

Initial Study
Stratford Preparatory School
Special Use Permit
(SP23-002)



August 2023

NEGATIVE DECLARATION

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

NAME OF PROJECT: Stratford Preparatory School

PROJECT FILE NUMBER: SP23-002

PROJECT DESCRIPTION: Special Use Permit to allow an increase in enrollment from 800 to 1,349 students at an existing private school located on a 47-gross acre site. No physical development would occur.

PROJECT LOCATION: 3800 Blackford Avenue, San Jose

ASSESSORS PARCEL NO(S): 299-33-007

COUNCIL DISTRICT: 1

APPLICANT CONTACT INFORMATION: Stratford School (Attn: Mark Philpott), 1999 S Bascom Avenue, Suite 400, San Jose, CA 95008, (925) 964-3430

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study does not identify any potentially significant effects on the environment for which mitigation measures are required to mitigate the effects to a less than significant level.

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

- A. AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- B. AGRICULTURE AND FOREST RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- C. AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- D. BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- E. CULTURAL RESOURCES** – The project will not have a significant impact on this resource,

therefore no mitigation is required.

- F. **ENERGY** – The project will not have a significant impact on this resource.
- G. **GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- H. **GREENHOUSE GAS EMISSIONS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- I. **HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- J. **HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- K. **LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- L. **MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- M. **NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- N. **POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- O. **PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- P. **RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- Q. **TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- R. **TRIBAL CULTURAL RESOURCES** – This project will not have a significant impact on this resource, therefore no mitigation is required.
- S. **UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- T. **WILDFIRE** – This project will not have a significant impact on this resource, therefore no mitigation is required.
- U. **MANDATORY FINDINGS OF SIGNIFICANCE**

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

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Tuesday September 12th, 2023** any person may:

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

Christopher Burton, Director
Planning, Building and Code Enforcement

August 18, 2023

Date

Tina Garg

Deputy

Circulation period: August 22, 2023 to September 12, 2023

Environmental Project Manager: Kara Hawkins

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Appendix B:GHGRS Compliance Checklist

Appendix C: Traffic Noise Assessment

Appendix D: Transportation Analysis

All appendices are incorporated herein by reference.

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 Stratford Preparatory Conditional Use Permit project (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.

Stratford Preparatory School operates a private middle and high school (grades 5 through 12) with a total of 534 students (465 middle school and 69 high school students) on the former Blackford High School campus under a lease from the Campbell Union High School District (CUHSD) in compliance with a Conditional Use Permit (CP04-060) issued by the City in 2004 that allows operation of a private middle school and high school with up to 800 pre-school and kindergarten through twelfth grade students on the campus. The project proposes to modify the existing conditional use permit and obtain a special use permit to increase the number of students permitted from 800 to 1,349, including approximately 725 middle school students and 624 high school students who primarily attend other nearby Stratford lower school campuses (i.e., elementary grades K through 5). The new students would occupy existing classrooms, and no physical improvements are proposed. School operations would remain unchanged with the additional students. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the project (i.e., increase from 534 students to 1,349 students).

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, Planner III
City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, CA 95113
kara.hawkins@sanjoseca.gov
(408) 535-7852

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 public hearing. 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 of San José 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

Stratford Preparatory Special Use Permit (SP23-002)

2.2 Lead Agency Contact

Kara Hawkins, Planner III
City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, CA 95113
kara.hawkins@sanjoseca.gov
(408) 535-7852

2.3 Project Applicant

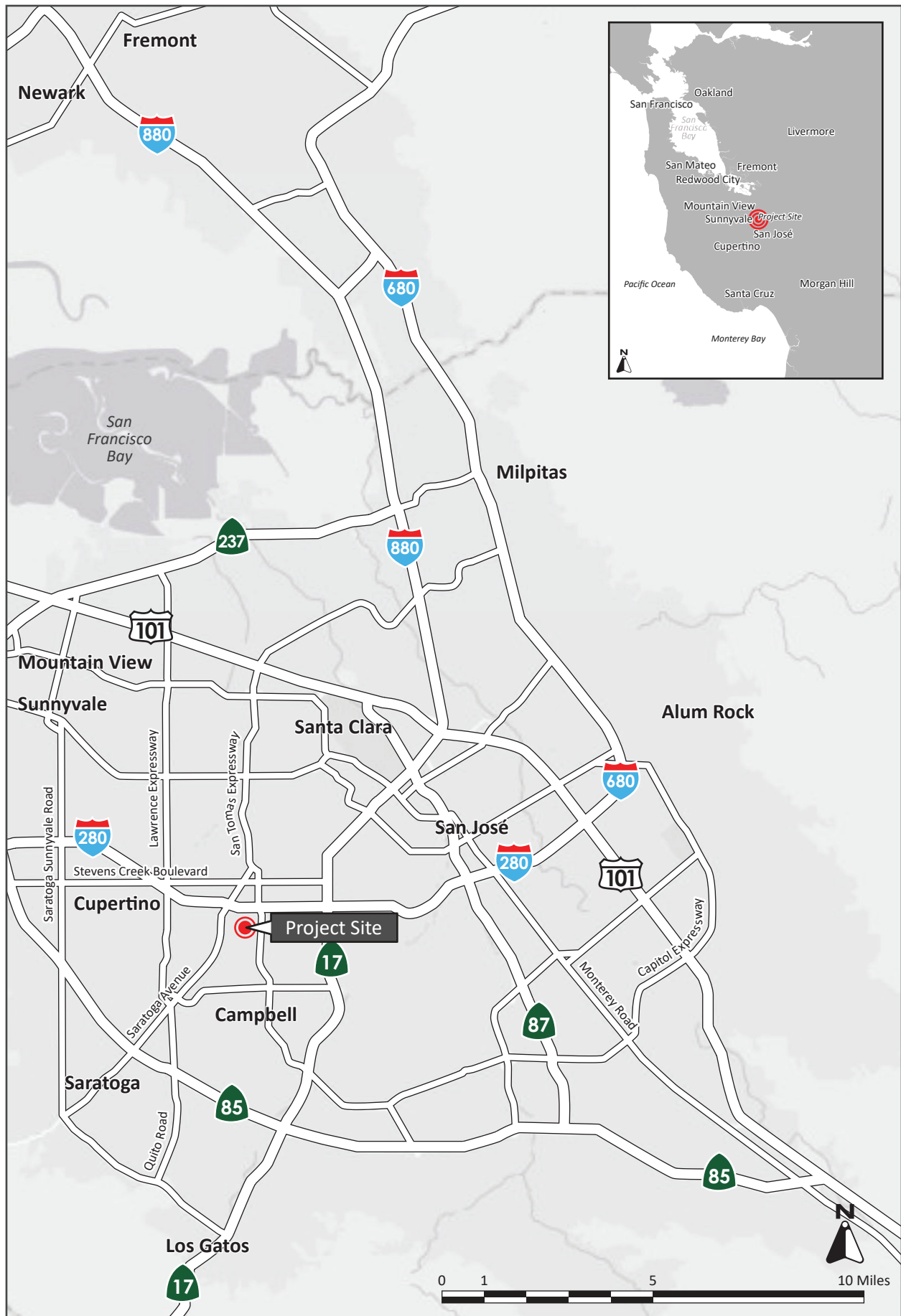
Stratford School
Mark Philpott, Vice President of Construction
1999 S. Bascom Avenue, Suite 300
San José, CA 95113
mphilpott@springedugroup.com
(925) 964 3430

2.4 Project Location

The approximately 47.5-acre project site¹ is located at 3800 Blackford Avenue, at the southwest corner of Blackford Avenue and Boynton Avenue in the City of San José. The location is depicted in the following figures:

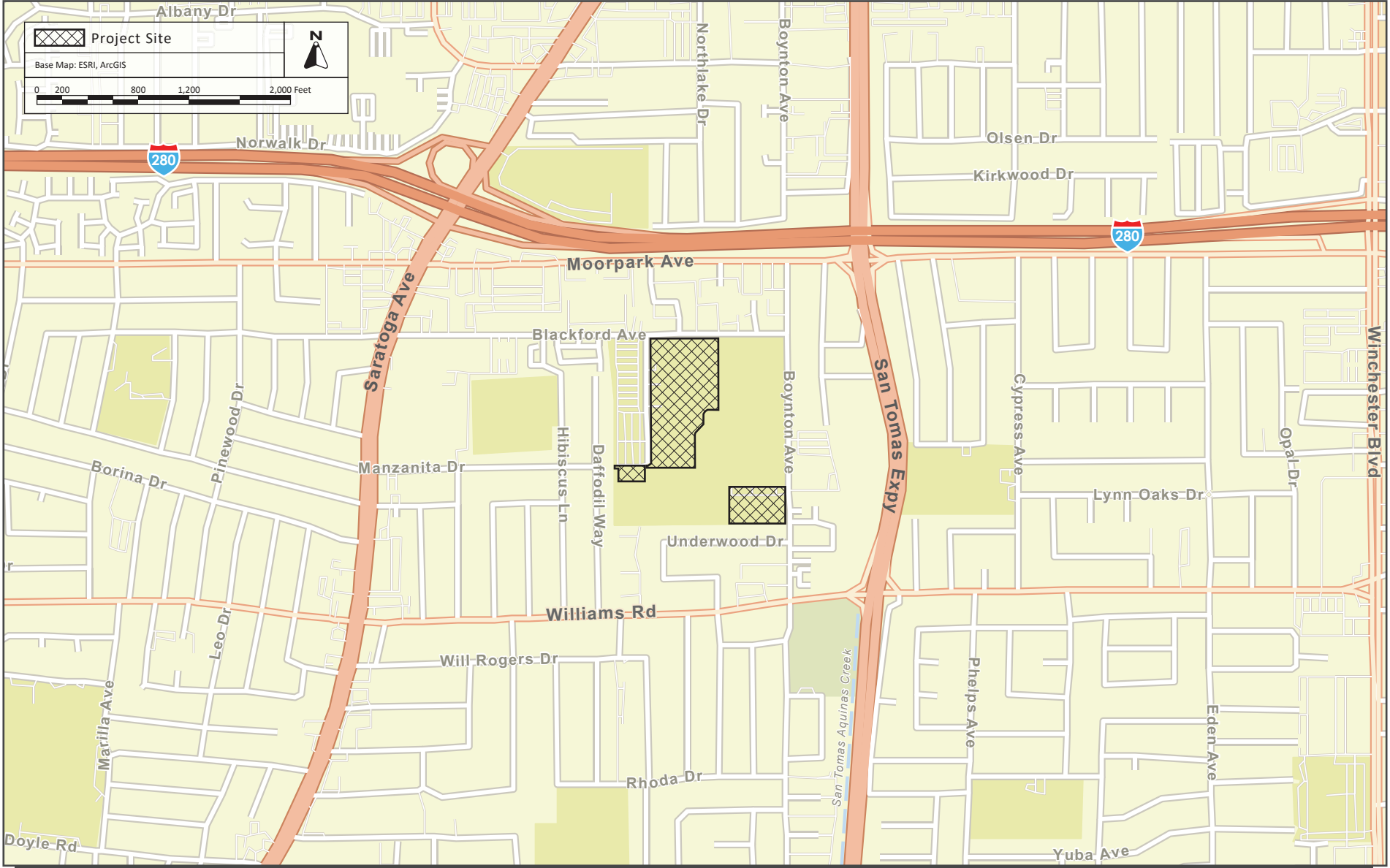
- Figure 2.4-1: Regional Map
- Figure 2.4-2: Vicinity Map
- Figure 2.4-3: Aerial Photograph and Surrounding Land Uses

¹ Stratford Preparatory School exclusively leases the main campus area (approximately 12.4 acres) and jointly uses the sports field (approximately 14.6 acres) and parking area (approximately 6.9 acres) with the CUHSD. The campus also includes Boynton High School campus (approximately 3.8 acres), CACE Blackford Learning Center (approximately 0.7 acre), recreational field (approximately 14.6 acres), stadium (approximately 7.8 acres), tennis courts (approximately 0.9 acre), landscape area (approximately 0.4 acre), and parking (approximately 6.9 acres).



REGIONAL MAP

FIGURE 2.4-1



VICINITY MAP

FIGURE 2.4-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.4-3

2.5 Assessor's Parcel Number

299-33-007

2.6 General Plan Designation and Zoning District

The project site has a General Plan designation and zoning district of PQP - Public/Quasi-Public.

2.7 Habitat Plan Designation

The project site is designated Private Development Area 4: Urban development equal to or greater than two acres covered in the Santa Clara Valley Habitat Plan and has a Land Cover designation of Urban-Suburban and Golf Courses / Urban Parks. The project site is partially in a designated land cover fee zone (Fee Zone B).

2.8 Project-Related Approvals, Agreements, and Permits

- Special Use Permit to modify the existing CUP

Section 3.0 Project Description

3.1 Project Location

The approximately 47.5-acre site is located at the former Blackford High School campus at 3800 Blackford Avenue in the City of San José. Stratford Preparatory School exclusively leases the main campus area (approximately 12.4 acres) and jointly uses the sports field (approximately 14.6 acres) and parking area (approximately 6.9 acres) with the CUHSD).²

3.2 Background

The Blackford High School campus was constructed in 1961 and operated as a public high school until the early 1990s. The former public high school facility is designed for up to 1,800 students. Subsequently, the campus has been leased by various private organizations for institutional and educational purposes. On June 20, 2002, the Planning Commission approved Resolution No. 02-068 approving a Conditional Use Permit to allow a private education institution with up to 800 students (Kehillah Jewish High School) to occupy a portion of the vacant Blackford High School. On August 25, 2004, another private school (Harker School) was granted a Conditional Use Permit (CP04-060) to operate a private middle school and high school with up to 800 pre-school and kindergarten through twelfth grade students on the campus.

The campus also includes Boynton High School campus and CACE Blackford Learning Center. Boynton High School has an enrollment of 209 students.³ Enrollment data is not available for CACE Blackford Learning Center, which is an adult school operated by CUHSD.

3.3 Project Description

Stratford Preparatory School currently operates a private middle school and high school with a total of 534 students (465 middle school and 69 high school students) on the former Blackford High School campus under lease from the CUHSD (refer to Figure 3.2-1). The school operates in compliance with a Conditional Use Permit (CP04-060) that allows up to 800 students. The school leases approximately 122,561 square feet of buildings from CUHSD. For purposes of this analysis, it is assumed that 70 percent of the existing buildings are currently occupied (or 85,793 square feet).

² The Boynton High School area, stadium, and CASE Learning Center are exclusively managed by the Campbell Union High School District.

³ California Department of Education. School Profile: Boynton High School. Accessed April 26, 2023. <https://www.cde.ca.gov/sd/profile/details.aspx?cds=43694014330759>

 TOTAL SITE AREA:
167,030 sf
3.83 acres

Boynton High School
901 Boynton Ave.
San Jose, CA 95117

AREA CALCULATIONS

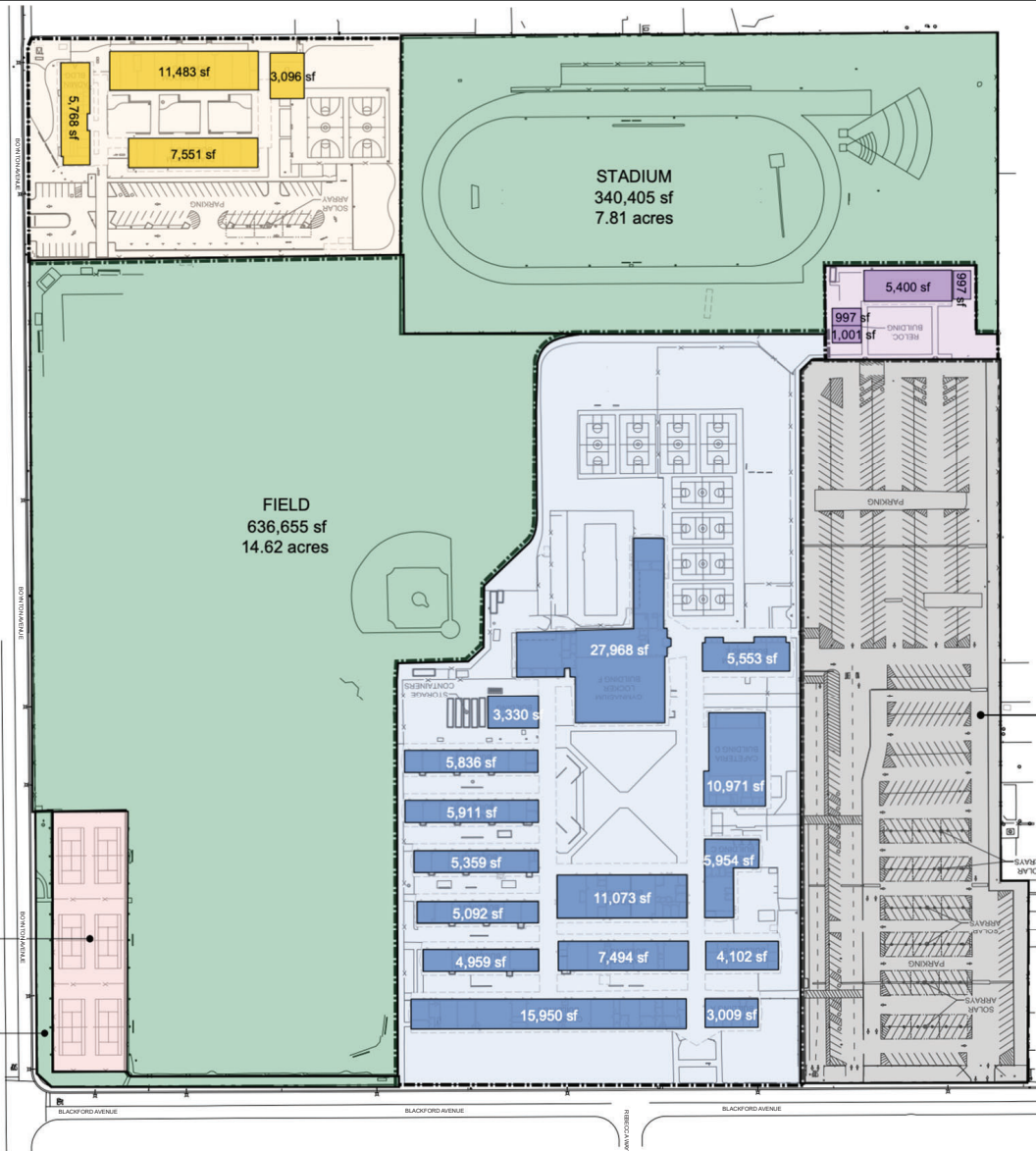
<u>BLACKFORD TOTAL SITE</u>	
CAMPUS	12.37 ac
PARKING	6.94 ac
CACE	.71 ac
STADIUM	7.81 ac
FIELD	14.62 ac
LANDSCAPE	.39 ac
TENNIS	.90 ac
SUBTOTAL	43.74 ac

BOYNTON SITE 3.83 ac

TOTAL AREA 47.57 ac

TENNIS COURTS
39,002 sf
.90 acres

LANDSCAPE
16,997 sf
.39 acres



 TOTAL CAMPUS AREA:
30,951 sf
.71 acres

CACE Blackford Learning Center
3800 Blackford Ave.
San Jose, CA 95117

PARKING:
302,319 sf
6.94 acres

 TOTAL CAMPUS AREA:
539,115 sf
12.37 acres

Blackford Site
3800 Blackford Ave.
San Jose, CA 95117

Source: Stratford Preparatory.

BLACKFORD HIGH SCHOOL CAMPUS

FIGURE 3.2-1

The project proposes to increase enrollment from 534 to 1,349, including approximately 725 middle school students and 624 high school students who currently primarily attend other nearby Stratford lower school campuses. The school would have a maximum of 140 teachers and staff (57 of which would be a result of the expansion). The new students and faculty would occupy existing classrooms and no physical improvements are proposed to the existing campus buildings.

3.3.1 Site Access, Circulation, and Parking

Vehicular access to the project site is provided via three driveways along Blackford Avenue. During drop-off and pick-up times, the Stratford school uses the westernmost driveway (Driveway 1) and center driveway (Driveway 2) as inbound only and the easternmost driveway (Driveway 3) as outbound only. Driveway 1 is a full-access driveway measuring 26 feet in width, providing adequate width for simultaneous ingress and egress. Driveway 2 measures 20 feet in width and provides inbound access during the morning drop-off period only. Driveway 3 measures 20 feet in width and provides outbound access during both the morning drop-off period and afternoon pick-up period. The project site provides over 750 feet of curb for drop-off and pick-up operations. The drop-off/pick-up area is adequate for 30 vehicles to drop-off and pick-up students simultaneously.

The existing project site provides 437 parking spaces in the main parking lot. Of the total 471 spaces, 271 spaces are exclusively available to Stratford Preparatory School. The remaining parking spaces are jointly shared by the school and the CUHSD. The project does not propose to make any modifications to the existing parking spaces within the parking lot.

3.3.1 School Operations

3.3.1.1 *Arrival and Departure Procedures*

Under existing operations, typical school hours are from 8:30 am to 3:45 pm Monday through Friday, with an extended day for some students from 3:45 pm to 6:00 pm. Arrivals at school begin at 7:50 am and last until 8:30 am. Departures from the regular school day begin at 3:45 pm and last until 4:25 pm. During the morning drop-off period, vehicles from Saratoga Avenue enter the site using Driveway 1. These vehicles are instructed to take a larger loop around the parking lot and join the drop-off line at the curb south of the secondary entrance. Vehicles entering the site from Boynton Avenue using Driveway 2 are instructed to take a shorter loop around the parking lot and join the drop-off line north of the secondary entrance. All drop-offs utilize Driveway 3 to exit the school site. Visitors and parked vehicles are directed using Driveway 1 to access visitor parking spots under the solar panels. These vehicles exit the school site using Driveway 1.

During the afternoon pick-up period, Driveway 2 is closed. All vehicles enter using Driveway 1 and have two options: 1) utilize the larger loop (same as drop-off) or 2) park and pick-up. For option 1, drivers will give the student's name and grade level to be called. Students are then picked up at the curb when the vehicles reach the front of the drop-off/pick-up area. If students are not yet ready, drivers are asked to take the shorter loop to rejoin the line.

School operations would remain unchanged with the additional students.

3.3.1.2 *Field Use*

Stratford School exclusively controls the field area during school academic hours and maintains priority use rights between 3:45 and 6:00 PM to support extracurricular programming under CUHSD's field reservation system which is available to the public to reserve use of outdoor areas. Field use would remain unchanged with the additional students.

3.3.2 Transportation Demand Management Plan

The project proposes to implement a Transportation Demand Management (TDM) plan that incorporates the following measures to reduce student VMT:

- Provide School Pool Programs: Stratford facilitates a student carpool matching form at the beginning of each year. Once the contact information for interested families are gathered, their information is sent to other families to coordinate carpooling.
- Provide Private Shuttle/Transit Service: Stratford will offer a van shuttle program. The school offers four morning routes and two to four afternoon routes with options for late departures.
- Provide Voluntary Travel Behavior Change Program: Stratford will promote sustainable development and culture by introducing a sustainability mobility curriculum as part of its environmental studies.

The TDM plan would include the following measures to reduce employee VMT:

- Commute Trip Reduction Marketing/Education: Implement marketing/educational campaigns that promote the use of transit, shared rides, and travel through active modes for 100 percent of the project employees. Strategies may include the incorporation of alternative commute options into new employee orientations, event promotions, and publications.
- Subsidized or Discounted Transit Program: Provide either partially or fully subsidized transit passes for 100 percent of the project employees.
- Provide Ride-Sharing Programs: Organize a program to match individuals interested in carpooling who have similar commutes for 30% of the project employees. This measure promotes the use of carpooling and reduces the number of drive-alone trips.

The TDM plan would be submitted to the City for review and approval and could include additional measures to reduce VMT. The TDM plan is included in Appendix A of this Initial Study.

Section 4.0 Environmental Setting, Checklist, and Impact Discussion

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

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

The discussion for each environmental subject includes the following subsections:

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

4.1 Aesthetics

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in San José. Interstate 280 from the San Mateo County line to State Route (SR) 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.⁴

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

4.1.1.2 *Existing Conditions*

The approximately 47.5-acre project site is located at 3800 Blackford Avenue, at the southwest corner of Blackford Avenue and Boynton Avenue in the City of San José. The site is currently developed with the former Blackford High School campus (constructed in 1961). The campus consists of the main campus area (approximately 12.4 acres), Boynton High School campus⁵ (approximately 3.8 acres), CACE Blackford Learning Center⁶ (approximately 0.7 acre), field (approximately 14.6 acres), stadium (approximately 7.8 acres), tennis courts (approximately 0.9 acre), landscape (approximately 0.4 acre), and parking (approximately 6.9 acres). Buildings on the campus are one-story in height.

Surrounding land uses consist of single-family and multi-family residential to the north, east, and south, and single-family residential to the west.

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>.

⁵ Boynton High School has an enrollment of 209 students. Source: California Department of Education. School Profile: Boynton High School. Accessed April 26, 2023.

<https://www.cde.ca.gov/sdprofile/details.aspx?cds=43694014330759>

⁶ CACE is an adult school operated by the CUHSD. Enrollment data is not available from the California Department of Education.

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? ⁷ If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
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?

The project involves increasing the number of students on the campus from 534 to 1,349. No physical improvements are proposed. Existing views would be maintained; therefore, implementation of the project would not result in a significant impact on a scenic vista. **(No 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?

There are no state-designated scenic highways located within the vicinity of the project site. Further, the project does not include any physical improvements to the site. Therefore, implementation of the proposed project would not damage any scenic resources, such as trees, rock outcroppings, and historic buildings within a state scenic highway. **(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

⁷ Public views are those that are experienced from publicly accessible vantage points.

scenic quality?

The project site is located in an urbanized area of San José. The project involves increasing the number of students on the campus from 534 to 1,349. No physical improvements are proposed. Although the City's Zoning Ordinance does not include regulations governing scenic quality, the proposed project would comply with Title 20 of the City's Municipal Code and would be reviewed as part of the development permit review process to ensure that it conforms with all adopted design guidelines and other relevant policies and ordinances. For these reasons, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. **(No 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?
-

Stratford Preparatory School currently operates a private middle school and high school on the former Blackford High School campus. The campus is also developed with other institutional uses managed by the CUHSD. Stratford School is authorized to use the fields between 3:45 and 6:00 p.m. The campus is an existing source of light that would be unchanged as a result of implementation of the project. The project proposes to increase school enrollment and does not propose any additional light sources. Therefore, the project would not adversely affect day or nighttime views in the area from lighting. **(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.⁸

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.

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

4.2.1.2 *Existing Conditions*

The project site does not contain agricultural or forest land uses.¹⁰ In addition, the project site is not subject to a Williamson Act contract.¹¹

⁸ California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed January 27, 2023. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

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 Conservation. California Important Farmland Finder. Accessed January 27, 2023. <https://maps.conservation.ca.gov/dlrp/ciff/>

¹¹ Santa Clara County. Williamson Act Properties. Accessed January 27, 2023. <https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce>

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 located in an urbanized area of San José that does not contain 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. Therefore, the project would not impact Prime Farmland, Unique Farmland, or Farmland of Statewide Importance through conversion to non-agricultural use. **(No Impact)**

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

The project site is not under Williamson Act contract and is not zoned for agricultural use. Therefore, implementation of the project would not conflict with these designations resulting in no impact. **(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 is not zoned for forest land, timberland, or timberland zoned Timberland Production. Therefore, implementation of the project would not conflict with these designations resulting in no impact. **(No Impact)**

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

The project site is located in a developed area of San José that does not contain forest land. Therefore, the project would not result in a loss of forest land or conversion of forest land to non-forest use. **(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 mentioned above, the project site is located in an urbanized area that does not contain any farmland or forest land. Therefore, the project would not facilitate the unplanned conversion of farmland elsewhere in San José to non-agricultural uses or forest land to non-forest use. **(No Impact)**

4.3 Air Quality

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 (O₃), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.¹² Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants

Pollutants	Sources	Primary Effects
Ozone (O ₃)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO ₂)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀)	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O₃ 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 O₃ levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to

¹² 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 O₃ levels. The highest O₃ 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 (PM₁₀) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}). Elevated concentrations of PM₁₀ 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).¹³ Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

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

¹³ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed February 24, 2023. <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

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, O₃, CO, SO_x, NO_x, and lead.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. 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 addition 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.¹⁴

CEQA Air Quality Guidelines

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

Local

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding air quality impacts and are applicable to the project.

Policy	Description
MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.

4.3.1.3 *Existing Conditions*

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

The Bay Area is considered a nonattainment area for ground-level O₃ and PM_{2.5} under both the federal Clean Air Act and state Clean Air Act. The area is also considered in nonattainment for PM₁₀ 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 O₃ and PM₁₀, BAAQMD has established thresholds of significance for these air pollutants and their precursors¹⁵ that apply to both construction and operational period emissions.

¹⁴ BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

¹⁵ ROG and NO_x are O₃ precursor pollutants.

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?	☐	☐	☒	☐

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

While the project does not propose any physical improvements, it would increase enrollment by up to 815 students. The existing student population and the criteria air pollutant emissions associated with their travel to and from the campus and their occupancy are part of the baseline environmental setting. BAAQMD has developed screening criteria to determine if a project would result in a less than significant impact from operational criteria pollutant emissions. The project falls below the BAAQMD operational criteria air pollutants thresholds of 2,460 students for the “Junior High School” land use and 2,390 students for the “High School” land use; accordingly, the increased operational criteria air pollutant emissions from the additional 815 students on campus proposed by the project are considered to have a less than significant impact. Thus, the project is not required to incorporate project-specific control measures listed in the 2017 CAP. Further, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. The project would comply with the 2017 Clean Air Plan. **(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?
-

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

ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.¹⁶

As discussed in checklist question a), operational criteria pollutant emissions associated with the proposed project would not result in emissions above established BAAQMD thresholds. The proposed project, by itself, would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less than Significant Impact)**

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

The project proposes no new construction, and therefore would not generate TACs related to construction activity. Operation of the project would generate long-term emissions from mobile sources (i.e., traffic). Project generated traffic would consist mostly of light-duty vehicles that are not a source of substantial TACs or PM_{2.5}. Based on the project's trip generation estimates provided by the traffic study, the project would add 3,205 average daily trips distributed on the roadway system around the project site. The proposed project would not result in operations of vehicles which would contribute TACs or PM_{2.5} in excess of established thresholds. Therefore, the project's increase in traffic would be a negligible source of TACs and PM_{2.5}.

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards, and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the 2017 BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect.

As discussed under checklist question a) above, the proposed project would result in a less than significant project-level criteria pollutant impact. As a result, the project would result in a less than significant health impact to sensitive receptors. **(Less than Significant Impact)**

¹⁶ BAAQMD. California Environmental Quality Act Air Quality Guidelines. May 2017. Page 2-1.

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

Odors are generally considered an annoyance rather than a health hazard. Land uses that have the potential to be sources of odors that generate complaints include, but are not limited to, wastewater treatment plants, landfills, composting operations, and food manufacturing facilities. Educational facilities, such as the proposed project, do not typically generate objectionable odors.
(Less than Significant Impact)

4.4 Biological Resources

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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

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

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. 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

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.

City of San José

Tree Removal Ordinance

The City of San José Tree Removal Controls (San José Municipal Code, Sections 13.31.010 to 13.32.100) serve to protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 54 inches (4.5 feet) above the natural grade of slope. The ordinance protects both native and non-native tree species. A tree removal permit is required from the City of San José for the removal of ordinance-sized trees. On private property, tree removal permits are issued by the Department of Planning, Building and Code Enforcement. Removal of or modifications to all trees on public property (e.g., street trees within a parking strip or the area between the curb and sidewalk) are handled by the City's Department of Transportation (DOT).

In addition, any tree found by the City Council to have special significance can be designated as a Heritage Tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such Heritage Trees. Under the City's Tree Removal Ordinance, specific criteria or findings must be made before a permit for removal of a live or dead Heritage Tree would be granted.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to biological resources and are applicable to the project.

Policy	Description
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-21.7	Manage infrastructure to ensure that the placement and maintenance of street trees, streetlights, signs and other infrastructure assets are integrated. Give priority to tree placement in designing or modifying streets.

4.4.1.2 Existing Conditions

The project site is currently developed with a private middle school and high school. Habitats in developed areas such as the project site, are low in species diversity and include predominantly urban adapted birds and animals. Most special status species occurring in the Bay Area use habitats that are not present on the project site. There are no sensitive habitats or wetlands on or adjacent to the site. However, there are several ornamental landscaping trees on the project site.

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, 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?	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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?
-

As discussed in Section 3.0 Project Description, the project would not result in any physical improvements (including tree removal) to the existing campus. The increase from 534 to 1,349 students would not result in 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. **(No Impact)**

- 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 closest riparian corridor to the project site is Saratoga Creek, located approximately 1.4 miles west. As previously discussed, the project does not propose any physical improvements; therefore, implementation of the project would have no effect on any riparian habitats or sensitive natural community. **(No 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?
-

There are no wetlands on or adjacent to the project site nor does the project involve any physical improvements, as a result, the project would not affect any federally protected wetlands as defined by Section 404 of the Clean Water Act. **(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 site is surrounded by development on all sides and there are no sensitive habitats or waterways on or adjacent to the site. Due to the highly urbanized nature of the surrounding area and lack of

connectivity to any habitat areas, the project site does not provide dispersal habitat for any native resident migratory fish or wildlife species and does not act as a substantial wildlife corridor. There are no identified wildlife nursery sites present on the project site. For the reasons stated above and given that the project would not result in any physical improvements, the project would have no impact on migratory fish or wildlife species, wildlife corridors, and wildlife nursery sites. **(No Impact)**

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

The project does not propose to remove any on-site trees or street trees. As a result, the proposed project would not conflict with any ordinance protecting biological resources and would not result in a significant impact to trees and the community forest. **(No 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 designated Private Development Area 4: Urban development equal to or greater than two acres covered in the Santa Clara Valley Habitat Plan and has a Land Cover designation of Urban-Suburban and Golf Courses / Urban Parks. The SCVHP considers covered activities to result in indirect impacts from urban development, mostly in the form of increased impervious surfaces and from the effects of nitrogen deposition.

Urban development that increases the intensity of land use results in increased air pollutant emissions from passenger and commercial vehicles and other industrial and nonindustrial sources. Emissions from these sources are known to increase airborne nitrogen, of which a certain amount is converted into forms that can fall to earth as depositional nitrogen. It has been shown that increased nitrogen in serpentine soils can favor the growth of nonnative annual grasses over native serpentine species and these nonnative species, if left unmanaged, can overtake the native serpentine species, which are host plants for larval Bay Checkerspot butterfly. As such, covered projects within the SCVHP area are subject to paying a “Nitrogen Deposition Impact Fee” which is calculated based on the number of daily vehicle trips attributed to the activity and collected prior to the commencement of the use.

Consistent with the SCVHP, the project would be required to implement the following measure to offset the effects of increased travel to and from the site that would lead to nitrogen deposition:

- **Santa Clara Valley Habitat Plan.** The project may be subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee). The project applicant shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form (<https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=>) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for

approval and payment of all applicable fees. The Habitat Plan and supporting materials can be viewed at <https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>.

With the implementation of the above stated measure, the increased student population proposed by the project and increase in vehicle emissions leading to nitrogen deposition would be consistent with the SCVHP. **(Less than Significant Impact)**

4.5 Cultural Resources

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

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

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.¹⁷

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.

¹⁷ California Office of Historic Preservation. “CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6.” Accessed August 31, 2020.
<http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf>.

California 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 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 following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to cultural resources and are applicable to the project.

Policy	Description
LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.
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.

4.5.1.2 *Existing Conditions*

Historical Resources

The existing school buildings were constructed in 1961 as the former Blackford High School campus. The campus was utilized as a public high school until the early 1990s. Subsequently the campus has been leased by various private organizations for institutional and educational purposes. On June 26,

2004, the Planning Commission approved Resolution No. 02-068 to allow a private education institution (Kehillah Jewish High School) to occupy a portion of the vacant Blackford High School. On August 25, 2004, another private school (Harker School) was granted a Conditional Use Permit (CP04-060) to operate a private middle school and high school with up to 800 pre-school and kindergarten through twelfth grade students on the campus. The campus is not identified as a historic resource in the City's Historic Resources Inventory (HRI).¹⁸

Prehistoric Resources

The project site is not within an area of prehistoric archaeological sensitivity according to cultural sensitivity maps prepared for the General Plan Final Environmental Impact Report (FEIR).¹⁹ There are no prehistoric cultural resources known to be present within the project site.

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 as 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?				

As discussed above in Section 4.5.1.2, the project site is not listed on the City's HRI. The project proposes to increase enrollment of an existing school and does not involve any physical improvements to the site that would cause a substantial adverse change in the significance of a historical resource. **(No Impact)**

¹⁸ City of San José. Historic Resource Inventory. Accessed February 24, 2023.
<https://www.arcgis.com/apps/webappviewer/index.html?id=b2d7cc355a86493c8da904b8c2fc3e3e&extent=-13591970.1207%2C4462771.7617%2C-13533877.9792%2C4499308.6613%2C102100>

¹⁹ City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011.

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

As discussed under Section 3.5.1.2, the project site contains no known archaeological resources and is not in a City-identified area of archaeological sensitivity. Further, no physical improvements are proposed to the existing campus. Therefore, the project would not cause a substantial adverse change in the significance of an archaeological resource. **(No Impact)**

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

The project proposes to increase enrollment of an existing school and does not involve any physical improvements to the site that would disturb human remains. **(No Impact)**

4.6 Energy

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

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 CO₂ from the atmosphere through sequestration.

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.²⁰

Regional and Local

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:

²⁰ California Air Resources Board. “The Advanced Clean Cars Program.” Accessed February 23, 2023. <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program>.

- 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). Note this is not applicable to the proposed project.
- 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 Jose 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.²¹ 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 21.8 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.²² This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

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.²³

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 from entirely renewable sources.

Natural Gas

PG&E provides natural gas services within 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.²⁴ In 2021 residential and commercial customers in California used 33 percent of the state's natural gas, power plants used 0.01 percent, the industrial

²¹ United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed February 23, 2023. <https://www.eia.gov/state/?sid=CA#tabs-2>.

²² Ibid.

²³ California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed February 23, 2023. <http://ecdms.energy.ca.gov/elecbycounty.aspx>.

²⁴ California Gas and Electric Utilities. 2020 *California Gas Report*. Accessed February 23, 2023. [https://www.socalgas.com/sites/default/files/2020-10/2020 California Gas Report Joint Utility Biennial Comprehensive Filing.pdf](https://www.socalgas.com/sites/default/files/2020-10/2020%20California%20Gas%20Report%20Joint%20Utility%20Biennial%20Comprehensive%20Filing.pdf).

sector used 33 percent.²⁵ In 2020, Santa Clara County used less than one percent of the state’s total consumption of natural gas.²⁶

Fuel for Motor Vehicles

In 2020, California produced 144.2 million barrels of crude oil and in 2019, 19.2 billion gallons of gasoline were sold in California.^{27 28} The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 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}

Energy Use of Existing Buildings

Energy (in the form of electricity and natural gas) is used by the existing occupied buildings (approximately 85,793 square feet³²) primarily for heating and cooling, lighting, and water heating. Energy use is summarized in Table 4.6-1.

Table 4.6-1: Estimated Annual Energy Use Existing Development

Electricity Use (kWh)	Natural Gas Use (kBtu)	Gasoline (gal/yr) ¹
393,190	3,706,944	62,176
Notes:		

²⁵ United States Energy Information Administration. “Natural Gas Consumption by End Use. 2021.” Accessed February 23, 2023. <https://www.eia.gov/state/?sid=CA#tabs-2>.

²⁶ California Energy Commission. “Natural Gas Consumption by County.” Accessed February 23, 2023. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

²⁷ U.S. Energy Information Administration. “Petroleum & Other Liquids, California Field Production of Crude Oil.” September 30, 2020. <https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=p&s=mcrfpca1&f=a>

²⁸ California Department of Tax and Fee Administration. “Net Taxable Gasoline Gallons.” Accessed February 23, 2022. <https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist>.

²⁹ U.S. 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?Dockkey=P1010U68.pdf>

³⁰ U.S. Department of Energy. *Energy Independence & Security Act of 2007*. Accessed February 23, 2023. <http://www.afdc.energy.gov/laws/eisa>.

³¹ U.S. Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026.” Accessed February 23, 2023. <https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026>

³² T Stratford Preparatory School leases 122,561 square feet, for purposes of this analysis it is assumed that 70 percent is occupied (refer to Figure 3.2-1).

1. Gasoline use calculated based on forecasted annual VMT (1,579,252) divided by average U.S. fuel economy. Per the 2021 EPA Automotive Trends Report, the average U.S. Fuel Economy is 25.4 mpg for light-duty vehicles. Source: California Emissions Estimator Model. Appendix G Default Data Tables. Table G-28 Annual Energy Use by Land Use Subtype and EDFZ. April 2022.

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?

Operation of the existing school consumes energy for multiple purposes including, but not limited to, building heating and cooling, lighting, appliances, and electronics. Operational energy is also consumed during each vehicle trip associated with the current student population and faculty. Table 4.6-1 above summarizes the existing energy use of the school. The project proposes to increase enrollment by 815 students at the Stratford Preparatory School. Under existing conditions, the school is occupying 70 percent of the total 122,561 square feet campus. With the increased enrollment, the school would occupy all of the buildings, resulting in an annual increase in electricity use of 561,697 kWh (or 0.56 gWh). This represents approximately 0.003 percent of total energy consumption in Santa Clara County. The addition of 815 students would result in a natural gas increase of 1,588,672 kBtu. Annual gasoline consumption as a result of the project would increase by approximately 109,997 gallons, which is less than 0.00006 percent of the state's annual consumption.³³ Project-related energy usage is less than significant in comparison with state and county consumption of electricity, natural gas, and gasoline identified under Existing Conditions.

(Less than Significant Impact)

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

³³ Gasoline use calculated based on forecasted annual VMT (4,373,189) divided by average U.S. fuel economy. Per the 2021 EPA Automotive Trends Report, the average U.S. Fuel Economy is 25.4 mpg for light-duty vehicles. The project's annual VMT/U.S. fuel economy was then subtracted from the existing annual gasoline use of 62,176 gallons.

energy efficiency?

Electricity for the project would be provided by SJCE from sources of renewable and carbon-free power including wind, solar, geothermal, and hydroelectric. Implementation of the proposed project would not conflict with or obstruct implementation of a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 Geology and Soils

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code

The California Building Code (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.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources

Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

City of San José

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the 2019 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes.³⁴ Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

4.7.1.2 *Existing Conditions*

Regional Geology

The project site is located in the Santa Clara Valley, which is bounded by the Diablo Range to the east, the Santa Teresa Hills to the south, and the Santa Cruz Mountains to the west. The Santa Clara Valley is underlain by sedimentary and metamorphic rocks of the Franciscan Complex. Overlying these rocks are alluvial sediments deposited by streams draining the adjacent mountains during recent geologic times (Holocene age). The alluvial deposits consist of unconsolidated to semi-consolidated sand, silt, clay, and gravel.

On-Site Geologic Conditions

Soils and Topography

The project site is located in a relatively flat area. Soils underlying the project site are primarily Urban land-Stevenscreek complex, Urban land-Flaskan complex, and Urbanland-Campbell complex consisting of silt loam and clay loam.^{35, 36} Stevenscreek and Flaskan complexes consist of well-drained sandy loam and sandy clay loam soils. Campbell complexes consist of very deep,

³⁴ Refer to the City's Municipal Code Section 24.03.100 – Adoption of technical provisions of California Building Code.

³⁵ U.S. Department of Agriculture. *Custom Soil Resource Report of Santa Clara Area, California, Western Part*. March 7, 2023.

³⁶ City of San José. Public Information Search. Accessed on February 2, 2023.
<https://portal.sanjoseca.gov/deployed/sfjsp?interviewID=PublicPropertySearch>

moderately well drained sandy loam soils.³⁷ Urban land-Stevenscreek complex, Urban land-Flaskan complex, and Urbanland-Campbell complex are classified as Hydrologic Soil Group C – meaning that have low infiltration rates when thoroughly wetted.³⁸ According to the CBC, soils with a Plasticity Index (PI) of 15 or less are not considered expansive. 83 percent of the onsite soils have a PI of 20.6 to 22.9, whereas two percent of the soils are 13.5.

Seismicity and Seismic Hazards

The San Francisco Bay Area is considered to be the most seismically active region in the U.S. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong-to-very-strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults.

Table 4.7-1: Active Faults in the Vicinity of the Project Site

Fault Name	Distance and Direct from Project Site*
Mount Vista Shannon	3.8 miles west
San Andreas	7.2 miles southwest
Hayward	12.5 miles northeast
* Approximate Distances	

The project site is not within an Alquist-Priolo Earthquake Fault Zone.³⁹ There are no faults present on the project site, and the site is not in a Santa Clara County Fault Rupture Hazard Zone.⁴⁰ However, due to the overall high seismic activity of the Bay Area, structures within the project site would likely experience strong ground shaking during their occupation.

Liquefaction and Lateral Spreading

Liquefaction is a temporary loss of shear strength as a result of increased pore pressure due to strong ground shaking or cyclic loading. Liquefaction is defined by saturation of soil and loss of cohesion. It is associated with loose, high-plasticity soils and near-surface groundwater levels. The project site is not mapped within a state-designated Liquefaction Hazard Zone.⁴¹

³⁷ U.S. Department of Agriculture. Official Soil Series Descriptions. Accessed February 22, 2023. <https://soilseries.sc.egov.usda.gov/>

³⁸ U.S. Department of Agriculture. Part 630 Hydrology National Engineering Handbook. May 2007.

³⁹ California Department of Conservation. "California Earthquake Hazards Zone Application. Date accessed: February 22, 2023. <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp>

⁴⁰ Santa Clara County Department of Planning and Development. Geologic Hazard Zones. Accessed February 22, 2023. <https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=5ef8100336234fbdafc5769494cfe373>

⁴¹ California Geological Survey. *California Earthquake Hazards Zone Application (EQ ZAPP)*. Date accessed February 22, 2023. <https://maps.conservation.ca.gov/EQZApp/app/>

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying soil toward an open or “free” face such as an open body of water, channel, or excavation. This movement is often associated with liquefaction and commonly occurs on gentle slopes in seismically active regions. Lateral spread presents a significant hazard to the integrity of buildings and other structures. Given that the site is not mapped within a Liquefaction Hazard zone, the potential for lateral spreading on-site is low.

Landslides

As noted above, the project site is relatively flat and the project site is not mapped within a state-designated Landslide Hazard Zone.⁴²

Groundwater

The project site is located within the Santa Clara groundwater basin, one of two groundwater basins located within the City of San José Urban Growth Boundary. Groundwater depths at the project site range from 20 to 50 feet.⁴³ Groundwater levels can fluctuate temporally due to a variety of factors, including seasonal variations in precipitation and temperature, and rates of groundwater extraction in the surrounding area.

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. According to the City’s Paleontological Sensitivity Map, the project site is located in an area of high paleontological sensitivity at depth for mammal, bird, and reptile fossils.⁴⁴

⁴² Ibid.

⁴³ City of San José. Public Information Search. Accessed on February 2, 2023.
<https://portal.sanjoseca.gov/deployed/sfjsp?interviewID=PublicPropertySearch>

⁴⁴ C. Bruce Hanson. *Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California*. September 2010.

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

Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Hazard Zone or a Santa Clara County Fault Rupture Hazard Zone. While existing faults are located in the region, the project site is outside of the fault zone for any regional fault systems, and loss, injury, or death from fault ruptures would not occur on the site.

Seismic Ground Shaking

The project site is located within the seismically active San Francisco Bay region. The faults in this region are capable of generating earthquakes of magnitude 7.0 or higher. During an earthquake, very strong ground shaking could occur at the project site. The project proposes to increase enrollment of an existing school campus and does not involve any physical improvements to the site that would exacerbate seismic ground shaking.

Liquefaction and Lateral Spreading

As discussed above in Section 4.7.1.2, the project site is not mapped within a state-designated Liquefaction Hazard Zone. There are no adjacent bodies of water, channels, or excavations in the vicinity of the site that would increase the potential of lateral spread occurrence. It is not anticipated that lateral spread or other seismic-induced hazards would occur at the project site.

The project proposes to increase enrollment of an existing school and does not involve any physical improvements to the site that would exacerbate existing geological hazards on the site such that it would impact (or worsen) off-site geological and soil conditions. For these reasons, the project would not result in significant impacts from seismicity and seismic-related hazards including ground shaking, liquefaction, and lateral spreading. **(Less than Significant Impact)**

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

The project proposes to increase enrollment by 815 additional students at the Stratford Preparatory School. No physical improvements are proposed to the existing campus. Therefore, the project would not result in substantial soil erosion or the loss of topsoil. **(No 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?

As discussed under checklist question a), the project site is not located on an unstable geologic unit or soil. The project proposes to increase enrollment of an existing school by utilizing existing buildings and does not involve any physical improvements to the site that would exacerbate existing geological hazards on the site such that it would impact (or worsen) off-site geological and

soil conditions. For these reasons, the project would not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. **(No 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 discussed in Section 4.1.7.2, the majority of the soil onsite has a PI greater than 15 and would be considered expansive. However, the project does not include any physical improvements to the site and would not create substantial direct or indirect risks to life or property due to expansive soils. **(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 served by the City's sewer system and would not require septic tanks or alternative wastewater disposal systems. **(No Impact)**

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

The project proposes to increase enrollment of an existing school and does not involve any physical improvements to the site that would directly or indirectly destroy unique paleontological resources or geological features. **(No Impact)**

4.8 Greenhouse Gas Emissions

The following discussion is based upon a Greenhouse Gas Compliance Checklist provided by the applicant in March 2023. The checklist is attached in Appendix B of this document.

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 CO₂ equivalents (CO₂e). The most common GHGs are carbon dioxide (CO₂) and water vapor but there are also several others, most importantly methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO₂ and N₂O are byproducts of fossil fuel combustion.
- N₂O is associated with agricultural operations such as fertilization of crops.
- CH₄ 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 SF₆ 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 CO₂e (MMTCO₂e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO₂e.

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). Note this is not applicable to the proposed project.
- SJCE will provide 100-percent carbon-free base power by 2021.
- One gigawatt of solar power will be installed in San Jose by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

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.⁴⁵

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.

⁴⁵ 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>.

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?				

Per CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. Pursuant to the latest CEQA Air Quality Guidelines, a local government may prepare a Qualified GHGRS that is consistent with AB 32 goals. If a project is consistent with the City's GHGRS, it can be presumed that the project would not have significant GHG emissions under CEQA. The proposed project would comply with the 2030 GHGRS, as discussed below under checklist question b. Therefore, the project would result in 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?

2030 Greenhouse Gas Reduction Strategy

As mentioned previously, projects that are consistent with the GHGRS would have a less than significant impact related to GHG emissions through 2030. The GHGRS includes seven strategies for emissions reductions. These include, use of San José Clean Energy, achieving zero net carbon for residential construction, renewable energy development, retrofits of existing buildings to remove natural gas demands, achieving a zero-waste goal, modernization of Caltrain, and water conservation.

The project proposes to increase enrollment of an existing school campus and does not involve any physical improvements to the site. The proposed project is consistent with the Land Use/Transportation Diagram designation of Public/Quasi-Public. The existing campus includes solar panels and the project would implement a TDM plan (refer to MM TRN-1.1 in Section 4.17 Transportation) to reduce the amount of vehicle travel to and from the site. For these reasons, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

Climate Smart San José

Climate Smart San José, adopted by the City, is a community-wide 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. For these reasons, the project is consistent with the City's climate action goals as set forth in Climate Smart San José. **(Less than Significant Impact)**

4.9 Hazards and Hazardous Materials

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

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

Federal and State

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, 1986.⁴⁶

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.⁴⁷

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).⁴⁸

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.

⁴⁶ U.S. Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed February 22, 2023. <https://www.epa.gov/superfund/superfund-cercla-overview>.

⁴⁷ U.S. Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed February 22, 2023. <https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act>.

⁴⁸ California Environmental Protection Agency. "Cortese List Data Resources." Accessed February 22, 2023. <https://calepa.ca.gov/sitecleanup/corteselist/>.

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.

Regional and Local

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hazards and hazardous materials and are applicable to the project.

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 gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.

City of San José Emergency Operations Plan

The City of San José Emergency Operations Plan provides an overview of the jurisdiction's approach to emergency operations. It identifies emergency response policies, describes the response and recovery organization, and assigns specific roles and responsibilities to City departments, agencies, and community partners.

4.9.1.2 *Existing Conditions*

Historic Uses of the Project Site

The Blackford High School campus was constructed in 1961 and operated as a public high school until the early 1990s. Subsequently the campus has been leased by various private organizations for institutional and educational purposes. On June 26, 2004, the Planning Commission approved Resolution No. 02-068 to allow a private education institution with up to 800 students (former Kehillah Jewish High School) to occupy a portion of the vacant Blackford High School. On August 25, 2004, another private school (Harker School) was granted a Conditional Use Permit (CP04-060) to operate a private middle school and high school with up to 800 pre-school and kindergarten through twelfth grade students on the same campus.

Potential On-Site Sources of Contamination

The project site is not listed on the Cortese List or other regulatory databases as a known source or suspected source of contamination or as a site that contains hazardous materials or hazardous waste.⁴⁹

Asbestos-Containing Materials and Lead Based Paints

Due to changes in federal regulations regarding the use of products containing asbestos, buildings constructed prior to the 1970s have a higher potential to contain asbestos in roof coatings, floor tiles, ceiling tiles, and cementitious products such as pipes or shingles. Due to the age of the buildings on the project sites, some building materials may contain asbestos.

In 1978, the U.S. Consumer Product Safety Commission lowered the permissible levels of lead contained in paints and prohibited application of lead-based paint to housing constructed or rehabilitated with federal assistance. Due to the age of the buildings on the project sites, there is the potential that lead based paint (LBP) is present.

Airport Operations

The Norman Y. Mineta San José International Airport is located approximately 3.6 miles northeast of the project site. The project site is not located within the AIA or any safety zones identified in the CLUP for the Norman Y. Mineta San José International Airport.

Wildfires

The project site is located in a highly urbanized area that is not within a wildland urban interface area or a very high fire hazard severity zone.^{50, 51}

⁴⁹ California Environmental Protection Agency. "Cortese List Data Resources" Accessed February 10, 2023. <https://calepa.ca.gov/SiteCleanup/CorteseList/>

⁵⁰ CALFIRE. "Fire Hazard Severity Zone Viewer" Accessed January 27, 2023. <https://egis.fire.ca.gov/FHSZ/>

⁵¹ City of San José. Wildland-Urban Interface. Accessed March 14, 2023. <https://www.sanjoseca.gov/your-government/departments-offices/fire-department/public-education/wildfire-preparedness/wildland-urban-interface>

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, will 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?				

The project proposes to increase enrollment of an existing school campus by occupying existing buildings, and no new construction or site disturbance is proposed. As such, small quantities of cleaning supplies, maintenance chemicals, and herbicides and pesticides for landscape maintenance may be stored and used in operation of the school. No other hazardous materials are used or stored on-site. These materials are managed in accordance with existing laws and regulations that ensure that the routine transport, storage, use, and disposal of these materials would not result in a significant hazard to the public or environment. **(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?
-

The project proposes to increase enrollment of an existing school and does not involve any physical improvements to the site that would 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. **(No Impact)**

- 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?
-

The project site is currently occupied by the Stratford Preparatory School, as well as the Boynton High School and CASE Learning Center. Other schools within 0.25 mile include:

- Action Day Schools – Phelan
- Lynnhaven Elementary School
- The Harker School

As discussed above under checklist question a), there is no significant hazard related to the transport, use, or disposal of hazardous materials. Further, the project does not involve any physical improvements to the site that would result in hazardous emissions. Accordingly, the handling of hazardous materials and hazardous emissions associated with the proposed development would not impact nearby schools. **(Less than Significant 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 Existing Conditions, the project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. **(No 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?
-

The project site is not located within the vicinity of a private airstrip or an airport land use area, or within two miles of an airport. The nearest airport is San José Mineta International Airport, located approximately 3.6 miles northeast of the project site. Given the distance between this airport and the project site, and given the project site is not located within the AIA, the proposed project would not result in a safety hazard for people residing or working in the project area. **(No Impact)**

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

The project proposes to increase the number of students at the Stratford school from 534 to 1,349, in addition to the other educational facilities present on the former Blackford high school campus. No physical improvements are proposed. The City would review the operation of the project to ensure adequate emergency access is provided to the site and maintained in the surrounding area.
(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?
-

Based on the Fire Hazard Severity Zone (FHSZ) Map, the project site is not located within a FHSZ area.⁵² **(No Impact)**

⁵² CALFIRE. "Fire Hazard Severity Zone Viewer" Accessed January 27, 2023. <https://egis.fire.ca.gov/FHSZ/>

4.10 Hydrology and Water Quality

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the 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 SWRCB's website.⁵³

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.

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

⁵³ California State Water Resources Control Board. "2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)." May 11, 2022. Accessed February 2, 2023. https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.

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.

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.⁵⁴

Local

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hydrology and water quality and are applicable to the project.

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

⁵⁴ Valley Water. *2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. November 2021.

Policy	Description
MS-3.5	Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.
MS-20.3	Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.
IN-1.1	Provide and maintain adequate water, wastewater, and stormwater services to areas in and currently receiving these services from the City.
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.

4.10.1.2 *Existing Conditions*

Hydrology and Drainage

The project site is located in the San Tomas Aquino Watershed, which covers an area of approximately 45 square miles.⁵⁵ There is an existing 24-inch reinforced concrete pipe (RCP) storm main located along Blackford Avenue that currently serves the site. Surface runoff from the Blackford Avenue storm drain discharges directly into San Tomas Aquinas Creek. San Tomas Aquinas Creek flows are ultimately conveyed to the South San Francisco Bay.⁵⁷

Surface 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

⁵⁵ City of San José. Watershed Maps. Accessed February 8, 2023. <https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/our-creeks-rivers-bay/watershed-maps>

⁵⁶ Santa Clara Valley Urban Runoff Pollution Prevention Program. San Tomas Aquino Watershed. Accessed February 9, 2023. <https://scvurppp.org/watersheds/santa-clara-basin-watersheds/san-tomas-aquino-watershed/>

⁵⁷ City of San José. “Utility Viewer.” Accessed February 2, 2023. <https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=0d463f017c8a48a7b73b2d35bd7381f1>

exposed surfaces into storm drains. As discussed in the above paragraph, surface runoff from the project site is collected by storm drains and discharged to San Tomas Aquinas Creek. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain. San Tomas Aquinas Creek is currently listed on the 303(d) list for trash.⁵⁸

Groundwater

The project site is located within the Santa Clara groundwater basin, one of two groundwater basins located within the City of San José Urban Growth Boundary. Groundwater depths at the project site range from 20 to 50 feet.⁵⁹ Groundwater levels can fluctuate temporally due to a variety of factors, including seasonal variations in precipitation and temperature, and rates of groundwater extraction in the surrounding area.

Flooding and Other Hazards

The western portion of the project site is located in Flood Zone D,⁶⁰ which is an area of undetermined but possible flood hazard that is outside the 100-year flood plain. There are no City floodplain requirements for Zone D. The eastern portion of the project site is located in Flood Zone AO,⁶¹ which is a Special Flood Hazard Area (SFHA) indicating a high risk of flooding. Flood insurance is mandatory in Flood Zone AO.

Seiches and Tsunamis

A seiche is defined as a standing wave generated by rapid displacement of water within an enclosed body of water (such as a reservoir, lake, or bay) due to an earthquake that triggers land movement within the water body or landsliding into or beneath the water body. There are no large bodies of water within the vicinity of the project site; therefore, the project site is not subject to seiches.

A tsunami is a large tidal wave caused by an underwater earthquake or volcanic eruption. Tsunamis affecting the Bay Area can result from offshore earthquakes within the Bay Area. Tsunami inundation maps for Santa Clara County show that the project site is not within a tsunami inundation area.⁶²

⁵⁸ State Water Quality Control Board. *2018 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)*. October 20, 2020.

⁵⁹ City of San José. Public Information Search. Accessed on February 2, 2023.

<https://portal.sanjoseca.gov/deployed/sfjsp?interviewID=PublicPropertySearch>

⁶⁰ Federal Emergency Management Agency. Flood Insurance Map. Map Number 06085C0228H. May 17, 2009

⁶¹ Federal Emergency Management Agency. Flood Insurance Map. Map Number 06085C0229H. May 17, 2009

⁶² California Geological Survey. *Santa Clara County Tsunami Inundation Maps*. Accessed February 2, 2023.

<https://www.conservation.ca.gov/cgs/tsunami/maps/santa-clara>

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?	☐	☐	☐	☒
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?
-

The project proposes to increase enrollment by 815 students at the Stratford Preparatory School. No physical improvements are proposed and the project would not create or replace 5,000 square feet or more of impervious surface on the project site. For these reasons, the project would not

violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(No 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?
-

The project proposes to increase the number of students from 534 to 1,349 at the Stratford Preparatory School. The existing school relies, and the additional 815 students would rely on existing sources of water and the City's existing water delivery system. The project does not propose any physical improvements and would not require dewatering of subsurface groundwater. The 815 additional students would contribute to the cumulative increase in demand for water in the service territory of the San José Water (SJW); however, the project itself would not result in the overdraft of any groundwater basins. For further discussion of the project's increased demand for water, refer to Section 4.19 Utilities and Service Systems. The project site is not located on or adjacent to any of Valley Water's groundwater recharge systems. Therefore, the project would not interfere with groundwater recharge activities or substantially deplete groundwater levels. **(No 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 project proposes to increase enrollment by 815 students at the Stratford Preparatory School. No physical improvements are proposed, and the project would not increase impervious surfaces on the project site. Compliance with existing policies and regulations for the management of surface runoff and erosion would reduce the drainage impacts of any proposed development on the site to less than significant levels. **(Less than Significant Impact)**

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

The project proposes to increase enrollment of an existing school campus by utilizing existing buildings. As such, small quantities of cleaning supplies, maintenance chemicals, and herbicides and pesticides for landscape maintenance may be stored and used in operation of the existing school. No other hazardous materials are used or stored on-site. These materials are managed in

accordance with existing laws and regulations that ensure that the routine transport, storage, use, and disposal of these materials would not result in a significant hazard to the public or environment. While the project site is located in Flood Zone D (an area of undetermined but possible flood hazard) and Flood Zone AO (high risk of flooding), the project would result in a less than significant risk for releasing pollutants due to inundation since minimal amounts of hazardous materials are store on-site, and the buildings are part of the baseline condition. As mentioned in Section 4.10.1.2 Existing Conditions, the site is not subject to inundation from tsunamis or seiches.

(Less than Significant Impact)

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

Water Quality Control

As previously discussed, the project proposes to increase enrollment by 815 students at the Stratford Preparatory School within existing classroom buildings. No physical improvements are proposed and the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Thus, the project would not conflict with or obstruct implementation of the San Francisco Bay Basin Plan.

Santa Clara and Llagas Subbasin Groundwater Management Plan

As discussed above, the project site is within the Santa Clara groundwater subbasin and this subbasin has not been identified in the GMP as being over-drafted. Implementation of the project would not interfere with any actions set forth by Valley Water in its GMP in regards to groundwater recharge, transport of groundwater, and/or groundwater quality. In addition, as discussed under checklist question b), the project would not substantially decrease groundwater supplies or substantially interfere with groundwater recharge. **(Less than Significant Impact)**

4.11 Land Use and Planning

4.11.1 Environmental Setting

4.11.1.1 *Existing Conditions*

Stratford Preparatory School currently operates a private middle school and high school with a total of 534 students on the main campus (approximately 12.4 acres) of the former Blackford High School under lease from the CUHSD. The school jointly uses the sports field (approximately 14.6 acres) and parking area (approximately 6.9 acres) with the CUHSD. The school operates in compliance with a Conditional Use Permit (CP04-060) that allows up to 800 pre-school and kindergarten through twelfth grade students on the campus. The former public high school facility is designed for up to 1,800 students.

The campus also includes Boynton High School campus and CACE Blackford Learning Center. Boynton High School has an enrollment of 209 students.⁶³ Enrollment data is not available for CACE Blackford Learning Center, which is an adult school operated by CUHSD.

The project site has a General Plan designation and zoning district of PQP - Public/Quasi-Public. This category is used to designate public land uses, including schools, colleges, libraries, museums, government offices, and airports.

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 proposes to increase the number of students at the Stratford school from 534 to 1,349, in addition to the other students present attending other facilities on the campus. No physical

⁶³ California Department of Education. School Profile: Boynton High School. Accessed April 26, 2023. <https://www.cde.ca.gov/sdprofile/details.aspx?cds=43694014330759>

improvements are proposed. The project would not include construction of physical features that would divide an existing community or propose the closure of an existing street that would impair mobility. For these reasons, the project would not physically divide an established community. **(No 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?
-

The project proposes to increase enrollment by 815 additional students. The project is consistent with the General Plan land use designations for the site. Accordingly, the project would not conflict with any General Plan or Municipal Code, plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(No Impact)**

4.12 Mineral Resources

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

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*

Under the SMARA, the SMGB 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. The project site is located approximately 5.4 miles east from Communications Hills. Other than in this area, 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 will be of value to the region and the residents of the state?	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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?
-

As mentioned previously, an area of Communications Hill has been designated as a source of construction aggregate materials. Communications Hill is located more than five miles east of the project site and the project does not propose any physical improvements. Therefore, implementation of the project would not result in the loss of availability of locally important mineral resources. **(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 would not result in the loss of availability of a locally important mineral resource recovery site as there are none on the project site, nor does the project propose any physical improvements. **(No Impact)**

4.13 Noise

The following discussion is based on a Traffic Noise Assessment prepared by Illingworth & Rodkin, Inc. A copy of this report, dated April 2023, is included as Appendix C of 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.⁶⁴ 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.

⁶⁴ 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

Local

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to noise and applicable to the project. The City's noise and land use compatibility guidelines are shown in Table 4.13-1, below.

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

Table 4.13-1: General Plan Land Use Compatibility Guidelines

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care ¹						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

¹ Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

 **Normally Acceptable:**
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

 **Conditionally Acceptable:**
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80



Unacceptable:

New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development would only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

4.13.1.3 Existing Conditions

The primary noise sources in the vicinity of the project site include vehicular noise from roadways (including Interstation 280, Saratoga Avenue, San Tomas Expressway, Moorpark Avenue, and Blackford Avenue), noise generated by the existing developments in the area, and aircraft flyovers associated with nearby airports (i.e., Norman Y. Mineta San José International Airport).

The project site is located at the southwest corner of Blackford Avenue and Boynton Avenue. Residential uses surround the project site. A place of worship is located directly adjacent on Boynton Avenue. Existing noise levels at the project site range from 65 to 69 dBA DNL.

The project site is currently occupied by Stratford Preparatory School (534 students) in compliance with a Conditional Use Permit (CP04-060) that allows up to 800 pre-school and kindergarten through twelfth grade students on the former Blackford Highschool campus, plus staff. The former public high school facility is designed for up to 1,800 students.

The campus also includes Boynton High School campus and CACE Blackford Learning Center. Boynton High School has an enrollment of 209 students.⁶⁵ Enrollment data is not available for CACE Blackford Learning Center, which is an adult school operated by CUHSD.

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?	☐	☐	☒	☐

⁶⁵ California Department of Education. School Profile: Boynton High School. Accessed April 26, 2023. <https://www.cde.ca.gov/sdprofile/details.aspx?cds=43694014330759>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
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?				

The project proposes to increase the number of students from 534 to 1,349, in addition to the other educational uses also present on the Blackford campus. No physical improvements are proposed. The addition of 815 students at the campus would not substantially increase permanent ambient noise levels in the project area and noise levels would be similar to the existing school and other educational uses also present on the campus as described below. Sources of noise from the school include vehicle trips by school employees, parents, and students, and noise generated by outdoor student activities. As discussed in Section 3.3.1.2, Stratford Schools utilizes the field area between the hours of 3:45 and 6:00 p.m. While more students may be using the field, field use would remain unchanged with the additional students. A discussion of the project's traffic generated noise is provided below.

A significant impact would result if traffic generated by the project would substantially increase noise levels at sensitive receptors (i.e., residences and the place of worship) in the 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, or b) the noise level increase is three dBA DNL or greater, with a future noise level of 60 dBA DNL or greater.

To determine the effect of project-generated traffic on the nearby residences, the project's traffic volumes were reviewed to determine whether roadway segments in the project vicinity would experience a substantial increase in trips (refer to Appendix D). An approximate doubling (100 percent increase) of worst-hour/daily traffic volumes would roughly equate to a 3 dBA DNL increase in traffic noise, an approximate 50 percent increase in worst-hour/daily traffic volumes would roughly equate to a 2 dBA DNL increase in traffic noise, and an approximate 25 percent increase in worst-hour/daily traffic volumes would roughly equate to a 1 dBA DNL increase in traffic noise. Project-generated traffic noise levels would be less than 2 dBA DNL, with the exception of Rebecca Way and Blackford. The Average Daily Traffic (ADT) is anticipated to increase by more than 100

percent on Rebecca Way (north of Blackford Avenue), therefore it would be expected that the roadway would experience an increase in noise levels greater than 2 dBA DNL. While the project would more than double existing traffic volumes during the AM and PM peak hours, the traffic volumes overall would remain relatively low. During the AM peak hour, volumes on Rebecca Way, south of Moorpark, would increase from 155 to 326, and volumes on Rebecca Way, north of Blackford, would increase from 167 to 338, an increase of about 171 vehicles. During the PM peak hour, volumes on Rebecca Way, south of Moorpark, would increase from 65 to 213, and volumes on Rebecca Way, north of Blackford, would increase from 40 to 187, an increase of about 147 vehicles.

To determine whether Rebecca Way would actually experience an increase in noise levels greater than 2 dBA DNL, the Federal Highways Administration's Traffic Noise Model (FHWA TNM) was used to calculate traffic noise levels expected at 50 feet from the centerline of Rebecca Way assuming the worst-case project traffic increment of 171 vehicles per hour. The predicted noise level from the project traffic would be about 51 dBA Leq. Conservatively assuming that this worst-case traffic noise level resulting from the project were to persist between 7:00 a.m. to 7:00 p.m., the calculated DNL would be 48 dBA. To calculate the actual noise increase expected with the project, one must consider the increase in Rebecca Way traffic volumes as well as the ambient noise levels in the area. Based on ambient noise measurements made in the area (refer to Appendix D) the existing DNL noise level at receptors along Rebecca Way is 59 to 60 dBA. Adding the project DNL (48 dBA) to the existing DNL (59 to 60 dBA) would yield an existing plus project noise level of 59 to 60 dBA DNL, or a 0 dBA increase.⁶⁶ Therefore, the increased traffic along Rebecca Way due to the project would not measurably increase existing DNL noise levels at nearby receptors. As a result, implementation of the proposed project would not result in a permanent noise increase of three dBA DNL or more.

As discussed above, the project does not propose any new operational aspects that would increase noise levels at the project site. **(Less than Significant Impact)**

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

The proposed project involves increasing the number of students on campus from 534 to 1,349, in addition to the other educational uses on campus. No physical improvements are proposed. Operation of the private middle and high school and would not generate vibration. **(No Impact)**

⁶⁶ When two noise levels are 10 dB or more apart, the lower value does not contribute significantly (less than 0.5 dB) to the total noise level (i.e., 60 + 70 dB = 70 dB).

-
- 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 not located within the vicinity of a private airstrip or an airport land use area, or within two miles of an airport. The nearest airport is San José Mineta International Airport, located approximately 3.6 miles northeast of the project site. The project site lies outside of the 60 dBA CNEL 2037 noise contour of the airport, future exterior noise levels due to aircraft from the airport would not exceed 60 dBA CNEL/DNL. According to Policy EC-1.11 of the City's General Plan, the required safe and compatible threshold for exterior noise levels would be at or below 65 dBA CNEL/DNL for aircraft. **(Less than Significant Impact)**

4.14 Population and Housing

4.14.1 Environmental Setting

4.14.1.1 *Existing Conditions*

The population of San José was estimated to be approximately 976,482 in January 2022 with an average of 2.91 persons per household. Full build out of the General Plan includes 120,000 new dwelling units and 382,200 new jobs by 2040. Development approved under the General Plan is projected to increase the City's residential population to 1,313,811.

The project site does not provide housing and there are no current residents, and the project is projected to add zero housing units while providing jobs for an estimated additional 57 employees.

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 proposing new housing beyond projected or planned development levels, generating demand for housing as a result of new businesses, extending roads or other infrastructure to previously undeveloped areas, or removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

The project proposes to increase the number of students from 534 to 1,349 by occupying and utilizing an existing high school campus. No physical improvements are proposed. As such, the project does not propose a new use at the site that would induce unplanned population growth.

(No Impact)

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

There are no housing units or residences on-site, therefore, the project would not displace existing housing or people. **(No Impact)**

4.15 Public Services

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

City of San José

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to public facilities and services and are applicable to the project.

Policy	Description
ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: 1. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, achieve 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-3.3	Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.
ES-3.4	Construct and maintain architecturally attractive, durable, resource-efficient, environmentally sustainable and healthful police and fire facilities to minimize operating costs, foster community engagement, and express the significant civic functions that these facilities provide for the San José community in their built form. Maintain City programs that encourage civic leadership in green building standards for all municipal facilities.
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-3.20	Require private property owners to remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish to the satisfaction of the Fire Chief to prevent and minimize fire risks to surrounding properties.

4.15.1.2 *Existing Conditions*

Fire Service

Fire protection services for the project site are provided by the City of San José Fire Department (SJFD). The SJFD currently consists of 34 fire stations, 44 engine companies, nine truck companies,

three squad units, and numerous specialty teams and vehicles.⁶⁷ The closest fire station to the project site is Station 14, located at 1201 San Tomas Aquino Road, approximately 1.7 miles southwest from the project site. The General Plan identifies a service goal of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

Police Service

Police protection services are provided by the City of San José Police Department (SJPD). Police headquarters are located at 201 West Mission Street, approximately 7.7 miles northeast of the project site. 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 of all Priority 2 (non-emergency) calls.

Schools

The project site is located within the attendance boundaries of Moreland School District (which serves students from pre-kindergarten through eighth grade) and Campbell Union High School District (which serves students from grades nine through 12).⁶⁸ The project site is currently occupied by Stratford Preparatory School (grades 5 through 12) with a total of 534 students; Boynton High School with a total of 209 students; and CACE Blackford Learning Center.

Parks

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,617 acres of parkland, including neighborhood parks, community parks, and regional parks.⁶⁹ The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains 200 neighborhood parks, 47 community centers, 10 regional parks, and over 63 miles of urban trails. The nearest parks to the project site is Starbird Park, located approximately 0.2 miles southeast of the project site.

Libraries

The San José Public Library is the largest public library system between San Francisco and Los Angeles. The San José Public Library consists of one main library (Dr. Martin Luther King Jr. Library) and 24 branch libraries.⁷⁰ The nearest library to the project site is the West Valley Library located approximately 1.5 miles southwest of the site.

⁶⁷ City of San José. "City of San José Annual Report on City Services 2021-22." Accessed February 2, 2023. <https://www.sanjoseca.gov/home/showpublisheddocument/93154/638098121218300000>.

⁶⁸ County of Santa Clara. Office of The Assessor. Property Record Search. Accessed February 2, 2023. <https://www.sccassessor.org/>

⁶⁹ City of San José. Annual Report on City Services 2021-2022. December 2022. <https://www.sanjoseca.gov/home/showpublisheddocument/93666/638092142761830000>

⁷⁰ San José Public Library. "Locations & Hours." Accessed July 23, 2021. <https://www.sjpl.org/locations>.

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, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
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 proposed project would increase the number of students from 534 to 1,349, the additional 815 would result in an incremental increase in demand for fire protection services. The project site is also occupied by students that attend Boyton High School (209 students) and CACE Blackford Learning Center. The General Plan FEIR concluded that while implementation of the General Plan would result in an increase in the need for fire protection services, it would not result in the need for fire stations in excess of those currently planned. In addition, the General Plan includes policies that address the provision of fire services within the City. Implementation of these policies provide mitigation for additional fire services required within the City as a result of implementation of the General Plan. Therefore, the project would not require the construction of new or expanded fire 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?
-

The proposed project would increase the number of students at the Stratford School from 534 to 1,349, the additional 815 would result in an incremental increase in demand for police protection services. The project site is also occupied by students that attend Boynton High School (209 students) and CACE Blackford Learning Center. The General Plan FEIR concluded that implementation of the General Plan would not result in the need for new standalone police facilities, but may require expansion of existing police facilities. The construction of any expanded facilities would require environmental review and would not be anticipated to result in significant adverse environmental impacts. The project's incremental increase in police protection services compared to existing conditions would not require new or expanded police protection facilities (the construction of which could cause significant environmental impacts) beyond what was identified in the General Plan FEIR in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. **(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 project itself is an existing private school facility. The proposed project involves increasing the number of students on campus from 534 to 1,349. No physical improvements are proposed. The project would likely decrease the demand for new or physically altered school facilities in the localized area by providing an alternative option for middle and high school education. Therefore, the proposed project would not indirectly cause environmental impacts by requiring the construction or expansion of school facilities. **(Less than Significant 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?
-

The proposed project does not include residential development. It is reasonable to anticipate the additional 815 students and staff may use nearby recreational facilities, such as parks and community centers, for after-school activities; however, the increase in use at these facilities would be marginal. The existing school includes recreational facilities to serve the students' needs,

including 14.6 acres of sports fields. Therefore, the project would not increase demand upon off-site park facilities in the project area. **(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?
-

The proposed project, as a school facility, would not substantially increase the demand for other public facilities, such as libraries and community centers. No new residences would be added to the area as a component of the project, therefore the project would not increase the local population. The additional 815 students could potentially utilize nearby public facilities in the City including the West Vally Library and West San José Community Center for after-school recreation and/or study. However, the increase in use is not expected to require expansion of existing facilities or construction of new facilities. **(Less than Significant Impact)**

4.16 Recreation

4.16.1 Environmental Setting

4.16.1.1 *Existing Conditions*

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,617 acres of parkland, including neighborhood parks, community parks, and regional parks.⁷¹ The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains 200 neighborhood parks, 47 community centers, 10 regional parks, and over 63 miles of urban trails. The nearest park to the project site is Starbird Park, located approximately 0.2 miles southeast.

The project site contains approximately 14.6 acres of fields that are jointly used by Stratford Preparatory School and the CUHSD.

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 will 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?
-

The proposed project involves increasing the number of students on campus from 534 to 1,349, in addition to the students that attend Blackford High School (209) and CACE Blackford Learning Center. No physical improvements are proposed. The project does not include residential development and would not increase the local population. It is reasonable to anticipate that the future additional school students and staff may use nearby recreational facilities, such as parks and

⁷¹ City of San José. Annual Report on City Services 2021-2022. December 2022.
<https://www.sanjoseca.gov/home/showpublisheddocument/93666/638092142761830000>

community centers, for after-school activities; however, the increase in use at these facilities would be negligible.

The existing school includes recreational facilities to serve the students' needs, including 14.6 acres of sports fields. Students would predominantly use the on-campus facilities to meet their recreational needs, thereby reducing the demand placed on off-site recreational facilities in the area. For these reasons, the proposed project would not increase the use of parks or other recreational facilities to the extent that physical deterioration of the facilities would occur or be accelerated. **(Less than Significant Impact)**

-
- 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 project does not propose any physical improvements, including the construction or expansion of recreational facilities. As a result, the project would not have an adverse physical effect on the environment. **(No Impact)**

4.17 Transportation

The following discussion is based, in part, on a Transportation Analysis prepared by Hexagon Transportation Consultants, Inc. The report, dated July 5, 2023, is attached to this Initial Study as Appendix D.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

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

Regional and Local

Congestion Management Program

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

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, "Transportation Analysis Policy" (2018), 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) or residential project's

transportation impact would be less than significant if the project VMT is at least 15 percent below the existing average regional VMT per employee or the existing average citywide VMT per capita, respectively. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is less than or equal to existing average regional VMT per employee. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. 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, neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

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.

The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1. Policy 5-1 does, however, negate the City's Protected Intersection policy as defined in Policy 5-3.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to transportation and are applicable to the 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 developments or infrastructure projects.																							
TR-1.3	Increase substantially the proportion of commute travel using modes other than the single-occupant vehicle. The 2040 commute mode split targets for San José residents and workers are presented in the following table: <table><tr><th colspan="3">Commute Mode Split Targets for 2040</th></tr><tr><th rowspan="2">Mode</th><th colspan="2">Commute Trips to and From San José</th></tr><tr><th>2008</th><th>2040 Goal</th></tr><tr><td>Drive alone</td><td>77.8%</td><td>No more than 40%</td></tr><tr><td>Carpool</td><td>9.2%</td><td>At least 10%</td></tr><tr><td>Transit</td><td>4.1%</td><td>At least 20%</td></tr><tr><td>Bicycle</td><td>1.2%</td><td>At least 15%</td></tr><tr><td>Walk</td><td>1.8%</td><td>At least 15%</td></tr></table>	Commute Mode Split Targets for 2040			Mode	Commute Trips to and From San José		2008	2040 Goal	Drive alone	77.8%	No more than 40%	Carpool	9.2%	At least 10%	Transit	4.1%	At least 20%	Bicycle	1.2%	At least 15%	Walk	1.8%	At least 15%
Commute Mode Split Targets for 2040																								
Mode	Commute Trips to and From San José																							
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Carpool	9.2%	At least 10%																						
Transit	4.1%	At least 20%																						
Bicycle	1.2%	At least 15%																						
Walk	1.8%	At least 15%																						

Policy	Description		
TR-2.2	Other means (including work at home)	5.8%	See Note 1
	Source: 2008 data from American Community Survey (2008).		
	Note 1: Working at home is not included in the transportation model, so the 2040 Goal shows percentages for only those modes currently included in the model.		
TR-2.2	Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments. Eliminate or minimize physical obstacles and barriers that impede pedestrian and bicycle movement, on City streets. Include consideration of grade-separated crossings at railroad tracks and freeways. Provide safe bicycle and pedestrian connections to all facilities regularly accessed by the public, including the Mineta San José International Airport.		
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.		
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.		
TR-9.1	Enhance, expand and maintain facilities for walking and bicycling to provide neighborhoods with safe and direct access to transit and key destinations, a complete alternative transportation network that facilitates non-automobile trips, and enjoyable outdoor open space.		
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.		
ES-1.3	Encourage new schools, including public and private, to locate near populations which they serve.		
ES-1.4	Encourage and enable new schools, public or private, to avoid locations that could pose health and safety risks to children.		

4.17.1.2 *Existing Conditions*

Roadway Network

Regional access to the project site is provided via I-280. Local access to the project site is provided via Saratoga Avenue, San Tomas Expressway, Williams Road, Moorpark Avenue, Blackford Avenue, Boynton Avenue, Hibiscus Lane, and Rebecca Way. These facilities are described below.

- **I-280** is an eight-lane freeway in the vicinity of the site. It extends northwest to San Francisco and east to King Road in San Jose, at which point it makes a transition into I-680 to Pleasanton. In the project vicinity, I-280 has high occupancy vehicle (HOV) lanes in both directions. Access to and from I-280 is provided via a full interchange at Saratoga Avenue.

- **Saratoga Avenue** is a north-south arterial that extends from Market Street in the north to Saratoga Sunnyvale Road in the south. From Saratoga Avenue, the project site can be accessed via Blackford Avenue.
- **San Tomas Expressway** is a north-south expressway that extends from US 101 in the north, where it becomes Montague Expressway to SR 17 in the south, where it becomes Camden Avenue. In the project vicinity, San Tomas Expressway has six lanes, with two mixed-flow lanes and one part-time (peak commute hours) HOV lane in each direction. Access to the project site from San Tomas Expressway is provided via Moorpark Avenue, Williams Road, Boynton Avenue, and Blackford Avenue.
- **Williams Road** is an east-west arterial that extends from Moorpark Avenue in the west to Daniel Way in the east. In the project vicinity, Williams Road is three lanes (one two-way left turn lane). Access to the project site from Williams Road is provided via Boynton Avenue, Hibiscus Lane, and Blackford Avenue.
- **Moorpark Avenue** is an east-west arterial that extends from Lawrence Expressway in the west, where it becomes Bollinger Road to Kingman Avenue in the east. In the project vicinity, Moorpark Avenue is four lanes. Access to the project site from Moorpark Avenue is provided via Rebecca Way and Boynton Avenue.
- **Blackford Avenue** is an east-west roadway that extends from Live Oaks Way in the west to Boynton Avenue in the east. In the project vicinity, Blackford Avenue is two lanes. Three driveways along Blackford Avenue provide access to the project site.
- **Boynton Avenue** is a north-south roadway that extends from Moorpark Avenue in the north to Payne Avenue in the south. In the project vicinity, Boynton Avenue is two lanes. From Boynton Avenue, the project site can be accessed via Blackford Avenue
- **Hibiscus Lane** is a north-south roadway that extends from Blackford Avenue in the north to Williams Road in the south. In the project vicinity, Hibiscus Lane is two lanes. From Hibiscus Lane, the project site can be accessed via Blackford Avenue.
- **Rebecca Way** is a north-south roadway that extends from Moorpark Avenue in the north to Blackford Avenue in the south. In the project vicinity, Rebecca Way is two lanes. From Hibiscus Lane, the project site can be accessed via Blackford Avenue.

Pedestrian Facilities

Pedestrian facilities in the project vicinity consist of sidewalks along all of the surrounding streets, including the project frontage along Blackford Avenue. Marked crosswalks and pedestrian signal heads are present on the following legs of signalized intersections within the project vicinity:

- South, west, and east legs of Saratoga Avenue & Blackford Avenue
- All legs of Saratoga Avenue & Moorpark Avenue
- All legs of Saratoga Avenue & Williams Road
- West and south legs of San Tomas Expressway & Moorpark Avenue
- All legs of San Tomas Expressway & Williams Road

- All legs of Boynton Avenue & Williams Road

The San Tomas Expressway and Moorpark Avenue and San Tomas Expressway and Williams Road intersections are missing truncated domes⁷² at crosswalks. The remaining signalized intersections have ADA compliant ramps at all crosswalks. Truncated domes are provided at the Hibiscus Lane/Blackford Avenue and Rebecca Way/Blackford Avenue unsignalized intersections. However, crosswalks are not provided at either intersection.

Bicycle Facilities

Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Within the vicinity of the project site, striped bike lanes are present on the following roadway segments.

- Moorpark Avenue, between Lawrence Expressway and Thornton Way
- Williams Road, between Bollinger Road and Winchester Boulevard
- Saratoga Avenue, between San Tomas Expressway and Lawrence Expressway

Class III bikeways are bike routes and only have signs to help guide bicyclists on recommended routes to certain locations. Near the project site, the following roadway segments are designated as bike routes.

- Boynton Avenue, in its entire length

Existing Transit Services

Existing transit services in the study area are provided by the Santa Clara Valley Transportation Authority VTA. The closest bus stops serviced by the VTA are located along Saratoga Avenue near Blackford Avenue. Route 57 runs along Saratoga Avenue in the project vicinity. Route 25 runs along Williams Road, with bus stops at Williams Road and Oakmont Place and Williams Road and Boynton Avenue.

⁷² Truncated domes are ground surface indicators designed to assist and warn pedestrians who are blind or visually impaired.

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 land 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 and Bicycle Facilities

The project vicinity consists of a complete network of sidewalks and crosswalks, including crosswalks with pedestrian signal heads at all the signalized intersections in the study area. As noted above, the San Tomas Expressway and Moorpark Avenue and San Tomas Expressway and Williams Road intersections are missing truncated domes at crosswalks. Truncated domes are provided at the Hibiscus Lane/Blackford Avenue and Rebecca Way/Blackford Avenue unsignalized intersections. However, crosswalks are not provided at either intersection. The existing pedestrian facilities provide adequate connectivity between the project site and nearby bus stops and other points of interest. The project would not modify any existing pedestrian facilities along its frontage on Blackford Avenue.

Existing bicycle facilities in the study area consist of bike lanes and bike routes. Existing bicycle facilities are not present along the project frontage on Blackford Avenue. The City of San José has planned upgrades within the project vicinity along Moorpark Avenue to install Class IV protected bike lanes, replacing the existing Class II buffered bike lanes. The City designates Boynton Avenue as a Class III bike route. According to the City's Better Bike Plan 2025, Boynton Avenue, from Moorpark Avenue to Payne Avenue is planned to be a Class III bike boulevard. Bike boulevards discourage cut-through motor vehicles and are designed to give bicyclists priority. The project would not remove any bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities. According to the project site plan, a total of 35 bicycle parking spaces are provided, including 32 long-term and three short-term parking spaces.

Based on the above, the proposed project would not conflict with a program, plan, ordinance or policy regarding bicycle and/or pedestrian facilities.

Transit Facilities

As discussed in Section 4.17.1.2, the project area is served by frequent routes 25 and 57. Access to bus stops for Route 57 is located along Saratoga Avenue at Blackford Avenue. Access to bus stops for Route 25 is located along Williams Road at Boynton Avenue. Marked crosswalks and pedestrian signal heads connect the project site to bus stops along Saratoga Avenue and Williams Road.

Since the project site is served by two bus routes, it is reasonable to assume that some students and staff would utilize transit service. It is estimated that the increase in transit demand generated by the project could be accommodated by the current available ridership capacity of light rail and the VTA bus service. In addition, based on information provided by Stratford Preparatory School, it is expected that most students would be driven to school. Given that this is a private school with no limiting geographic service area and many students that live outside of City limits, the use of transit by student will be minimal if at all. For these reasons, the project would not conflict with any policies, plans, ordinances, or policies addressing the transit facilities.

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

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

This question pertains specifically to VMT as the means of analyzing transportation impacts of a project. As described in Section 4.17.1.1 Regulatory Framework, the City's adopted Transportation Policy (City Council Policy 5-1) sets forth the thresholds of significance and methodology for analyzing the VMT impacts of development projects.

Students

The City of San José's 2020 Transportation Analysis Handbook identifies screening criteria that determines whether a CEQA transportation analysis would be required for a particular development project. These criteria are based on the project's type, characteristics, and/or location. If a project meets the City's screening criteria, it is presumed that the project would result in a less-than-significant transportation impact and a detailed VMT analysis is not required. School projects are not specifically identified in the handbook; therefore, a VMT evaluation was completed for the proposed project. Since the City's VMT tool is not capable of estimating VMT for students/parents of schools, two alternative VMT approaches were used to analyze student VMT:

- 1) a manual method of calculating VMT for the school students based on existing and anticipated student zip code data information specific to Stratford students and
- 2) a student distribution model approach which relies on the City's Travel Demand Forecasting (TDF) model along with trip length data for similar private and public schools.

The threshold of significance for student VMT is set as the existing VMT per student. An increase in VMT per student from existing levels is considered a project impact. If a project is found to have significant impact on VMT, the impact must be reduced by modifying the project to reduce its VMT to an acceptable level (below the established thresholds of significance applicable to the project) and/or mitigating the impact through multimodal transportation improvements or establishing a trip cap. The student VMT thresholds of significance and mitigation requirements are applicable to both evaluation methods.

Comparative Student VMT Evaluation

Based on the existing student information provided by Stratford Preparatory School, the existing average per-student VMT is estimated to be 16.4 miles per day at the Blackford Campus.

The per-student VMT for the proposed additional Blackford students was manually calculated based on current Blackford campus students and other middle school student zip code information provided by school administration. The other middle school campuses consist of Stratford School sites in Milpitas, San Jose, Santa Clara, and Sunnyvale. The other middle school student information includes a list of 376 5th grade students and their place of residence (zip code) for the current 2022-2023 school year. It is anticipated that the percentage of siblings (students in the same household) would remain approximately the same as the current Blackford campus and other middle school student composition with the proposed school expansion.

Based on the expected student information, the total number of students and student households (accounting for siblings) from within each zip code were determined. The percentage of existing 5th grade student households in each zip code was applied to the existing number of students at the Blackford campus and multiplied by the proposed increase in students (from 534 students to 1,349 students).

Based on the manual calculation of the proposed additional 815 students at the Blackford campus, it is estimated that the average VMT per student will increase to 18.0, which is above the 16.4 threshold and represents a 9.6 percent increase in average VMT per student.

With implementation of the project's TDM Plan (refer to Section 3.3.2 of this Initial Study), the project's school generated VMT would be reduced by greater than the 9.6 percent needed to mitigate the project's impact.

Distribution Model VMT Evaluation

To determine the average per-student VMT for private schools, Hexagon developed a student distribution model using data obtained for private and public schools and other socio-economic data for students.

According to Stratford school administration, of all potential students that could attend the proposed school, approximately 90 percent of these students are currently attending private schools and the remaining 10 percent of these students are attending public schools.⁷³ Based on the assumption above, the student distribution model estimates an average trip length of 8.48 miles per student for potential Blackford campus students that are currently attending other existing private and public schools.

Using the student distribution model along with the City's TDF model, it was estimated that the average trip length for students at the expanded Blackford campus would be 8.93. The per-student VMT projected to be generated by the proposed school would be approximately 5.3 percent above the existing per student VMT which could be considered a VMT impact.

As described above, implementation of the project's TDM Plan would reduce the project's school generated VMT by greater than 9.6 percent, thereby reducing the project's student VMT impact to less than significant. As part of the project's TDM plan, the project shall be required to complete annual trip generation counts at the site driveways to demonstrate that vehicle trips generated by the project are within 10 percent of an established peak hour trip cap. The peak hour trip cap shall be based on the project's estimated gross project trips consisting of 2,032 gross AM peak-hour trips and 1,174 gross PM peak-hour trips. If the counts show the project trip generation is higher than expected, then the TDM Plan may need to be altered or enhanced. Commuter surveys to gather trip and mode use data for students to augment the driveway counts may be necessary. If the project is not in conformance with the peak hour trip cap, the project may add additional TDM measures to lower the project's trip generation and meet the trip cap.

School Employees

The project's staff generated VMT was evaluated by converting the daily trip estimates generated by the school staff to an equivalent amount of office square footage based on trip rates published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 11th Edition*. The proposed 57 additional school employees are expected to generate 114 daily trips, which is equivalent to the

⁷³ Potential students that could attend the school were based on data provided by Stratford Preparatory School. on current Blackford campus students and other middle school student zip code information provided by school administration. The other middle school campuses consist of Stratford School sites in Milpitas, San Jose, Santa Clara, and Sunnyvale. The other middle school student information includes a list of 376 5th grade students and their place of residence (zip code) for the current 2022-2023 school year. It is anticipated that the percentage of siblings (students in the same household) would remain approximately the same as the current Blackford campus and other middle school student composition with the proposed school expansion.

trips estimated to be generated by 10,500 square feet of office space. Since the converted equivalent amount of office space is greater than the screening criteria for a small infill project (10,000 sf of office space), the employee VMT was evaluated using the city's VMT Evaluation Tool. Projects that include office uses are said to create a significant adverse impact when the estimated project-generated VMT exceeds the existing regional average VMT per employee minus 15 percent, whichever is lower. Currently, the reported regional average is 14.37 VMT per office employee. This equates to a significant impact threshold of 12.21 VMT per employee. The results of the VMT evaluation indicate that the additional school employees for the proposed school expansion are projected to generate VMT per employee (15.26) that exceeds the established impact threshold of 12.21 VMT per employee.

Implementation of the project's TDM Plan (refer to Section 3.3.2) would reduce the project's VMT to 12.14 VMT per employee, which would reduce the project impact to less than significant.

As described above and in Section 3.3.2, the project would be required to submit a TDM plan that includes measures that will encourage students and staff to carpool, walk, and ride a bicycle/scooter. Implementation of the TDM Plan would reduce the project's student generated VMT by greater than 9.6 percent, thereby reducing the project's student VMT impact to less than significant. Implementation of the TDM Plan would reduce the project's staff/faculty VMT to 12.14 VMT per employee, which would reduce the project impact to less than significant. **(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)?
-

Geometric Design

The existing project site driveways are each approximately 20-26 feet wide. Driveway 1 is a full-access driveway measuring 26 feet in width, providing adequate width for simultaneous ingress and egress. Driveway 2 measures 20 feet in width and provides inbound access during the morning drop-off period only. Driveway 3 measures 20 feet in width and provides outbound access during both the morning drop-off period and afternoon pick-up period. All driveways provide adequate width for vehicular access and meet the city's requirements for driveway widths.

The minimum acceptable sight distance is often considered the Caltrans stopping sight distance. Sight distance requirements vary depending on the roadway speeds. For Blackford Avenue, which has a speed limit of 30 mph, the Caltrans stopping sight distance is 300 feet (based on a design speed of 35 mph). This means that a driver must be able to see 300 feet down Blackford Avenue to locate a sufficient gap to turn out of the project driveway. This also gives drivers traveling along Blackford Avenue adequate time to react to vehicles exiting the project driveway. No obstructions block an exiting driver's vision along either direction of Blackford Avenue. Therefore, the project's sight distance is adequate.

The on-site vehicular circulation during drop-off and pick-up hours allows all students to be dropped off or picked up at the curb. The student drop-off and pick-up area located on the east side of the parking lot removes the need for students to walk through the parking lot areas. The City's standard minimum width for one-way drive aisles is 16 feet wide where 60-degree parking is provided. The City's standard minimum width for two-way drive aisles is 26 feet wide where 60-degree parking is provided. This allows sufficient room for vehicles to back out of the parking spaces. According to the existing site plan, the existing drive aisles in the parking lot measure between 20 and 21 feet wide. Therefore, the drive aisles provide adequate width for vehicles to back out of parking spaces.

Incompatible Use

The project does not propose a use that is incompatible with the existing mix of uses in the project area or propose a use that would bring unusual equipment on the roadways (e.g., farm equipment). Thus, the project would not result in a significant impact due to incompatible uses. The project would not substantially increase hazards due to a geometric design feature or incompatible uses. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

Emergency vehicle access is provided along Blackford Avenue and emergency vehicles would be able to access the project site via the three project driveways. The project would not result in inadequate emergency access. **(Less than Significant Impact)**

4.17.3 Non-CEQA Effects

While the evaluation of project CEQA impacts on the transportation system is based on VMT, in accordance with City Council Policy 5-1, the following discussion is included for informational purposes because General Plan Policy IN-3.5 requires preparation of a Local Transportation Analysis (LTA) 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 transportation improvements.

4.17.3.1 *Level of Service*

As noted above in Section 4.17.2.1, a project's effects on LOS shall no longer be considered an impact on the environment. This discussion of LOS is included because City General Plan Policy IN-3.5 addresses LOS as a planning or growth management matter, outside the CEQA process. In the event a project causes an LOS deficiency, the City has discretion whether to require a project to address the deficiency by implementing roadway or other transportation improvements to restore or improve the level of service, and the relevant question under CEQA is whether those improvements would result in adverse physical changes to the environment, not whether LOS has degraded below the condition considered acceptable.

The magnitude of traffic produced by a new development and the locations where that traffic would appear are estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site is estimated for the AM and PM peak hours.

Trip generation typically is estimated by multiplying the ITE trip generation rates by the size of the proposed development. However, because the project proposes to expand an existing school, the trips that would be generated by the proposed additional students were estimated based on trip generation rates derived from driveway counts completed at the existing campus.

Driveway counts were taken on January 25, 2023 during the schools peak drop-off/pick-up hours.⁷⁴ Based on the trip generation counts, the existing campus generates 1.67 trips per student in the peak drop-off hour and 0.97 trips per student in the peak pick-up hours. The project's trip generation estimates are summarized in Table 4.17-1.

Table 4.17-1: Project Trip Generation Estimates

Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing							
6-9 Grade Students ¹ (534 students)	2,100	475	419	894	260	256	516
Proposed							
Total Students (1,349) ²	5,305	1,200	1,058	2,258	657	647	1,304
Less Existing Students ³ (534)	(2,100)	(475)	(419)	(894)	(260)	(256)	(516)
Net New Trips	3,205	725	639	1,364	397	391	788

Notes:

1. Trip generation rates are based on driveway counts collected on January 25, 2023.
2. Daily trip generation is estimated based on the sum of AM (7:00 to 9:00 am) and PM (3:15 to 6:30) trips.
3. PM Peak Hour trip rates are based on the school's peak hour (3:30 pm to 4:30 pm) and represents a conservative trip generation estimate of the roadway network.

In accordance with standard City practice and methodology, the project's effect on LOS was analyzed on nine signalized intersections and seven unsignalized intersections. Extensive detail about the Non-CEQA LOS analysis, including methodology, trip distribution, trip assignment, and City and County standards is included in Appendix D.

⁷⁴ The driveway counts were not limited to visitors of the Stratford Preparatory School and include other trips associated with Blackford High School and CACE Learning Center.

The analysis found that, measured against applicable municipal and CMP LOS standards, the addition of trips from the project would have an adverse effect on intersection operations under background plus project conditions at the following intersection:

- San Tomas Expressway and Moorpark Avenue (CMP)

This intersection would operate at LOS F during both the AM and PM peak hours under background conditions. The added trips as a result of the project would cause the intersection's critical-movement delay to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by 0.01 or more during the PM peak hour. This would constitute an adverse effect on intersection operations and would not be in conformance with the CMP LOS standard.

Condition of Approval:

- The project applicant should work with City staff in determining an appropriate contribution towards the implementation of multi-modal improvements to the transportation system in the area surrounding the San Tomas Expressway and Moorpark Avenue intersection.

4.17.3.2 *Signal Warrant Analysis*

The peak hour signal warrant check indicated that the peak hour signal warrant threshold is met at the following two study intersections discussed below.

Saratoga Avenue and Manzanita Drive

The intersection of Saratoga Avenue and Manzanita Drive currently has and is projected to have peak hour volumes that meet the signal warrant during the AM peak hour, with and without the project. The project would add 60 northbound trips and 12 southbound trips along Saratoga Avenue during the AM peak hour. No project trips would be added to the minor street approach. The City has determined that a traffic signal is not being considered at this intersection.

Boynton Avenue and Moorpark Avenue

The intersection of Boynton Avenue and Moorpark Avenue currently has and is projected to have peak hour volumes that meet the signal warrant during the AM and PM peak hours. The project would add 14 trips to minor street approach in the AM peak hour and 35 trips to the minor street approach in the PM peak hour at this intersection. The City has determined that a traffic signal is not being considered at this intersection.

4.17.3.3 *Intersection Queuing Analysis*

An intersection queuing analysis was completed for informational purposes, since the City of San José has not defined a policy related to queuing, for intersections where the project would add a substantial number of trips to the left-turn movements. Based on the results of the queuing

analysis, detailed in Appendix D, the following intersections would have queuing deficiencies that may require improvements.

- Saratoga Avenue and Blackford Avenue

The project would add 295 and 69 southbound left-turns during the AM and PM peak hours, respectively. The addition of a large number of project-generated trips would lengthen the left-turn queue. It should be noted that if future drivers to the site notice long queues, they may choose to use Moorpark Avenue or Manzanita Drive to access the project site. Due to limited spacing between intersections, extending the length of the left-turn pocket is not feasible. Similarly, due to right-of-way constraints, widening both Saratoga Avenue and Blackford Avenue to accommodate dual left-turn lanes is not feasible. Furthermore, roadway widening to accommodate vehicular demand that inhibits the implementation of multi-modal facilities is not consistent with General Plan goals.

Condition of Approval

- The project would be required to provide multi-modal improvements at this intersection, including signal modification, installing a closed-circuit television (CCTV), pan-tilt zoom (PTZ) video detection, and accessible pedestrian signals (APS) to the southwest corner.

4.17.3.4 *Freeway Analysis*

Freeway Segment Analysis

The project would add trips to a freeway segment greater than one percent of the capacity at two freeway segments near the project vicinity:

- I-280 Northbound (from Winchester Boulevard to Saratoga Avenue)
- I-280 Southbound (from Winchester Boulevard to Saratoga Avenue)

Condition of Approval

- The project applicant should coordinate with city staff to determine appropriate measures to reduce its adverse effect on the freeway segment which includes the implementation of a TDM program.

4.17.3.5 *Neighborhood Interface*

The following analysis is included to evaluate potential adverse impacts to the surrounding residential streets as a result of cut-through traffic. The analysis found that the traffic volume increase from the project (refer to checklist question a) in Section 4.13 Noise) may be perceptible to residents along Blackford Avenue, Hibiscus Lane, and Rebecca Way. As congestion and delay increase along the major thoroughfares, further traffic may spill onto these streets. Based on a review of traffic volume and speed data along Blackford Avenue, Hibiscus Lane and Rebecca Way,

projected traffic conditions would warrant comprehensive traffic calming measures in accordance with the City's Traffic Calming Policy.

Condition of Approval:

- To address neighborhood concerns on residential streets, the project will instead be required to implement the following:
 - Implement two radar speed signs along Blackford Avenue approaching school.
 - Install edgelines along both sides of Boynton Avenue from Moorpark Ave to Williams Road to narrow the existing travel lane width to 10'.
 - Provide enhanced high-visibility crosswalk improvements at all legs of intersections of Williams Road/Boynton Avenue, Blackford Avenue /Boynton Avenue and Manzanita Drive/Hibiscus Lane intersections.
 - Potentially, install edgelines along both sides of Blackford Avenue from Saratoga Avenue to Boynton Avenue

4.17.3.6 *Parking Assessment*

Vehicle Parking

Based on the City's parking requirement for elementary and secondary schools, the project would be required to provide 265 off-street parking spaces. The existing project site provides 437 parking spaces, of which 271 are exclusive available to Stratford Preparatory School.

Bicycle Parking

The City requires one bicycle parking space for every ten full-time employees plus ten per classroom. According to the project site plan, a total of 35 bicycle parking spaces are provided, including 32 long-term and three short-term parking spaces.

4.18 Tribal Cultural Resources

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

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

Under AB 52, TCRs are defined as follows:

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

4.18.1.2 *Existing Conditions*

There are no known TCRs on the project site.

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. The proposed project is not located in Downtown, nor would it involve ground disturbing activities.

On June 17, 2021, Chairwoman Geary of the Tamien Nation verbally requested AB 52 notification and the written notice received 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. On July 15, 2021, Chairwoman Geary of the Tamien Nation formally requested tribal consultation in accordance with Public Resources Code Section 21080.3.1 subd (b), (d) and (e).

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)?				

AB 52 requires lead agencies to conduct 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 consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City. The Ohlone Tribe submitted a request in July of 2018 for notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an

Environmental Impact Report that would involve ground-disturbing activities within the City of San José. Then, 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. In addition, on May 28, 2021, the Tamien Nation requested notification of all projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report within the City of San José. The City notified the Tamien Nation of the proposed project on July 17th, 2023, and no request for consultation was received by time of publishing of this document.

As stated in Section 4.18.1.2 Existing Conditions, there are no known TCRs on-site. Further, the project does not propose any physical improvements that would result in ground disturbing activities. As a result, there would be no impacts to TCRs. **(No 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?
-

Since the project does not involve any ground disturbance and there are no known TCRs on-site, the project would have no impact to TCRs. **(No 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. SJW adopted its most recent UWMP in June 2021.

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 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.

Assembly Bill 341

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

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets

and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025. CalRecycle released an analysis titled “Analysis of the Progress Toward the SB 1383 Organic Waste Reduction Goals” in August of 2020, which recommended maintaining the disposal reduction targets set forth in SB 1383.⁷⁵

California Green Building Standards Code

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

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 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 following policies in the City’s General Plan have been adopted for the purpose of reducing or avoiding impacts related to utilities and service systems and are applicable to the project.

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

⁷⁵ CalRecycle. Analysis of the Progress Toward the SB 1383 Organic Waste 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.](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.)

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-3.4	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-4.1	Monitor and regulate growth so that the cumulative wastewater treatment demand of all development can be accommodated by San José's share of the treatment capacity at the San José/Santa Clara Regional Wastewater Facility.
IN-4.2	Maintain adequate operational capacity for wastewater treatment and water reclamation facilities to accommodate the City's economic and population growth.
IN-4.4	Maintain and operate wastewater treatment and water reclamation facilities in compliance with all applicable local, State and federal clean water, clean air, and health and safety regulatory requirements.
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.
IP-17.1 ⁷⁶	Use San José's adopted Green Vision as a tool to advance the 2040 General Plan Vision for Environmental Leadership. San José's Green Vision is a comprehensive fifteen-year plan to create jobs, preserve the environment, and improve quality of life for our community, demonstrating that the goals of economic growth, environmental stewardship and fiscal sustainability are inextricably linked. Adopted in 2007, San José's Green Vision, adopted in 2007, establishes the following Environmental Leadership goals for the City through 2022: 5. Divert 100 percent of the waste from our landfill and convert waste to energy; Although the City has one of the highest waste diversion rates of any large city in the nation, many waste reduction opportunities remain. If San José and other local cities achieve no further waste reduction efforts over the next 15 years, solid waste landfill space in the region could reach capacity.

⁷⁶ Policy IP-17.1, as shown, is modified in this list to reflect only those items relevant to the discussion of solid waste.

San Jose Zero Waste Strategic Plan/Climate Smart

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

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.

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*

Potable Water

Water service is provided to the City of San José by three water retailers: San José Water (SJW), the City of San José Municipal Water System, and the Great Oaks Water Company. Water services to the project site is provided by SJW. The service area of SJW is 139 square miles, including most of the cities of San José and Cupertino, the entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. Potable water provided to the service area is sourced from groundwater, imported treated water, and local surface water.

The project site is currently developed with a private middle school and high school (approximately 122,561 square feet), Blackford High School (27,898 square feet), and CACE Blackford Learning

Center (approximately 8,395 square feet). The existing Stratford Preparatory School is estimated to use approximately 6,445 gallons of water per day (gpd).⁷⁷⁷⁸

Wastewater Services

Wastewater treatment in San José is provided by the San José-Santa Clara Regional Wastewater Facility. The Facility serves approximately 1.4 million residents and over 17,000 businesses by treating an average of 110 million gallons of wastewater per day (mgd), with a capacity of up to 167 mgd.⁷⁹ The Facility is currently operating under a 120 mgd dry weather effluent flow constraint. This requirement is based upon the SWRCB and RWQCB concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. The City's share of the Facility's treatment capacity is approximately 108.6 mgd. Based on the average daily dry weather flows from sources in San José (approximately 69.8 mgd), the City currently has approximately 38.8 mgd of excess treatment capacity.⁸⁰

The General Plan FEIR states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purposes of this analysis, wastewater flow rates are assumed to be 85 percent of the total on-site water use. The existing Stratford Preparatory School is estimated to generate approximately 5,478 gpd of wastewater.

Stormwater Drainage

The San José Municipal Separate Storm Sewer System provides storm water collection and transport for the City of San José. The system collects water via a variety of storm drain inlets and transports water to creeks in the area and eventually the bay. There is an existing 24-inch RCP storm main located along Blackford Avenue that currently serves the site.

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California IWMB in 1996 and was reviewed in 2004 and 2007. Based on the IWMP, the County has adequate landfill capacity. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. In 2019, there were approximately 600,000 tons of material generated in San José that was disposed in various landfills

⁷⁷ Water usage rates were calculated using CalEEMod AppendixG. "Table G-31: Annual Indoor Nonresidential Water Consumption by Land Use Type." Accessed April 28, 2023. https://www.caleemod.com/documents/user-guide/CalEEMod_User_Guide_v2022.1.pdf.

⁷⁸ Based on an annual water demand of 4,405 gallons per year per student.

⁷⁹ City of San José. San José-Santa Clara Regional Wastewater Facility. Accessed January 27, 2023. <https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility>

⁸⁰ City of San José. Envision San José Environmental Impact Report. September 2011.

throughout the State. Newby Island Sanitary Landfill (NISL), however, only received approximately 290,000 of that tonnage. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.⁸¹

The City has an existing contract with NISL through 2041 with the option to extend the contract for as long as the landfill is open. The City has an annual disposal allocation for 395,000 tons per year. As of May 2023, NISL had approximately 12.4 million cubic yards of capacity remaining.⁸²

The existing Stratford Preparatory School is estimated to generate approximately 267 pounds of solid waste a day.⁸³

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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

⁸¹ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

⁸² Anthony Boccaleoni. Division Manager, Republic Services. Personal Communication. May 12, 2023.

⁸³ CalRecycle. "Estimated Solid Waste Generation Rates." Accessed January 27, 2023.

<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>. For the purposes of this analysis, it was assumed that the existing building generates 0.5 pounds per student (Education facilities rate).

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
e) Be noncompliant with federal, state, and 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?
-

The project site is served by existing water, wastewater, and other utility lines. No new or expanded infrastructure is required, as described in more detail below.

Water Facilities

The project proposes to increase the number of students from 534 to 1,349 at Stratford Preparatory School. No physical improvements are proposed. As described under checklist question b) below, there are sufficient water supplies available to serve the area and new or expanded water infrastructure would not be required to meet the water needs of the project. Therefore, the project would not result in significant environmental effects due to construction or relocation of water utilities.

Wastewater Treatment Facilities

Under existing conditions, the existing school generates approximately 5,478 gpd of wastewater. The 815 additional students would generate approximately 8,360 gpd of wastewater per day, which represents a 34 percent increase above existing conditions. The City currently has approximately 38.8 mgd of excess wastewater treatment capacity. The proposed project could be served by the available capacity. Relocation or the construction of new or expanded wastewater facilities would not be required.

Storm Drainage Facilities

The project would not result in any physical improvements to the site and would not alter the existing storm drainage system. Relocation or construction of new or expanded stormwater drainage facilities would not be required.

Electric Power, Natural Gas, and Telecommunications

The project site is currently served by existing electrical, natural gas, and telecommunications services. The project would increase the student population on the project site, however demand for these resources would be satisfied by existing services and construction of new or expanded facilities would not be required.

The proposed project would not result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications 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?
-

SJW provides water to the project area. Their most recent Urban Water Management Plan (adopted in June 2021) determined that there would be adequate supplies to meet system demands under single year conditions and multiple dry year conditions through 2045. The project site is currently developed with a private middle school and high school. The increase in the number of students from 534 to 1,349 would increase water use by 9,836 gpd (or approximately 34 percent). The proposed project would be consistent with the growth forecasted in the General Plan and analyzed in the 2020 UWMP. For these reasons, the additional 815 students would not substantially increase water demand in the City. **(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?
-

Under existing conditions, the school generates approximately 5,478 gpd of wastewater per day. The 815 additional students would generate approximately 8,360 gpd of wastewater, which represents a 34 percent increase from existing conditions. The City currently has approximately 38.8 mgd of excess wastewater treatment capacity. For these reasons, the additional 815 students would not result in a substantial increase in the amount of wastewater generated by the existing school. Therefore, the project would not exceed the City's allocated capacity at the Facility. **(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 existing Stratford Preparatory School is estimated to generate approximately 267 pounds of solid waste a day. The 815 additional students would generate approximately 408 additional pounds of solid waste per day, for a total of 675 pounds per day. As mentioned previously, NISL had

approximately 12.4 million cubic yards of capacity remaining as of May 2023. Given NISL's remaining capacity, the City's contract with NISL, the amount of waste the City disposes at NISL, and the amount of waste the project is estimated to generate, there is sufficient capacity at NISL to serve the project. Furthermore, the proposed project would be required to comply with existing federal, state, and local programs and regulations.. Therefore, implementation of the project would not generate solid waste in excess of state or local standards. **(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?
-

The project would be required to comply with the San Jose Zero Waste Strategic Plan/Climate Smart, existing regulations and programs, and applicable General Plan policies; therefore, 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)**

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 Section 4428);
- 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.

4.20.1.2 *Existing Conditions*

Based on the Fire Hazard Severity Zone (FHSZ) Map, the project site is not located within a FHSZ area.⁸⁴

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?	☐	☐	☐	☒

⁸⁴ CALFIRE. "Fire Hazard Severity Zone Viewer" Accessed January 27, 2023. <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 throughout this Initial Study, the project involves increasing the number of students on campus from 534 to 1,349. No physical improvements are proposed.

As discussed in Section 4.4 Biological Resources, the project would not impact sensitive habitats or special-status species. The project would require discretionary approval by the City and would be subject to applicable SCVHP conditions and fees. As discussed in Section 4.5 Cultural Resources, the project site contains no known archaeological resources and is not in a City-identified area of archaeological sensitivity. Further, no physical improvements are proposed to the existing campus. Therefore, the project would not cause a substantial adverse change in the significance of an archaeological resource.

Because the project does not involve any physical improvements to the site, there would be no construction-related impacts to geology and soils, hazards and hazardous materials, or hydrology and water quality (refer to Sections 4.7, 4.9 and 4.10, respectively).

As discussed in Section 4.13 Noise, project does not propose any new operational aspects that would increase noise levels at the project site. The project does not propose any physical improvements at the site that would necessitate construction.

For these reasons described above, increasing the number of students from 534 to 1,349 would not degrade the quality of the environment, substantially affect biological resources, or eliminate important examples of California history or prehistory. **(Less than Significant Impact)**

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

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

As discussed throughout this Initial Study, the project involves increasing the number of students on campus from 534 to 1,349. No physical improvements are proposed. The project would result in less than significant impacts to all resources evaluated in this Initial Study, and would not have a cumulatively considerable impact on the environment. Projects must demonstrate consistency with the General Plan to address cumulative VMT impacts. Consistency with the City’s General Plan is based on the project’s density, design, and conformance to the General Plan goals and policies. If a project is consistent with General Plan, it is considered as part of the cumulative solution to meet the General Plan’s long-range transportation goals, and therefore, will result in a less than significant cumulative impact. If a project is determined to be inconsistent with the General Plan, a cumulative impact analysis is required per the City’s Transportation Analysis Handbook. The project is consistent with the General Plan and its policies because the proposed land uses are consistent with the existing General Plan land use designations on the project site; as a result the project would be considered part of the cumulative solution to meet the General Plan’s long-range transportation goals. Further, as required by City Council Policy 5-1, the project would reduce its VMT through implementation of a TDM Plan (refer to checklist question b). **(Less than Significant Impact)**

-
- 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 air quality, hazardous materials, and noise. As documented throughout this Initial Study, the project involves increasing the number of students on campus from 534 to 1,349. No physical improvements are proposed. Impacts to all CEQA issue areas would be less than significant and no other direct or indirect adverse effects on humans have been identified. **(Less than Significant Impact)**

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Section 6.0 Lead Agency and Consultants

6.1 Lead Agency

City of San José

Department of Planning, Building and Code Enforcement

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Transportation Consultants

Robert Del Rio, *Principal Transportation Engineer*

Illingworth & Rodkin, Inc.

Noise, and Vibration Consultant

Michael Thill, *Noise Specialist*

Section 7.0 Acronyms and Abbreviations

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	Asbestos-Containing Material
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
APN	Assessor's Parcel Number
ATCM	Asbestos Airborne Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
Bay Area	San Francisco Bay Area
Btu	British Thermal Unit
CAAQS	California Ambient Air Quality Standard
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	Chlorofluorocarbon
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH ₄	Methane
CLUP	Comprehensive Land Use Plan
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide

CO ₂	Carbon Dioxide
CO ₂ e	Carbon Dioxide Equivalents
CRHR	California Register of Historical Resources
CUHSD	Campbell Union High School District
CUPA	Certified Unified Program Agency
dBA	A-weighted decibel
DNL	Day/Night Average Sound Level
DPM	Diesel Particulate Matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FHSZ	Fire Hazard Severity Zone
FMMP	Farmland Mapping and Monitoring Program
gpd	Gallons per day
GHG	Greenhouse Gases
GHGRS	Greenhouse Gas Reduction Strategy
GWh	Gigawatt Hour
GWP	Global Warming Potential
GWMP	Groundwater Management Plan
Habitat Plan	Santa Clara Valley Habitat Plan
HRI	Historic Resources Inventory
HSWA	Hazardous and Solid Waste Amendments
ITE	Institute of Transportation Engineers
IWMP	Integrated Waste Management Plan
L _{eq}	Energy-Equivalent Sound/Noise Descriptor
L _{max}	Maximum A-weighted noise level during a measurement period
LOS	Level of Service

LRA	Local Responsibility Area
MBTA	Migratory Bird Treaty Act
mgd	Million gallons per day
MMTCO ₂ e	Million Metric Tons of Carbon Dioxide Equivalent
MND	Mitigated Negative Declaration
mpg	Miles per Gallon
MSL	Mean Sea Level
MTC	Metropolitan Transportation Commission
N ₂ O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standard
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NHPA	National Historic Preservation Act
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO ₂	Nitrogen Dioxide
NOA	Naturally Occurring Asbestos
NOD	Notice of Determination
NO _x	Nitrogen Oxides
NRHP	National Register of Historic Places
O ₃	Ozone
PCB	Polychlorinated Biphenyls
PCF	Perfluorocarbon
PDA	Priority Development Areas
PG&E	Pacific Gas and Electric Company
PI	Plasticity Index
PM	Particulate Matter
PM ₁₀	Particulate matter with a diameter of 10 microns or less
PM _{2.5}	Particulate matter with a diameter of 2.5 microns or less
PPV	Peak Particle Velocity
R&D	Research and Development
RAP	Removal Action Plan

RCRA	Resource Conservation and Recovery Act
ROG	Reactive Organic Gases
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCS	Sustainable Communities Strategy
SF ₆	Sulfur Hexafluoride
SFHA	Special Flood Hazard Area
SFPUC	San Francisco Public Utilities Commission
SHMA	Seismic Hazards Mapping Act
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SMP	Site Management Plan
SJFD	San José Fire Department
SJPD	San José Police Department
SO _x	Sulfur Oxides
SR	State Route
SRA	State Responsibility Area
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminants
TDM	Transportation Demand Management
Title 24	Title 24, Part 6 of the California Code of Regulations
TRC	Tribal Cultural Resource
TSCA	Toxic Substances Control Act
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
UWMP	Urban Water Management Plan
VMT	Vehicle Miles Traveled
Williamson Act	California Land Conservation Act
WUI	Wildland-Urban Interface
ZNE	Zero Net Carbon Emission