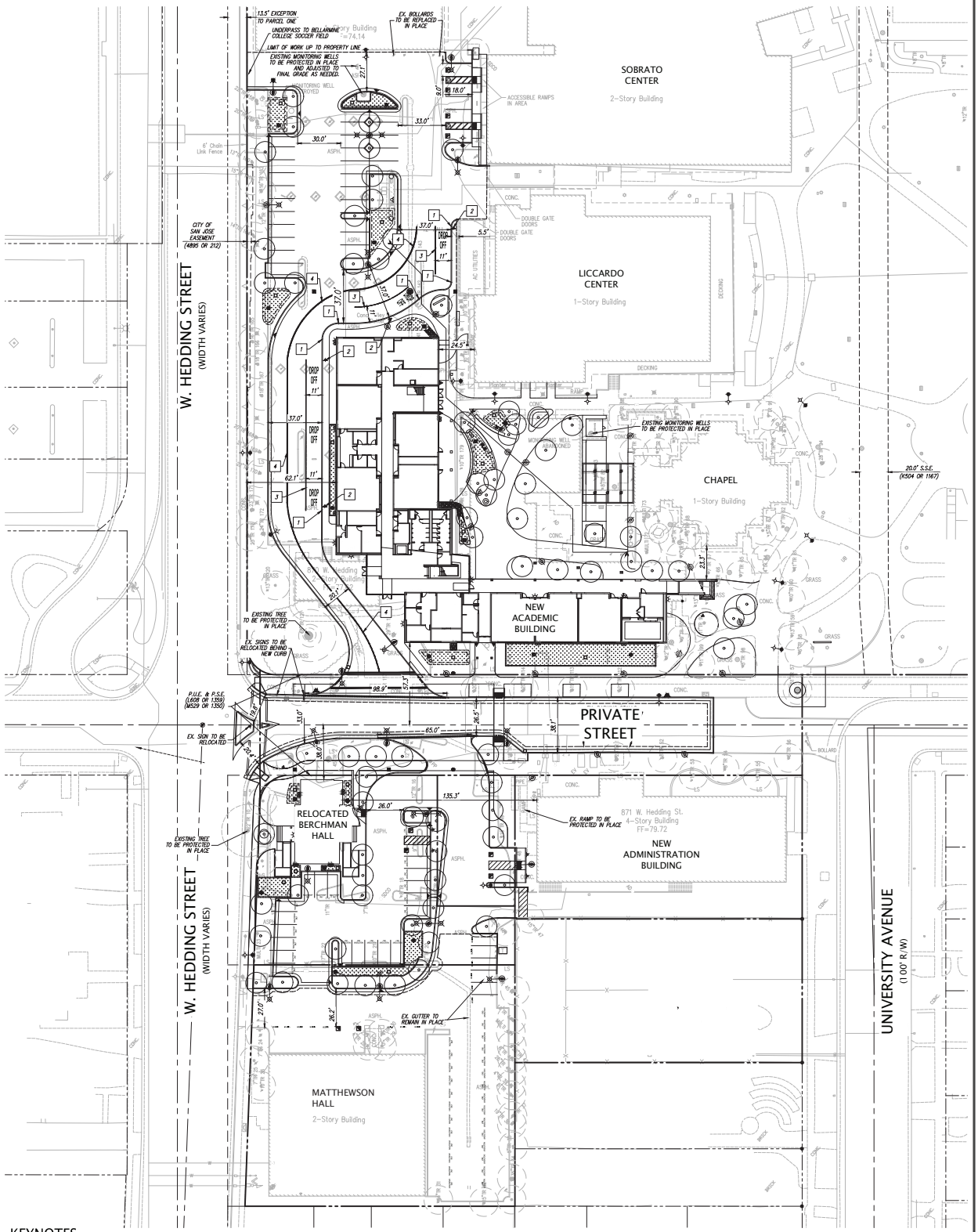
3.1.2 Demolition and Replacement of Wade Hall

The project proposes to demolish the existing 22,287 square foot Wade Hall and construct a new 44,000 square foot two-story academic building with 22 general education classrooms, and offices for faculty, the Dean, Admissions Department, information technology (I.T.), and adult spirituality. The proposed academic building would have a maximum height of 36 feet to the top of the building parapet. The existing Wade Hall includes 16 residential units for Jesuit staff. With implementation of the project, these existing staff members would relocate to off-campus residential units on University Avenue owned by the school. Figure 3.1-2 shows conceptual elevations of the proposed academic building.

3.1.3 Demolition and Replacement of O'Donnell Hall

The project proposes to demolish the existing 41,700 square foot O'Donnell Hall and construct a new 24,000 square foot two-story academic and administrative building with six general education classrooms and a lobby on the first floor. A mail/shipping room, IT offices, administrative offices, and supporting spaces would be included on the upper floor. The proposed academic and administrative building would have a maximum height of 22.5 feet to the top of the building parapet. Figure 3.1-3 shows conceptual elevations of the proposed academic and administrative building.

[1] This includes 16 Jesuit staff living in Wade Hall and one staff member living in Berchmans Hall.

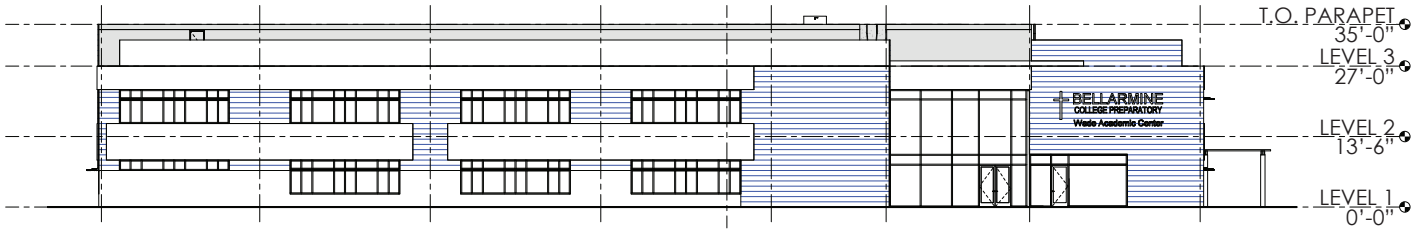


KEYNOTES

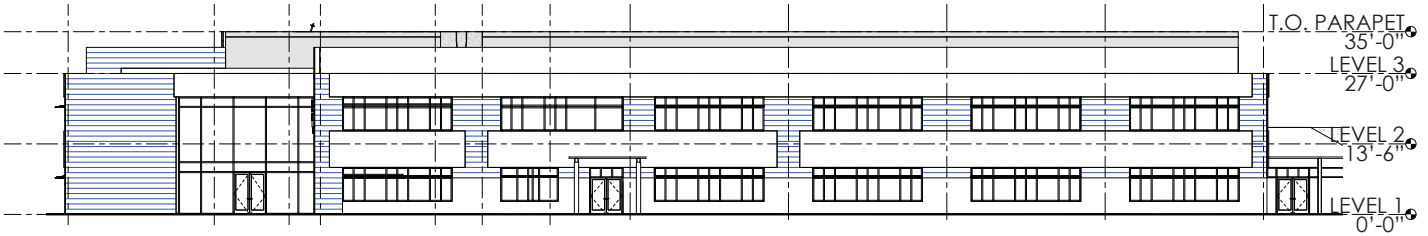
1. PAINT CURB WHITE BETWEEN KEYNOTE CALLOUTS.
2. INSTALL "PLEASE PULL FORWARD" SIGNS FOR THE LOADING ZONES.
3. INSTALL 4" WIDE LOADING ZONE WHITE PAVEMENT STRIPING.
4. INSTALL 6" WIDE CENTERLINE WHITE STRIPING.

Source: Devcon Construction, Inc., February 28, 2023.

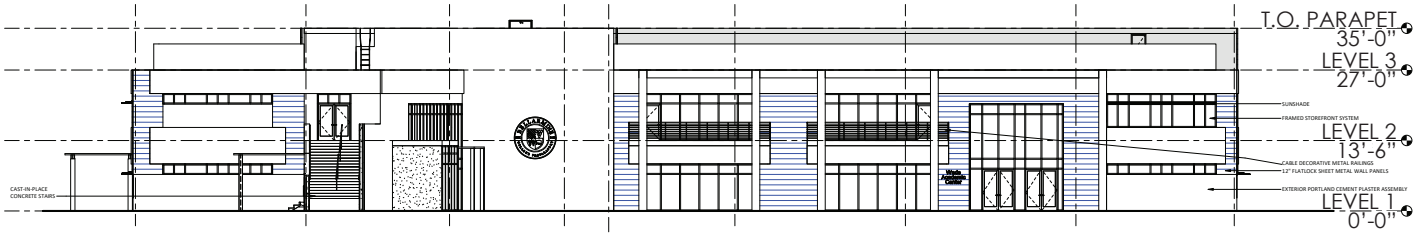
CONCEPTUAL SITE PLAN | FIGURE 3.1-1



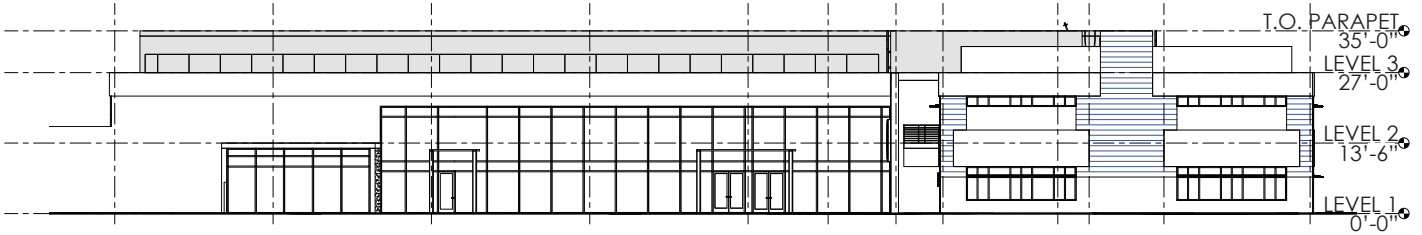
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

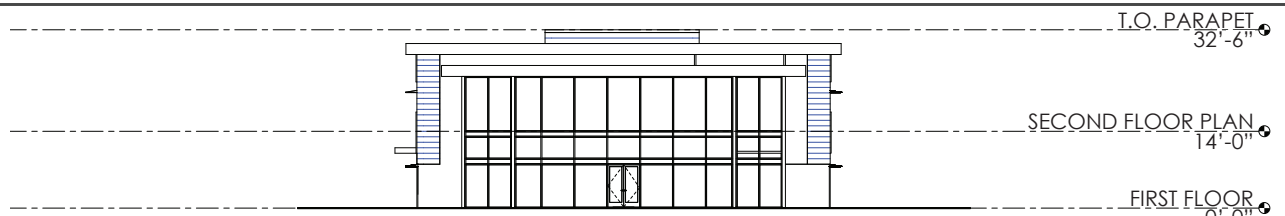


NORTH ELEVATION

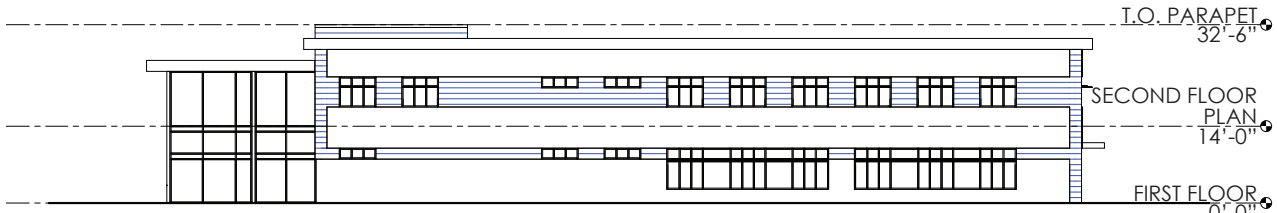
Source: Devcon Construction, Inc., August 4, 2022.

CONCEPTUAL ELEVATION OF PROPOSED ACADEMIC BUILDING

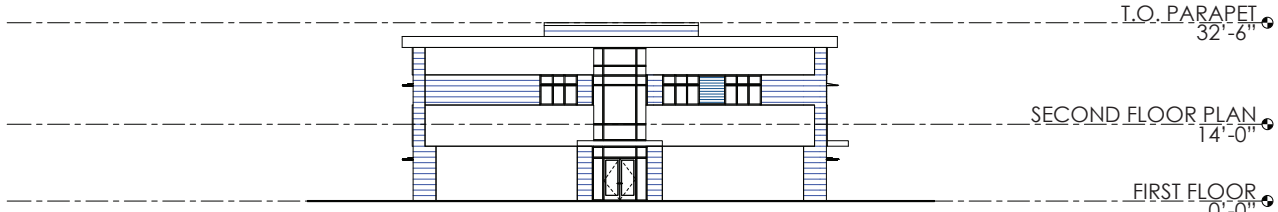
FIGURE 3.1-2



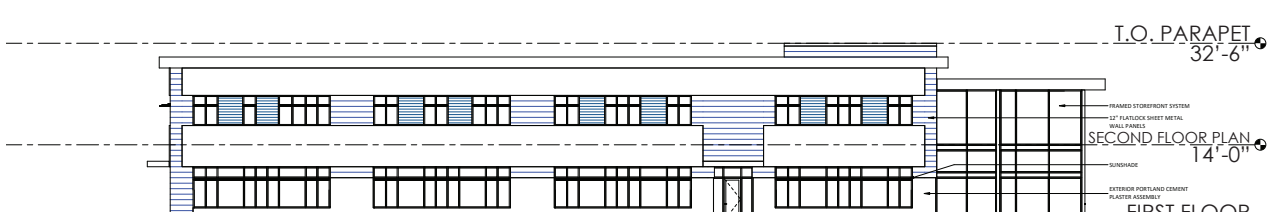
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

Source: Devcon Construction, Inc., August 4, 2022.

CONCEPTUAL ELEVATION OF PROPOSED ACADEMIC AND ADMINISTRATIVE BUILDING

FIGURE 3.1-3

3.1.4 Relocate Berchmans Hall

Berchmans Hall is currently listed in the San José Historic Resources Inventory (HRI) and is eligible for listing in both the National Register of Historic Places and the California Register of Historic Resources (see Section 4.5).

The project proposes to relocate the existing 4,377 square foot Berchmans Hall building from its current location at the southeast corner of Elm Street and Hedding Street to the southwest corner of the same intersection. Following relocation of the building, it would be repurposed for a school welcome center and alumni space and structural, mechanical, electrical, and plumbing upgrades would be made to the building to meet current California Building Code (CBC) standards and accessibility improvements to meet current Americans with Disabilities Act (ADA) requirements. ADA improvements would be limited to the first floor of the building and include installation of exterior ramps and other features to provide an accessible path of travel to disabled parking spaces, the public right-of-way, and campus. The project would also include updates and repairs to interior finishes throughout the building.

Exterior renovations would include repair or replacement in-kind of any features of the building that are damaged during the relocation, consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties. The parking lot adjacent to the site would also be reconfigured to accommodate the relocated building. One staff member currently lives in Berchmans Hall and would relocate to another school-owned property on- or adjacent to campus with implementation of the project.

3.1.5 Renovate Liccardo Center

The project would include interior and exterior renovations to the existing Liccardo Center building. Interior renovations would include installation of new mechanical/ventilation equipment systems, installation of new food services equipment, and upgrades to and installation of new finishes. Exterior renovations include new roofing and other deferred maintenance upgrades such as replacement of old windows and repairs to termite damage.

3.1.6 Renovate Matthewson Hall

The project would include interior and exterior renovations to the existing Matthewson Hall building. Interior renovations would include installation of new mechanical/ventilation equipment systems, installation of new technology in the classrooms, and to and installation of new finishes. Exterior renovations include new roofing and other deferred maintenance upgrades such as replacement of old windows and repairs to termite damage.

3.1.7 Landscaping

Existing on-site landscaping consists of ornamental trees, shrubs, and lawn areas. A total of 186 trees are located on and adjacent to the portion of the project site that would be disturbed by the project, including 65 ordinance sized trees. The proposed project would remove a total of 52 trees and plant a total of 56 new trees around the perimeter of the buildings and walkways. The conceptual landscaping plan is shown in Figure 3.1-4 below.

3.1.8 Access and Parking

Access to the site is currently provided via a private road (Elm Street) and one full access driveway on West Hedding Street adjacent to Matthewson Hall. An additional full access driveway is located on West Hedding Street approximately 40 feet east of the Matthewson Hall driveway; however, this driveway is currently closed. Under the proposed project, the existing full access driveway on West Hedding Street adjacent to Matthewson Hall would be retained. Additionally, the project proposes to reconfigure the main campus entrance on Elm Street and construct a new east-west entry driveway on Elm Street parallel to West Hedding Street extending from Elm Street to the Robotics Building and connecting to the existing private road north of and parallel to West Hedding Street.

With project implementation, there would be a total of 682 parking spaces provided on-site.

3.1.9 Green Building Measures

The proposed project would be required to conform to the California Green Building Code (CALGreen) which includes design provisions intended to minimize wasteful energy consumption. The proposed buildings would be designed to meet LEED Silver standards, consistent with the requirements of San José Council Policy 6-32, Private Sector Green Building Policy and the City's Green Building Ordinance for Wade Hall and exceed these requirements for O'Donnell Hall. In addition, the project proposes the following green building measures:

- Rooftops of new buildings would be solar-ready
- New buildings would connect to existing solar energy system and co-generation plant[2] for building electricity and heating
- Landscaping would include low water use plant species

[2] A co-generation plant is an alternative to conventional power plants and heating systems that combines heat and power generation into one system by recovering and using heat from on-site electricity production to heat buildings. Source: United States Environmental Protection Agency. "Combined Heat and Power (CHP) Partnerships, CHP Benefits." Last updated April 19, 2022. Accessed August 5, 2022. https://www.epa.gov/chp/chp-benefits



Source: Devcon Construction, Inc., July 15, 2022.

CONCEPTUAL LANDSCAPING PLAN | FIGURE 3.1-4

3.1.10 Construction

The proposed project would be constructed in four phases over a period of three years and 10 months with the first phase beginning in October 2023 and the last phase being completed in August 2027. During this time, construction activities would occur between 7:00 AM and 7:00 PM, Monday through Friday. Table 3.1-1 summarizes the project components to be completed during each phase.

Table 3.1-1: Proposed Phasing Plan

Phase	Approximate Dates	Components of Project to be Completed	Construction Activities Proposed
1	10/15/23 to 11/15/23	Relocation of Berchmans Hall	Shoring and relocation of building, site preparation and construction of new foundation, demolition of old foundation and filling in the existing basement.
2	11/15/23 to 6/15/25	Demolition of Wade Hall and Construction of New Academic Building, Rehabilitation of Berchmans Hall	Demolition of Wade Hall, grading, site preparation, building construction of new buildings. Rehabilitation of Berchmans Hall
3	10/1/25 to 11/1/26	Demolition of O'Donnell Hall and Construction of Administrative Buildings	Demolition of O'Donnell Hall, grading, site preparation, building construction of new buildings
3	1/1/26 to 8/1/26	Renovation of Liccardo Center	Removal of interior finishes, installation of new finishes
4	1/1/27 to 8/1/27	Renovation of Matthewson Hall	Removal of interior finishes, installation of new finishes

Construction of the proposed new and relocated building foundations would require removal and filling of the existing basements beneath Wade, O'Donnell, and Berchmans Halls and excavation to a maximum depth of 3.5 feet below the ground surface (bgs) for the new and relocated building foundations. A total of 918 cubic yards of soil would be cut and 721 cubic yards of soil would be filled on-site, resulting in a net export of 197 cubic yards of soil from the site.

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).

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential or mixed-use residential project, and
- The project is located on an infill site within a transit priority area.[3]

SB 743 also clarifies that local governments retain their ability to regulate a project's aesthetics impacts outside of the CEQA process.

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.[4]

In Santa Clara County, the one state-designated scenic highway is a segment of 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

[3] An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: Office of Planning and Research. "CEQA Review of Housing Projects Technical Advisory." Accessed March 1, 2022. https://opr.ca.gov/docs/20190208-TechAdvisory-Review_of_Housing_Exemptions.pdf.

[4] California Department of Transportation. "Scenic Highways." Accessed March 1, 2022. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

within the County.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to aesthetics and applicable to the proposed project:

Policy	Description
VN-1.6	Design new development to contribute to the positive identity of neighborhood and encourage pedestrian activity.
VN-1.9	Cluster parking, make use of shared parking facilities, and minimize the visual impact of surface parking lots to the degree possible to promote pedestrian and bicycle activity and to improve the City's aesthetic environment.
VN-1.12	Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods.
CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
CD-1.7	Require developers to provide pedestrian amenities, such as trees, lighting, and recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.
CD-1.11	To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent facades for ground floor commercial spaces that attract customers by revealing active uses and merchandise displays.
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground-level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play, and that lead to competitive advantages over other regions.
CD-1.19	Encourage the location of new and relocation of existing utility structures into underground vaults or within structures to minimize their visibility and reduce their potential to detract from pedestrian activity. When above-ground or outside placement is necessary, screen utilities with art or landscaping.
CD-1.22	Include adequate, drought-tolerant landscaped areas in development and require the provision for ongoing landscape maintenance.

CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
CD-1.27	When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.
CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
LU-16.5	Utilize the aesthetic and cultural qualities of historic resources of all types as means of promoting San José as a place to live, work and visit consistent with the City's economic development goals

City Council Outdoor Lighting Policy (4-3)

City Council Outdoor Lighting Policy (4-3) requires that low-pressure sodium illumination be used in the outdoor areas of new private developments. The regulation of outdoor lighting fixtures has resulted in energy conservation which furthers the goals of the Sustainable City Major Strategy of the San José 2040 General Plan. The purpose of this policy is to promote energy-efficient outdoor lighting on private development in the City of San José that provides adequate light for nighttime activity while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

4.1.1.2 *Existing Conditions*

Project Site

The 17.64-acre project site is located at 960 West Hedding Street in the City of San José. The project site is bounded by McKendrie Street and West Hedding Street to the north, Emory Street, University Avenue, and commercial and residential uses to the south, residential uses to the west, and railroad tracks used by Caltrain and Amtrak to the east. The project site is currently developed with a private high school and residential uses for some staff.

The project site is developed with a private high school comprised of two- and three-story academic and administrative buildings as well as single-story residences for school staff. There are 186 trees planted on-site within the area of campus to be disturbed by the proposed project. Trees and shrubs are located around the perimeter of campus and existing buildings, as well as in open space areas throughout. Views of the campus from surrounding roadways are partially obstructed by the mature tree canopy throughout the site. Photos 1 through 4 show the existing conditions on-site.



Photo 1: View of campus entrance from University Avenue looking east.



Photo 2: View of Liccardo Center in foreground, Sobrato Center in background from center of campus looking north east.

PHOTOS 1 & 2



Photo 3: View of O'Donnell Hall from Elm Street looking southwest.



Photo 4: View of View of O'Donnell Hall and single-story staff residences from University Avenue looking north.

Surrounding Area

The surrounding residential and commercial buildings are one- to two-stories and of wood frame construction with a mixture of architectural styles.

Scenic Vistas and Resources

The City of San José is located in the Santa Clara Valley, bounded by the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. The project site is located northwest of downtown and southwest of the Rose Garden neighborhood. Public views of scenic resources are limited to the project site due to the topography of the area being flat and trees and buildings obscuring the view.

There are no state-designated scenic highways in San José. Interstate 280 (I-280) is located approximately two miles west of the project site, and is an eligible state-designated scenic highway.

Light and Glare

The project site includes building- and pole-mounted security lights, pedestrian lights along walking paths throughout the site and streetlights on all of the adjacent roads.

Glare can be caused by sunlight or artificial light reflecting from finished surfaces. The existing lights are directed downwards and do not reflect off the surrounding buildings; therefore, the existing lights do not generate substantial glare.

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:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[5] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐

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

	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:				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

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

Views of the hillside areas and downtown skyline are key scenic features in the City. Most of the City is relatively flat and prominent viewpoints, other than adjacent buildings, are limited. The project site is located within a developed urbanized area surrounded by existing development and mature trees. The project site and surrounding area are flat and there are no scenic vistas visible on or through the project site. For these reasons, the project would not have a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

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

The project site is not located along a state-designated scenic highway. The nearest state designated highway is Route 9 located more than eight miles southwest of the site. Therefore, implementation of the project would not result in a substantial impact on the scenic vistas or resources. **(No Impact)**

c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project site is located in an urbanized area of San José with buildings in the project area ranging from one- to two-stories. The project would replace an existing three-story academic building and two-story administrative building, relocate an existing administrative building, renovate two existing buildings, and reconfigure the campus entrance at the Elm/Hedding Street intersection. As discussed in Section 4.11 Land Use and Urban Planning, the project site has a General Plan land use designation of Public/Quasi-Public Land Use and is zoned Planned Development (Public/Quasi-Public). Under the current PD zoning, the maximum building allowed on campus ranges from 35 to 50 feet.[6]

[6] According to the existing PD zoning buildings in the portion of campus north of University Avenue, east of Elm Street, south of West Hedding Street and west of the railroad right-of-way is subject to maximum height limit of 50 feet. The portion of campus north of University Avenue, west of Elm Street, south of West Hedding Street is subject to a 40-foot height limit, and the remainder of the site is subject to a maximum building height of 35 feet. Additionally field lights on the athletic field are limited to 65 feet.

The proposed academic building would have a maximum height of 35 feet and the proposed administrative building would have a maximum height of 32 feet, consistent with the height standards established in the existing PD Zoning for the site. In accordance with the General Plan policies, Berchmans Hall would be relocated to face Hedding Street with a 20-foot front setback to minimize the visual appearance of parking from the street and enhance the pedestrian environment. Furthermore, the project would be required to incorporate high-quality architecture and materials in the building design to conform to all applicable General Plan Policies (refer to Section 4.1.1.2 Regulatory Framework) and would maintain street trees and pedestrian access along the sidewalk frontages on Hedding Street and University Avenue. The proposed project, therefore, would not conflict with any zoning or regulations regarding scenic quality. **(Less than Significant Impact)**

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

Existing sources of light and glare on the project site include external building lights, streetlights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows. The proposed project would include internal building lights, security lights, pole mounted lights for the new campus vehicle entrance, and new pedestrian lights adjacent to the buildings and pedestrian paths. The project would comply with all applicable General Plan Policies (refer to Section 4.1.1.2 Regulatory Framework) and would not significantly impact adjacent land uses with increased nighttime levels or daytime glare from building materials. **(Less than Significant Impact)**

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 identified as 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.[7]

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.[8]

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.[9] 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.[10]

4.2.1.2 *Existing Conditions*

The project site is not used for agricultural or timberland purposes and is located within an existing developed area of Santa Clara County. The project site is designated as Urban and Built-Up Land.[11]

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[7] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed June 23, 2022. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[8] California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.
[9] 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)).
[10] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed June 23, 2022. http://frap.fire.ca.gov/.
[11] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed December 21, 2022. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.

Common examples of Urban and Built-Up Land include urban residential, industrial, and commercial uses; golf courses; landfills; airports; sewage treatment; and water control structures. The site is not the subject of a Williamson Act contract.[12] No land adjacent to the project site is designated or used as farmland, timberland, or forest land.

4.2.2 Impact Discussion

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

a) Would the project 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?

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

[12] County of Santa Clara. *Williamson Act Properties*. Map. Accessed July 12, 2021. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce

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

The project site is not zoned for agriculture, and it is not subject to a Williamson Act contract. For these reasons, the project would not result in impacts to agricultural resources. **(No Impact)**

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?

The project site and surrounding area are not zoned for forest land or timberland. The project would not conflict with existing zoning for forest land or timberland production. **(No Impact)**

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

Neither the project site, nor any of the properties adjacent to the project site or in the vicinity, are used for forest land or timberland. The proposed project would, therefore, not impact forest land or timberland. **(No Impact)**

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

As described above, the project would not result in the conversion of forest or farmlands to other uses. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based in part on an Air Quality Assessment prepared by Illingworth & Rodkin, Inc. on December 15, 2022. This report is included as Appendix A to this Initial Study.

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.[13] 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
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

[13] 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.

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.

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).[14] 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, 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.

[14] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed July 7, 2022. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

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. 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.[15]

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

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

impacts, and recommended mitigation measures.

Community Air Risk Evaluation Program

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.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to air quality and applicable to the proposed project:

Policy	Description
MS-10.1	Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
MS-10.4	Encourage effective regulation of mobile and stationary sources of air pollution, both inside and outside of San José. In particular, support Federal and State regulations to improve automobile emission controls.
MS-10.8	Minimize vegetation removal required for fire prevention. Require alternatives to discing, such as mowing, to the extent feasible. Where vegetation removal is required for property maintenance purposes, encourage alternatives that limit the exposure of bare soil.
MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

MS-11.7	Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.
MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
MS-13.5	Prevent silt loading on roadways that generates particulate matter air pollution by prohibiting unpaved or unprotected access to public roadways from construction sites.

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.

The nearest sensitive receptors are the residents in the adjacent single- and multi-family residences to the north, south, and west of the project site.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) 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?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

4.3.2.1 *Thresholds of Significance*

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these

thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2 below.

Table 4.3-2: BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operational Thresholds**	
	Average Daily Emissions (pounds/day)	**Annual Daily Emissions (pounds/day)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82	82	15
$PM_{2.5}$	54	54	10
CO	Not applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 $\mu g/m^3$	0.8 $\mu g/m^3$ (average)	

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

The BAAQMD CEQA Air Quality Guidelines set forth criteria for determining consistency with the 2017 CAP. In general, a project is considered consistent if, a) the plan supports the primary goals of the 2017 CAP; b) it includes relevant control measures; and c) it does not interfere with implementation of 2017 CAP control measures. The project's consistency with the Bay Area 2017 CAP is summarized below in Table 4.3-3.

Table 4.3-3: Bay Area 2017 Clean Air Plan Applicable Control Measures	
Control Measure	**Consistency**
Stationary Source Measures	
SS30 - Residential Fan Type Furnaces: Reduce NOx emission limits on new and replacement central furnace installations. Explore potential Air District rulemaking options regarding the sale of fossil fuel-based space and water heating systems for both residential and commercial use.	As noted in Section 3.1.9 Green Building Measures, the proposed project would comply with the City's Reach Code for all electric building construction, all new buildings would be designed to meet LEED Silver standards and would not include fossil fuel-based heating systems. The project would be consistent with this measure.

TR9 - Bicycle and Pedestrian Access and Facilities: Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	As discussed in Section 4.17 Transportation, the project would reconfigure the existing campus entrance at Elm Street to allow for easier student drop off and fewer vehicles turning left from Elm Street onto eastbound West Hedding Street. This would reduce potential conflicts between pedestrians crossing West Hedding at Elm Street. The project would not otherwise impede implementation of planned improvements to bicycle and pedestrian facilities on West Hedding Street. The project would be consistent with this measure.
TR13 - Parking Policies: Encourage parking policies and programs in local plans, e.g., reduce minimum parking requirements; limit the supply of off-street parking in transit-oriented areas; unbundle the price of parking spaces; support implementation of demand-based pricing in high-traffic areas.	The project proposes parking for the site consistent with City requirements. Consistent with City urban design policies and guidelines, Berchmans Hall would be relocated from its current location to front West Hedding Street to improve the pedestrian-oriented nature of the street, which would encourage pedestrian activity. For this reason, the project is consistent with this measure.
Energy Measures	
EN2 - Decrease Electricity Demand: Work with local governments to adopt additional energy-efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The project would be designed to achieve LEED Silver certification and would be required to comply with the City's Green Building Ordinance and the most recent CALGreen requirements. Furthermore, the proposed new buildings would be solar ready and connect to the existing campus solar electricity system. For these reasons, the project would be consistent with this measure.
Building Measures	
BL1 - Green Buildings: Collaborate with partners such as KyotoUSA to identify energy related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the California Green Building Standards Code (CALGreen; Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	As discussed above, the project would achieve LEED Silver certification and would be required to comply with the City's Green Building Ordinance and the most recent CALGreen requirements. The project is consistent with this measure.
BL2 - Decarbonize Buildings: Explore potential Air District rulemaking options regarding the sale of fossil fuel-based space and	As noted above, the City adopted a Reach Code ordinance which prohibits natural gas infrastructure in all new construction. The

water heating systems for both residential and commercial use. Explore incentives for property owners to replace their furnace, water heater or natural-gas powered appliances with zero-carbon alternatives. Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters.	proposed project would include all electric building construction, consistent with the City's Reach Code. The project is consistent with this measure.
BL4 - Urban Heat Island Mitigation: Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/roofing upgrades for commercial and residential multifamily housing.	The project would not include any new surface parking and would include 75 24-inch box sized replacement trees within and adjacent to the existing surface parking lot to reduce urban heat island effect. Therefore, the project would be consistent with this measure.
NW2 - Urban Tree Planting: Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, BAAQMD's technical guidance, best management practices for local plans, and CEQA review.	A total of 88 trees would be removed as a part of the project. The project would be required to comply with the City's tree replacement policy which would result in 75 24-inch box sized replacement trees planted. Therefore, the project would be consistent with this control measure.
WA3 - Green Waste Diversion: Develop model policies to facilitate local adoption of ordinances and programs to reduce the amount of green waste going to landfills.	Landscaping green waste is collected by the City and sorted at the Green Waste materials recovery facility to prevent this waste from being deposited at landfills. The proposed project would include landscaping green waste collection service throughout the City and would, therefore, be consistent with this measure.
WA4 - Recycling and Waste Reduction: Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The City adopted the Zero Waste Strategic Plan which outlines policies to help the City foster a healthier community and achieve its Green Vision goals. In addition, the project would comply with the City's Construction and Demolition Diversion Program during construction which ensures that at least 75 percent of construction waste generated by the project is recovered and diverted from landfills. Therefore, the project is consistent with this control measure.
WR2 - Support Water Conservation: Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project includes water efficient landscaping and irrigation systems throughout the site. For this reason, the project would be consistent with this measure.

As discussed in the table above, the project would be consistent with the applicable control measures and would not conflict with or obstruct implementation of the 2017 CAP.

Construction Period Emissions – Criteria Pollutants

The California Emissions Estimator model (CalEEMod) Version 2020.4.0 was used to estimate annual emissions from construction activities. Refer to Appendix A for more information regarding assumptions and CalEEMod inputs. The construction schedule assumes that the project would be constructed in five phases starting in October 2023 and ending in August 2027. Table 4.3-4 shows the estimated daily air emissions from construction of the proposed project.

Table 4.3-4: Daily Construction Period Emissions (pounds per day)

Year	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Tons Per Year				
2023	0.01	0.05	<0.01	<0.01
2024	0.18	0.71	0.03	0.03
2025	0.16	0.18	0.01	0.01
2026	0.32	0.59	0.02	0.02
2027	0.1	0.04	<0.01	<0.01
Pounds Per Day				
2023 (24 construction workdays)	0.49	4.53	0.21	0.19
2024 (296 construction workdays)	1.23	4.80	0.21	0.18
2025 (145 construction workdays)	2.25	2.42	0.09	0.08
2026 (316 construction workdays)	2.00	3.72	0.15	0.13
2027 (152 construction workdays)	1.36	0.52	0.02	0.02
BAAQMD Thresholds	*54*	*54*	*82*	*54*
Exceed Threshold?	**No**	**No**	**No**	**No**

Source: Illingworth & Rodkin, Inc. *Bellarmine College Preparatory Master Plan Update Construction Health Risk Assessment.* December 15, 2022.

As shown in the table above, project construction would not exceed the BAAQMD significant thresholds for any criteria pollutant during any year of construction. For these reasons, impacts would be less than significant. **(Less than Significant Impact)**

Operational Period Emissions – Criteria Pollutants

Operational period criteria pollutant emissions associated with the project would be generated primarily from vehicles driven by students, staff and employees of the school (as noted in Section 4.17 Transportation, the project would not result in a change in vehicle trips at the project site because no change in student enrollment or employment is proposed). The earliest the project would

be constructed and operational is 2027. Emissions associated with build out later than 2027 would be lower due to assumed efficiencies over time from improved vehicle emissions standards.

The BAAQMD CEQA Guidelines include screening criteria to provide lead agencies and project applicants with a conservative indication of whether a project would result in a potentially significant air quality impact. If a project proposes less development than the screening criteria, it can be conservatively assumed the project would not result in a significant air quality impact. The screening criteria for high schools is 2,390 students. As noted in Section 3.1 Project Description, the project would not result in a change in student enrollment on-site. Therefore, the project is below the screening criteria and would result in less than significant operational air quality emissions.

For these reasons, the proposed project would not exceed the BAAQMD significance threshold for construction and operational criteria emissions. In addition, the project would be consistent with the applicable control measures. Therefore, the proposed project would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

b) Would the project 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?

The BAAQMD thresholds used by the City of San José were developed such that a project-level impact would also be a cumulatively considerable impact. As noted under checklist question a. above, project construction would not result in emissions exceeding the BAAQMD significance thresholds and due to the project size, operational period emissions would be less than significant. In the 2017 CEQA Air Quality Guidelines, BAAQMD identifies screening criteria for the sizes of land use projects that could result in significant air pollutant emissions. For operational impacts, the screening size for high schools uses is 2,390 students. Operational impacts for high school projects smaller than this screening size would be considered less than significant. Because the project proposes to relocate one and renovate two existing buildings, and redevelop the existing school campus with no change in existing student enrollment or staff size, the project's criteria air pollutant emissions would be below the BAAQMD significance thresholds, and the impact would be less than significant. **(Less than Significant Impact)**

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

Fugitive Dust

Construction activities associated with the project, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site could deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD Air Quality Guidelines consider these impacts to be less than significant if best management practices are implemented to reduce the emissions. The project would be required to implement the following Standard Permit Conditions to reduce this impact to a less than significant level.

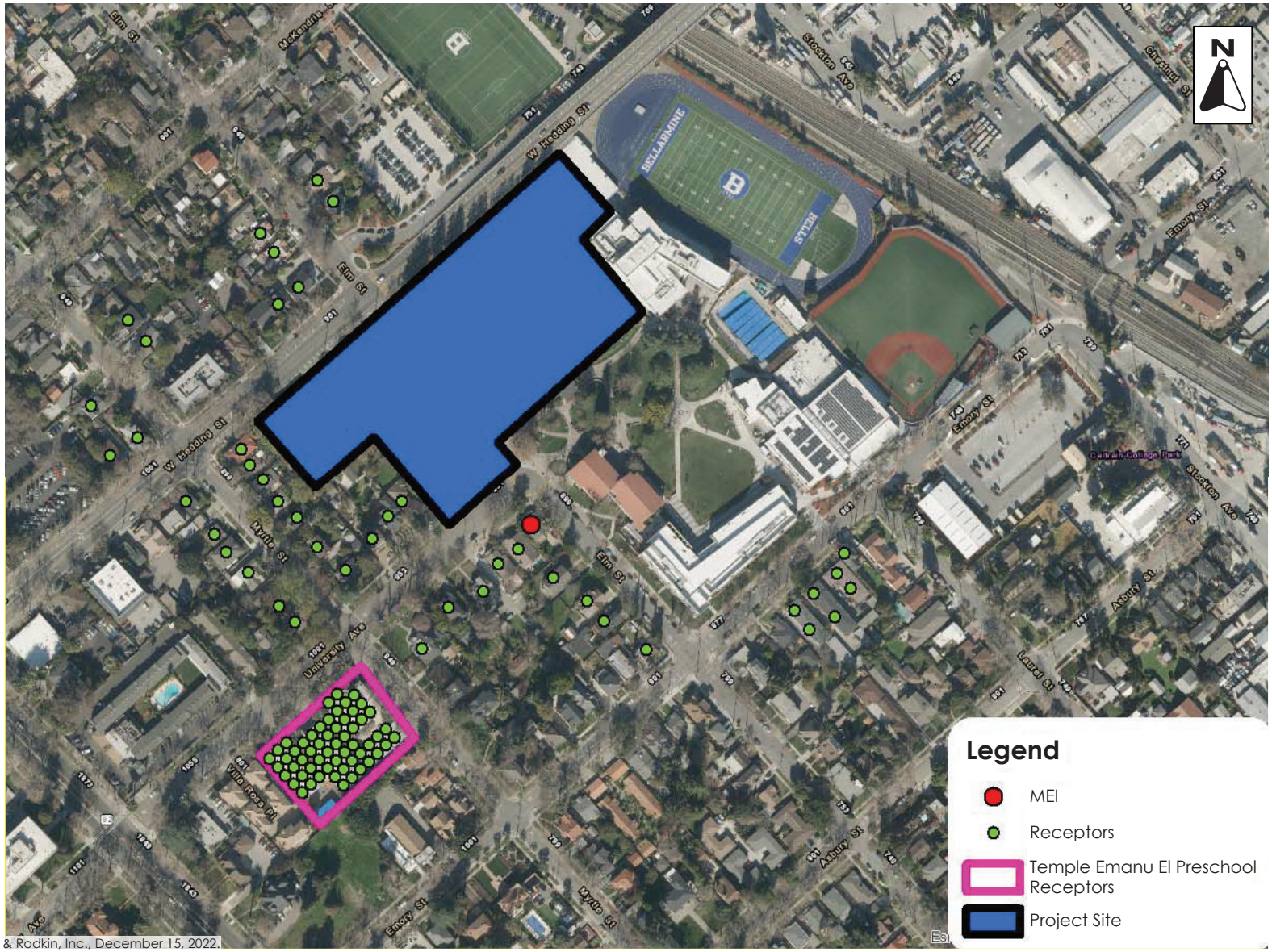
Standard Permit Condition:

1. The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:
    a. Water active construction areas at least twice daily or as often as needed to control dust emissions.
    b. Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
    c. Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
    d. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
    e. Pave new or improved roadways, driveways, and sidewalks as soon as possible.
    f. Lay building pads as soon as possible after grading unless seeding or soil binders are used.
    g. Replant vegetation in disturbed areas as quickly as possible.
    h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
    i. Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
    j. Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
    k. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

With implementation of the above Standard Permit Conditions, the project would have a less than significant impact with regard to fugitive dust emissions. The project would, therefore, not expose sensitive receptors to significant pollutant concentrations. **(Less than Significant Impact)**

Toxic Air Contaminants

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. Construction exhaust emissions pose health risks for sensitive receptors such as surrounding residents. The primary health risk impact issues associated with construction emissions are cancer risk and exposure to DPM and $PM_{2.5}$. The health risk assessment of the project (refer to Appendix A) evaluated potential health effects to sensitive receptors including nearby residences and Temple Emanu-El Preschool. The identified maximally exposed individual (MEI) for construction emissions of DPM and $PM_{2.5}$ is located on the first floor of a single-family residence south of the project site (refer to Figure 4.3-1). The results of the assessment for project construction are summarized in Table 4.3-5 below.



Source: Illingworth & Rodkin, Inc., December 15, 2022.

LOCATION OF OFF-SITE SENSITIVE RECEPTORS AND MEI | FIGURE 4.3-1

Table 4.3-5: Project Health Risk Impacts at the Off-Site MEI			
Source	**Cancer Risk (per million)**	**Annual PM2.5 (µg/m^3)**	**Hazard Index**
Impacts at MEI			
Project Construction	20.80	0.36	0.02
BAAQMD Single-Source Threshold	*10*	*0.3*	*1.0*
Exceed Threshold?	**Yes**	**Yes**	**No**
Impacts at Temple Emanu-EL Preschool			
Project Construction	0.22	<0.01	<0.01
BAAQMD Single-Source Threshold	*10*	*0.3*	*1.0*
Exceed Threshold?	**No**	**No**	**No**
Source: Illingworth & Rodkin, Inc. *Bellarmine College Preparatory Master Plan Update Construction Health Risk Assessment.* December 15, 2022.			

As shown in Table 4.3-5, the construction risk impacts associated with the proposed project would not exceed any BAAQMD single-source threshold at Temple Emanu-El Preschool and would not exceed the hazard index at the MEI. However, project construction would result in TAC emissions exceeding the BAAQMD single-source thresholds for cancer risk and annual $PM_{2.5}$ concentrations at the MEI.

Impact AQ-1: Construction activities associated with the proposed project would expose sensitive receptors at the maximally exposed individual (MEI) to toxic air contaminants (TAC) emissions (cancer risk would be 20.80 per million and annual $PM_{2.5}$ emissions of 0.36 micrograms) in excess of the BAAQMD thresholds for cancer risk and annual $PM_{2.5}$ emissions of 10 per million and 0.3 micrograms, respectively.

Mitigation Measure

MM AQ-1.1: Prior to issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan to the Director of Planning, Building, and Code Enforcement or the Director's designee that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.

- 1. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for PM (PM_{10} and $PM_{2.5}$), if feasible, otherwise,
    - If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3

engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve a 60 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).
    - Use of electrical welders during construction of the new academic building and new administration building.
    - Use of other electrical or non-diesel fueled equipment.
- Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 60 percent or greater. Elements of the plan could include a combination of some of the following measures:
    - Implementation of No. 1 above to use Tier 4 or alternatively fueled equipment,
    - Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,
    - Use of electrically-powered equipment,
    - Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
    - Change in construction build-out plans to lengthen phases, and
    - Implementation of different building techniques that result in less diesel equipment usage.

With implementation of Mitigation Measure MM AQ-1.1 and the Standard Permit Conditions, the cancer risk would be reduced to 6.95 per million and the annual $PM_{2.5}$ would be reduced to 0.15 $\mu g/m^3$, which is below the single-source thresholds of 10.0 per million and 0.03 $\mu g/m^3$. Therefore, the project would have a less than significant impact. **(Less than Significant Impact with Mitigation Incorporated)**

Operational TAC Impacts on Off-Site Sensitive Receptors

The proposed relocation, renovation, and redevelopment of buildings at an existing private school would not include new stationary sources of TACs such as diesel backup generators. Vehicle traffic can be a source of TACs if traffic is made up of hundreds of diesel truck trips or 10,000 light-duty vehicles or more. As noted under checklist question a., and in Section 4.17 Transportation, the project would not result in a change in vehicle trips at the project site because no change in student enrollment or employment is proposed. Therefore, the project would not generate a significant amount of TAC emissions during operations and impacts would be less than significant. **(Less than Significant Impact)**

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Project construction activities would produce odors in the form of diesel exhaust fumes. These odors would be temporary and localized and would be minimized through implementation of BAAQMD best management practices identified as standard permit conditions under checklist question b, which includes limits on vehicle idling.

Operation of the proposed new, renovated, and relocated buildings would not result in long-term or short-term odor impacts. **(Less than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on an Arborist Report prepared by HortScience Bartlett Consulting on August 30, 2022. This report is included as Appendix B to this Initial Study.

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. This includes direct and indirect acts, except for harassment and habitat modification, which are not included unless they result in direct loss of birds, nests, or eggs. 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.

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.

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to biological resources and applicable to the proposed project:

Policy	Description
MS-20.4	Work with local, regional and state agencies to protect and enhance the watershed, including the protection of surface water and ground water supplies from pollution and degradation.
MS-21.1	Manage the Community Forest to achieve San José's environmental goals for water and energy conservation, wildlife habitat preservation, stormwater retention, heat reduction in urban areas, energy conservation, and the removal of carbon dioxide from the atmosphere.
MS-21.3	Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.
MS-21-.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
MS-21.6	As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
ER-6.3	Employ low-glare lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.
ER-6.4	Site public facilities such as ballparks and fields that require high-intensity night lighting at least 0.5 mile from sensitive habitats to minimize light pollution, unless it can be demonstrated that lighting systems will not substantially increase lighting within natural areas (e.g., due to screening topography or vegetation).
ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
ER-6.6	Encourage the use of native plants in the landscaping of developed areas adjacent to natural lands.

City of San José Tree Ordinance

Ordinance-sized trees, heritage trees, and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 38 inches at or more in circumference (12.1 inches in diameter) at the height of 4.5 feet above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City for the removal of ordinance-size trees.

In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

4.4.1.2 *Existing Conditions*

The project site is located in an urban area of the City and is currently developed with a high school campus consisting of buildings, sports fields, paved parking and driveway areas, paved walkways, and landscaping. The project site is located within the Habitat Plan study area. Approximately half of the project site is designated as Urban Suburban land and the eastern approximately one half of the site where the playing fields are located is designated as Golf Courses and Urban Park land. Urban-Suburban land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or

more structures per 2.5 acres. Golf Courses and Urban Park lands are located throughout the urbanized area of the Habitat Plan study area and provide limited habitat for native wildlife and are unlikely to support any covered species. Existing synthetic turf playing fields on-site provide limited habitat for native wildlife. The primary biological resources on-site are the existing trees.

There are 186 trees located on and adjacent to the project site. Of the 186 trees, 65 are ordinance sized trees. There are 16 native trees on-site. No heritage trees are present on the project site. A summary of the on-site trees is included in Table 4.4-1 below. The location of on-site trees is shown in Figure 4.4 1.

Table 4.4-1: Tree Inventory

Number	Botanical Name	Common Name	Circumference (inches)	Status
1	Olea europaea	Olive	1.5	Non-ordinance
2	Schinus molle	California Pepper	141	Ordinance
3	Olea europaea	Olive	47	Ordinance
4	Olea europaea	Olive	47	Ordinance
5	Olea europaea	Olive	25	Non-Ordinance
6	Olea europaea	Olive	15	Non-Ordinance
7	Olea europaea	Olive	28	Non-Ordinance
8	Olea europaea	Olive	31	Non-Ordinance
9	Olea europaea	Olive	25	Non-Ordinance
10	Liquidambar styraciflua Calflora	Sweetgum	69	Ordinance
11	Platanus x acerifolia	London plane	40	Ordinance
12	Platanus x acerifolia	London plane	34	Non-Ordinance
13	Platanus x acerifolia	London plane	22	Non-Ordinance
14	Platanus x acerifolia	London plane	34	Non-Ordinance
15	Platanus x acerifolia	London plane	37	Ordinance
16	Platanus x acerifolia	London plane	37	Ordinance
17	Platanus x acerifolia	London plane	28	Non-Ordinance
18	Platanus x acerifolia	London plane	25	Non-Ordinance
19	Platanus x acerifolia	London plane	31	Non-Ordinance
20	Platanus x acerifolia	London plane	12	Ordinance
21	Platanus x acerifolia	London plane	38	Non-Ordinance
22	Platanus x acerifolia	London plane	53	Ordinance
23	Olea europaea	Olive	31	Ordinance

24	Prunus serrulata	Japanese flowering cherry	21	Non-Ordinance
25	Prunus serrulata	Japanese flowering cherry	21	Non-Ordinance
26	Prunus serrulata	Japanese flowering cherry	31	Non-Ordinance
27	Lagerstroemia	Crape myrtle	12	Non-Ordinance
28	Lagerstroemia	Crape myrtle	12	Non-Ordinance
29	Lagerstroemia	Crape myrtle	15	Non-Ordinance
30	Lagerstroemia	Crape myrtle	12	Non-Ordinance
31	Pinus radiata	Monterey pine	44	Ordinance
32	Juglans californica	California black walnut	47	Ordinance
33	Afrocarpus gracilior	African fern-pine	16	Non-Ordinance
34	Fraxinus griffithii	Evergreen ash	109	Ordinance
35	Afrocarpus gracilior	African fern-pine	109	Ordinance
36	Fraxinus griffithii	Evergreen ash	60	Ordinance
37	Afrocarpus gracilior	African fern-pine	19	Non-Ordinance
38	Fraxinus griffithii	Evergreen ash	19	Non-Ordinance
39	Afrocarpus gracilior	African fern-pine	13	Non-Ordinance
40	Fraxinus griffithii	Evergreen ash	79	Ordinance
41	Afrocarpus gracilior	African fern-pine	16	Non-Ordinance
42	Fraxinus griffithii	Evergreen ash	72	Ordinance
43	Afrocarpus gracilior	African fern-pine	19	Non-Ordinance
44	Fraxinus griffithii	Evergreen ash	44	Ordinance
45	Fraxinus griffithii	Evergreen ash	88	Ordinance
46	Olea europaea	Olive	22	Non-Ordinance
47	Fraxinus griffithii	Evergreen ash	47	Ordinance
48	Schinus terebinthifolia	Brazilian pepper	47	Ordinance
49	Schinus terebinthifolia	Brazilian pepper	50	Ordinance
50	Ulmus parvifolia	Chinese elm	57	Ordinance
51	Cinnamomum camphora	Camphor	72	Ordinance
52	Pyrus calleryana	Callery pear	25	Non-Ordinance
53	Pyrus calleryana	Callery pear	31	Non-Ordinance
54	Celtis sinensis	Chinese hackberry	25	Non-Ordinance

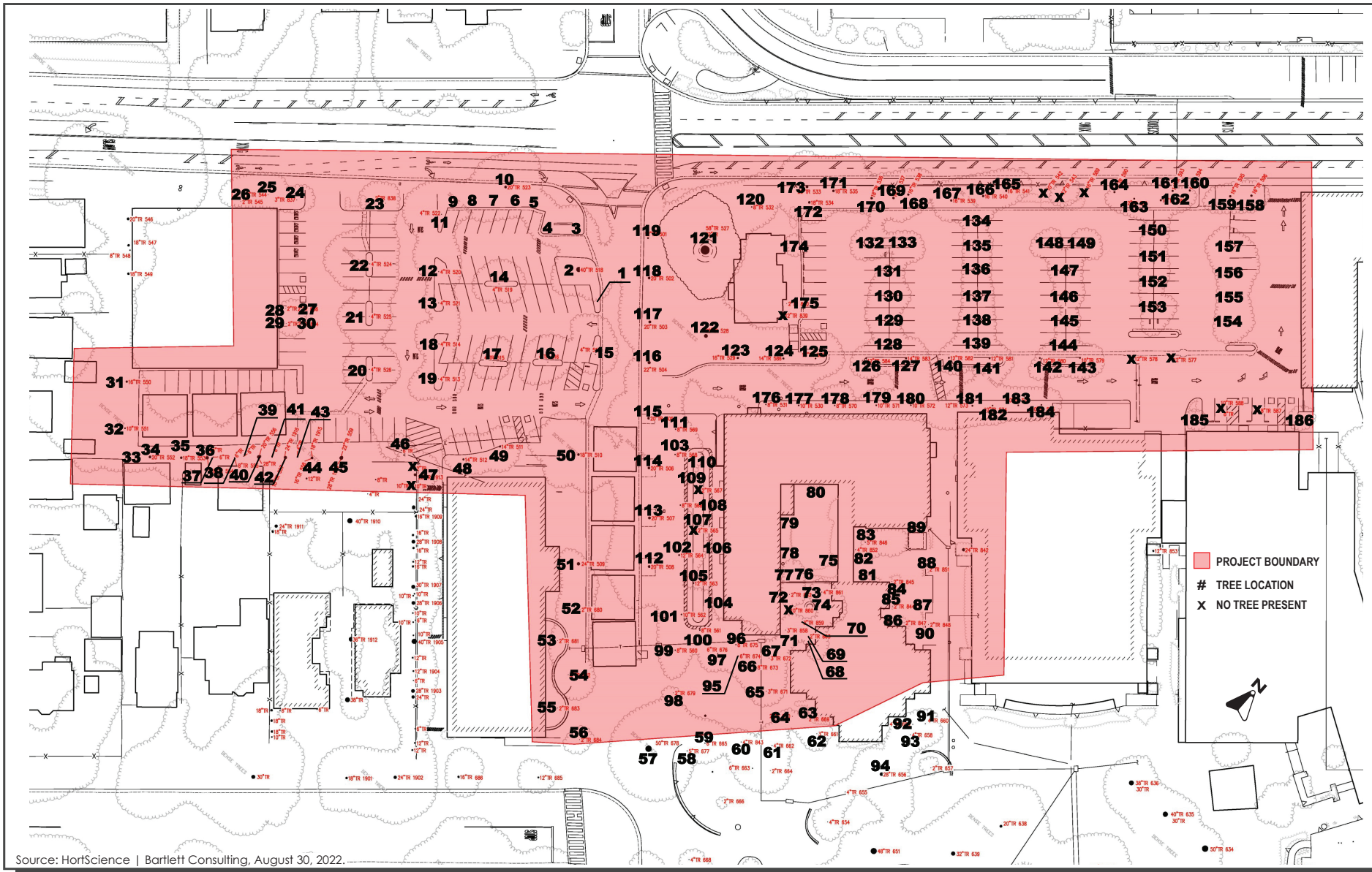
55	Pyrus calleryana	Callery pear	16	Non-Ordinance
56	Acer buergerianum	Trident maple	19	Ordinance
57	Fraxinus griffithii	Evergreen ash	51	Ordinance
58	Malus	Crabapple	19	Non-Ordinance
59	Pyrus calleryana	Callery pear	41	Ordinance
60	Pyrus calleryana	Callery pear	31	Non-Ordinance
61	Pyrus calleryana	Callery pear	35	Non-Ordinance
62	Mayenus boaria	Mayten	22	Non-Ordinance
63	Mayenus boaria	Mayten	16	Non-Ordinance
64	Mayenus boaria	Mayten	13	Non-Ordinance
65	Betula utilis Jacqemontii	Whitebarked himalayan birch	22	Non-Ordinance
66	Betula utilis Jacqemontii	Whitebarked himalayan birch	19	Non-Ordinance
67	Betula utilis Jacqemontii	Whitebarked himalayan birch	22	Non-Ordinance
68	Maleluca quinquenervia	Cajeput paperbark tree	25	Non-Ordinance
69	Maleluca quinquenervia	Cajeput paperbark tree	25	Non-Ordinance
70	Prunus serrulate Kiku-Shidare-Zakura	Dwarf weeping cherry	16	Non-Ordinance
71	Crataegus phaenopyrum	Washington hawthorn	22	Non-Ordinance
72	Acer palmatum	Japanese maple	34	Non-Ordinance
73	Betula utilis Jacquemontii	Whitebarked Himalayan birch	31	Non-Ordinance
74	Melaleuca quinquenervia	Cajeput paperbark tree	38	Ordinance
75	Prunus serrulate Kiku-Shidare-Zakura	Dwarf weeping cherry	13	Non-Ordinance
76	Lagerstroemia	Crape myrtle	13	Non-Ordinance
77	Lagerstroemia	Crape myrtle	13	Non-Ordinance
78	Lagerstroemia	Crape myrtle	9	Non-Ordinance
79	Prunus serrulate Kiku-Shidare-Zakura	Dwarf weeping cherry	13	Non-Ordinance
80	Brugmansia	Angel’s trumpet	47	Ordinance
81	Crataegus phaenopyrum	Washington	13	Non-Ordinance

		hawthorn		
82	Washingtonia robusta	Mexican fan palm	25	Non-Ordinance
83	Maytenus boaria	Mayten	25	Non-Ordinance
84	Crataegus phaenopyrum	Washington hawthorn	13	Non-Ordinance
85	Crataegus phaenopyrum	Washington hawthorn	9	Non-Ordinance
86	Prunus serrulate Kiku-Shidare-Zakura	Dwarf weeping cherry	16	Non-Ordinance
87	Cedrus atlantica “Glauca Pendula”	Weeping blue atlas cedar	13	Non-Ordinance
88	Maytenus boaria	Mayten	9	Non-Ordinance
89	Livistona decipiens	Cabbage palm	16	Non-Ordinance
90	Maytenus boaria	Mayten	13	Non-Ordinance
91	Betula utilis var. jacquemontii	Whitebarked himalayan birch	22	Non-Ordinance
92	Betula utilis var. jacquemontii	Whitebarked himalayan birch	22	Non-Ordinance
93	Betula utilis var. jacquemontii	Whitebarked Himalayan birch	22	Non-Ordinance
94	Cedrus deodara	Deodar cedar	88	Ordinance
95	Prunus x cisterna	Purpleleaf plum	38	Ordinance
96	Prunus x cisterna	Purpleleaf plum	41	Ordinance
97	Prunus x cisterna	Purpleleaf plum	35	Non-Ordinance
98	Betula utilis var. jacquemontii	Whitebarked Himalayan birch	9	Non-Ordinance
99	Liquidambar styraciflua Calflora	Sweetgum	35	Non-Ordinance
100	Liquidambar styraciflua Calflora	Sweetgum	28	Non-Ordinance
101	Liquidambar styraciflua Calflora	Sweetgum	38	Ordinance
102	Liquidambar styraciflua Calflora	Sweetgum	35	Non-Ordinance
103	Liquidambar styraciflua Calflora	Sweetgum	28	Non-Ordinance
104	Acer rubrum	Red maple	9	Non-Ordinance
105	Acer rubrum	Red maple	6	Non-Ordinance

106	Acer rubrum	Red maple	9	Non-Ordinance
107	Acer rubrum	Red maple	9	Non-Ordinance
108	Acer rubrum	Red maple	6	Non-Ordinance
109	Acer rubrum	Red maple	6	Non-Ordinance
110	Acer rubrum	Red maple	6	Non-Ordinance
111	Acer rubrum	Red maple	6	Non-Ordinance
112	Platanus x acerifolia	London plane	66	Ordinance
113	Platanus x acerifolia	London plane	60	Ordinance
114	Platanus x acerifolia	London plane	63	Ordinance
115	Platanus x acerifolia	London plane	63	Ordinance
116	Ulimus parvifolia	Chinese elm	72	Ordinance
117	Ulimus parvifolia	Chinese elm	72	Ordinance
118	Ulimus parvifolia	Chinese elm	69	Ordinance
119	Platanus x acerifolia	London plane	56	Ordinance
120	Liquidambar styraciflua Calflora	Sweetgum	41	Ordinance
121	Cedrus deodara	Deodar cedar	214	Ordinance
122	Cedrus deodara	Deodar cedar	91	Ordinance
123	Platanus x acerifolia	London plane	50	Ordinance
124	Platanus x acerifolia	London plane	47	Ordinance
125	Platanus x acerifolia	London plane	31	Non-Ordinance
126	Platanus x acerifolia	London plane	28	Non-Ordinance
127	Platanus x acerifolia	London plane	28	Non-Ordinance
128	Platanus x acerifolia	London plane	22	Non-Ordinance
129	Platanus x acerifolia	London plane	19	Non-Ordinance
130	Platanus x acerifolia	London plane	28	Non-Ordinance
131	Platanus x acerifolia	London plane	28	Non-Ordinance
132	Platanus x acerifolia	London plane	19	Non-Ordinance
133	Platanus x acerifolia	London plane	28	Non-Ordinance
134	Platanus x acerifolia	London plane	16	Non-Ordinance
135	Platanus x acerifolia	London plane	22	Non-Ordinance
136	Platanus x acerifolia	London plane	22	Non-Ordinance
137	Platanus x acerifolia	London plane	25	Non-Ordinance
138	Platanus x acerifolia	London plane	19	Non-Ordinance

139	Platanus x acerifolia	London plane	22	Non-Ordinance
140	Platanus x acerifolia	London plane	28	Non-Ordinance
141	Platanus x acerifolia	London plane	28	Non-Ordinance
142	Platanus x acerifolia	London plane	25	Non-Ordinance
143	Platanus x acerifolia	London plane	28	Non-Ordinance
144	Platanus x acerifolia	London plane	22	Non-Ordinance
145	Platanus x acerifolia	London plane	19	Non-Ordinance
146	Platanus x acerifolia	London plane	22	Non-Ordinance
147	Platanus x acerifolia	London plane	22	Non-Ordinance
148	Platanus x acerifolia	London plane	22	Non-Ordinance
149	Platanus x acerifolia	London plane	28	Non-Ordinance
150	Platanus x acerifolia	London plane	25	Non-Ordinance
151	Platanus x acerifolia	London plane	22	Non-Ordinance
152	Platanus x acerifolia	London plane	22	Non-Ordinance
153	Platanus x acerifolia	London plane	28	Non-Ordinance
154	Platanus x acerifolia	London plane	31	Non-Ordinance
155	Platanus x acerifolia	London plane	22	Non-Ordinance
156	Platanus x acerifolia	London plane	25	Non-Ordinance
157	Platanus x acerifolia	London plane	38	Ordinance
158	Prunus serrulate Kiku-Shidare-Zakura	Dwarf weeping cherry	69	Ordinance
159	Sequoia sempervirens	Coast redwood	63	Ordinance
160	Sequoia sempervirens	Coast redwood	41	Ordinance
161	Sequoia sempervirens	Coast redwood	47	Ordinance
162	Sequoia sempervirens	Coast redwood	50	Ordinance
163	Sequoia sempervirens	Coast redwood	38	Ordinance
164	Sequoia sempervirens	Coast redwood	44	Ordinance
165	Sequoia sempervirens	Coast redwood	50	Ordinance
166	Sequoia sempervirens	Coast redwood	57	Ordinance
167	Sequoia sempervirens	Coast redwood	57	Ordinance
168	Sequoia sempervirens	Coast redwood	63	Ordinance
169	Sequoia sempervirens	Coast redwood	66	Ordinance
170	Sequoia sempervirens	Coast redwood	70	Ordinance
171	Sequoia sempervirens	Coast redwood	73	Ordinance

172	Sequoia sempervirens	Coast redwood	75	Ordinance
173	Acer negundo	Boxelder	73	Ordinance
174	Citrus limon	Lemon	35	Non-Ordinance
175	Citrus limon	Lemon	9	Non-Ordinance
176	Liquidambar styraciflua Calflora	Sweetgum	31	Non-Ordinance
177	Liquidambar styraciflua Calflora	Sweetgum	38	Ordinance
178	Liquidambar styraciflua Calflora	Sweetgum	28	Non-Ordinance
179	Liquidambar styraciflua Calflora	Sweetgum	31	Non-Ordinance
180	Liquidambar styraciflua Calflora	Sweetgum	38	Ordinance
181	Liquidambar styraciflua Calflora	Sweetgum	53	Ordinance
182	Liquidambar styraciflua Calflora	Sweetgum	31	Non-Ordinance
183	Liquidambar styraciflua Calflora	Sweetgum	31	Non-Ordinance
184	Liquidambar styraciflua Calflora	Sweetgum	31	Non-Ordinance
185	Afrocarpus gracilior	African fern-pine	22	Non-Ordinance
186	Prunus serrulata	Japanese flowering cherry	16	Non-Ordinance
Source: HortScience Bartlett Consulting. Preliminary Arborist Report, Bellarmine College Preparatory, 960 W Hedding Street, San José, CA. August 30, 2022.				



Source: HortScience | Bartlett Consulting, August 30, 2022.

TREE LOCATION MAP

FIGURE 4.4-1

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☒	☐
c) 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?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

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

Based on the highly urbanized and developed nature of the project site, natural communities or habitats for special-status plant and wildlife species are not present and would not be impacted, with the exception of nesting birds (described further below).

Nesting Birds

Development of the project would result in the removal of 88 trees on the project site. Trees could provide nesting habitat for birds, including migratory birds. Nesting birds are protected under provisions of the MBTA and CDFW code. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or removal and site grading that disturbs nesting birds on-site or immediately adjacent to the construction zone would constitute a significant impact.

Impact BIO-1: Development of the proposed project would result in impacts to nesting birds, if present on- or adjacent to the site at the time of construction.

Mitigation Measures: The following mitigation measures would reduce and/or avoid impacts to nesting birds (if present on or adjacent to the site) to a less than significant level.

MM BIO-1.1: The project applicant shall schedule demolition and construction activities 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).

MM BIO-1.2: If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 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). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

MM BIO-1.3: If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction free buffer zone to be established around the nest (typically 250 feet) to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

MM BIO-1.4: Prior to any tree removal, or City's issuance of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement.

With implementation of MM BIO-1.1 through MM BIO-1.4, the project's impact to nesting birds would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

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

The project site is located in approximately 0.6 miles west of Guadalupe River. No riparian habitat or sensitive natural communities exist on or adjacent to the project site. Therefore, redevelopment, replacement, and relocation of existing buildings and reconfiguration of the campus entrance on-site would not result in any impact to natural communities. **(Less than Significant Impact)**

c) Would the project have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means?

The project site and surrounding area are currently developed with buildings, pavement, and landscaping with no natural habitats remaining. The site is not located adjacent to any waterway, and there are no federally protected wetlands as defined by Section 404 of the Clean Water Act, located on or adjacent to the project site. **(No Impact)**

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The project site is in an urbanized area of the City and is surrounded by development. The project site does not support a watercourse or provide habitat that facilitates the movement of any native or migratory fish or wildlife species. The nearest watercourse to the project site is the Guadalupe River, located approximately 0.6 mile east of the project site. Therefore, the site has limited potential to serve as a migratory corridor for wildlife except with regard to migratory birds, which are discussed under checklist question a. For these reasons, the project would not interfere with the movement of any native resident or migratory fish or wildlife species, nor impede the use of native wildlife nursery sites. **(Less than Significant Impact)**

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

There are 186 trees located on and adjacent to the project site, including 65 ordinance-sized trees. As described in Section 3.1 Project Description above, in order to prepare the site for the new and relocated buildings and reconfigured campus entrance, 88 trees would be removed, including 20 ordinance trees. Because of the tree removal, the project would be required to conform to the replacement requirements identified in Municipal Code Section 13.28.300, General Plan Policies MS-21.4, MS-21.5, and MS-21.6 and the City of San José Tree Removal Control (Municipal Code Section 13.31.010 to 13.32.100).

Standard Permit Condition:

1. **Tree Replacement.** A tree removal permit would be required from the City of San José for the removal of ordinance trees. The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 4.4-2 below.

Table 4.4-2: Tree Replacement Ratios

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

x:x = tree replacement to tree loss ratio

Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter.

A 24-inch box tree = two 15-gallon trees

Single Family and two-dwelling properties may be mitigated at a 1:1 ratio.

Eighty-eight trees would be removed from the project site. Of the trees to be removed, 14 would be replaced at a 4:1 ratio, one tree would be replaced at a 3:1 ratio, 48 would be replaced at a 2:1 ratio, 17 trees would be replaced at a 1:1 ratio and the remaining eight trees would not require replacement because they are orchard trees with circumferences of 38 inches or less. As mentioned previously, there are 16 native trees on-site; however, none would be removed under the proposed project. The total number of replacement trees required to be planted would be 116 trees. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement (PBCE).

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of PBCE, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
- Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance to the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

The project proposes to plant 75 24-inch box size replacement trees on-site. According to the City's tree replacement policy, this would be the equivalent of 150 replacement trees.

Through compliance with the Standard Permit Conditions above, the project would offset the loss of existing trees, consistent with City policy. Thus, any impact would be less than significant. **(Less than Significant Impact)**

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

The project site is located within the Habitat Plan study area and is designated as Golf Courses and Urban Park land and Urban Suburban land. The project site is not identified as important habitat for endangered and threatened species; therefore, the project would not result in direct impacts to the Habitat Plan's covered species and is not subject to a land cover fee.

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the federally endangered Bay checkerspot butterfly. Mitigation for the impact of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the Habitat Plan for new vehicle trips can be used to purchase conservation land for the Bay checkerspot butterfly. The Habitat Plan requires nitrogen deposition fees for all study area projects that generate new vehicle trips in order to address cumulative nitrogen deposition impacts. As discussed in Section 4.17 Transportation, the project would not result in a change in student enrollment or the number of jobs on-site and, therefore, would not result in a change in vehicle trips to and from the project site. For this reason, the project would not contribute to cumulative nitrogen deposition impacts within the Habitat Plan area.

For these reasons, the project would not conflict with the provisions of the Habitat Plan. **(Less than Significant Impact)**

4.5 CULTURAL RESOURCES

The following discussion is based, in part, on a Historic Evaluation and Archaeological Technical Report prepared by SWCA on May 30, 2023, and November 28, 2022, respectively. A copy of the Historic Evaluation is included as Appendix C to this Initial Study. A copy of the Archaeological Technical Report, which is a confidential document, is on file at the City of San José Department of Planning, Building and Code Enforcement and is available upon request with appropriate credentials.

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.

The NRHP is the nation's master inventory of historic resources that are considered significant at the national, state, or local level. The minimum criteria for determining NRHP eligibility include:

- The property is at least 50 years old (properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
- It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
- It possesses at least one of the following characteristics:
    - Association with events that have made a significant contribution to the broad patterns of history;
    - Association with the lives of persons significant in the past;
    - Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction; or
    - Has yielded, or may yield, information important to prehistory or history.

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.[16]

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.

Senate Bill 18

The intent of SB 18 is to aid in the protection of traditional tribal cultural places through local land use planning by requiring city governments to consult with California Native American tribes on projects which include adoption or amendment of general plans (defined in Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

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.

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

[16] 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.

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.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to cultural resources and applicable to the proposed project:

Policy	Description
ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
LU-13.2	Preserve candidate or designated Landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.
LU13.4	Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.
LU-13.6	Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.
LU-13.8	Require that new development, alternations, and rehabilitation/remodels adjacent to a designated candidate landmark or Historic District be designated to be sensitive to its character.
LU-13.15	Implement City, state, and federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.
LU-14.1	Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.
EC-2.3	Require new development to minimize vibration impacts to adjacent uses during

demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Historic Preservation Ordinance

The City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code) is designed to identify, protect, and encourage the preservation of significant resources and foster civic pride in the City's cultural resources. The Historic Preservation Ordinance requires the City to establish a Historic Landmarks Commission, maintain a Historic Resources Inventory, and preserve historic properties using a landmark designation process, require Historic Preservation Permits for alterations to properties designated as a Landmark or within a City historic district, and provide financial incentives through a Mills Act Historical Property Contract.

San José Historic Resources Inventory

Consistent with the City's Historic preservation ordinance, in 1975, the City developed an inventory of historically and architecturally significant structures. The inventory now includes approximately 4,000 properties.

4.5.1.2 *Existing Conditions*

Archaeological Resources

Artifacts pertaining to the Ohlone occupation of San José have been found throughout the downtown area, particularly near the Guadalupe River. The project site is located approximately 0.60 miles west of Guadalupe River. Based on a literature review completed for the proposed project, no archaeological resources were recorded on- or within 0.25 miles of the project site.[17] For these reasons, the project site has low potential for buried prehistoric Native American resources and human remains.

On-Site Historic Resources

Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area during which explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California led to the establishment of the California Missions and, in 1777, the Pueblo de San José de Guadalupe. The pueblo was originally located near the old San José City Hall (near the intersection of present-day North 1st Street and Taylor Street) before being moved to avoid frequent flooding in the late 1780's or early 1790s to what is now downtown San José. The first pueblo is located approximately 0.5 miles east of the project site.

[17] SWCA. *Archaeological Technical Report for the Bellarmine College Preparatory Campus Project, San José, Santa Clara County, California.* November 28, 2022.

Post-Mission Period to Mid-20th Century

In 1866, the Methodist Church purchased 435 acres of the former rancho lands (including the project site), for development of a new campus for the University of the Pacific. The former rancho lands were then subdivided to include a 17.64-acre campus surrounded by lots that were sold to fund construction of the University's campus and financially support its operations.

Construction of the University of the Pacific Campus began in 1871 with the original buildings being constructed in the Italianate and Second Empire-style. By 1925, the University of the Pacific relocated, and the campus was purchased by the University of Santa Clara High School for use as an all-boys college preparatory high school (later renamed Bellarmine College Preparatory). The campus buildings remained relatively unchanged until the post-war era when new buildings were constructed and additional properties outside of the original 17.64-acre campus were acquired to accommodate an expanding student population. In the 1990s and 2000s, some of the post-war facilities were replaced with new facilities including a new aquatic center and sports center, new chapel building, and a new humanities and arts building at the north end of campus.

The project would include demolition of two existing buildings constructed over 50 years ago (Wade Hall and O'Donnell Hall) and relocation of one (Berchmans Hall) building constructed over 50 years ago. As a result, a historic resources evaluation for these buildings was completed by SWCA in May 2023.

Berchmans Hall



Berchmans Hall was originally constructed in 1916 at a different location in the College Park neighborhood of San José, before being relocated to its current location at 870 Elm Street in 1946. The building was originally constructed as a residence for the family of Charles B. Polhemus, one of the founders of the San Francisco & San José Railroad. After its relocation to the Bellarmine Campus, the building was used to serve as a dormitory and later infirmary. Character defining features of the building include: the side gambrel roof[18] profile, rectangular footprint with largely symmetrical composition, prominent entrances set at center of the façades, pedimented canopy, sidelites and a fan lite at the main entrance, Doric support columns, gable and gable-shed dormers at the roof, double-hung windows with divided-lites over a single lite, and clapboard siding throughout.

[18] Gambrel roof is a roof with two sides, each of which is broken into two sections with a shallower slope above a steeper one.

NRHP/CRHR Evaluation

The existing Berchmans Hall building was evaluated against the NRHP and CRHP criteria for historical significance due to its age. If a project is found to be an eligible historic resource under the CRHR, it is also found to be eligible for listing in the NRHP.

The building is currently listed in the San José HRI and was surveyed in 2019 as part of the environmental compliance work for the California High Speed Rail project's San José to Merced Segment. The 2019 survey found that although the property no longer retains its integrity of location, it continues to embody the Dutch Colonial Revival style and is eligible for listing in both the NRHP and CRHR under criteria C and 3 as a significant local example of the Dutch Colonial Revival style and as a representative work of locally significant architect William E. Higgins, respectively. The building has no known historical significance related to events, patterns of history, individuals, or the potential to yield information.

San José Candidate City Landmark Evaluation

The existing Berchmans Hall building was evaluated against the City of San José's Landmark Designation criteria for historical significance due to its age and its potential association with historic events or persons in San José. The evaluation of the building against each of the eight criteria is discussed below.

1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture;

   As outlined in the CRHR evaluation above, Berchmans Hall is identified as a significant example of the Dutch Colonial Revival architectural style. While other examples of this style can be found occasionally in San José, Berchmans Hall continues to exhibit the significant characteristics of the style. Therefore, it is eligible for listing in the San José HRI as a Candidate City Landmark under criterion 1.

1. Its location as a site of a significant historic event;

   Berchmans Hall is not associated with any specific significant historic event. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 2.

2. Its identification with a person or persons who significantly contributed to the local, regional state or national culture and history;

   As discussed above, Berchmans Hall was originally constructed in 1916 as a residence for Charles B. Polhemus who owned and constructed the San Francisco & San José Railroad that connected San José to San Francisco. While Berchmans Hall was initially associated with the Polhemus family, these associations started after construction of the San Francisco & San José Railroad. Berchmans Hall is also not significantly associated with its namesake John Berchmans, who was a Catholic Saint who lived during the seventeenth century. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 3.

4. Its exemplification of the cultural, economic, social or historic heritage of the City of San José;

   Berchmans Hall was constructed as a private residence for the Charles Polhemus and his family and was later relocated and repurposed into a dormitory building. The building's association with the Polhemus family occurred after the family's period of significance in San José and its use as a dormitory building was typical of the college. For these reasons, the building does not exemplify any significant cultural, economic, social, or historic heritage of San José is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 4.

5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;

   Although Berchmans Hall was constructed as a residence for the Polhemus family, it does not represent the environment of a group of people in an era of history in a significant way. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 4 for portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

6. Its embodiment of distinguishing characteristics of an architectural type or specimen;

   Berchmans Hall is eligible for listing in the NRHP and CRHR as a rare representation of the Dutch Colonial Revival architectural style at the local level for its distinguishing characteristics. As such, Berchmans Hall is eligible for listing in the San José HRI as a Candidate City Landmark under criterion 6.

7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José.

   Berchmans Hall is associated with William E. Higgins, a well-known and celebrated architect at the San José-based firm of Wolfe & Higgins. As an individual work pre-dating his work at Wolf & Higgins, this building is notably rare, and therefore, is eligible for listing in the San José HRI as a Candidate City landmark under criterion 7.

8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

   Although Berchmans Hall is a significant example of the Dutch Colonial Revival style, it does not qualify as a significant or unique architectural innovation because it was a relatively common and popular residential style of architecture in the United States during the early twentieth century. The buildings details are typical of the style and the overall construction appears to be representative of well-established construction methods used in residential buildings. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 8.

In summary, Berchmans Hall is eligible for listing in the NRHP and CRHR under criteria C and 3 and in the San José HRI as a Candidate City Landmark under criteria 1, 6, and 7 for its architectural character and value as a rare Dutch Colonial Revival style residence designed by William E. Higgins. Therefore, the building is considered a historical resource for the purposes of environmental review under CEQA.

Wade Hall

The existing Wade Hall building was originally designed and constructed in the Mid-Century Modern architectural style between 1953 and 1954. The building originally featured two-story massing along the east, north, and west wings, and a one-story wing along the southern edge. Since its original construction, the building has been remodeled several times including the largest alteration occurring in the late 1990s when the southern wing was demolished to allow for construction of the adjacent Chapel building (completed in 2000).



CRHR

Wade Hall was constructed in 1954 as part of the general post-war period of development at the Bellarmine campus. Although Wade Hall was a noteworthy development at the time it was constructed, it was just one component of multiple that were envisioned and executed during this period. Furthermore, many schools and campuses underwent periods of expansion during this post-war period as the U.S. population increased. Wade Hall is consistent with this general trend of broader post-war educational development, as well as with the context of Bellarmine itself and, therefore, does not individually reflect the post-war development in the campus in any way that rises to a level of historical significance. For these reasons, Wade Hall is not eligible for listing in the CRHR under Criterion 1.

The building was originally named St. Roberts Hall to commemorate St. Robert Cardinal Bellarmine who was a 17th century Italian Saint and was later renamed after Fr. Gerald Wade who served as the president and later chancellor of the school. While St. Robert Bellarmine was an important individual within the cannon of Catholic tradition, St. Robert has no associations with the campus or the building. Additionally, while Fr. Gerald Wade was an influential figure in the school's development during the late 20th and early 21st centuries and he did reside in the building along with other Jesuit staff members, this association does not extend to a broader local context that would qualify the building as historically significant. For these reasons, Wade Hall is not eligible for listing in the CRHC under Criteria 2.

Wade Hall is a typical Mid-Century Modern school building and does not exhibit any characteristics that would rise to a level of significance. Although the architect and building associated with Wade Hall are unknown, the building does not exhibit the artistic quality of the work of a master architect or builder. For these reasons, Wade Hall is not eligible for listing in the CRHR under Criterion 3.

Wade Hall is a typical post-war Mid-Century Modern educational building, of which the construction approaches are widely documented and well understood. Therefore, this building does not qualify as historically significant and is not eligible for listing in the CRHR under Criterion 4.

San José Candidate City Landmark Evaluation

1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture;

   As outlined in the CRHR evaluation above, Wade Hall does not exhibit significant character as part of the local, regional, state, or national history. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 1.

2. Its location as a site of a significant historic event;

   Wade Hall is typical of post-war educational building and is not associated with any significant historic events in the history of San José. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 2.

3. Its identification with a person or persons who significantly contributed to the local, regional state or national culture and history;

   As discussed above, Wade Hall is not directly associated with any person or persons who have significantly contributed to local, regional, state, or national culture and history. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 3.

4. Its exemplification of the cultural, economic, social or historic heritage of the City of San José;

   Wade Hall is a typical post-war educational building in San José and does not exemplify any cultural, economic, social, or historic heritage within the City. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 4.

5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;

   Wade Hall is a typical post-war educational building composed in the Mid-Century Modern style and does not exhibit any characteristics associated with a specific community. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 4 for portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

6. Its embodiment of distinguishing characteristics of an architectural type or specimen;

   Wade Hall is reflective of the well-established trends of modern school development and does not individually exhibit any significant or distinguishing characteristics. As such, Wade Hall does not embody the characteristics of the Mid-Century Modern style in a significant manner and is not eligible for listing in the San José HRI as a Candidate City Landmark

under criterion 6.

7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José;

   Wade Hall is not associated with any master architect or builder and does not exhibit any characteristics that suggest it would qualify the building as a significant work. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 7.

8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique;

   Wade Hall lacks any distinguishing characteristics, details, materials, or examples of craftsmanship that appear to be architecturally significant. The simplicity of Wade Hall does not reflect any architectural innovation or engineering that would qualify the building as unique. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 8.

In summary, Wade Hall does not exhibit any historical significance under any of the criteria for eligibility for listing in the CRHR, or listing in the San José HRI as a Candidate City Landmark. Therefore, Wade Hall is not eligible for listing in the CRHR or San José HRI and does not qualify as a historical resource for the purposes of environmental review under CEQA.

O'Donnell Hall



The three-story O'Donnell Hall building was originally constructed in 1966 in the Brutalist architectural style as a 65-room dormitory. In 1984, the building was renovated to allow for its use as a classroom and administrative building and a three-story enclosed stairwell was added to the northeast façade.

CRHR Evaluation

The three-story educational building was constructed as a dormitory building and is not associated with any specific event in history, nor does it appear to be associated with broader patterns of history. O'Donnell Hall is typical of the general period of the school's development and does not individually exhibit significance as a part of the larger campus expansion plan. Furthermore, O'Donnell Hall is notably taller than the surrounding buildings in the College Park neighborhood, is not associated with the founding of the neighborhood and is not itself reflective of the overall development of the neighborhood. Therefore, O'Donnell Hall is not eligible for listing in the CRHR under criterion 1.

O'Donnell Hall is not associated with any individuals that have made significant contributions to history at the national, state, or local level. The building is named after Vincent O'Donnell, a noteworthy attorney

and patron of the Catholic Church, which is purely commemorative. There is no direct association between the property and O'Donnell. Therefore, the building is eligible for listing in the CRHR under Criterion 2.

While O'Donnell Hall does exhibit some hallmarks of the Brutalist design style, particularly with the projecting flat roof and singular planes of concrete cladding, the overall composition is overly simplified to a degree where it does not embody the character of the style. Although the architect associated with O'Donnell Hall is unknown, the overall simplistic quality of the composition suggests that it does not have any significant associations with a master architect or builder. Therefore, O'Donnell Hall is not eligible for listing in the CRHR under Criterion 3.

O'Donnell Hall is a typical post-war educational building composed in the Brutalist style, of which the construction techniques are widely documented and understood. Therefore, it is not eligible for listing in the CRHR under Criterion 4.

San José Candidate City Landmark Evaluation

1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture;

   As discussed above in the CRHR evaluation, O'Donnell Hall does not exhibit significant character as part of the local, regional, state, or national history. While the building is notably large for the Bellarmine Campus and surrounding neighborhood, it lacks any noteworthy physical features or historical associations that rise to a level of interest or historical significance. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 1.

2. Its location as a site of a significant historic event;

   O'Donnell Hall is not associated with any significant historic event. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 2.

3. Its identification with a person or persons who significantly contributed to the local, regional state or national culture and history;

   As outlined in the CRHR evaluation above, O'Donnell Hall does not have associations with individuals who have significantly contributed to local, regional, state, or national culture or history. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 3.

4. Its exemplification of the cultural, economic, social or historic heritage of the City of San José;

   O'Donnell Hall does not exemplify the cultural, economic, social, or historic heritage of San José. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 4.

5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;

O'Donnell Hall does not represent the environment of a group or people in an era of history. Therefore, the building not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 5.

6. Its embodiment of distinguishing characteristics of an architectural type or specimen;

   As discussed above, O'Donnell Hall is composed in a Brutalist-inspired design, but lacks many of the character-defining features associated with Brutalism. For these reasons, O'Donnell Hall does not embody the distinguishing characteristics of Brutalism, and is not eligible for listing in the San José HRI as a Candidate City landmark under criterion 6.

7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José.

   O'Donnell Hall is not associated with any known master architect or builder at this time. Therefore, the building not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 7.

8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

   O'Donnell Hall is a typical post-war educational and institutional building, composed in a Brutalist-inspired design. The building lacks many of the distinguishing characteristics, details, materials, or examples of craftsmanship associated with noteworthy examples of Brutalism. Therefore, the building is not eligible for listing in the San José HRI as a Candidate City Landmark under criterion 8.

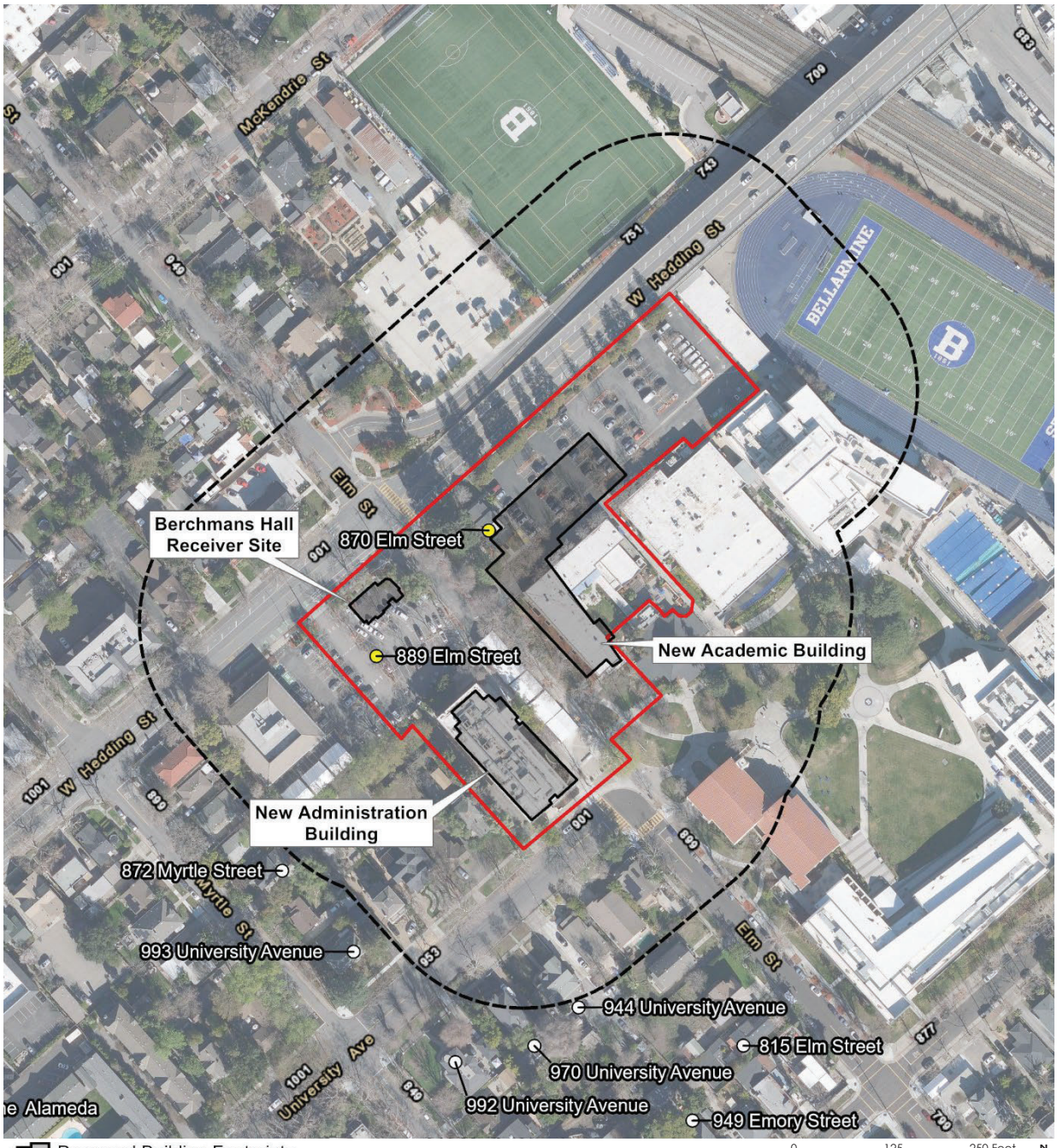
In summary, O'Donnell Hall does not exhibit any historical significance under any of the criteria for eligibility for listing in the CRHR or the San José HRI as a Candidate San José City Landmark. Therefore, O'Donnell Hall is not eligible for listing in the CRHR or San José HRI and does not qualify as a historical resource for the purposes of environmental review under CEQA.

Off-Site Historic Resources

Three historic buildings were identified within a 200-foot radius of the project site (944 University Avenue, 970 University Avenue, and 872 Myrtle Street). A list of these historic resource is outlined in Table 4.5-1 and the location of the properties are illustrated in Figure 4.5-1.

Table 4.5-1: Historic Resources within 200 Feet of Proposed Project

Address	Distance to Project Site (feet)	Date of Construction	Status	Description
872 Myrtle Street	22	ca. 1885	Identified Structure	Residence/Stick
944 University Avenue	93	ca. 1885	Identified Structure	Residence/Shingle
970 University Avenue	152	ca. 1990	Identified Structure	Four Square Residence/Prairie



Source: SWCA Environmental Consultants, May 11, 2022.

LOCATION OF OFF-SITE HISTORIC RESOURCES | FIGURE 4.5-1

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

Relocation Impacts

As discussed in Section 4.5.1.2 Existing Conditions above, one historic resource, Berchmans Hall, is located on the project site. Berchmans Hall is listed on the San José HRI as an "Identified Structure" and was previously evaluated and determined to be eligible for listing in the NRHP and CRHR under Criteria C and 3, respectively, as a significant example of the Dutch Colonial Revival architectural style and as a representative work of locally significant architect William E. Higgins. Additionally, Berchmans Hall was determined to be eligible for listing in the San José HRI as a Candidate City Landmark under criteria 1, 6, and 7 for its architectural character and value as a rare Dutch Colonial Revival style residence designed by William E. Higgins. The two existing buildings that would be demolished as part of the project (Wade and O'Donnell Halls) do not qualify as historical resources under CEQA.

Demolition of Wade and O'Donnell halls would not result in a significant impact to historical resources because these structures are not considered historic resources under CEQA. The proposed relocation of Berchmans Hall was evaluated under the NRHP aspects of historic integrity to assess whether the building would retain the ability to convey its significance following relocation. The National Register Bulletin on How to Apply the National Register Criteria for Evaluation says: "A moved property significant under Criterion C (architecture) must retain enough historic features to convey its architectural values and retain integrity of design, materials, workmanship, feeling, and association." If materials, workmanship, and design are not preserved as part of the project, a significant impact under CEQA could occur.

The project proposes relocation of Berchmans Hall, a CEQA historic resource. The building was first moved from its original location south of the Bellarmine campus to its current location at 870 Elm Street in 1946 and, therefore, no longer retains its integrity of location under existing conditions. Relocation of the building to the southwest corner of the West Hedding Street/Elm Street intersection

would not result in the loss of its integrity of location. Furthermore, once relocated, Berchmans Hall would have a 10-foot front setback, consistent with the setbacks of surrounding buildings in the College Park neighborhood. Originally constructed in 1916, Berchmans Hall would be consistent with the general characteristics of the College Park neighborhood (which developed from 1866 to the present day) as well as the architectural character of the neighborhood. For these reasons, the proposed relocation of Berchmans Hall would not impact the rhythm and spatial organization of the College Park neighborhood or otherwise impact the existing setting of nearby historic resources.

The specific methods proposed to relocate Berchmans Hall have not been determined and a structural assessment has not been completed at this time. Because specific methods used for relocation, stabilization, and specific interior and exterior improvements are currently unknown, future relocation and rehabilitation work at Berchmans Hall could result in changes to the physical characteristics of the building, altering the integrity of design, material, and workmanship, resulting in a substantial adverse change in the significance of this historical resource. The following mitigation measures would be required to ensure the retention of the building's design, materials and workmanship.

Impact CUL-1: Relocation of the architecturally significant Berchmans Hall to a site directly west across Elm Street could result in the loss of its historic integrity.

Mitigation Measures: To ensure the retention of the building's design, materials and workmanship, the following mitigation measures shall be incorporated. With the incorporation of the measures listed below, any impacts to Berchmans Hall would be mitigated to a less than a significant level.

MM CUL-1.1: Prior to the issuance of any grading or building permits for the project, whichever occurs first, the Permittee shall retain a qualified professional meeting the Secretary of the Interior's Professional Qualification Standards to prepare a Relocation Plan that fully outlines and documents the relocation plans for the architecturally significant Berchmans Hall, the proposed schedule of such work, and identifies the location of construction staging and storage on-site in relation to Berchmans Hall. The plan shall demonstrate compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, which includes the preservation of the character-defining features of Berchmans Hall. The Relocation Plan shall be reviewed and approved by the City's Historic Preservation Officer or designee prior to issuance of any grading or building permits, whichever comes first, for the project.

MM CUL-1.2: Prior to relocation of Berchmans Hall, the Permittee shall retain a qualified historic building mover and a qualified Historic Architect to document the existing conditions and features of the building and stabilize the structure prior to relocation. Documentation of the existing building conditions shall be reviewed and approved by the City's Historic Preservation Officer or designee prior to issuance of any grading, demolition, or building permits, whichever comes first, for the project.

MM CUL-1.3: Prior to issuance of an occupancy permit for the new Academic Building, the Permittee shall retain a qualified professional meeting the Secretary of the

Interior's Professional Qualification Standards to prepare a Rehabilitation Plan. The plan shall demonstrate compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, which includes the preservation of the character-defining features of Berchmans Hall. The Rehabilitation Plan shall be reviewed and approved by the City's Historic Preservation Officer or designee. Upon completion of the buildings' rehabilitation in accordance with the approved Rehabilitation Plan, a qualified Historic Architect shall prepare a Completion Report (including photographs) to document conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the preservation of the character-defining features of Berchmans Hall. The Completion Report shall be submitted to the City's Historic Preservation Officer or designee and the Director of Planning, Building and Code Enforcement or Director's Designee for review and approval once rehabilitation of the house is complete and prior to issuance of occupancy permit for Matthewson Hall.

With the incorporation of MM CUL-1.1 through MM CUL-1.3, impacts to Berchmans Hall, the on-site historical resource, would be mitigated to a less than a significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Indirect Impacts to Berchmans Hall

Construction of the proposed academic and administrative buildings would alter the setting of Berchmans Hall. However, as discussed in the historical evaluation of the building, the historic setting of Berchmans Hall was previously altered when the building was moved to its current location. Therefore, the proximity of the proposed new academic and administrative buildings would not diminish Berchmans Hall's integrity of feeling and association as an example of Dutch Colonial Revival architecture. Furthermore, due to the modern architecture of the proposed academic and administrative buildings, these new buildings would not create a false sense of historical development. For these reasons, the proposed project would result in less than significant indirect impacts to Berchmans Hall.

Impacts to Adjacent Historic Resources

As noted in Section 4.5.1 Environmental Setting above, three historical resources were identified within 200 feet of the project site (944-946 University Avenue, 970 University Avenue, and 872 Myrtle Street). A project would cause substantial adverse change in the significance of a historic resources if it resulted in the loss of integrity of those surrounding historic resources so they could no longer convey their significance. If a resource were to lose its historic integrity in a way that impacts its significance and eligibility as a City Landmark (or Candidate City Landmark), or its eligibility for listing on the CRHR, a project would have a significant impact on cultural resources. To evaluate whether the proposed project would have a significant impact on adjacent historical resources, the following assessment has been provided using the relevant standards and guidelines outlined in the Secretary of the Interior Standards for Rehabilitation, as well as the San José Citywide Design Standards and Guidelines Section 3.1.3, Historic Adjacency.

Rehabilitation Standard 2: *The historic character of a property will be retained and preserved. The*

removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

The proposed project would not result in any direct or indirect impacts to the adjacent historical resources. The proposed project would construct two new buildings approximately one block away from the nearest historic buildings and views of the proposed buildings would be largely blocked by other structures and mature landscaping. The proposed buildings would be two stories tall, consistent with the existing buildings on campus and throughout the surrounding neighborhood.

The proposed project would rotate and relocate Berchmans Hall from its current location fronting Elm Street to the southwest corner of West Hedding Street and Elm Street fronting West Hedding Street. The building would be set back approximately 20 feet from West Hedding Street, consistent with the surrounding single-family residences. For these reasons, relocation of Berchmans hall would not result in significant impacts to the overall rhythm and spatial organization of the neighborhood, nor would it detract from the established setting of the adjacent historical resources.

Therefore, the project would conform with Rehabilitation Standard 2.

Rehabilitation Standard 9: *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

The proposed project would not destroy any historic materials, features, or spatial relationships that characterize a historic property. All construction activities would be limited to the project site. The identified adjacent historical resources are located approximately one block away from the construction area, and largely face different blocks than the proposed new construction. The proposed buildings would be comparable in scale, proportions, massing, and materials to the existing Wade and O'Donnell halls. The existing buildings are two- and three-stories tall, have rectangular massing, and feature a Modern material palette. The proposed buildings would both be two stories tall, have rectangular massing, and be designed in a Contemporary style, featuring many parallel design treatments and forms similar to the post-war Modern architecture. Therefore, the buildings would be clearly contemporary in their construction and design, while also consistent with the architectural character of the neighborhood, primarily through reflecting qualities of the existing buildings that they are replacing. For these reasons, the proposed buildings would not have a significant impact on the adjacent historical resources.

Therefore, the project would conform with Rehabilitation Standard 9.

Rehabilitation Standard 10: *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The proposed construction of two new buildings would not physically alter the form or features of any off-site historical resource, nor would it alter the streetscape shared with adjacent resources in such a way that it would impair the essential character of the surrounding setting.

For this reason, the project would comply with Rehabilitation Standard 10.

San José Citywide Design Standards and Guidelines

The project's conformance with the Citywide Design Standards and Guidelines is discussed in Table 4.5-2, below.

Table 4.5-2: Summary of Conformance with San José Citywide Design Standards and Guidelines

Design Standards and Guidelines	Summary of Compatibility Analysis
3.1.3 Historic Adjacency.	
Standard S1: Design buildings that are taller than the adjacent historic buildings such that the new massing located on the same property or that shares a property line with the historic building steps down to its height, irrespective of the other surrounding buildings.	The project proposes to replace the existing three-story O'Donnell Hall and two-story Wade Hall with two new two-story buildings and to relocate the existing two-story Berchmans Hall to the southwest corner of West Hedding Street and Elm Street fronting West Hedding Street. The proposed new buildings would be consistent in height with the adjacent historic resources. Additionally, the new Administration Building would be lower than the existing O'Donnell Hall that it is replacing. Therefore, the project would comply with San José Design Guidelines Historic Adjacency Standard S1.
Standard S2: Locate the streetwall of new buildings within five feet of the streetwall of adjacent historic buildings on the same side of the street to maintain continuity.	The proposed new buildings would not be located immediately adjacent to any of the historical resources identified within the 200-foot radius of the site. The proposed buildings would adhere to the established front and side setbacks of the surrounding neighborhood, especially those of the existing Wade Hall and O'Donnell Hall that would be replaced; the new buildings would not disrupt the existing continuity within the surrounding streetscape. Therefore, the project would comply with San José Design Guidelines Historic Adjacency Standard S2.
Standard S3: Use historic materials that match nearby historic buildings on at least 25 percent of a street, paseo or public open space facing façade and on 10 percent of other facades that are visible from the public realm. Historic materials include masonry, brick, limestone, terra cotta, cast stone, mosaic, concrete, and wood.	The proposed new buildings would not be directly adjacent or nearby to any of the identified historical resources, with the exception of Berchmans Hall which is located on the project site. Berchmans Hall is two stories in height and includes wood siding, detailing, and wood sash windows throughout. As discussed above, Berchmans Hall was relocated to its current location on campus thus, its introduction of wood materials to the

	character of campus is artificial. The materials used in the new buildings would not match those used in Berchmans Hall because the use of wood in the new buildings is not appropriate for the architectural style and overall cohesiveness of the campus. The project applicant requests an exception to Standard S3. Although the new buildings would not include wood materials, the proposed project is in keeping with the established and existing character of the Bellarmine campus and proposes wood landscape elements such as benches, trellis structures, and wood screening systems. The proposed new buildings are comparable in size, massing, and architectural vocabulary to the existing buildings on-site and would not affect the character of the neighborhood. Furthermore, the use of wood materials in the landscaping will enhance the transitions between Berchmans Hall, in its new location, into the clearly contemporary and institutional setting of campus. For these reasons, the project would not comply with San José Design Guidelines Historic Adjacency Standard S3 and an exception to this standard would be required.
Guideline G1: Provide ground floor heights for all new developments similar to the nearby historic structures.	The proposed buildings would be two-stories high, consistent with the surrounding neighborhood and the existing two- and three-story buildings they are replacing. The proposed buildings are not in proximity to any of the identified adjacent historical resources. While the floor plate heights may differ from these historical resources, any differentiation would be imperceptible, especially within the context of the two existing buildings being replaced and the broader campus, which features a mixture of property types, architectural styles, and periods of construction. Therefore, the project would comply with San José Design Guidelines Historic Adjacency Guideline G1.
Guideline G2: Articulate the building façade and use elements like windows, bays, sunshades, and doors to create façade patterns similar in scale and proportion to historic buildings in the surrounding area.	While the proposed new buildings would be located within a 200-foot radius of known adjacent historical resources, the historic structures are one block away and would largely be obstructed from view by their locations which face different blocks. This would reduce the overall visual impact of the proposed buildings on the adjacent historical resources.

	Furthermore, both the new Administration Building and the new Administrative and Academic Building would be Contemporary in style, exhibiting similar characteristics to the Modern style of Wade and O'Donnell halls. The buildings would be two-stories high with similar geometric massing, exhibited in the flat roof profiles. As such, the scale, proportions, and detail of the proposed buildings would be largely consistent with the general characteristics of the existing buildings on-site and the established patterns of the streetscape. Therefore, the project would comply with San José Design Guidelines Historic Adjacency Guideline G2.
Guideline G3: New interpretations of historic and existing civic buildings styles are encouraged. However, avoid direct mimicry and imitation.	The proposed new buildings would be composed in a Contemporary style, which is generally consistent with the existing Wade and O'Donnell halls. The new buildings would not mimic or imitate any style that would create a false sense of history in the neighborhood, and would also not create a departure from the existing conditions in a way that would impact the integrity of setting, association, or feeling of the identified adjacent historical resources. Therefore, the project would comply with San José Design Guidelines Historic Adjacency Guideline G3.
Guideline G4: Protect and enhance views to existing historic buildings from the public realm.	The proposed project would not affect the view corridors related to any adjacent historical resources. The proposed new buildings are not located in the vicinity of any historic resource and would not block any existing views within their respective settings. Furthermore, the proposed buildings would reflect the established conditions with two-story educational buildings, thus maintaining the existing conditions of the streetscape. This would maintain the existing visual characteristics of the surrounding area and protect the overall sense of place from the public right-of-way. Therefore, the project would comply with San José Design Guidelines Historic Adjacency Guideline G4.

In summary, the proposed project would substantially adhere to all relevant standards and guidelines as outlined in the Secretary of the Interior's Standards and San José Design Guidelines Section 3.1.3, Historic Adjacency. Therefore, the project would have a less than significant impact on adjacent historical resources. **(Less than Significant Impact)**

Construction-Related Impacts

The impacts of project construction on historical resources in the project vicinity are discussed in detail in Section 4.13 Noise, of this Initial Study. As noted in Section 4.13, no heavy construction equipment would be used in proximity to the nearest off-site historic resource (872 Myrtle Street) and due to the distance between proposed construction and the second nearest off-site historic resource (944 University Avenue, approximately 150 feet from area of construction), vibration level would be approximately 0.029 in/sec PPV and would therefore not exceed the City's 0.08 in/sec PPV threshold for historic buildings. For these reasons, construction-related impacts to off-site historical resources would be less than significant.

While a project cannot impact itself, because part of the project is to retain and renovate Berchmans Hall, which is a historic structure, the effects of construction on the structure was considered for informational purposes. The relocated Berchmans Hall building on-site would be located more than 100 feet from the use of heavy construction equipment. According to the noise and vibration assessment prepared for the project (refer to Appendix G), any historic structure located more than 60 feet away from heavy construction equipment would not be subject to vibration levels exceeding the City's threshold of 0.08 in/sec PPV.

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

Prehistoric and Historic Resources

Policy ER-10.1 of the General Plan states that for proposed development sites that have been identified as archaeologically or paleontologically sensitive, the City will require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design. As discussed above, the project site has low sensitivity for archaeological resources. The project site would be excavated to a depth of 3.5 feet bgs to accommodate the proposed building foundations and utility connections. While it is unlikely that the excavation would expose native soil layers, the project's ground disturbing activities could impact previously unrecorded archaeological resources. Therefore, in accordance with General Plan policy ER-10.3, the proposed project would be required to implement the following condition to reduce or avoid impacts to subsurface cultural resources.

Standard Permit Condition:

1. If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of PBCE or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall

be submitted to Supervising Environmental Planner and Historic Preservation Officer of the Department of PBCE and the Northwest Information Center (if applicable). Project personnel should not collect or move any cultural materials.

With implementation of the above Standard Permit Condition, the project would not result in a significant impact to archaeological resources. **(Less than Significant Impact)**

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

As discussed under checklist question b, the project site has a low sensitivity for subsurface resources. Nonetheless, excavation of the site could uncover as yet unrecorded burials. Therefore, consistent with General Plan policy ER-10.2, the proposed project would be required to comply with the following conditions to ensure human remains would not be disturbed.

Standard Permit Conditions:

1. If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of PBCE or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner shall make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

    - The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
    - The MLD identified fails to make a recommendation; or
    - The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

With implementation of the above Standard Permit Condition, redevelopment of the project site would have a less than significant impact on human remains. **(Less than Significant Impact)**

4.6 ENERGY

The following discussion is based in part on an Air Quality Assessment prepared by Illingworth & Rodkin, Inc. on December 15, 2022. This report is included as Appendix A to this Initial Study.

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-2-14-08 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.[19] Compliance with Title 24 is mandatory at the time new building permits are

[19] California Building Standards Commission. "California Building Standards Code." Accessed September 30, 2022. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

issued by city and county governments.[20]

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.[21]

Local

Envision San José 2040 General Plan

The General Plan includes the following energy policies applicable to the proposed project.

Policy	Description
MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into design and construction.
MS-2.3	Utilize solar orientation, (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-2.11	Require new development to incorporate green building policies, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize effectiveness of passive solar design.).
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer installed residential development unless for recreation or other area functions.

[20] California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed September 30, 2022. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.
[21] California Air Resources Board. "The Advanced Clean Cars Program." Accessed September 30, 2022. https://www.arb.ca.gov/msprog/acc/acc.htm.

MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
MS-6.8	Maximize reuse, recycling, and composting citywide.
MS-14.2	Enhance existing neighborhoods by adding a mix of uses that facilitate biking, walking, or transit ridership through improved access to shopping, employment, community services, and gathering places.
MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.
MS-19.1	Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.
MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
IN-5.3	Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of solid wastes to extend the life span of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.
PR-6.4	Consistent with the Green Vision, complete San José's trail network and where feasible develop interconnected trails with bike lanes to facilitate bicycle commuting and recreational uses.
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City approved goals and milestones in February 2018 to ensure the City can substantially reduce GHG emissions through reaching the following goals and milestones:

- All new residential buildings will be Zero Net Carbon Emissions (ZNE) by 2020 and all new commercial buildings will be ZNE by 2030 (Note that ZNE buildings would be all electric with a carbon-free electricity source).
- San José Clean Energy (SJCE) will provide 100-percent carbon-free base power by 2021.
- One gigawatt of solar power will be installed in San José by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 6,956.6 trillion British thermal units (Btu) in the

year 2020, the most recent year for which this data was available.[22] Out of the 50 states, California is ranked second in total energy consumption and 49th in energy consumption per capita. The breakdown by sector was approximately 21 percent (1,507.7 trillion Btu) for residential uses, 19.6 percent (1,358.3 trillion Btu) for commercial uses, 24.6 percent (1,701.2 trillion Btu) for industrial uses, and 34 percent (2,355.5 trillion Btu) for transportation.[23] 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 2020 was consumed primarily by the non-residential sector (73 percent), followed by the residential sector consuming 24 percent. In 2020, a total of approximately 16,435 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[24]

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.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2020, approximately two percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[25] In 2020 California used 2,144 trillion Btu of natural gas.[26] In 2020, Santa Clara County used less than one percent of the state's total consumption of natural gas.[27]

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California.[28] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily

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[22] United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed July 5, 2022. https://www.eia.gov/state/?sid=CA#tabs-2.
[23] United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed July 2, 2022. https://www.eia.gov/state/?sid=CA#tabs-2.
[24] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed July 5, 2022. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[25] California Gas and Electric Utilities. 2020 *California Gas Report.* Accessed August 2, 2022. https://www.socalgas.com/sites/default/files/2020-10/2020_California_Gas_Report_Joint_Utility_Biennial_Comprehensive_Filing.pdf.
[26] United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed July 5, 2022. https://www.eia.gov/state/?sid=CA#tabs-2.
[27] California Energy Commission. "Natural Gas Consumption by County." Accessed July 5, 2022. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[28] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed February 3, 2021. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.

increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 25.4 mpg in 2020.[29] 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 updated in April 2022 to require all cars and light duty trucks achieve an overall industry average fuel economy of 49 mpg by model year 2026. [30,31] Existing energy use at the project site consists of electricity for building lighting, heating, and cooling, natural gas for building heating, and gasoline for vehicle trips to and from the project site.

The existing buildings on campus (Wade, O'Donnell, and Berchmans Halls) use approximately 317,294 kWhr electricity, 863,672 Btu natural gas, and 51,756 gallons of gasoline per year.

4.6.2 Impact Discussion

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

a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Construction

Project construction would require energy for the manufacture and transport of building materials, demolition of two existing buildings and the existing campus entrance, site preparation and grading, relocation of the existing Berchmans Hall, and construction of the new academic and administrative buildings, campus entrance, pathways and other site improvements. Construction processes are generally designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully because of the added expense associated with renting the

[29] United States Environmental Protection Agency. "The 2021 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." November 2021. https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1010U68.pdf

[30] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed May 13, 2022. http://www.afdc.energy.gov/laws/eisa.

[31] United States Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed May 13, 2022. https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026

equipment, as well as maintenance and fuel. For these reasons, project construction would not use energy in a wasteful manner. **(Less than Significant Impact)**

Operations

With implementation of the proposed project, campus operations would continue as it does today, with some efficiencies provided by the slightly smaller building sizes, modern building methods, and efficient fixtures proposed within the new and renovated buildings. As noted in Section 3.1 Project Description, the project would not result in a change in student enrollment or staff and the new, relocated, and renovated buildings would include new high efficiency building materials, appliances, and fixtures which would reduce energy demand associated with building heating/cooling and lighting. The new buildings would also comply with Title 24 and CALGreen energy efficiency measures, achieve LEED Silver certification, and meet or exceed the requirements of San José Council Policy 6-32, Private Sector Green Building Policy, and the City's Green Building Ordinance. In addition, the new buildings would be solar-ready, and all buildings constructed, renovated, and relocated under the proposed project would connect to the existing campus solar energy system and co-generation plant[32] for building electricity and heating further reducing electricity demand on-site. The project would also encourage alternatives to single-vehicle occupancy trips by being centrally located and adequately served by existing transit, pedestrian and bicycle facilities and providing private student bus service. For these reasons, the project would result in incremental reductions in energy demand on-site compared to existing conditions and would not use energy in a wasteful manner. **(Less than Significant Impact)**

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Electricity on-site would be provided through a combination of the existing on-site solar/co-generation plant and PG&E. The project would be required to comply with the City's Green Building Ordinance and the most recent CALGreen requirements. In addition, the project proposes LEED Silver certification, which would meet the requirements of San José Council Policy 6-32, Private Sector Green Building Policy, and the City's Green Building Ordinance for Wade Hall and exceed these requirements for O'Donnell Hall. As a result, the project would not conflict with or obstruct state or local plans for renewable energy or energy efficiency. **(Less than Significant Impact)**

[32] A co-generation plant is an alternative to conventional power plants and heating systems that combines heat and power generation into one system by recovering and using heat from on-site electricity production to heat buildings. Source: United States Environmental Protection Agency. "Combined Heat and Power (CHP) Partnerships, CHP Benefits." Last updated April 19, 2022. Accessed August 5, 2022. https://www.epa.gov/chp/chp-benefits

4.7 GEOLOGY AND SOILS

The following discussion is based in part on a Geotechnical Investigation prepared by Cornerstone Earth Group on August 23, 2022. This report is included as Appendix D to this Initial Study.

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.

Local

Envision San José 2040 General Plan

The General Plan includes the following energy policies applicable to the proposed project.

Policy	Description
EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
EC-4.2	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
EC-4.2	Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
EC-4.4	Require all new development to conform to the City of San José's Geologic Hazards Ordinance.
EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 15.
EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and approval and implementation of mitigation measures as part of the project approval process.
EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of a grading permit by the Director of Public Works.

San José Municipal Code

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

4.7.1.2 *Existing Conditions*

The City of San José is located within the Santa Clara Valley, which is a broad alluvial plain between the Santa Cruz Mountains to the southwest and west, and the Diablo Range to the northeast. The San Andreas Fault system, including the Monte Vista-Shannon Fault, exists within the Santa Cruz Mountains and the Hayward and Calaveras Fault systems exist within the Diablo Range.

Soils and Topography

The project site has an elevation of approximately 82 feet above mean sea level (amsl)[33] and the surface soils are comprised of Hangerone complex soil, with zero to two percent slopes.[34, 35] The Hangerone soil at the site are mostly comprised of silt loam from the surface to approximately two feet bgs, underlain by silty clay loam to four feet bgs.[36]

Expansive near-surface soil is subject to volume changes during seasonal fluctuations in moisture content, which may cause movement and cracking of foundations, pavements, slabs and below-grade walls. On-site soils have a moderate to high expansion potential.[37] Based on the Santa Clara County Geologic Hazard Zones Map and the site's flat topography, the project site is not located within a landslide hazard zone.[38]

Groundwater

Groundwater testing conducted for the project revealed current groundwater levels at depths ranging from approximately 23 to 29 feet bgs. However, historic groundwater levels have been recorded at a depth of 10 to 12 feet bgs. Fluctuations in groundwater levels occur due to many factors including seasonal fluctuations and underground drainage patterns. Therefore, the geotechnical investigation

[33] AEI Consultants, Inc. *Phase I Environmental Site Assessment Report, 960 West Hedding Street, San José, CA*. June 28, 2022.
[34] Ibid.
[35] United States Department of Agriculture. Web Soil Survey. Accessed: June 23, 2022. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.
[36] Ibid.
[37] City of San José. Final Programmatic EIR for Envision San José 2040 General Plan. November 2011. https://www.sanjoseca.gov/home/showpublisheddocument/22039/636688304347700000
[38] County of Santa Clara, Department of Planning. Santa Clara County Geologic Hazard Zones. Map 35. October 2012. https://stgenpln.blob.core.windows.net/document/GEO_GeohazardATLAS.pdf. Accessed June 23, 2022.

assumes a design groundwater level of 10 feet bgs.[39]

Seismicity and Seismic Hazards

The San Francisco Bay Area is classified as Zone 4 for seismic activity, the most seismically active region in the United States. Based on a 2015 forecast completed by the United States Geological Survey (USGS), there is a 72 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years.[40]

The project site is not located in an Alquist-Priolo Earthquake Fault Zone.[41] There are no known active faults that traverse the site and, therefore, the potential for fault rupture is very low. The known major active faults near the project site are shown in Table 4.7-1 below.

Table 4.7-1: Active Faults Near the Project Site

Fault Name	Miles to Project Site
Hayward (Southeast Extension)	6.6
Monte Vista-Shannon	6.7
Calaveras	9.4
Hayward (Total Length)	9.5
San Andreas	10.9
Sargent	13.9

Source: Cornerstone Earth Group. *Geotechnical Investigation, Bellarmine College Preparatory New Academic Building.* August 23, 2022.

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. During ground shaking, such as during earthquakes, cyclically induced stresses may cause increased pore water pressures within soil voids, resulting in liquefaction. Liquefied soils may lose shear strength that may lead to large shear deformations and/or flow failure under moderate to high shear stresses, such as beneath foundations or sloping ground. Soils most susceptible to liquefaction are loose, non-cohesive soils that are saturated and are bedded with poor drainage, such as sand and silt layers bedded with a cohesive cap. The project site is located within a state-designated liquefaction hazard zone[42] and within the Santa Clara County Liquefaction Hazard Zone.[43]

[39] Cornerstone Earth Group. *Geotechnical Investigation, Bellarmine College Preparatory New Academic Building*. August 23, 2022.
[40] United States Geological Survey. *Earthquake Outlook for the San Francisco Bay Region 2014-2043.* Revised August 2016. Accessed July 7, 2022. Available at: https://pubs.usgs.gov/fs/2016/3020/fs20163020.pdf.
[41] California Department of Conservation. CGS Information Warehouse: Regulatory Maps. Accessed: July 7, 2022. Available at http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps.
[42] County of Santa Clara. *Geologic Hazard Zones*. Map. 2012. Available at: https://stgenpln.blob.core.windows.net/document/GEO_GeohazardATLAS.pdf. Accessed June 23, 2022.
[43] Cornerstone Earth Group. *Geotechnical Investigation, Bellarmine College Preparatory New Academic Building*. August 23, 2022.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open or "free" face such as an open body of water, channel, or excavation. According to the Envision San José General Plan EIR, areas of San José most prone to lateral spreading include lands adjacent to creeks or streams which liquefaction probability is greatest. The nearest waterway to the project site is Guadalupe River, located approximately 0.6 miles to the east. For these reasons, the potential for lateral spreading is low.[44]

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments from in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These sediments have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. The Envision San José 2040 General Plan EIR found the project site to have a high sensitivity at depth for paleontological resources.[45]

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) 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?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

[44] Ibid.
[45] City of San José, *Final Programmatic EIR for Envision San José 2040 General Plan*, November 2011.

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

a) Would the project 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?

Although the project site is not located on a known, active fault or located in an Alquist-Priolo Earthquake Fault Zone or other fault hazard zone, the project site is located in a seismically active region. The project site would, therefore, be subject to strong seismic ground shaking and seismic-related ground failure, including liquefaction in the event of a large earthquake. Consistent with the City's General Plan and Municipal Code, to avoid and/or minimize potential damage from seismic shaking, the proposed project would be built using standard engineering and seismic safety design techniques. Consistent with these requirements, the following condition shall be implemented to ensure the proposed development is designed to address seismic hazards.

Standard Permit Condition:

1. A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be

explored and evaluated in the investigation. The City Geologist will review the Geotechnical Report and issue a Geologic Clearance.
The proposed project, with the implementation of the Standard Permit Conditions listed above and included in the project, would not result in significant seismic hazard impacts or exacerbate hazards on adjacent properties. **(Less than Significant Impact)**

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

Although the project site is relatively level, ground disturbance during construction of the project would expose soils, increasing the potential for wind and/or water erosion at the site. The project would be subject to the City's National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit, urban runoff policies, and the Municipal Code which would control erosion through the grading and building permit process. The Draft Program EIR for the General Plan concluded that with the regulatory programs currently in place, including the policies, programs, and regulations noted above, the possible impacts of accelerated erosion during construction would be less than significant[46]. The project would be required to comply with all applicable City regulatory programs pertaining to construction related erosion, including the following standard permit conditions:

Standard Permit Conditions:

1. All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
2. Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
3. Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

The proposed project, with implementation of the Standard Permit Condition listed above, would not result in a significant impact related to soil erosion. **(Less than Significant Impact)**

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

The project site is in a seismically active San Francisco Bay Area which has a 75 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years. Earthquake faults in the region, specifically the San Andreas and Hayward faults, are capable of generating earthquakes larger than 7.0 in magnitude. The project site would experience intense ground shaking in the event of a large earthquake.

In accordance with the City's General Plan and Municipal Code, the project shall implement the following Standard Permit Condition:

[46] City of San José. *Draft Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. Page 515.

Standard Permit Condition:

1. The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

With implementation of the above Standard Permit Condition, the proposed project would not expose people or structures to substantial adverse effects due to ground shaking; nor would the project exacerbate existing geological hazards on the project site such that it would impact (or worsen) off-site geological soil conditions. **(Less than Significant Impact)**

d) Would the project be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?

As noted above, soils on-site are moderate to highly expansive. Structural damage, warping and cracking of roads and sidewalks, and rupture of utility lines may occur if expansive soils are not considered during project design and construction. As discussed under question a, the project would be required to be built in conformance with a site-specific geotechnical investigation and applicable regulations (including the CBC) to reduce impacts from expansive soil to a less than significant level. Although soils on-site have expansion potential, the project would implement the previously identified Standard Permit Condition and would not result in substantial direct or indirect risk to life or property. **(Less than Significant Impact)**

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

The project site is currently and would continue, with implementation of the proposed project, to be served by the City's sewer system. By connecting to existing City sewer lines, the project would avoid impacts related to wastewater disposal via an on-site septic system or an alternative wastewater disposal system. **(Less than Significant Impact)**

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Most of the City of San José is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources. However, older Pleistocene sediments present at or near the ground surface at some locations have a higher potential to contain resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. As noted in Section 4.9.1.2 above, the maximum depth of excavation required for the project would be

3.5 feet bgs. At this depth, it is unlikely that the proposed project would disturb undiscovered paleontological resources underlying the project site during excavation, grading and construction activities. Nonetheless, the project would be required to implement the following standard permit conditions to reduce and avoid impacts to unidentified paleontological resources.

Standard Permit Condition:

1. If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, Director of PBCE or Director's designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of PBCE or Director's designee.

With implementation of the above Standard Permit Condition, the proposed project would not destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based in part on a Greenhouse Gas Reduction Strategy Compliance Checklist prepared by the applicant on August 26, 2022. This report is included as Appendix E to this Initial Study.

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 2050. Plan Bay Area 2050 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.

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City approved goals and milestones in February 2018 to ensure the City

can substantially reduce GHG emissions through reaching the following goals and milestones:

- All new residential buildings will be Zero Net Carbon Emissions (ZNE) by 2020 and all new commercial buildings will be ZNE by 2030 (Note that ZNE buildings would be all electric with a carbon-free electricity source).
- San José Clean Energy (SJCE) will provide 100-percent carbon-free base power by 2021.
- One gigawatt of solar power will be installed in San José by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

Reach Building Code

In 2019, the San José City Council approved Ordinance No. 30311 and adopted Reach Code Ordinance (Reach Code) to reduce energy-related GHG emissions consistent with the goals of Climate Smart San José. The Reach Code applies to new construction projects in San José. It requires new residential construction to be outfitted with entirely electric fixtures. Mixed-fuel buildings (i.e., use of natural gas) are required to demonstrate increased energy efficiency through a higher Energy Design Ratings and be electrification ready. In addition, the Reach Code requires EV charging infrastructure for all building types (above current CalGreen requirements), and solar readiness for non-residential buildings.

Envision San José 2040 General Plan

The General Plan includes the following GHG policies applicable to the proposed project.

Policy	Description
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy system, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
CD-3.2	Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.
CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

San José 2030 Greenhouse Gas Reduction Strategy

The 2030 Greenhouse Gas Reduction Strategy (GHGRS) is the latest update to the City's GHGRS and is designed to meet statewide GHG reduction targets for 2030 set by Senate Bill 32. As a qualified Climate Action Plan, the 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA. The GHGRS identifies General Plan policies and strategies to be implemented by development projects in the areas of green building/energy use, multimodal transportation, water conservation, and solid waste reduction. Projects that comply with the policies and strategies outlined in the 2030 GHGRS, would have less than significant GHG impacts under CEQA.[47]

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 currently developed with a private high school campus. Operation of the school generates GHG emissions from building operations and 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:				
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☒	☐

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

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 construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAQMD

[47] City of San José. Greenhouse Gas Reduction Strategy. November 2020. https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/greenhouse-gas-reduction-strategy.

has 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 three years and ten months and would not result in a permanent increase in emissions.

Operational Emissions

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgement on the part of the Lead Agency and must be based on the extent possible on scientific and factual data. The proposed project would not result in a change in student enrollment or staff on-site. Therefore, emissions from vehicle trips associated with the proposed project be the same as under existing conditions. Furthermore, since the project is consistent with the General Plan land use designation for the site and incorporates mandatory GHG reduction measures required by the City (refer to Appendix E), operation of the project would not interfere with the implementation of SB 32 in 2030 and would have a less than significant GHG emissions impact. **(Less than Significant Impact)**

b) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?

Envision San José 2040 General Plan

The project is consistent with the General Plan policies identified in Section 4.8.1.1 Regulatory Framework to reduce GHG emissions by:

- Constructing in accordance with CALGreen and Title 24
- Planting trees for shade
- Providing bicycle parking

The project would be consistent with the City's General Plan policies intended to reduce GHG emissions. **(Less than Significant Impact)**

2030 San José Greenhouse Gas Reduction Strategy

BAAQMD adopted revised CEQA Air Quality Guidelines on June 2, 2010 and then adopted a modified version of the Guidelines in May 2017. In April 2022, BAAQMD adopted new CEQA Thresholds for evaluating the significance of climate impacts from land use projects and plans. Pursuant to the latest CEQA Air Quality Guidelines and GHG thresholds for evaluating climate impacts, a local government may prepare a Qualified GHGRS that is consistent with AB 32. The City of San José adopted the updated 2030 GHGRS in 2020. If a project is consistent with the City's GHGRS, it can be presumed that the project would have a less than significant GHG emissions impact under CEQA. The project's consistency with these measures is summarized below (refer to Appendix E for more details).

The project is consistent with the General Plan designation and planned growth from build out of the General Plan EIR. The proposed project would be required to comply with the City's Green Building Ordinance, and CBC requirements as well as General Plan Action MS-2.11 which requires development to incorporate green building practices through construction, architectural design, and

site design techniques. The project would comply with Title 24 and CALGreen energy efficiency measures and achieve LEED Silver certification, which would meet the requirements of San José Council Policy 6-32, Private Sector Green Building Policy, and the City's Green Building Ordinance for Wade Hall and exceed these requirements for O'Donnell Hall. The new buildings would be solar-ready and all buildings constructed, renovated, and relocated under the proposed project would connect to the existing campus solar energy system and co-generation plant[48] for building electricity and heating. In addition, the project would include low water demand plant species as well as on-site bicycle and walking paths with connections to adjacent bike lanes and the College Park Caltrain station to reduce water demand and encourage increased pedestrian, bicycle and transit use. Therefore, the project would implement all applicable GHG consistency options intended to reduce GHG emissions.

Climate Smart San José

Climate Smart San José is a communitywide initiative intended to create a more sustainable, connected, and economically inclusive City. Climate Smart San José is aligned with General Plan growth patterns and General Plan policies which prioritize automobile-alternative transportation modes, encourage denser development, and ensure energy-efficient features are included in new buildings.

The project would be designed and constructed in compliance with the City's General Building Ordinance, Title 24, and achieve LEED Silver certification. This is consistent with Action MS-2.11 of the General Plan which requires new development to incorporate energy conservation and efficiency in site design, architectural design, and construction techniques. Additionally, replacement of the existing O'Donnell and Wade Halls with modern construction buildings would reduce energy use from building heating, cooling, and lighting due to the use of modern energy efficient equipment and fixtures. Furthermore, irrigation of the proposed landscaping would utilize recycled water. For these reasons, the project would be consistent with the City's climate action goals as set forth in Climate Smart San José.

The project would be consistent with applicable GHGRS measures and Climate Smart San José. Therefore, 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)**

[48] A co-generation plant is an alternative to conventional power plants and heating systems that combines heat and power generation into one system by recovering and using heat from on-site electricity production to heat buildings. Source: United States Environmental Protection Agency. "Combined Heat and Power (CHP) Partnerships, CHP Benefits." Last updated April 19, 2022. Accessed August 5, 2022. https://www.epa.gov/chp/chp-benefits

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase I Environmental Site Assessment prepared by A.E. I. Consultants on June 28, 2022. This report is included as Appendix F to this Initial Study.

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.[49]

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.[50]

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

[49] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed December 21, 2022. https://www.epa.gov/superfund/superfund-cercla-overview.
[50] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed December 21, 2022. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.

substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[51]

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 began phasing out use of friable asbestos products in 1973 and issued a ban in 1978 on manufacture, import, processing, and distribution of some asbestos-containing products and new uses of asbestos products.[52] The EPA is currently considering a proposed ban on on-going use of asbestos.[53] 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. The existing buildings on-site were constructed between 1916 and 1966, prior to the 1978 ban on 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.

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[51] California Environmental Protection Agency. "Cortese List Data Resources." Accessed December 21, 2022. https://calepa.ca.gov/sitecleanup/corteselist/.
[52] United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed April 19, 2022. https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos
[53] Ibid.

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.

Regional and Local

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

The Norman Y. Mineta San José International Airport is located approximately 0.5 miles northeast of the project site. Development within the Airport Influence Area can be subject to hazards from airport overflight and also pose hazards to aircraft traveling to and from the airport. The airport influence area is a composite of areas surrounding the airport that are affected by noise, height, and safety considerations. These hazards are addressed in federal and state regulations as well as in land use regulations and policies in the Airport Comprehensive Land Use Plan (CLUP).

Envision San José 2040 General Plan

In addition to the above regulations, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts resulting from planned development within the City. The proposed project would be subject to the hazards and hazardous materials policies and actions of the City's General Plan, including the following:

Policy	Description
EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations and guidelines
EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gasses
EC-6.4	Provide information to the public on the proper disposal of products by households and small businesses with practical pollution prevention options for the use, recycling, and disposal of products containing hazardous substances under City and County of Santa Clara programs for Household Hazardous Waste Disposal.
EC-6.5	The City shall designate transportation routes to and from hazardous waste facilities as part of the permitting process in order to minimize adverse impacts on surrounding land uses and to minimize travel distances along residential and other non-industrial frontages.
EC-6.6	Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church, or other uses that would place sensitive populations in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posted to human health and for sensitive populations, and mitigation measures, if needed to protect human health.
EC-6.10	Promote source reduction and recycling as alternatives to hazardous materials land disposal whenever possible.
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and

	mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor, and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state, and federal laws, regulations, guidelines and standards.
EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
EC-7.5	On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.
EC-7.6	The City will encourage use of green building practices to reduce exposure to volatile or other hazardous materials in new construction materials.
EC-7.7	Determine for any development or redevelopment site that is within 1,000 feet of a known, suspected, or likely geographic ultramafic rock unit (as identified in maps developed by the Department of Conservation – Division of Mines and Geology) or any other known or suspected locations of serpentine or naturally occurring asbestos, if naturally occurring asbestos exists and, if so, comply with the Bay Area Air Quality Management District's Asbestos Air Toxic Control Measure requirements.
TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.
TR-14.4	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.
CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region NPDES Municipal Regional Stormwater Permit

(MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment methodology for applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.[54] Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single family homes and wood-frame structures are exempt from these requirements.

4.9.1.2 *Existing Conditions*

The 17.64-acre site is currently developed as a private high school campus (Bellarmine College Preparatory) with 16 school buildings, athletic fields, surface parking, and landscaping. Surrounding land uses include residential uses to the north and west, commercial and residential uses to the south, and railroad tracks used by Caltrain and Amtrak to the east.

Historic Uses of the Project Site and Surrounding Land Uses

The project site was originally developed as a college campus in 1871 and remained relatively unchanged until the post-war era when new buildings were constructed and additional properties outside of the original 17.64-acre campus which were developed with residential and commercial uses (including a gas station and auto repair shop located at 706-790 Emory Street and 779-799 Stockton Avenue) were annexed and redeveloped to accommodate an expanding student population. In the 1990s and 2000s, new facilities including a new aquatic center and sports center, new chapel building, and a new humanities and arts building at the north end of campus were constructed to replace existing aging facilities/buildings. No substantial changes to the site have been made since that time.

On-Site Sources of Contamination and Hazards

The project site is listed on the GeoTracker database[55] for four closed clean up cases (795 Stockton, 795 and 960 West Hedding, and 740 Emory Streets). A portion of the site located at 795 Stockton Avenue[56] was formerly developed with a gas station between 1931 and 1981 and auto repair shop until the early 2000s. This site was identified as the location of a leaking underground storage tank (LUST) clean-up site for release of gasoline. Cleanup activities began in 2003 when a waist oil tank was removed from beneath the sidewalk on Emory Street followed by removal of a 1,000-gallon underground storage tank (UST), waist oil sump, and one belowground hydraulic lift in 2009. In 2010, remedial actions involving removal of soil revealed three additional USTs which had not previously been discovered and installation of seven groundwater monitoring wells. Between 2004

[54] California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit.* November 2015.
[55] Geotracker database is a list of hazardous material sites compiled pursuant to Government Code Section 65962.5.
[56] The proposed project does not include development of this portion of the site. A separate Planned Development Permit was approved for development of a parking garage on this portion of the site on June 22, 2022. Development of a parking garage on this portion of the site was subject to separate CEQA environmental review. Source: City of San José. "Notice of CEQA Posting: Bellarmine Parking Garage Addendum." Accessed June 29, 2022. https://www.sanjoseca.gov/Home/Components/News/News/4203/4699

and 2011, 85,000 gallons of impacted groundwater were removed from the site and confirmation soil and groundwater samples following remedial activities indicated on-site soils contained up to 1,500 ppm TPHg, 1.2 ppm benzene, 0.094 ppm toluene, and non-detect for xylene, and ethylbenzene; groundwater samples indicated non-detect for all constituents including TPHg, BTEX, and MTBE, and soil vapor samples did not indicate concentrations of constituents exceeding residential environmental screening levels (ESLs). Santa Clara County Department of Environmental Health declared the case closed in June 2012. Therefore, the prior use of the site as a gasoline station and auto repair shop is considered a controlled recognized environmental condition which has been addressed to the satisfaction of the applicable regulatory authority.

Operation of the existing private high school involves use, storage, and disposal of potentially hazardous materials including various laboratory chemicals and waste, paints, cleaning/janitorial products, swimming pool chemicals, fertilizer, pesticide/herbicide, hydraulic oil, mineral solvents, and diesel fuel (emergency generator). Hazardous materials used as a part of the school laboratories include various chemicals, solder dross, and metal debris from laboratory projects, as well as used oil (generated from a CNC machine[57] in the robotics shop) which are typical of high school uses. No significant violations or evidence of a release of these materials was identified and the Phase I ESA completed for the project found that these operations would not represent a significant environmental concern.

Off-Site Sources of Contamination

The Phase I ESA included a review of federal, state and local regulatory agency databases to evaluate the likelihood of contamination incidents in the project vicinity and identify recognized environmental conditions. Eleven properties in the project vicinity were listed in regulatory databases as sites with potential hazardous materials of concern. However, based on the distances from the site, direction of groundwater flow, and current facility status, these facilities do not represent recognized environmental conditions to the site.

4.9.1.3 *Other Hazards*

Airports

The nearest airport to the site is Norman Y. Mineta San José International Airport, located approximately 0.5 miles northeast of the project site. The project site is located within the airport influence area and Traffic Pattern Zone of the Norman Y. Mineta San José International Airport. [58] The project site is within an area regulated by the FAA Federal Aviation Regulations (FAR) Part 77 height requirements for new developments given the distance of the site from the airports.

Wildfire

The project site is surrounded by urban development and is not located within a Very-High Fire

[57] CNC machines are tools that process a piece of material to meet specifications by following coded programmed instructions from a computer without a manual operator directly controlling the machining operation.
[58] County of Santa Clara Department of Planning and Development. Comprehensive Land Use Plan, Norman Y. Mineta San José International Airport. May 25, 2011. Figure 7. Accessed June 23, 2022. https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_SJC_CLUP.pdf

Hazard Severity Zone for wildland fires designated by CalFIRE.[59]

4.9.2 Impact Discussion

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

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

Operation of the proposed new academic and administrative buildings would not result in hazardous materials being transported, used, or disposed of in quantities that would result in a significant hazard

[59] California Department of Forestry and Fire Protection. Santa Clara County FHSZ Map. October 8, 2008. Accessed June 23, 2022. https://osfm.fire.ca.gov/media/6764/fhszl_map43.pdf

to the public or the environment. Operation of the proposed project would include the continued use, storage, and disposal of various laboratory chemicals and materials, paints, cleaning/janitorial supplies, swimming pool chemicals, fertilizer, pesticides/herbicides, hydraulic oil, mineral solvents, diesel fuel (for use by emergency generators) typical of the current school laboratory operations, janitorial and maintenance activities. The small quantities of these materials would not pose a risk to site users or adjacent land uses. For these reasons, impacts would be less than significant. **(Less than Significant Impact)**

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

Asbestos-Containing Materials and Lead-Based Paint

As discussed in Section 4.9.1.2 Existing Conditions and in Section 4.5 Cultural Resources, existing buildings on-site were constructed prior to the 1978 and may include asbestos-containing materials (ACMs), lead-based paint, and PCBs. Demolition of Wade and O'Donnell Hall and relocation of Berchmans Hall could, therefore, result in release of these materials into the environment, exposing construction workers and nearby residents to harmful levels of asbestos. As a result, an asbestos survey must be completed under the National Emissions Standards for Hazardous Air Pollutants guidelines and the following standard permit conditions shall be implemented in order to reduce potential impacts from the presence of asbestos-containing materials (ACMs), lead-based paint (LBP), and PCBs.

Standard Permit Conditions:

1. In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of ACSMs and/or LBP.
2. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
3. All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
4. A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
5. Materials containing more than one-percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.
6. Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers.

- Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
- Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

Standard Permit Condition:

1. In conformance with City of San José and State permitting requirements, consistent with RWQCB regulations, the project applicant shall be required to submit a PCB Screening Assessment Form when applying for a demolition permit to demolish the existing building(s) on the project site, and shall comply with any resulting sampling and abatement procedures as directed by federal and state agencies.

Potential Ground Contamination

A portion of the project site was listed as a closed Leaking Underground Storage Tank (LUST) cleanup site for a former release of gasoline that impacted on-site soils and groundwater. Although the site was remediated and the Santa Clara County Department of Environmental Health declared the case closed in June 2012, ground disturbance associated with the proposed project could expose construction workers to residual soil contamination.

Impact HAZ-1: Due to the site history, previously unidentified features or conditions and/ or residual soil contamination associated with the former Leaking Underground Storage Tank (LUST) on-site could be encountered during construction and result in exposure risks to construction workers, the nearby community and the environment.

Mitigation Measure:

MM HAZ-1: Prior to issuance of a grading permit, the applicant shall hire a qualified environmental professional to develop a self-directed Site Management Plan (SMP) due to a portion of the site being listed as a closed Leaking Underground Storage Tank (LUST) cleanup site with a potential to encounter residual soil contamination. The SMP is intended to provide guidelines and protocols in the event of encountering any previously unidentified features or conditions and/or soil contamination during redevelopment. Components of the SMP shall include, but shall not be limited to:

- A detailed discussion of the site background;
- Preparation of a Health and Safety Plan (HASP);
- Notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction;

- On-site soil reuse guidelines based on the California Regional Water Quality Control Board (RWQCB), San Francisco Bay Region's reuse policy;
- Sampling and laboratory analyses of excessive soil requiring disposal at an appropriate off-site waste disposal facility;
- Soil stockpiling protocols; and
- Protocols to manage groundwater that may be encountered during trenching and/or subsurface excavation activities.

Conformance with MM HAZ-1, the regulatory requirements, and standard permit conditions above, would result in a less than significant impact from ACMs, LBPs, PCBs, and potential ground contamination. **(Less than Significant Impact with Mitigation Incorporated)**

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

In addition to the project site itself, the nearest school is Central Nursery School (1177 Naglee Avenue), approximately 0.29 miles southwest of the project site. The project would not emit hazardous materials or handle hazardous materials within 0.25 miles of an existing or proposed school. **(No Impact)**

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

As discussed in Section 4.9.1.2 above, the project site is included on the Geotracker database (a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5) for several closed LUST clean-up cases related to the former USTs, auto repair, and gas station operations on-site, as well as on the federal Resource Conservation and Recovery Act list for generation of waste associated with the current school laboratory operations. However, based on the case closure status of the clean-up cases and lack of violations associated with the current laboratory use, the Phase I ESA prepared for the project found that the proposed project, during construction and operations, would not result in a significant hazard to the public or environment. **(Less than Significant Impact)**

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

As noted in Section 4.9.1.2, the project site is located within the Traffic Pattern Zone of Norman Y. Mineta San José International Airport. The Traffic Pattern Zone represents the portion of the airport area routinely overflown by aircraft operating in the airport traffic pattern. The potential for aircraft

accidents is relatively low and the need for land use restrictions in this area is minimal.[60] The project site is also located outside of the 60 dBA SJC 2037 Community Noise Equivalent Level (CNEL) noise contour.[61]

According to the CLUP for Normal Y. Mineta San José International Airport, uses allowed within the Traffic Pattern Zone include residential uses. However, no sports stadiums (greater than 20,000 person capacity) or similar uses with very high concentrations of people are allowed. There is no maximum population density established for development within the Traffic Pattern Zone. A minimum of 10 percent of the gross area located within one-half mile of the site is required to be open space with no structures.[62]

As discussed in Section 4.9.1.2 above, FAR Part 77 requires that the 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 ground. For the project site, any structure exceeding five feet in height above grade would require submittal to the FAA for airspace safety review.[63] As the proposed academic building would have a maximum height of 36 and the proposed academic and administrative building would have a maximum height of 22.5 feet, notification to the FAA is required to determine the potential for the project to create an aviation hazard.[64] Consistent with City standard procedures, the project would be required to implement the following Condition of Approval to reduce potential safety hazards associated with airport operations.

Condition of Approval:

1. The applicant shall notify the FAA of the project and obtain a "Determination of No Hazard" from the FAA for each of the proposed rooftop corners and any additional higher points. The Determination of No Hazard shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee to shown compliance with this condition prior to the issuance of any grading permit.

The project proposes relocation, renovation, and redevelopment of existing buildings and redesign of the vehicle entrance to an existing private high school campus. School uses are considered allowed uses within the Traffic Pattern Zone and the project would not result in a change in student enrollment or employees on-site. Additionally, as discussed in Section 4.13 Noise, although the project would be located within an area with elevated noise levels due to existing airport operations, the project would not include new sensitive land uses and would not expose people residing or working in the project area to excessive noise levels. For these reasons, with implementation of the condition of approval above, and upon compliance with conditions set forth by the FAA in its

[60] County of Santa Clara. *Comprehensive Land Use Plan Santa Clara County, Norman Y. Mineta San José International Airport.* May 25, 2011, Amended November 16, 2016. P 3-8.
[61] City of San José. *Integrated Final Environmental Impact Report, Amendment to Norman Y. Mineta San José International Airport Master Plan.* SCH#2018102020. April 2020.
[62] Ibid. Page 4-8.
[63] Norman Y. Mineta San José International Airport. Notice Requirement Criteria for Filing FAA Form 7460-1. September 2013.
[64] Ibid.

determinations, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(Less than Significant Impact)**

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Implementation of the proposed master plan would not physically interfere with an adopted emergency response or evacuation plan. During construction and operation of the school, roadways would not be permanently blocked such that emergency vehicles would be unable to access the site or surrounding sites. **(Less than Significant Impact)**

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The project site is located in an urban area surrounded by existing development that is not subject to wildfire hazards. **(No Impact)**

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 Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the 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 RWQCBs. The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Under Section 303(d) of the federal Clean Water Act, the SWRCB and RWQCBs are required to identify impaired surface water bodies that do not meet water quality standards and develop total maximum daily loads (TMDLs) for contaminants of concern. The list of the state's identified impaired surface water bodies, known as the "303(d) list" can be found on the on the RWQCB's website.[65]

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 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.

[65] San Francisco Regional Water Quality Control Board. "The 303(d) List of Impaired Water Bodies." Accessed March 3, 2022. https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/303dlist.html.

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 May 2022 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.[66] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 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: (1) the post-project impervious surface area is less than, or the same as, the pre-project impervious surface area; (2) the project is located in a catchment that drains to a hardened (e.g., continuously lined with concrete) engineered channel or channels or enclosed pipes, which extend continuously to the Bay, Delta, or flow-controlled reservoir, or, in a catchment that drains to channels that are tidally influenced; or (3) the project is located in a catchment or subwatershed that is highly developed (i.e., that is 65 percent or more impervious).[67]

[66] California Regional Water Quality Control Board San Francisco Region. *Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008*. May 11, 2022

[67] The Hydromodification Applicability Maps developed the permittees under Order No. R2-2009-0074 were prepared using this standard, adjusted to 65 percent imperviousness to account for the presence of vegetation on the photographic references used to determine imperviousness. Thus, the maps for Order No. R2-2009-0074 are accepted as meeting the 70 percent requirement.

Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.[68] Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family residential and wood frame structures are exempt.

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.

2021 Groundwater Management Plan

The 2021 Groundwater Management Plan (GWMP) describes the Valley Water's comprehensive groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The GWMP covers the Santa Clara and Llagas subbasins, which are located entirely in Santa Clara County. Valley Water manages a diverse water supply portfolio, with sources including groundwater, local surface water, imported water, and recycled water. About half of the county's water supply comes from local sources and the other half comes from imported sources. Imported water includes the District's State Water Project and Central Valley contract supplies and supplies delivered by the San Francisco Public Utilities Commission (SFPUC) to cities in northern Santa Clara County. Local sources include natural groundwater recharge and surface water supplies. A small portion of the county's water supply is recycled water.

Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by the District's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water and in-lieu groundwater recharge through the provision of treated surface water and raw water, acquisition of supplemental water supplies, and water conservation and recycling.[69]

[68] California Regional Water Quality Control Board San Francisco Region. *Municipal Regional Stormwater NPDES Permit, Order No. R2-2022-0018, NPDES Permit No. CAS612008*. May 11, 2022

[69] Valley Water. *2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. November 2021.

Post-Construction Urban Runoff Management (City Council Policy No. 6-29)

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy No. 6-29 requires new development and redevelopment projects to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs). This policy also established specific design standards for post-construction TCMs for projects that create or replace 10,000 square feet or more of impervious surfaces. Effective on July 1, 2023, projects that create/or replace 5,000 square feet or more of impervious area will be subject to compliance with the MRP 3.0 requirements and provide appropriate stormwater treatment.

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

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.

Envision San José 2040 General Plan

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

Policy	Description
MS-19.1	Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.
ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
ER-8.4	Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater facilities.

ER-8.5 Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store, and reuse or evaporate stormwater runoff onsite.

ER-9.3 Utilize water resources in a manner that does not deplete the supply of surface or groundwater or cause overdrafting of the underground water basin.

EC-5.2 Allow development only when adequate mitigation measures are incorporated into the project design to prevent or minimize siltation of streams, flood risks elsewhere.

EC-5.7 Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risk elsewhere.

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

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

IN-3.4 Maintain and implement the City's Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis (SCIA) Guidelines to:

- Prevent sanitary sewer overflows (SSOs) due to inadequate capacity so as to ensure that the City complies with all applicable requirements of the Federal Clean Water Act and State Water Board's General Waste Discharge Requirements for Sanitary Sewer Systems and National Pollutant Discharge Elimination System permit. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters.
- Maintain reasonable excess capacity in order to protect sewers from increased rate of hydrogen sulfide corrosion and minimize odor and potential maintenance problems.
- Ensure adequate funding and timely completion of the most critically needed sewer capacity projects.
- Promote clear guidance, consistency and predictability to developers regarding the necessary sewer improvements to support development within the City

IN-3.5 Require mitigation for development which will have the potential to reduce downstream level of service (LOS) to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D". Mitigation Measures to improve the LOS to "D" or better can be provided by either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.

IN-3.7 Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.

IN-3.9 Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.

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

4.10.1.2 *Existing Conditions*

Storm Drainage and Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-

point source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains.

Runoff from the project site and the surrounding areas enter the City's storm drainage system, which outfalls to the Guadalupe River, located approximately 0.6 miles east of the project site. Based on data from the EPA, the Guadalupe River is currently listed on the California 303(d) list for mercury and trash. The project site is currently developed with approximately 102,334 square feet (85 percent) of the site covered with impervious surfaces. The project site is not located within a designated groundwater recharge zone.[70]

Flooding and Other Hazards

The project site is not located within a 100-year flood zone. According to the FEMA Flood Insurance Rate Maps, the project site is located within Zone D, an area with undetermined flood risk.[71] Due to the location of the site approximately 28 miles east of the Pacific Ocean and approximately seven miles south of San Francisco Bay (the nearest water bodies susceptible to tsunami and seiche, respectively), it would not be subject to tsunami and seiche hazards.

Groundwater

Groundwater beneath the site has been found at a depth of 12 to 17.75 feet bgs.[72] Fluctuations in groundwater levels may occur due to seasonal changes, variation in rainfall, and underground drainage patterns. The project site is equipped with one active groundwater well, one abandoned well, and several active decommissioned groundwater monitoring wells.[73]

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐

[70] Santa Clara Valley Water District. *Ground Water Management Plan for the Santa Clara and Llagas Subbasins.* November 2021. Figure 2-3.
[71] Federal Emergency Management Agency. Flood Insurance Rate Map, Map Number 06085C0231H and 06085C0233H. May 18, 2009. https://msc.fema.gov/portal/search#searchresultsanchor
[72] AEI Consultants. *Phase I Environmental Site Assessment 960 West Hedding Street San José, Santa Clara County, California 95126.* June 28, 2022.
[73] Ibid.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) 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?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Construction Impacts

Construction of the proposed project, including grading and excavation activities, may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. All construction or demolition activity that results in land disturbances equal to or greater than one acre must obtain coverage under the NPDES Construction General Permit. Approximately 2.76 acres of the project site would be disturbed with implementation of the proposed project; therefore, the project would require coverage under the NPDES Construction General Permit.

All development projects in San José must comply with the City's Grading Ordinance regardless of if they are subject to the Construction General Permit. The City of San José's Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1st to April 15th), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The plan must detail the BMPs that would be implemented to prevent the discharge of stormwater pollutants. Furthermore, the project would be required to comply with the following Standard Permit Conditions.

Standard Permit Conditions:

1. Consistent with the General Plan, measures shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction including, but not limited to, the following:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown away by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

The proposed project, with implementation of the standard permit conditions listed above would not result in significant construction-related water quality impacts. **(Less than Significant Impact)**

Operations

Under existing conditions, approximately 85 percent (102,334 square feet) of the project site is comprised of impervious surfaces. Under project conditions, the site would be covered with approximately 79 percent (95,196 square feet) of impervious surfaces, a net decrease of approximately six percent (7,138 square feet).

The project would replace more than 5,000 square feet of impervious surface area and would be required to comply with the City of San José Post-Construction Urban Runoff Policy 6-29 and the MRP. The MRP requires all post-construction stormwater runoff to be treated by numerically sized LID treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. To treat stormwater runoff, the project currently proposes bioretention areas and self-treatment areas throughout the site.

With implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would have a less than significant water quality impact. **(Less than Significant Impact)**

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

As mentioned previously, the project would include excavation for building foundations to a maximum depth of 3.5 feet bgs. Groundwater is estimated to be approximately 10 feet bgs. Therefore, the proposed project would not interfere with the shallow groundwater aquifer, and dewatering would not be required. The project site is not located within a designated recharge area nor does it contribute to the recharging of any groundwater aquifers. This condition would not change once the project is constructed and operational. Therefore, the proposed project would not interfere with groundwater flow or impact the groundwater aquifer. **(Less than Significant Impact)**

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river 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?

The nearest waterbody to the project site is the Guadalupe River, approximately 0.5 miles east of the project site. The proposed project would not include work within Guadalupe River and would not result in alteration of the course of this river.

As noted above, the project is currently developed with 102,334 square feet (85 percent) of impervious surfaces. With project implementation, impervious surfaces would be decreased to 95,196 square feet, a reduction of 7,138 square feet (six percent) compared to existing conditions. The project would comply with the MRP and City's Post-Construction Urban Runoff Management Policy which include best management practices that eliminate or control runoff from the project site. Compliance with the MRP and associated City policies would reduce the overall rate and volume of runoff entering the storm drain system. For these reasons, implementation of the proposed project would not result in an increase in stormwater runoff or pollutants, or substantially alter the existing

drainage pattern of the site resulting in substantial flooding on- or off-site. **(Less than Significant Impact)**

d) Would the project risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones?

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay. A tsunami or tidal wave is a series of water waves caused by displacing a large volume body of water, such as an ocean or a larger lake. Due to the location of the project site, approximately seven miles south of San Francisco Bay, it would not be subject to inundation by seiche or tsunami. **(Less than Significant Impact)**

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The proposed project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the MRP; 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. **(Less than Significant Impact)**

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to land use and planning and applicable to the proposed project:

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

San José Zoning Ordinance

The Zoning Ordinance (Title 20 of the San José Municipal Code) is a set of regulations that promote and protect the public peace, health, and general welfare by:

- Guiding, controlling, and regulating future growth and development in the City in a sound and orderly manner, and promoting the achievement of goals and purposes of the General Plan;
- Protecting the character and economic and social stability of agricultural, residential, commercial, industrial, and other areas in the City;
- Providing light, air, and privacy to property;
- Preserving and providing open space and preventing overcrowding of the land;
- Appropriately regulating the concentration of population;
- Providing access to property and preventing undue influence with and hazards to traffic on public rights-of-way; and
- Preventing unwarranted deterioration of the environment and promoting a balanced ecology.

4.11.1.2 *Existing Conditions*

General Plan and Zoning

Envision San José General Plan

The Envision San José 2040 General Plan is an adopted statement of goals and policies for the future character and quality of development in the community as a whole. The project site has a General Plan land use designation of PQP- Public/Quasi-Public.

The Public/Quasi-Public land use designation is used to designate public land uses, including schools, colleges, corporation yards, homeless shelters, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices, and airports. Joint development projects which include public and private participation – such as a jointly administered public/private research institute or an integrated convention center/hotel/restaurant complex – are allowed. This category is also used to designate lands used by some private entities, including private schools, daycare centers, hospitals, public utilities, and facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications facilities that are consistent in character with established public land uses. Private community gathering facilities, including those used for religious assembly or other comparable assembly activity, are also appropriate on lands with this designation. The appropriate intensity of development can vary considerably depending on potential impacts on surrounding uses and the particular Public/Quasi Public use developed on the site.

Zoning Ordinance

The project site is zoned PQP – Public/Quasi-Public, which is intended to provide publicly serving uses. The publicly serving land uses within this district can include schools, research institutions, community gatherings, and other similar public-oriented land uses. The appropriate intensity of development can vary considerably depending on potential impacts on surrounding uses and the particular Public/Quasi-Public use development on a site. Post-secondary schools may be allowed in such designated districts, as an independent use, but only upon issuance of and incompliance with a special use permit as set forth in Chapter 20.100 of the City's Municipal Code.

Surrounding Land Uses

The project site is located in an urban area of San José and is currently developed as a private high school. The project site is bounded by McKendrie Street, West Hedding Street, and residential uses to the north, Emory Street, University Avenue, and commercial and residential uses to the south, residential uses to the west, and railroad tracks used by Caltrain and Amtrak to the east.

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☒	☐
b) 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?	☐	☐	☒	☐

a) Would the project physically divide an established community?

The project site is located in the College Park area of San José which is primarily developed with single-family residences with commercial uses clustered around major roadways such as The Alameda, and West Taylor and Hedding Streets. The project proposes to demolish and redevelop the existing student center and chapel building and the main classroom building, resulting in a net increase of 4,013 square feet of building area. The project also includes relocation of one existing building elsewhere on campus, and reconfiguration of the main campus vehicle entrance. All proposed development would be located within the existing campus boundaries and would maintain the current land use on-site. The layout and design of the proposed project does not include any features that would physically divide the surrounding community (e.g., roadway, railway, or highway). For these reasons, the project would not physically divide an established community. **(Less than Significant Impact)**

b) Would the project 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?

General Plan Land Use Designation

The project site is designated PQP – Public/Quasi-Public. Uses consistent with PQP – Public/Quasi-Public include public land uses, including schools, colleges, corporation yards, homeless shelters, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices, and airports. Private schools, such as the existing Bellarmine College Preparatory high school, are allowable uses under this designation. The proposed project, which includes demolition and replacement of two existing buildings, relocation of one existing building elsewhere on campus, and reconfiguration of the main campus vehicle entrance, would be consistent with the PQP – Public/Quasi-Public General Plan land use designation. The proposed project, like the existing school operations, would be consistent will all applicable City policies. **(Less than Significant Impact)**

General Plan Historic Preservation Policies

General Plan Policy LU-13.2 calls for the preservation of candidate or designed landmark buildings through preserving and rehabilitating them for their historic use, preserving and rehabilitating them for a new use, or rehabilitating them and relocating them on-site. General Plan Policy LU13.3 calls for landmark structures located within new development areas to be incorporated into the new development. As discussed in Section 3.1 Project Description, the project would relocate and rehabilitate the existing Berchmans Hall building (a City Landmark) on-site to allow for the proposed reconfiguration of the main campus entrance. Once relocated, the existing surface parking lot and landscaping areas would be reconfigured to accommodate and compliment the new building location and provide logical pedestrian connections to the new and existing buildings on-site as well as the surrounding streets. Thus, although the project would not preserve Berchmans Hall in its current location or rehabilitate it to its historic use, the project would preserve and rehabilitate the building for a new use on campus and the project would be largely consistent with Policies LU-13.2 and 13.3.

General Plan LU-13.4, LU 13.6, and LU 13.5 call for the City to require development projects to confirm to adopted City Council Policy on the preservation of Historic Landmarks, ensure modifications to candidate or designated landmark buildings or structures, conform to Secretary of the Interior's Standards for Treatment of Historic Properties and or appropriate State of California requirements regarding historic buildings and or structures including California Historic Building Code, and implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources, respectively. As discussed in Section 4.5 Cultural Resources, with implementation of Mitigation Measures MM CUL-1.1 through 1.3, the project would prepare a relocation and rehabilitation plan, retain a qualified historic building mover and a qualified historic architect to document the existing conditions and stabilize Berchmans Hall prior to its relocation on-site, and prepare a completion report to document conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the preservation of character-defining features of Berchmans Hall. Because City and State policies and regulations pertaining to the preservation of historic landmarks are aligned with the Secretary of the Interior's Standards for Treatment of Historic Properties, implementation of the identified project mitigation measures would ensure project compliance with General Plan Policies LU-13.4, LU-13.6, and LU-13.5.

Furthermore, General Plan Policy LU 13.8 requires new development, alterations, and rehabilitation/remodels adjacent to designated or candidate city landmarks to be designed to be sensitive to its character. As discussed in Section 4.5 Cultural Resources the proposed new buildings would be designed to be comparable to the scale, proportions, massing, and materials of the existing Wade and O'Donnell halls. The proposed buildings would both be two stories tall, have rectangular massing, and feature parallel design treatments and forms similar to the post-war Modern architectural style of the existing buildings that clearly differentiate from Berchmans Hall. For these reasons, the proposed new buildings would be designed to be sensitive to the character of Berchmans Hall and would be consistent with this measure.

Zoning Ordinance

The project site is located in the PQP – Public/Quasi-Public Zoning District. This district allows public serving uses, and can accommodate private schools, daycare centers, and other similar uses as

well, if entitled with use permits. The maximum building height allowed in the PQP district is 65 feet. The proposed project is consistent with the Zoning designation for the site as private schools are allowed in such designated districts, as an independent use, but only upon issuance of and in compliance with a special use permit. As shown in Figure 3.1-2 and Figure 3.1-3, the proposed academic and administrative buildings would have a maximum height of 34 and 32 feet to the top of parapet, respectively. All existing buildings to be relocated or renovated with the proposed project do not exceed 65 feet in height. The project, like the existing operations, would be required to comply with the requirements of the zoning designation to maintain the special use permit. For these reasons, the project would not result in significant environmental impacts due to inconsistencies with the site's zoning. **(Less than Significant Impact)**

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

As noted in Section 4.9 Hazards and Hazardous Materials, the project site is located within the Airport Influence Area and Traffic Pattern Zone of Norman Y. Mineta San José International Airport.[74] The project site is also located within an area regulated by the FAA Federal Aviation Regulations (FAR) Part 77 height requirements for new developments given the distance of the site from the airports; however, the site is located outside of the 60 dBA CNEL airport noise contour.[75]

According to the CLUP for Normal Y. Mineta San José International Airport, uses allowed within the Traffic Pattern Zone include residential uses. However, no sports stadiums or similar uses with very high concentrations of people are allowed (greater than 20,000-person capacity). There is no maximum population density established for development within the Traffic Pattern Zone.[76]

The project proposes relocation, renovation, and redevelopment of existing buildings and redesign of the vehicle entrance to an existing private high school campus. School uses are allowed uses within the Traffic Pattern Zone and the project would not result in a change in student enrollment or employees on-site. Additionally, as discussed in Section 4.13 Noise, although the project would be located within an area with elevated noise levels due to existing airport operations, the project would not include new sensitive land uses and would not expose people residing or working in the project area to excessive noise levels, thus, impacts would be less than significant. For these reasons, the proposed project would not result in a conflict with the CLUP for Norman Y. Mineta San José International Airport. **(Less than Significant Impact)**

[74] County of Santa Clara Department of Planning and Development. Comprehensive Land Use Plan, Norman Y. Mineta San José International Airport. May 25, 2011. Figure 7. Accessed June 23, 2022. https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_SJC_CLUP.pdf
[75] City of San José. *Integrated Final Environmental Impact Report, Amendment to Norman Y. Mineta San José International Airport Master Plan.* SCH#2018102020. April 2020.
[76] Ibid. Page 4-8.

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 Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the city is relatively flat and there are no significant mineral resources. The project site is not located in an area containing known mineral resources.

The State Mining and Geology Board under the SMARA has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, SR 87, and Hillsdale Avenue, as a regional source of construction aggregate materials. Other than the Communications Hill aera, San José does not have mineral deposits subject to SMARA.

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

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

The proposed school redevelopment would not result in the loss of availability of any known mineral resources. Therefore, there would be no impact. **(No Impact)**

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

The proposed project is located in a suburban area that does not contain any locally important mineral resource recovery sites. Therefore, there would be no impact. **(No Impact)**

4.13 NOISE

The following discussion is based in part on a Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc. on December 2, 2022. This report is included as Appendix G to this Initial Study.

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.[77] 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.

[77] 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}.

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 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	Occasional Events	Infrequent Events
Category 1: Buildings where vibration would interfere with interior operations	65	65	65
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.

State and Local

California Green Building Standards Code

For commercial uses, CalGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at a proposed commercial use.

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to noise and applicable to the proposed project:

Policy	Description
EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development

review. Applicable standards and guidelines for land uses in San José include:

Interior Noise Levels

- The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected. Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels:

- The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below.

EC-1.2 Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

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

EC-1.4 Include appropriate noise attenuation techniques in the design of all new General Plan streets projected to adversely impact noise sensitive uses.

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

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

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

EC-1.11 Require safe and compatible land uses within the Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.

EC-1.14 Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels

	exceeding the City's noise and land use compatibility standards to base noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency.
ER-2.3	Design new development to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.
TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.

City of San José Municipal Code

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

The Zoning Ordinance limits noise levels to 55 dBA at any residential property line and 60 dBA at commercial property lines, unless otherwise expressly permitted by a Special Use Permit (refer to Table 4.13-2). The ordinance is not explicit in terms of the acoustical descriptor associated with the noise level limit, however, a reasonable interpretation of this standard, which is based on policy EC-1.3 of the City's General Plan, would identify the ambient base noise level criteria as a day-night average noise level (DNL). The ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

4.13.1.3 *Existing Conditions*

Existing Ambient Noise Levels

The project site is located on West Hedding Street between the Caltrain railroad tracks and Myrtle Street in San José. The site is surrounded by residential uses to the north, south, and west, and Caltrain railroad tracks and industrial uses to the east. The project site is approximately 0.5 miles southwest of Norman Y. Mineta San José International Airport.

Existing ambient noise at the project site results primarily from vehicular traffic along Hedding Street. Caltrain trains run four times a day Monday through Friday and sound warning bells near the site. Distant traffic along Interstate (I-) 880 and State Route (SR) 85 and aircraft flyovers associated with the Mineta San José International Airport also contribute to the noise environment in the area. The project lies just outside of the 60 dBA CNEL 2037 noise contour for the airport.[78]

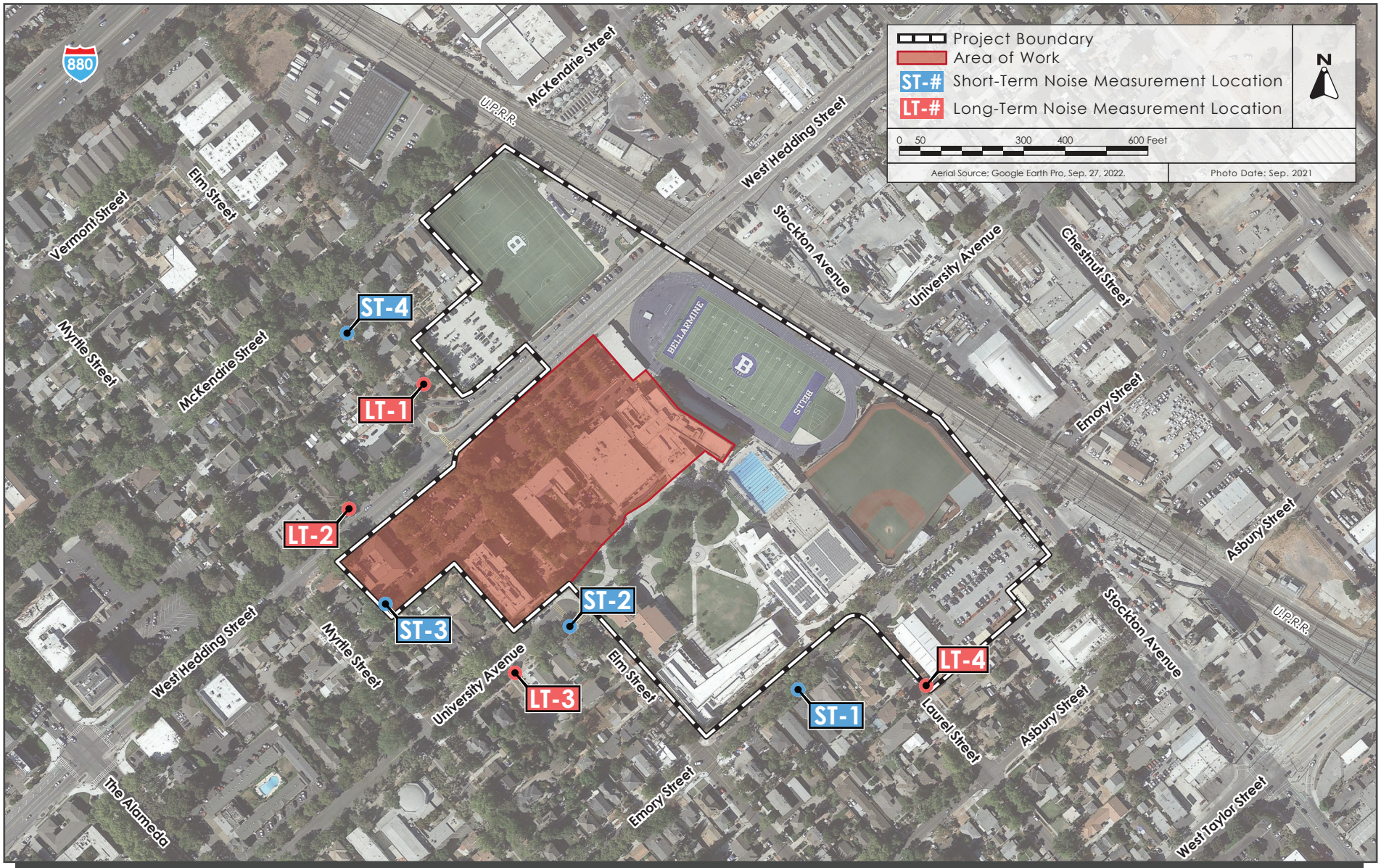
Table 4.13-2 shows the existing ambient noise levels in the project vicinity. Figure 4.13-1 shows the location of the noise measurements in relation to the project site.

[78] City of San José. *Integrated Final Environmental Impact Report, Amendment to Norman Y. Mineta San José International Airport Master Plan.* SCH#2018102020. April 2020.

Table 4.13-2: Existing Ambient Noise Levels				
Noise Measurement Location	**Day and Time**	**dBA L_{eq}**	**Daytime dBA L_{eq}**	**Nighttime dBA L_{eq}**
Short-Term Noise Measurements				
ST-1: Emory Street, between Laurel and Elm Streets	11/2/22 12:20 pm – 12:30 pm	52	--	--
ST 2: Intersection of University Avenue and Elm Street	11/2/22 12:40 p.m. – 12:50 p.m.	58	--	--
ST 3: Southwest corner of the Matthewson Hall parking lot	11/2/22 1:00 p.m. – 1:10 p.m.	53	--	--
ST 4: Elm Street, between McKendrie Street and W. Hedding Street	11/2/22 1:20 p.m. – 1:30 p.m.	56	--	--
Long-Term Noise Measurements				
LT 1: 145 feet northwest of centerline of W. Hedding Street	11/3/22	65	58-66	50-63
LT 2: 40 feet northwest of the centerline of W. Hedding Street	11/3/22	69	63-70	55-67
LT 3: 30 feet from southeast corner of centerline of University Avenue	11/3/22	61	53-61	46-59
LT 4: 22 feet northeast of centerline of Laurel Street	11/3/22	62	53-68	45-59
Source: Illingworth & Rodkin, Inc. *Bellarmine College Preparatory Master Plan Update Noise Assessment, San José, California.* December 6, 2022.				

Existing Noise-Sensitive Receptors

The nearest noise sensitive receptors to the project site are residential uses located on Myrtle Street and University Avenue approximately 235 to 525 feet from the acoustical center of construction. The nearest commercial receptors are located at 925 West Hedding Street approximately 161 feet from the center of proposed construction.



LOCATION OF NOISE MEASUREMENTS | FIGURE 4.13-1

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:				
a) 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?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c) 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?	☐	☐	☒	☐

a) Would the project 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?

Construction Noise

As noted in Section 2.2, Project Description, project construction would occur over a period of 46 months. During this time, construction activities would occur between 7:00 a.m. and 7:00 p.m. on weekdays. Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. Construction of the project would involve demolition of two existing structures and pavement (including the existing foundation of Berchmans Hall), site preparation, grading and excavation, trenching, and paving which would temporarily increase noise levels at nearby residential land uses would be 80 dBA and 90 dBA at nearby commercial land uses. This would represent a temporary increase in ambient noise levels of more than 27 dBA Leq at nearby residences and 21 dBA Leq at nearby commercial land uses. Because the project would increase noise levels due to construction activities with 500 feet of residences for a period of more than 12 months, the project would result in a temporary noise impact.

Impact NOI-1: Project construction activities cause increased noise levels for a period of more than 12 months, which may cause adverse construction noise impacts on nearby residential and commercial land uses.

Mitigation Measures:

MM NOI-1.1:

1. Pursuant to General Plan Policy EC-1.7, 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, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of PBCE that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses
    - 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 screen 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 businesses, 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.
    - A construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Compliance with MM NOI-1 would ensure the project's construction noise impacts would be less

than significant. **(Less than Significant Impact with Mitigation Incorporated)**

Operational Noise Impacts

A significant permanent noise increase would occur if a project would substantially increase noise levels at existing sensitive receptors in the project vicinity. A substantial increase would occur if: a) the noise level increase is five dBA DNL or greater, with a future noise level of less than 60 dBA DNL at residences; or b) the noise level increase is three dBA DNL or greater, with a future noise level of 65 dBA DNL or greater at residences. Existing noise levels at sensitive land uses do not exceed 60 dBA DNL; therefore, a significant impact would occur if traffic due to the project would permanently increase ambient noise levels by three dBA DNL.

As noted in Section 3.0 Project Description, the project would not result in an increase in student enrollment or employees on-site and, therefore, would not change the number of vehicle trips associated with the site. For these reasons, the project would not result in a permanent change in existing ambient noise levels and the impact would be less than significant. **(Less than Significant Impact)**

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Construction Vibration Impacts

Construction of the proposed project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used in the vicinity of nearby sensitive land uses. As discussed in Section 3.1.10 Construction, construction activities would include site demolition work, preparation work, excavation, foundation work, and new building framing and finishing. Impact pile driving (which generates substantial vibration) is not proposed as a method of construction.

According to General Plan Policy EC-2.3, a continuous vibration limit of 0.2 in/sec PPV is used to minimize damage at buildings of conventional construction and a continuous vibration limit of 0.08 in/sec PPV is used to minimize the potential for cosmetic damage to historical structures. The vibration limits contained in this policy are conservative and designed to provide the ultimate level of protection for existing buildings in San José.

Impacts to Off-Site Historic Buildings

As noted in Section 4.5 Cultural Resources, there are seven historic properties within 200 feet of the project site (872 Myrtle Street, 815 Elm Street, 949 Emory Street, 944, 970, 992, and 993 University Avenue).

The nearest off-site historic property is located at 872 Myrtle Street, which is located approximately 50 feet from the proposed interior renovations to Matthewson Hall. No heavy construction equipment would be used during the interior renovations of Matthewson Hall; therefore, construction activities would not result in a significant vibration impact to the historic building at 872 Myrtle Street.

944 University Avenue is the second closest historic structure to the proposed construction and is located approximately 150 feet from the proposed demolition of O'Donnell Hall and construction of the Administrative Building. At this distance, construction vibration levels could reach 0.029 in/sec PPV at this distance and would, therefore, not exceed the 0.08 in/sec PPV threshold. All other historic properties in the site vicinity would be located more than 100 feet from the proposed construction activities and would not be subject to vibration levels exceeding 0.08 in/sec PPV threshold.

Impacts to Off-Site Conventional Construction Buildings

Buildings of conventional construction nearest to the project site are located at 878, 884, 898 Myrtle Street and at 931, 945, 959, and 971 University Avenue and would be exposed to vibration levels ranging from 0.003 to 0.210 in/sec PPV, exceeding 0.2 in/sec PPV when construction activities occur within 30 feet. All other structures in the project vicinity would be located further than 30 feet from the area of construction and would not be exposed to vibration levels in excess of the City's threshold of 0.20 in/sec PPV.

Impact NOI-2: Construction vibration levels at adjacent structures on Myrtle Street and University Avenue would range from 0.003 to 0.210 in/sec PPV, exceeding the General Plan threshold of 0.2 in/sec PPV for buildings of conventional construction approximately 30 feet or less from the project site.

Mitigation Measures:

MM NOI-2.1: The following measures shall be included in a Construction Vibration Operations Plan and implemented during construction to reduce vibration levels to 0.2 in/sec PPV or less at 878, 884, 896, and 898 Myrtle Street and 959 and 971 University Avenue.

- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
- Use smaller vibratory rolling equipment, for example the Caterpillar model CP433E vibratory compactor, within 30 feet of normal buildings.
- Select demolition methods not involving impact tools.
- Avoid dropping heavy equipment within 30 feet of normal buildings, and use alternative methods for breaking up existing pavement, such as a pavement grinder.
- Hoe rams, large bulldozers, drill rigs, loaded trucks, and other similar equipment shall not be used within 15 feet of adjacent buildings.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- Prior to issuance of any demolition, grading, or building permits for the project, the applicant shall submit a Construction Vibration Operations Plan to the Director of Planning, Building and Code Enforcement or

Director's designee for review and approval. Additionally, the measures shall be included on the issued Grading Permit and Building Permit plan sets.

With implementation of the above mitigation measures, project construction vibration would be reduced to below the City's 0.2 in/sec PPV threshold at 878, 884, 896, and 898 Myrtle Street and 959 and 971 University Avenue. **(Less than Significant Impact with Mitigation Incorporated)**

c) 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?

The project site is located approximately 0.5 miles southwest of Norman Y. Mineta San José International Airport and just outside of the 60 dBA CNEL 2037 noise contour for the airport.[79] In accordance with General Plan Policy EC-1.11, the required safe and compatible threshold for exterior noise levels would be at or below 65 dBA CNEL/DNL for aircrafts. Therefore, the proposed project would be compatible with the City's exterior noise standards for aircraft noise. The project would not result in a significant aircraft-related noise impact. **(Less than Significant Impact)**

[79] City of San José. *Integrated Final Environmental Impact Report, Amendment to Norman Y. Mineta San José International Airport Master Plan.* SCH#2018102020. April 2020.

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.[80]

Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[81]

ABAG allocates regional housing needs to each city and county within the San Francisco Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050's long-term envisioned growth pattern for the region. ABAG also develops a series of forecasts and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Forecasting and Modeling Report, which is a technical overview of the of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

Envision San José General Plan

To meet the current and projected housing needs in the City, the General Plan identifies areas for mixed-use and residential development to accommodate approximately 120,000 new dwelling units by 2035. Through policies and actions that address orderly growth within the City, buildout of the

[80] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed August 5, 2022. http://hcd.ca.gov/community-development/housing-element/index.shtml.

[81] Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

General Plan is projected to help balance the ratio of local jobs with available housing within the City.

4.14.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 976,482 in January 2022 with an average of 2.9 persons per household.[82] The City currently has approximately 344,112 housing units[83] and, by 2040, the City's population is projected to reach 1,337,145 and 448,310 households.[84]

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.

The existing private high school currently supports 190 employees and a maximum of 1,750 students. There are 17 housing units on the project site under existing conditions.

4.14.2 Impact Discussion

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

a) Would the project 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)?

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels; 2) generating demand for housing as a result of new businesses; 3) extending roads or other infrastructure to previously undeveloped areas; or 4) removing obstacles to population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to

[82] State of California, Department of Finance. *E-5 Population and Housing Estimates for Cities and Counties, and the State, 2020-2022.* Sacramento, California, May 2022.
[83] Ibid.
[84] ABAG. *Projections 2040: Forecasts for Population, Household, and Employment for the Nine County San Francisco Bay Area Region*. 2017.

serve planned growth).

The project proposes replacement of two existing academic/administrative buildings, relocation of one existing administrative building to another location within the site, and reconfiguration of the main campus vehicle entrance. As noted in Section 3.1 Project Description, the project would remove 16 existing residential units within Wade Hall and one existing residential unit within Berchmans Hall all of which are currently occupied. No new housing units are proposed on-site. Staff currently occupying the units proposed for removal would be relocated to other existing housing units owned by the school adjacent to the campus. The project would not extend new roads or other infrastructure to undeveloped areas or remove obstacles to population growth. Implementation of the project would not result in a change in student enrollment or school employees. For these reasons, the project would not induce substantial population growth, either directly or indirectly. **(Less than Significant Impact)**

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

The project proposes replacement of two existing academic/administrative buildings containing 16 residential units, relocation of one existing administrative building containing one residential unit to another location within the site, and reconfiguration of the main campus vehicle entrance. As discussed under checklist question a above, no new housing units are proposed as a part of the Master Plan update. However, because staff currently occupying the units proposed for removal would be relocated to other existing housing units owned by the school adjacent to the campus, the project would not result in displacement of existing staff. Furthermore, as discussed in Section 3.1 Project Description, the project would not result in a change in student enrollment or school employees. Thus, the project would not displace substantial numbers of existing people or housing necessitating construction of replacement housing elsewhere. **(Less than Significant Impact)**

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.

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to public services and applicable to the proposed project:

Policy	Description
CD-5.5	Include elements during the development review process that address security, aesthetics and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.
ES-3.1	Provide rapid and timely Level of Service response times to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority calls, and of eleven minutes or less for 60 percent of all Priority calls 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. 3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models. 4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community. 5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
ES-3.10	Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public private development to increase public and personal safety.
ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
ES-3.12	Facilitate the safe movement of pedestrians, bicyclists and vehicles throughout the City and require appropriate safety measures for activities such as cultural and sporting events where large numbers of community members and visitors gather.
PR-1.6	Where appropriate and feasible, develop parks and recreational facilities that are flexible and can adapt to the changing needs of their surrounding community.
PR-1.8	Enhance existing parks and recreation facilities in built-out areas through new amenities and other improvements to ensure that residents' needs are being met.

Activate SJ Strategic Plan

The Activate SJ Strategic Plan replaces complements the Greenprint as the City of San José's Department of Parks, Recreation, and Neighborhood Services' plan to maintain, improve, and expand facilities, programs, and services. The plan guides maintenance and development of the City's diverse park systems, recreational programs, and services.

Parkland Dedication Ordinance and the Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) requiring new residential

development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City's decision as to whether the project will dedicate land for a new public park site or accept a fee in-lieu of land dedication. Deed-restricted affordable housing projects that meet the City's affordability criteria are subject to the PDO and PIO and receive a 50 percent credit toward the parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

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 responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The nearest station to the project site is Station #7 located at 800 Emory Street, nearly adjacent to the project site, across Emory Street.[85]

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), which is headquartered at 201 West Mission Street, approximately 0.6 miles east of the project site. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern.[86] The project site is directly served by the SJPD Central Division. The division consists of four patrol districts, and the project site is in District E.

The General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent all Priority 2 (nonemergency) calls.

Schools

The project site is an existing private high school. As noted in Section 3.1 Project Description, the project would not result in a change in student enrollment or employees on-site. Thus, further discussion of surrounding schools is not warranted.

Parks

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,536 acres of parkland, including neighborhood parks, community parks, and regional parks.[87] The City's Department of Parks, Recreation, and Neighborhood Services owns and

[85] San José Fire Department. *Stations.* Accessed July 1, 2022. https://www.sanjoseca.gov/your-government/departments-offices/fire/stations.
[86] San José Police Department. *Bureau of Field Operations.* Accessed July 7, 2022. http://www.sjpd.org/bfo/.
[87] City of San José. *Fast Facts 2020-2021*. January 13, 2022.

maintains 197 neighborhood parks, 41 community centers/neighborhood centers, ten regional parks, and over 61 miles of urban trails.

The nearest park to the project site is Columbus Park, located at 431 West Taylor Street approximately 0.25 miles southeast of the project site. Columbus Park includes picnic areas, two basketball courts, two sand volleyball courts, two lighted softball fields, and one restroom building. Other parks in the project vicinity include Guadalupe River Park (located approximately 0.5 miles east), Guadalupe Gardens and Heritage Rose Garden (located approximately 0.5 miles southeast) and the Rotary Play Garden (located approximately 0.5 miles southeast).

Libraries and Community Centers

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 22 branch libraries. The nearest public library is the Rose Garden Branch Library, located at 1580 Naglee Avenue, approximately 0.6 miles southwest of the project site. The nearest community center is the Northside Community Center, located at 488 N 6th Street, 1.3 miles southeast of the project site.

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:				
a) Fire Protection?	☐	☐	☒	☐
b) Police Protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☒	☐
e) Other Public Facilities?	☐	☐	☒	☐

a) 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 fire protection services?

The project site is currently served by SJFD for fire protection services. Implementation of the proposed project would occur entirely within the existing high school campus and would not result in an increase in student enrollment or staff on-site. Therefore, the proposed project would not result in

a change in demand for fire protection services. In addition, the new buildings would be built to the most current fire safety standards required by the CBC. For these reasons, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities. **(Less than Significant Impact)**

b) 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 police protection services?

As discussed above, the project would not result in an increase in student enrollment or staff on-site and, therefore, would not change demand for police protection services compared to existing conditions. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities. **(Less than Significant Impact)**

c) 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 schools?

The proposed project is the redevelopment and renovation of an existing private school. The replacement, renovation, and relocation of school facilities on-site would not change demand for or construction of new school facilities elsewhere within the City, thereby maintaining existing service ratios in public schools. As such, the project would have no significant impact to public schools and available capacity. **(No Impact)**

d) 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 parks?

As discussed above, the project would not result in an increase in student enrollment or staff on-site and, therefore, would not change demand for parks compared to existing conditions. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities. **(Less than Significant Impact)**

e) 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 other public facilities?

As discussed above, the project would not result in an increase in student enrollment or staff on-site and, therefore, would not change demand for library facilities compared to existing conditions. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities. **(Less than Significant Impact)**

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.

Envision San José 2040 General Plan

Various policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts associated with public facilities and services, as listed in the following table.

Policy	Description
PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.9	As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately, or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.
PR-1.12	Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/ tot-lots, basketball courts, etc.) within a three-quarter mile radius of the project site that generates the funds.

4.16.1.2 *Existing Conditions*

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,536 acres of parkland, including neighborhood parks, community parks, and

regional parks.[88] The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains 199 neighborhood parks, 41 community centers/neighborhood centers, ten regional parks, and over 61 miles of urban trails.

The nearest park to the project site is Columbus Park, located at 431 West Taylor Street approximately 0.25 miles southeast of the project site. Columbus Park includes picnic areas, two basketball courts, two sand volleyball courts, two lighted softball fields, and one restroom. Other parks in the project vicinity include Guadalupe River Park (located approximately 0.5 miles east), Guadalupe Gardens and Heritage Rose Garden (located approximately 0.5 miles southeast) and the Rotary Play Garden (located approximately 0.5 miles southeast).

The nearest community center is the Northside Community Center, located at 488 N 6th Street, approximately 1.4 miles southeast of the project site.

4.16.2 Impact Discussion

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

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

As discussed in Section 4.15 Public Services above, the project would not result in an increase in student enrollment or staff on-site and, therefore, would not change demand for neighborhood and regional parks or other recreational facilities such as community centers, compared to existing conditions. Therefore, the project would not result in substantial physical deterioration of these facilities. **(Less than Significant Impact)**

[88] City of San José. *Fast Facts 2021-2022*. January 13, 2022

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

The proposed project does not include recreational facilities; therefore, the project would not result in impacts from construction or expansion of such facilities. **(No Impact)**

4.17 TRANSPORTATION

The following discussion is based in part on a Transportation Analysis prepared by Hexagon Transportation Consultants, Inc. on April 28, 2023. This report is included as Appendix H to this Initial Study.

4.17.1 Environmental Setting

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 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

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.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

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. According to the policy, an employment (e.g., office or research and development) project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional VMT per employee or the existing average citywide VMT per capita, respectively. Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to have a less than significant VMT impact.

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.

San José Bicycle Master Plan

The Bicycle Master Plan, also known as the San José Bike Plan 2020, defines the City's vision to make bicycling an integral part of daily life in San José. The plan recommends policies, projects, and programs to realize this vision and create a San José community where bicycling is convenient, safe, and commonplace. The plan defines a 500-mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways.

Envision San José 2040 General Plan

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

Policy	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT)
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new development or infrastructure projects.
TR-2.8	Require new development where feasible to provide on-site facilities such as bicyclke storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
CD-3.3	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
TR-5.3	The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General

	Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.
TR-5.7	Implement the City's Neighborhood Traffic Management Program that formalizes comprehensive strategies to enhance safety and livability along local and collector streets.
TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

4.17.1.1 *Existing Conditions*

Regional Access

Regional access to the project site is provided by SR87 and I-880. These facilities are described below.

I-880 is a north-south, six-lane freeway that extends from San José in the south to Oakland in the north. I-880 provides site access via full interchanges at Coleman Avenue and The Alameda.

SR-87 is primarily a six-lane freeway (four mixed-flow lanes and two high occupancy vehicles [HOV] lanes) that run in a north-south orientation. SR 87 begins at its interchange with SR 85 and extends northward, terminating at its junction with US 101. Access to the project site from SR 87 is provided via a full interchange at Taylor Street.

Local Access

Local access to the site is provide a The Alameda, Coleman Avenue, Taylor Street, Hedding Street, Stockton Avenue, Elm Street, and Emory Street. These facilities are described below.

The Alameda is primarily a four-lane north-south grand boulevard per the 2040 General Plan that extends from Santa Clara University eastward through downtown San José, ultimately becoming Santa Clara Street. The Alameda provides full access to I-880. The Alameda provides access to the project site via Hedding Street and Taylor Street.

Coleman Avenue is a four- to six-lane city connector street per the 2040 General Plan that extends from De La Cruz Boulevard in Santa Clara to North Market Street. North of Hedding Street, Coleman Avenue has three lanes in each direction. Coleman Avenue narrows from three lanes to two lanes in each direction between Hedding Street and Talyor Street, and then widens back to three lanes in the southbound direction south of Taylor Street. Coleman Avenue provides access to the site via Hedding Street and Taylor Street.

Taylor Street/Naglee Avenue is a four-lane city connector street per the 2040 General Plan that runs in a southwest-northeast direction. Taylor Street extends eastward from The Alameda to US 101. On the other side of The Alameda, Taylor Street becomes Naglee Avenue, which extends westward to Bascom Avenue. Taylor Street provides access to the project site via Stockton Avenue.

Hedding Street is generally an east-west street that extends from Winchester Boulevard in Santa Clara to US 101 in San José. Two driveways provide access to the project site from Hedding Street at the Mathewson Hall parking lot and approximately 40 feet east on Hedding Street. However, as noted in Section 3.1.8. Access and Parking, the second driveway on Hedding Street is currently closed.

Stockton Avenue is a two-lane north-south local street that serves as the eastern boundary of the proposed new parking garage. Stockton Avenue extends north from Taylor Street to the College Park Station, where it connects to Emory Street.

Elm Street is a two-lane local street extending from Villa Avenue in the south and terminating near I-880 in the north. Elm Street is closed to vehicular traffic through the project site (north of University Avenue). It provides direct access to the Matthewson Hall parking lot and the main parking lot south of Hedding Street, as well as student parking lots north of and under Hedding Street.

Emory Street is a two-lane local street running in an east-west orientation through the College Park neighborhood. It begins at its intersection with Stockton Avenue and terminates near O'Connor Hospital. There is a gate that blocks vehicular traffic (except emergency vehicles), on Emory Street east of Laurel Street. Emory Street functions as a one-way westbound street between Stockton Avenue and the entrances to the Wrestling Building parking lot. This segment of Emory Street, which is a private street owned by the school, has a student loading zone along the north side and angled parking on the south side of the street.

Pedestrian Facilities

A complete network of sidewalks and crosswalks is found along the roadways in the vicinity of the project site. There is no sidewalk on Hedding Street on the north side of the street on the overcrossing above the railroad (between Chestnut Street and Elm Street). All other streets in the vicinity of the project site have sidewalks on both sides of the street.

Crosswalks are found at the unsignalized study intersections on Elm Street. The intersection of Elm Street and Hedding Street has crosswalks on the north and south legs (Elm Street) and a high-visibility crosswalk with a rapid-flashing beacon on the east leg to facilitate pedestrian crossings of Hedding Street. There is also a crosswalk on the east leg of the Elm Street/Hedding Street intersection. The existing pedestrian facilities provide good connectivity between the main school campus and parking lot on the north side of Hedding Street, and the surrounding land uses and transit stops in the project area.

Bicycle Facilities

The Guadalupe River Trail, a Class I bike path is located approximately 0.6- mile east of the project site. The Guadalupe River trail connects with the bike lanes on both sides of Hedding Street. Class II bicycle facilities (bike lanes or buffered bike lanes) are provided along Hedding Street and Stockton Avenue, except for the segment between Hedding Street and Taylor Street. Class III bike routes are provided on Stockton Avenue, Hedding Street, and Taylor Street in the project vicinity.

The school provides 112 short-term secured bicycle parking spaces in seven bike racks located adjacent to the Schott Athletic Center on Emory Street. Existing bicycle facilities in the project area are shown in Figure 4.17-1.

Transit Services

VTA Bus Service

Local Route 22 provides service between the Palo Alto Transit Center and the Eastridge Transit Center in San José. In the vicinity of the project area, Route 22 operates along The Alameda from 5:00 AM to 2:00 AM with 15-minute headways during the peak commute hours. The bus stop nearest to the project site is at the intersection of Taylor Street/Naglee Street and The Alameda.

Local Route 61 runs from Good Samaritan Hospital to the Piedmont Hills area of east San José and operates from 6:00 AM to 10:00 PM with 30-minute headways during the weekday commute hours. Route 61 operates along Taylor Street in the vicinity of the school campus with bus stops at Stockton Avenue/Taylor Street and Elm Street/Taylor Street.

Express Route 522 provides service between the Palo Alto Transit Center and the Eastridge Transit Center in San José. Route 522 operates on The Alameda from 6:30 AM to 10:30 PM with 15 to20-minute headways during the weekday. The nearest bus stop to the project site is located near the intersection of Taylor Street/Naglee Street and The Alameda.

Caltrain Service

Commuter rail service between San Francisco and Gilroy is provided by Caltrain. The College Park Caltrain Station is located across the street from the recently approved parking garage at the corner of Emory Street and Stockton Avenue. Caltrain stops at the College Park Station four times a day, Monday – Friday. There is one northbound train (at 8:09 AM) and one southbound train (at 8:03 AM) serving the College Park station before school, and one train going each direction after school. Bellarmine provides free shuttle service to Diridon station twice each afternoon for students.

Existing transit services within the project vicinity are shown in Figure 4.17-2)

Bellarmine College Preparatory Bus Service

In the 2022/2023 school year, the school launched its inaugural student busing transportation program. This fee-based service is operated through First Student and requires pre-registration. One bus route serves the Almaden and Blossom Valley neighborhoods while a second route serves the Cambrian and Willow Glen neighborhoods.



Source: Hexagon Transportation Consultants, Inc., December 16, 2022.

EXISTING BICYCLE FACILITIES IN PROJECT AREA | FIGURE 4.17-1



Source: Hexagon Transportation Consultants, Inc., December 16, 2022.

EXISTING TRANSIT FACILITIES IN PROJECT AREA | FIGURE 4.17-2

4.17.2 Impact Discussion

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

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?

Pedestrian Facilities

Pedestrian facilities in the project vicinity consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. Pedestrian generators in the project vicinity include commercial areas and transit adjacent to the project site at Caltrain College Park Station and along The Alameda.

The proposed Master Plan Update improvements would involve relocation, replacement, and renovation to existing buildings on campus and reconfiguration of the main campus entrance to improve drop off operations. The project would also construct/replace the existing sidewalk along the project frontage on the south side of Hedding Street and on both sides of Elm Street south of Hedding Street. The project would not increase student enrollment or employees on-site and would, therefore, not generate any new pedestrian trips, or otherwise interfere with existing or planned pedestrian facilities. **(Less than Significant Impact)**

Bicycle Facilities

The project site is directly served by a Class II bike route along Hedding Street. Additionally, the San José Better Bike Plan 2025 includes planned improvements within the project vicinity such as improvements to the Class III bike route on Stockton Avenue, Hedding Street, and Taylor Street in the project vicinity.

The proposed Master Plan update improvements would involve relocation, replacement, and renovation to existing buildings on campus and reconfiguration of the main campus entrance to improve drop off operations. The project would not increase student enrollment or employees on-site and would not, therefore, generate any new bicycle trips, or otherwise interfere with existing or

planned bicycle facilities. **(Less than Significant Impact)**

Transit Facilities

The project site is served by three VTA bus routes and Caltrain. Additionally, the school has a new private bus system to serve the students. The proposed Master Plan update improvements would involve relocation, replacement and renovation to existing buildings on campus and reconfiguration of the main campus entrance to improve drop off operations. The project would not increase student enrollment or employees on-site and would not, therefore, generate any new transit trips, or otherwise interfere with existing or planned transit facilities. **(Less than Significant Impact)**

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Project-Level VMT Impact Analysis

The project site is located within an area designated as low-VMT on the City's VMT heat map, indicating that VMT associated with existing school is less than Citywide average (refer to Appendix H)

As discussed in Section 3.1 Project Description, the project would involve the relocation, renovation, and replacement of existing buildings within an existing private high school campus and reconfiguration of the main campus entrance. The proposed project would not result in a change in student enrollment or employment on-site. Therefore, with implementation of the project, VMT associated with the school would remain the same as under existing conditions. **(Less than Significant Impact)**

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

The project would eliminate one of the site driveways on Hedding Street and modify the internal circulation within the Matthewson Hall parking lot and the main parking lot accessed from Hedding Street. The site plan shows modifications to the triangular shaped raised island at the south leg of the Elm/Hedding Streets intersection. The project would not include any modifications to other roadways.

Vehicular access to the Matthewson Hall parking lot would be provided by one full access driveway on West Hedding Street and one driveway on Elm Street. The main Hedding Street parking lot would be served by a two-way driveway on Elm Street and a one-way driveway (outbound only) driveway that leads to the Hedding Frontage Road on the north side of the Hedding Street overpass. The drive aisle widths would vary with a minimum dimension of 26 feet for the one-way driveway and a minimum of 27 feet for the two-way driveway on Hedding Street. The driveways on Elm Street also would vary in width with a maximum width of 49 feet due to the skew of the driveway and the need to accommodate emergency vehicle access at this location. Within the main Hedding lot, the Elm Street driveway would narrow to a 20-foot-wide drive aisle before widening again to 37 feet to

accommodate a student loading area adjacent to the proposed Wade Academic Center. These widths meet the 20-foot minimum width required for emergency vehicle access and are sufficient to accommodate two-way traffic flow.

Both the Matthewson Hall lot and the main Hedding lot would have 90-degree parking spaces with aisle widths of 26 to 33 feet adjacent to parking. The drive aisle widths meet the City's design guidelines for two-way aisles with full-size parking spaces.

As discussed in Section 3.1 Project Description, the project would involve the relocation, renovation and replacement of existing buildings within an existing private high school campus and reconfiguration of the main campus entrance. The project would not result in a change in land use or result in incompatible land uses.

For the reasons discussed above, the project would not result in substantially increase hazards due to geometric design features or incompatible uses. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

The SJFD requires all portions of proposed buildings be within 150 feet of a fire department access road and requires a minimum six-foot clearance from all sides of the building to the property line.

Emergency vehicle access to the project site would be provided along West Hedding Street, Elm Street, and University Avenue. Furthermore, as discussed under checklist question c.) above, large vehicles could access the site via driveways on Elm Street and Hedding Street, which meet the 20-foot minimum width required for emergency vehicle access. For these reasons, the project would not result in inadequate emergency access and would comply with City guidelines for emergency access. **(Less than Significant Impact)**

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.

At the time of preparation of this Initial Study, two tribes have sent written requests for notification of projects to the City of San José and one verbal request has been made.

- On July 9, 2018, a representative of the Ohlone Indian Tribe, Inc., requested notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b). In response to a more specific verbal request in a meeting with City staff and the representative on July 12, 2018, clarification was received that such notification be sent only for projects in the City of San José that involve ground disturbing activities in downtown, and that such requests may be sent via e-mail only for future projects require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report.

- On June 17, 2021, Chairwoman Geary of the Tamien Nation verbally requested AB 52 notification and followed up with a written notice of the same request on June 28, 2021, requesting notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b), for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. Accordingly, AB 52 notification was sent electronically to Tamien Nation on February 2, 2023. No consultation requests were received from Tamien Nation regarding the proposed project.

- On June 30, 2021, Kanyon Sayers-Roods of the Indian Canyon Band of Costanoan Ohlone people verbally requested AB52 notification for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report. The project's AB 52 notification was sent electronically on January 23, 2023. No consultation requests were received from the Indian Canyon Band of Costanoan Ohlone people regarding this project.

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:				
a) 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)?	☐	☐	☒	☐
b) 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.	☐	☐	☒	☐

a) Would the project 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)?

Assembly Bill (AB) 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 significantly impacted 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 had sent a letter to tribal representatives in the area to welcome

participation in the AB 52 consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City.

On June 17, 2021, Chairwoman Geary of the Tamien Nation verbally requested AB 52 notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b), for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. Accordingly, AB 52 notification for this particular project was sent electronically to Tamien Nation on January 23, 2023. However, no formal consultation request was received.

Indian Canyon Band of Costanoan Ohlone People also verbally requested notification. Accordingly, AB 52 notification for the project was sent to on January 23, 2023. However, no formal consultation requests were received from the Indian Canyon Band of Costanoan Ohlone People.

There are no known tribal cultural resources on the project site. Therefore, with implementation of City Standard Permit Conditions, the project's impact on previously unrecorded tribal cultural resources would be reduced to a less than significant level. **(Less than Significant Impact)**

b) Would the project 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?

As discussed above, no known tribal cultural resources have been recorded at the project site and no tribal cultural resources were identified on-site through the Native American consultation process. If cultural resources are encountered during construction, City Standard Permit Conditions would reduce cultural resource impacts to a less than significant level. For these reasons, the project would not result in a substantial adverse change to a tribal cultural resource. **(Less than Significant Impact)**

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. San José Water Company (the water provider for the project site) adopted its most recent UWMP in June 2021.[89]

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. 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 commercial solid waste 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.

Assembly Bill 1826

AB 1826 sets forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate two or more cubic yards of commercial solid waste per week. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 610

SB 610 amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 requires preparation of a WSA containing detailed information regarding water availability to be provided to

[89] San José Water Company. *2020 Urban Water Management Plan.* June 2021. https://www.sjwater.com/sites/default/files/2021-06/2020%20UWMP%20FINAL%20with%20Appendices.pdf

the decision-makers prior to approval of specified large development projects that also require a General Plan Amendment. This WSA must be included in the administrative record that serves as the evidentiary basis for an approval action by the city or county on such projects. Under SB 610, WSAs must be furnished to local governments for inclusion in any environmental documentation for certain projects subject to CEQA. Pursuant to the California Water Code (Section 10912[a]), projects that require a WSA include any of the following:

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- A mixed-use project that includes one or more of the projects identified in this list; or
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

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. CalRecycle released an analysis titled "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals" in August of 2020, which recommended maintaining the disposal reduction targets set forth in SB 1383.[90]

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

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;

[90] CalRecycle. Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals. August 18, 2020. https://www2.calrecycle.ca.gov/Publications/Details/1693#:~:text=Analysis%20of%20the%20Progress%20Toward,(DRRR%2D2020%2D1693)&text=SB%201383%20establishes%20targets%20to,75%20percent%20reduction%20by%202025.

- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Providing readily accessible areas for recycling by occupants.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to utilities and service systems and applicable to the proposed project:

Policy	Description
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.
EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's

In addition to the above-listed San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the Santa Clara County Integrated Watershed Management (IWM) Program, which minimizes solid waste.

San José Zero Waste Strategic Plan/Climate Smart San José

The Climate Smart San José 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 José goals. The Climate Smart San José 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.

Private Sector Green Building Policy

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

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if C&D materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities. Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

The City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that qualify under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

4.19.1.2 *Existing Conditions*

Water Supply

Water service is provided to the City of San José by three water retailers, San José Water Company, the City of San José Municipal Water System, and the Great Oaks Water Company. Water services to the project site would be supplied by the San José Water Company. Existing water use at the project site (including the existing Wade, O'Donnell, and Berchmans, Licardo, and Matthewson Halls) is approximately 10,998 gallons per day (gpd).[91]

Sanitary Sewer/Wastewater Treatment

Sanitary sewer lines serving the site are owned and maintained by the City of San José. There is an existing 14-inch sanitary sewer main along the West Hedding Street, an eight-inch sanitary sewer main along University Avenue, and a six-inch sanitary sewer main along Emory Street, which currently serve the existing high school campus.

Wastewater from the City of San José is treated at the San José-Santa Clara Regional Wastewater Facility (the Facility). The Facility is a regional wastewater treatment facility serving eight tributary sewage collection agencies and is administered and operated by the City of San José's Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day. The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents.[92] The Facility is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the SWRCB and the RWQCB concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. Approximately ten percent of the plant's effluent is recycled for non-potable uses. The remainder is discharged into the Bay after treatment which removes 99 percent of impurities to comply with state regulations. The Facility has an available treatment capacity of 10 million gallons of wastewater per day.

As noted above, the project site is developed with an existing private high school campus. Assuming wastewater generation is equal to 95 percent of water use, the existing wastewater generation on-site

[91] Existing building area 120,919 square feet (including Wade Hall 22,287 square feet, O'Donnell Hall 41,700 square feet, Berchmans Hall 4,377 square feet, Licardo 34,555 square feet, Matthewson Hall 18,000 square feet)/ 1,000 square feet = 120.9. 120.9 x 33,205 gallons per year = 4,014,484.5 gallons/1,000 square feet/year. 4,014,484 /365 = 10,998 gallons per day. Source: CAPCOA. CalEEMod Appendix D: Default Data Tables. "Table 9.1 Water Use Rates." 2021. High School land use sub type. May 2021.

[92] City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed July 7, 2022. https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility

is approximately 10,448 gpd for the existing buildings (including Wade, O'Donnell, Berchmans, Licardo, and Matthewson Halls).

Stormwater Drainage

The project site is located in a developed area served by an existing storm drainage system. The project site is currently developed with a private high school. The site contains approximately 102,334 square feet (85 percent) of impervious surfaces and 17,952 square feet (15 percent) of pervious surfaces. Storm drainage lines in the project area are owned and maintained by the City of San José. There is a 30-inch storm drain main along West Hedding Street, and a 60-inch storm drain main on University Avenue, which serves the project site. The storm drain mains serving the site connect to a storm drain outfall in Guadalupe River.

Solid Waste

Santa Clara County's IWMP was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004 and 2007. Each jurisdiction in the county has a diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. In 2019, there were approximately 600,000 tons of material generated in San José that was disposed in various landfills throughout the state. Newby Island, however, only received approximately 290,000 tons of that material. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year. Existing uses on the project site currently generate 846 pounds per day of solid waste.

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) 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?	☐	☐	☒	☐
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
c) 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?	☐	☐	☒	☐
d) 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?	☐	☐	☒	☐
e) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

a) Would the project 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?

Water and Wastewater

The proposed project would have a water demand of approximately 9,902 gpd.[93] Water demand would not exceed water supply with build out of the General Plan during dry and multiple dry years after 2025. The General Plan has specific policies to reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. The General Plan EIR concluded that with implementation of existing regulations and adopted General Plan policies, available water supply would not be exceeded. Wastewater generation on-site would be reduced with implementation of the proposed project.[94] Therefore, 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. In addition, the project would comply with CALGreen requirements and the City's Private Sector Green Building Policy. As a result, relocation or construction of new or expanded water facilities would not be needed. **(Less than Significant Impact)**

[93] Proposed building area 108,851 square feet (including Academic Building 44,698 square feet, Administrative and Academic Building 23,421 square feet, Berchmans Hall 4,377 square feet, Matthewson Hall 18,000 square feet, Licardo Hall 34,555 square feet)/ 1,000 square feet = 108.85. 108.85 x 33,205 gallons per year = 3,614,364.25 gallons/1,000 square feet/year. 3,614,364 / 365 = 9,902 gallons per day. Source: CAPCOA. CalEEMod Appendix D: Default Data Tables. "Table 9.1 Water Use Rates." 2021. High School land use sub type. May 2021.

[94] Existing wastewater generation at the site is approximately 10,448 gpd and this would decrease to 9,407 gpd with the proposed project.

Stormwater Drainage

The project site is currently developed with a school and associated paved parking lots and walkways. Runoff from the project site currently enters the storm drainage system untreated and unimpeded. The project proposes to construct two new buildings, relocate one building, renovate two buildings, and reconfigure the campus vehicle entrance. The project would result in a reduction of impervious surfaces to 95,196 square feet (79 percent of total area), and a 25,090 square foot (21 percent) increase in pervious surfaces. The project proposes to connect to the existing storm drain in West Hedding Street and would decrease the site's impervious surfaces by approximately 7,138 square feet. The project would include a bioretention area and the impervious surfaces would be designed to drain to a self-treating area. The project would also comply with the MRP. For these reasons, development of the project site would improve the water quality of runoff from the site and would not exceed the capacity of the existing storm drainage system serving the project site. **(Less Than Significant Impact)**

Electric Power, Natural Gas, and Telecommunication Facilities

The project would utilize existing utility connections to connect to the City's electric, natural gas, and telecommunications systems. As discussed in Section 4.6 Energy, the project would reduce the demand on existing electric power, natural gas, and telecommunications facilities in the City by utilizing more efficient fixtures and appliances in new, relocated, and renovated buildings. Therefore, the 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. **(Less Than Significant Impact)**

b) Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

As discussed in Section 4.19.1.2 Existing Conditions, the project site uses approximately 10,998 gpd of water. The proposed new and renovated buildings would have a water demand of approximately 9,902 gpd. Therefore, the proposed project would result in a net reduction in water demand on-site of 1,096 gpd compared to existing conditions on-site and sufficient water supplies would be available to serve the proposed project. **(Less than Significant Impact)**

c) Would the project 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?

Sanitary sewer lines serving the site are owned and maintained by the City of San José. The project would include connections to the existing 14-inch sanitary sewer main in West Hedding Street. As discussed above, existing development on the site generates 10,448 gpd of wastewater. Redevelopment of the site under the proposed project would result in wastewater generation of approximately 9,407 gpd, a net reduction of 1,041 gpd of wastewater compared to existing conditions

on-site.[95] Therefore, the project would not have a significant impact related to provision of wastewater treatment service for the project site. **(Less than Significant Impact)**

d) Would the project 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?

The project proposes replacement of two existing academic/administrative buildings, relocation of one existing building to another location within the site, renovation to two existing buildings, and reconfiguration of the main campus vehicle entrance. The project would not result in a change in student enrollment or staff and would not result in an increase in solid waste generation compared to baseline conditions. Therefore, solid waste generation would remain the same as existing conditions on-site (846 pounds per day). However, as mentioned previously, the NISL had approximately 13.7 million cubic yards of capacity remaining in April 2021. Given NISL's remaining capacity, the City's contract with NISL, the amount of waste the City disposes of at NISL, and the amount of waste the project is expected to generate, there is sufficient capacity at NISL to service the project. **(Less than Significant Impact)**

e) Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

Per CALGreen requirements, the proposed project would be required to continue providing on-site recycling facilities, develop a construction waste management plan, salvage at least 75 percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measures. In compliance with these existing regulations and programs would ensure that the proposed project would not result in significant impacts on solid waste disposal capacity in excess of State or local standards or in excess of NISL capacity. **(Less than Significant Impact)**

[95] Proposed project wastewater generation 9,407 gpd – existing use wastewater generation 10,448 gpd = 1,041 gpd net reduction

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 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.[96] 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 proposed project is located in a suburban area of San José which has not been designated as a very high fire hazard severity zone on CalFIRE maps.[97]

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:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

[96] San José Fire Department. *Wildland-Urban Interface (WUI) Fire Conformance Policy.* January 1, 2017. https://www.sanjoseca.gov/Home/ShowDocument?id=9345
[97] CalFIRE. FHSZ Viewer. Accessed July 6, 2022. https://egis.fire.ca.gov/FHSZ/

	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:				
b) 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?	☐	☐	☐	☒
c) 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?	☐	☐	☐	☒
d) 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
a)	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?	☐	☒	☐	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☒	☐	☐
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

a) 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?

As discussed in the individual resource sections of this Initial Study, the proposed project would not degrade the quality of the environment with the implementation of the identified Standard Permit Conditions and mitigation measures. The project would implement MM AQ-1.1 to reduce health risk impacts to sensitive receptors during project construction, MM BIO-1.1 through MM BIO-1.4 to reduce potential disturbance to nesting birds and raptors in the project vicinity (see Section 4.4 Biological Resources), MM CUL-1.1 through MM CUL-1.3 to reduce potential impacts to the integrity of Berchmans Hall during the proposed relocation (see Section 4.5 Cultural Resources), and MM NOI-1.1 and MM NOI-2.1 to reduce construction noise and vibration impacts to nearby sensitive receptors and conventional construction buildings. **(Less than Significant Impact with Mitigation Incorporated)**

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

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant 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." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

Because criteria air pollutant and GHG emissions would contribute to regional and global emissions of such pollutants, the BAAQMD thresholds used by the City of San José were developed such that a project-level impact would also be a cumulatively considerable impact. The project would not result in a significant emissions of criteria air pollutants or GHG emissions under BAAQMD thresholds and, therefore, would not make a substantial contribution to cumulative air quality or GHG emissions impacts. The discussion of project criteria pollutant impacts presented in Section 4.3 also reflects cumulative conditions, and the project would not contribute to significant cumulative impacts. The project's contribution to cumulative climate change impacts was presented in Section 4.8 and concluded to be less than cumulatively considerable. Similarly, the discussion of the project's energy impact also reflects cumulative conditions, since the project's consumption of electricity, natural gas, and gasoline was assessed in comparison with consumption at the state and county level. Therefore, the proposed project would not make a substantial contribution to cumulative air quality, energy use, or GHG emissions impacts.

The project would not impact agricultural or forestry resources or mineral resources; therefore, the project would not result in cumulative impacts to these resources. Nor are there any cumulative impacts associated with wildfire risk, as the project site is not located in or near a state responsibility area or lands classified as very high fire hazard severity zones.

The project would result in less than significant impacts to aesthetics, hydrology and water quality, land use, population and housing, public services, recreational facilities, transportation, and utilities and service systems without the imposition of mitigation measures. As noted in Section 4.17 Transportation, the project's VMT impacts are less than significant and below the City's significant impact threshold and, therefore, the project would not contribute to cumulative VMT impacts. Furthermore, impacts associated with these resource areas are accounted for in the San José General Plan and the San José General Plan EIR. Under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

The proposed project would result in highly localized and temporary air quality, biological, cultural, geology and soils, hazards and hazardous materials, and noise impacts during construction. Construction impacts are addressed within 1,000 feet of a project site and there is no other approved or pending development within 1,000 feet of the project site. Therefore, the project would not contribute to a cumulatively significant impact.[98] All planned or approved projects would be subject to the restrictions placed on the taking of birds protected by the Migratory Bird Treaty Act and California Fish and Game Code, and any trees removed by other projects within the City would be replaced in accordance with the City's Municipal Code. Cumulative projects would also be subject to Standard Permit Conditions that protect subsurface archaeological and paleontological resources. Accordingly, with implementation of the Standard Permit Conditions and mitigation measures identified in this Initial Study, construction-level impacts would be mitigated to a less than significant level and would not be cumulatively considerable. Therefore, the project would not contribute to a significant cumulative impact on these resources. **(Less than Significant Impact with Mitigation Incorporated)**

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

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction TACs and noise. However, implementation of mitigation measures, Standard Permit Conditions, and City policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact with Mitigation Incorporated)**

[98] City of San José. Key Economic Development Projects. Map. Accessed December 14, 2022. https://csj.maps.arcgis.com/apps/Shortlist/index.html?appid=c4051ffa5efb4f4dbf8b6d8ec29cfabd

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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SECTION 7.0 ACRONYMS AND ABBREVIATIONS

ADA	Americans with Disabilities Act
ABAG	Association of Bay Area Governments
ACMs	asbestos-containing materials
ALUC	Santa Clara County Airport Land Use Commission
Amsl	Above mean sea level
2017 CAP	Bay Area 2017 Clean Air Plan
BAAQMD	Bay Area Air Quality Management District
BGS	below the ground surface
BMPs	Best Management Practices
Btu	British thermal units
CalARP	California Accidental Release Prevention
CARB	California Air Resources Board
CBC	California Building Code
CDFW	California Department of Fish and Wildlife
CalFIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
Caltrans	California Department of Transportation
CalEPA	California Environmental Protection Agency
CalGreen	California Green Building Code
CARE	Community Air Risk Evaluation Program
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERLCA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	Chlorofluorocarbons
CH_4	Methane
CLUP	Comprehensive Land Use Plan
CGS	California Geological Survey
CO	Carbon monoxide
CO_2	Carbon dioxide
CO_{2e}	CO_2 equivalents

Construction General Permit	NPDES General Construction Permit for the State of California
CMP	Congestion Management Program
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
DNL	day-night average noise level
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
EO	Executive Order
ESLs	Environmental screening levels
FAA	Federal Aviation Administration
FAR Part 77	Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zones
FIRMS	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHG	greenhouse gas
GHGRS	2030 Greenhouse Gas Reduction Strategy
GWP	global warming potential
GWMP	2021 Groundwater Management Plan
HFC	hydrofluorocarbons
Habitat Plan	Santa Clara Valley Habitat Plan/Natural Community Conservation Plan
HMP	Hydromodification Management Plan
HSWA	Hazardous and Solid Waste Amendments
I-280	Interstate 280
IT	Information technology
IWMP	Santa Clara County Integrated Watershed Management Program
LBP	Lead-based paint
LUST	Leaking underground storage tank
LOS	Level of service
LRA	Local responsibility areas

MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendant
$MMTCO_2e$	million metric tons of CO_2e
MND	Mitigated Negative Declaration
MRP	Municipal Regional Stormwater Permit
MTC	Metropolitan Transportation Commission
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act of 1966
N_2O	Nitrous oxide
NO_2	Nitrogen Dioxide
NO_x	Nitrogen oxides
NOD	Notice of Determination
NPDES	National Pollutant Discharge Elimination System
O_3	Ozone
OPR	Office of Planning and Research
PDO	Parkland Dedication Ordinance
PFCs	perfluorocarbons
PCBs	polychlorinated biphenyls
PCBE	Department of Planning, Building, and Code Enforcement
PDAs	Priority Development Areas
PG&E	Pacific Gas and Electric Company
PIO	Park Impact Ordinance
PM	Particulate Matter
$PM_{2.5}$	Fine Particulate Matter
PM_{10}	Coarse Particulate Mater
PPV	Peak Particle Velocity
RCRA	Resource Conservation and Recovery Act
Reach Code	Reach Code Ordinance
REC	Recognized Environmental Conditions
RHNA	Regional Housing Need Allocation

RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SBWR	South Bay Water Recycling
SCIA	Sewer Capacity Impact Analysis
SCS	Sustainable Communities Strategy
SF_6	sulfur hexafluoride
SFHA	Special Flood Hazard Areas
SFPUC	San Francisco Public Utilities Commission
SHMA	Seismic Hazards Mapping Act
SJCE	San José Clean Energy
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SOI Qualifications	Secretary of the Interior's Professional Qualification Standards
SO_x	sulfur oxides
SSMP	Sewer System Management Plan
SSOs	sanitary sewer overflows
SR	State Route
SRA	State Responsibility Areas
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TACs	Toxic Air Contaminants
TCMs	Treatment Control Measures
TCRs	Tribal Cultural Resources
The Facility	San José-Santa Clara Regional Wastewater Facility
Title 24	Title 24, Part 6 of the California Code of Regulations
TSCA	
Valley Water	Santa Clara Valley Water District
VTA	Santa Clara Valley Transportation Authority
Williamson Act	California Land Conservation Act
USFWS	United States Fish and Wildlife Service
USACE	United States Army Corps of Engineers
USTs	underground storage tank

UWMP	urban water management plan
VMT	vehicle miles traveled
ZNE	Zero Net Carbon Emissions