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DRAFT
Environmental Impact Report
5670 Camden Avenue Residential Project
City of San José, Santa Clara County, California

State Clearinghouse Number 2024080104

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ACRONYMS AND ABBREVIATIONS

°C	degrees Celsius (Centigrade)
°F	degrees Fahrenheit
µg/m^3	micrograms per cubic meter
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACHP	Advisory Council on Historic Preservation
ACM	asbestos-containing material
ACP	Alternative Compliance Plan
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
ADU	accessory dwelling unit
AEI	AEI Consultants
AERMOD	American Meteorological Society/EPA Regulatory Model
AFY	acre-feet/year
AIA	Airport Influence Area
AIC	Archaeological Information Center
AICUZ	Air Installation Compatibility Use Zone
AIRFA	American Indian Religious Freedom Act
ALUC	Airport Land Use Commission
AMI	Area Median Income
AMSL	above mean sea level
APCD	Air Pollution Control District
APE	Area of Potential Effect
APN	Assessor's Parcel Number
AQMD	Air Quality Management District
AQP	Air Quality Plan
ARB	California Air Resources Board
ARPA	Archaeological Resources Protection Act
AST	aboveground storage tank
ASTM	American Society for Testing and Materials
ATCM	Airborne Toxic Control Measures
BAAQMD	Bay Area Air Quality Management District
BAHM	Bay Area Hydrology Model
BART	Bay Area Rapid Transit

BAU	business-as-usual
BCF	billion cubic feet
BCF/year	billion cubic feet per year
bgs	below ground surface
BMP	Best Management Practice
BVOC	biogenic volatile organic compound
C^2ES	Center for Climate and Energy Solution
C&D	construction and demolition
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
Cal/EPA	California Environmental Protection Agency
CALGreen	California Green Building Standard Code
Cal/OSHA	California Occupational Health and Safety Administration
CalARP	California Accidental Release Program
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CBC	California Building Standards Code
CCAA	California Clean Air Act
CCCC	California Climate Change Center
CCR	California Code of Regulations
CCTA	Contra Costa Transportation Authority
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	The Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CDF	California Department of Finance
CFC	chlorofluorocarbon
CFR	Code of Federal Regulations
CGC	California Government Code
CH_4	methane
CHL	California Historical Landmarks
CHP	California Highway Patrol
CHRIS	California Historical Resources Information System
CMP	Congestion Management Plan
CNDDB	California Natural Diversity Database

CNEL	community noise equivalent level
CNPS	California Native Plant Society
CNPSEI	California Native Plant Society Electronic Inventory
CNRA	California Natural Resources Agency
CO	carbon monoxide
CO_2e	carbon dioxide equivalent
CPHI	California Points of Historical Interest
CPUC	California Public Utilities Code
CRA	Cultural Resources Assessment
CREC	Controlled Recognized Environmental Conditions
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
dBA/DD	dBA per each doubling of the distance
DBH	diameter at breast height
DEH	Department of Environmental Health
DNL	day/night average noise level
DPM	diesel particulate matter
DPR	California Department of Parks and Recreation
DTSC	California Department of Toxic Substances Control
du	dwelling unit
du/acre	dwelling unit per acre
EDD	Employment Development Department
EIR	Environmental Impact Report
EISA	Energy Independence and Security Act of 2007
EMFAC	Emission Factor mobile source emissions model
EPA	United States Environmental Protection Agency
EV	electric vehicle
FAA	Federal Aviation Administration
FAR	floor area ratio
FCS	FirstCarbon Solutions
FEMA	Federal Emergency Management Agency
FGC	Fish and Game Code
VHSZ	very high fire hazard severity zone
FHWA	Federal Highway Administration

FIRM	Flood Insurance Rate Map
FTA	Federal Transit Administration
GHG	greenhouse gas
GHGRS	Greenhouse Gas Reduction Stratagy
gpm	gallons per minute
GPA	General Plan Amendment
GPS	Global Positioning System
GWh	gigawatt-hours
GWh/y	gigawatt-hours per year
GWP	global warming potential
HAA	Housing Accountability Act
HAP	Hazardous Air Pollutants
HARP2	Hotspots Analysis and Reporting Program
HCA	Housing Crisi Act
HCD	California Department of Housing and Community Development
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HFC	hydrofluorocarbon
HI	hazard index
HMBP	Hazardous materials business plan
HOV/HOT	High Occupancy Vehicle/High Occupancy Toll
HRA	Health Risk Assessment
HREC	Historical Recognized Environmental Conditions
HRI	California Historic Resources Inventory
HSC	California Health and Safety Code
HVAC	heating, ventilation, and air conditioning
HWCL	Hazardous Waste Control Law
IPaC	USFWS Information for Planning and Consultation
IPCC	United Nations Intergovernmental Panel on Climate Change
ISTEA	Intermodal Surface Transportation Efficiency Act
ITE	Institute of Transportation Engineers
kW	kilowatts
LBP	lead-based paint
LCFS	Low Carbon Fuel Standard
L_{dn}	day/night average sound level
LED	light-emitting diode
L_{eq}	equivalent sound level
LEV	low-emission vehicle

L_{max}	maximum noise level
LOS	Level of Service
LSE	load-serving entities
LTA	Local Transportation Analysis
LUST	leaking underground storage tanks
MBTA	Migratory Bird Treaty Act
MEIR	Maximally Exposed Individual Receptor
mgd	million gallons per day
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
MMT	million metric tons
mph	miles per hour
MPO	Metropolitan Planning Organization
MT	metric tons
MTC	Metropolitan Transportation Commission
MTS	Metropolitan Transportation System
MW	megawatt
MWD	Metropolitan Water District of Southern California
MXD	mixed-use development
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NEHRP	National Earthquake Hazards Reduction Program
NEPA	National Environmental Policy Act
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NFPA	National Fire Protection Association
NHM	Natural History Museum of Los Angeles County
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NO_2	nitrogen dioxide
NOAA Fisheries	National Marine Fisheries Service
NOC	Notice of Completion
NOP	Notice of Preparation
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act
NRCS	Natural Resources Conservation Service

NRHP	National Register of Historic Places
NWIC	Northwest Information Center
O_3	ozone
OAL	Office of Administrative Law
OEC	Other Environmental Considerations
OEHHA	California Office of Environmental Health Hazard Assessment
OHWM	ordinary high water mark
ONAC	Federal Office of Noise Abatement and Control
OPR	Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PBCE	Department of Planning, Building, and Code Enforcement
PCB	polychlorinated biphenyl
pCi/L	picocuries per liter
PDA	Priority Development Area
PDO	Parkland Dedication Ordinance
PFC	perfluorocarbon
PG&E	Pacific Gas and Electric Company
Phase I ESA	Phase I Environmental Site Assessment
PIO	Park Impact Ordinance
PM_x	particulate matter
PM_{10}	particulate matter, including dust, 10 micrometers or less in diameter
$PM_{2.5}$	particulate matter, including dust, 2.5 micrometers or less in diameter
ppb	parts per billion
ppm	parts per million
PPV	peak particle velocity
PQP	Public/Quasi-Public
PRC	Public Resources Code
PRNS	Parks, Recreation and Neighborhood Services
PVC	polyvinyl chloride
RCRA	Resource Conservation and Recovery Act
REC	recognized environmental condition
Recology	Integrated Resource Recovery Company
RecycleSmart	Central Contra Costa County Solid Waste Authority
REL	Reference Exposure Level
RHNA	Regional Housing Needs Allocation
RMP	Risk Management Plan
rms	root mean square
ROG	reactive organic gases

RPS	Renewables Portfolio Standard
RRFB	rectangular rapid flashing beacon
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SAFE	Safer Affordable Fuel-Efficient Vehicles Rule
San José Water	San José Water Company
SARA	Superfund Amendments and Reauthorization Act
SARA Title III	Emergency Planning and Community Right-to-Know Act
SB	Senate Bill
SCP	Site Cleanup Program
SCS	Sustainable Communities Strategy
SCVHCP	Santa Clara Valley Habitat Conservation Plan
SF_6	sulfur hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SFPUC	San Francisco Public Utilities Commission
SIP	State Implementation Plan
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJPD	City of San José Police Department
SMP	Site Management Plan
SO_X	sulfur oxides
SO_2	sulfur dioxide
SORE	Small Off-road Engines
South Coast AQMD	South Coast Air Quality Management District
SPCC	Spill Prevention, Control, and Countermeasure
SR	State Route
SRA	State Responsibility Area
State Water Board	California State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
TA	Transportation Analysis
TAC	toxic air contaminants
TCM	Transportation Control Measures
TDM	Transportation Demand Management
TDS	total dissolved solids
TDV	Time Dependent Valuation
TEA-21	Transportation Equity Act for the 21st Century
Tg	teragram
therms/y	therms per year

TMA	Transportation Management Association
TMDL	Total Maximum Daily Load
TOD	Transit Oriented Development
TSCA	The Toxic Substances Control Act
UBC	Uniform Building Code
UFC	Uniform Fire Code
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
UWMP	Urban Water Management Plan
Valley Air District	San Joaquin Valley Air Pollution Control District
V/C	volume to capacity ratio
VdB	velocity in decibels
VDECS	Verified Diesel Emission Control Strategies
VMT	Vehicle Miles Traveled
VOC	volatile organic compounds
VTA	Santa Clara Valley Transportation Authority
WATERS	Watershed Assessment, Tracking, and Environmental Results System
WDR	Waste Discharge Requirements
WQMP	Water Quality Management Plan
WUI	wildland urban interface
WSA	Water Supply Assessment
WWTP	Wastewater Treatment Plant
ZEV	Zero-Emission Vehicle

EXECUTIVE SUMMARY

Purpose

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the 5670 Camden Avenue Residential Project (State Clearinghouse No. 2024080104). This document is prepared in conformance with CEQA (Public Resources Code [PRC] § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et seq*.).

The purpose of this Draft EIR is to inform decision-makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the proposed project. This Draft EIR describes potential impacts relating to a wide variety of environmental issues and methods by which these impacts can be mitigated or avoided.

Project Summary

Project Location

The proposed project is located at 5670 Camden Avenue in the City of San José (City), California, southeast of the intersection of Blossom Hill Road and Camden Avenue, within Assessor Parcel Number (APN) 567-28-001. This approximately 10.7-gross acre parcel is currently occupied by Beacon School, Delight Montessori School San José, and sports fields utilized for youth activities. The Camden Residential Project site would occupy approximately 6.67 acres of the parcel, as shown in Figure 2-2. The term "project site" is used herein to refer to the approximately 6.67 acres of the proposed development.

A narrow portion of the project site extends from Camden Avenue and then widens behind the existing schools as the site extends to Singletree Way. The site is bound by residential uses to the east along Blossom Park Lane, residential uses to the north, the Hicks substation and residential uses to the south across Singletree Way, and the two schools listed above to the west.

Project Description

Mana Camden Fund, LLC (applicant) proposes to remove the existing sports fields and associated structures and improvements, and then to develop 108 townhouse units spread over 32 buildings. Twenty of the buildings would contain three units (3-plex), while the other 12 buildings would contain four units (4-plex). A total of eight units would be maintained as Extremely-low Income Dwelling Units. These units would be interspersed with the market-rate units and would be located in multiple buildings throughout the project site.

The proposed project would include 243 off-street parking spaces composed of 216 garage spaces and 27 guest spaces. Twenty-eight temporary bicycle parking spaces would be provided, along with

12 bicycle lockers. Open space would include approximately 48,031 square feet of common open space for all residents (but not available to non-residents) and approximately 35,316 square feet of private open space, such as patio and balconies, available to individual residential units (for a total of 83,347 square feet).

The total building cover footprint would be 94,844 square feet, which would be approximately 36 percent of the project site. Total floor area would be 215,904 square feet, or approximately 74.3 percent of the project site. The proposed project would also include development of private internal roads. Stormwater on the site would be treated at two new storm treatment chambers, each having a 12-inch rock base layer and a 6-inch rock cover. Impervious areas at the project site would total 220,296 square feet. As part of the proposed project, 41 on-site trees would be removed (see Landscaping and Lighting below). Twenty-three of these trees are classified as ordinance trees by the City. The existing schools would remain, and no development is proposed at the schools.

Project Objectives

The underlying purpose of the proposed project is to develop an appropriate mix of multi-family units, including affordable units, that meets the regional housing goals. The objectives of the proposed project are to:

- Deliver approximately 100 units of new, high-quality housing in an existing residential neighborhood.
- Provide housing with a variety of floor plans and unit types to enhance the economic viability of the development for long-term sustainability.
- Phase development to allow for managed and orderly growth, while limiting construction-related effects in the project site vicinity.
- Construct housing with sufficient density to be marketable and produce a reasonable return on investment for the project applicant and its investors and that is able to attract investment capital and construction financing.
- Assist the City of San José to satisfy its regional housing needs allocation for market-rate and below market-rate housing units.
- Provide quality housing that connects to the existing circulation system and includes pedestrian access to create a walkable community.

Significant Unavoidable Adverse Impacts

The proposed project would result in the following significant unavoidable impacts:

- **Project-level greenhouse gas (GHG) emissions**: The proposed project would not be consistent with the Vehicle Miles Traveled (VMT) design element outlined in the Bay Area Air Quality Management District (BAAQMD) GHG threshold Criterion A. Therefore, it would have a significant and unavoidable impact per BAAQMD GHG threshold Criterion A.

- **Project-level conflict with GHG Reduction Plans:** The proposed project's VMT impacts would conflict with the State's Scoping Plan and BAAQMD's Plan Bay Area, which are applicable State and regional plans adopted for the purpose of reducing the emissions of GHGs.
- **Cumulative GHG emissions:** The proposed project's significant VMT impacts would not be consistent with the State and regional climate goals. No additional mitigation measures were identified to reduce the impact. Therefore, the proposed project's incremental contribution to GHG emissions would be cumulatively considerable.
- **Project-level and cumulative VMT impacts:** The proposed project's VMT would remain above the City's threshold of 11.39 VMT per capita, even with mitigation.

Summary of Project Alternatives

Below is a summary of the alternatives to the proposed project considered in Chapter 5, Alternatives to the Proposed Project.

No Project–Retain Existing Use Alternative

Under the No Project–Retain Existing Use Alternative, the proposed 108-unit 32-building proposed community would not be constructed on the project site. The existing sports fields and associated structures would remain on-site. In this scenario, off-site improvements would not occur, grading would not take place, and no trees would be removed. For the purposes of this alternatives analysis, it is assumed that the existing sports fields would remain on-site and would continue to be used for youth sports. This alternative would not require a Conditional Use Permit, a Site Development Permit, or Tentative Map approval.

Reduced Intensity Alternative

Under the Reduced Intensity Alternative, 87 units would be developed, which would be 21 units fewer than the proposed project. This alternative would include six extremely-low income affordable units, which would be two affordable units fewer than the proposed project. The units would be single-family detached homes clustered on the property. The units would be two stories and would range in size from 1,500 square feet to 1,900 square feet. Each home would have a private yard and a two-car garage. A community park would be available for residents of the community. Similar to the proposed project, this alternative would require a Site Development Permit and Tentative Map approval.

Increased Intensity Alternative

The Increased Intensity Alternative is defined as developing the site to its full buildout potential using a density bonus for 100 percent affordable housing. Under this alternative a total of 667 residential units can be developed on the project site. This alternative would represent an increase of 559 units as compared to the proposed project. The residential units would be in 5-story apartment buildings, and no parking or private open space would be provided. Amenities would include bicycle parking and a playground or community park. Similar to the proposed project, this alternative would require a Site Development Permit and Tentative Map approval.

Areas of Controversy

Pursuant to CEQA Guidelines Section 15123(b), a summary section must address areas of controversy known to the lead agency, including issues raised by agencies and the public, and it must also address issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

A Notice of Preparation (NOP) for the proposed project was issued on August 5, 2024. The NOP describing the original concept for the project and issues to be addressed in the EIR was distributed to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period extending from August 5 through September 5, 2024. The NOP identified the potential for significant impacts on the environment related to the following topical areas:

- Air Quality
- Biological Resources
- Cultural Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Population and Housing
- Recreation
- Transportation
- Tribal Cultural Resources

Disagreement Among Experts

This Draft EIR contains substantial evidence to support all the conclusions presented herein. It is possible that there will be disagreement among various parties regarding these conclusions, although the City of San José is not aware of any disputed conclusions at the time of this writing. Both the CEQA Guidelines and case law clearly provide the standards for treating disagreement among experts. Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision-makers to make an informed judgment about the environmental consequences of the proposed project.

Potentially Controversial Issues

Below is a list of potentially controversial issues that may be raised during the public review and hearing process of this Draft EIR:

- Air Quality
- Biological Resources
- Land Use and Planning
- Noise
- Population and Housing
- Recreation
- Transportation
- Tribal Cultural Resources

It is also possible that evidence will be presented during the 45-day, statutory Draft EIR public review period that may create disagreement. Decision-makers would consider this evidence during the public hearing process.

In rendering a decision on a project where there is disagreement among experts, the decision-makers are not obligated to select the most environmentally preferable viewpoint. Decision-makers are vested with the ability to choose whatever viewpoint is preferable and need not resolve a dispute among experts. In their proceedings, decision-makers must consider comments received concerning the adequacy of the Draft EIR and address any objections raised in these comments. However, decision-makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on the Draft EIR and can certify the Final EIR without needing to resolve disagreements among experts.

Public Review of the Draft EIR

Upon completion of the Draft EIR, the City of San José filed a Notice of Completion (NOC) with the California Governor's Office of Land Use and Climate Innovation (LCI) to begin the public review period (PRC § 21161). Concurrent with the NOC, this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the City of San José offices and the locations listed below:

City of San José
Planning Division
200 East Santa Clara Street
Third Floor Tower
San José, CA 95113
Hours:
Monday–Friday 8:00 a.m.–5:00 p.m.

Dr. Martin Luther King Jr. Library,
150 East San Fernando Street
San José, CA 95112
Hours:
Monday–Thursday 8:00 a.m.–8:00 p.m.
Friday–Saturday 8:00 a.m.–6:00 p.m.
Sunday 1:00 p.m.–6:00 p.m.

San José Public Library,
Vineland Branch
1450 Blossom Hill Road
San José, CA 95118
Hours:
Monday 2:00 p.m.–6:00 p.m.
Tuesday–Thursday 10:00 a.m.–7:00 p.m.
Friday 2:00 p.m.–6:00 p.m.
Saturday 10:00 a.m.–6:00 p.m.
Sunday 12:00 p.m.–5:00 p.m.

Agencies, organizations, and interested parties have the opportunity to comment on the Draft EIR during the 45-day public review period. Written comments on this Draft EIR should be addressed to:

City of San José, Department of Planning, Building and Code Enforcement
Attn: Cort Hitchens, Environmental Project Manager
200 East Santa Clara Street, Third Floor Tower
San José, CA 95113-1905
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Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the City of San José on the proposed project, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision-makers for the proposed project.

Executive Summary Matrix

Table ES-1 below summarizes the impacts, mitigation measures, and resulting level of significance after mitigation for the relevant environmental issue areas evaluated for the proposed project. The table is intended to provide an overview; narrative discussions for the issue areas are included in the corresponding section of this EIR. Table ES-1 is included in the EIR as required by CEQA Guidelines Section 15123(b)(1).

Table ES-1: Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.1—Air Quality		
Impact Air-1: The proposed project could conflict with or obstruct implementation of the applicable air quality plan.	**MM AIR-1:** Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a construction management plan to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the project shall comply with Tier 4 Final off-road emission standards. Off-road equipment descriptions and information included in the construction management plan may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number. Additionally, all off-road equipment equal to or greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities.	Less than significant impact with mitigation incorporated.
Impact AIR-2: The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.	No mitigation required.	Less than significant impact without mitigation.
Impact AIR-3: The proposed project could expose sensitive receptors to substantial pollutant concentrations.	Implement MM AIR-1.	Less than significant impact with mitigation incorporated.
Impact AIR-4: The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	No mitigation required.	Less than significant impact without mitigation.
Cumulative Impact	Implement MM AIR-1.	Less than significant cumulative impact with mitigation incorporated (with respect to toxic air contaminants [TACs] only).

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.2—Biological Resources		
Impact BIO-1: The proposed project could 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 or United States Fish and Wildlife Service.	**MM BIO-1: Impacts to Nesting Birds**: The project applicant would implement the following measures to avoid impacts to nesting migratory birds: • **Avoidance**: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall schedule demolition and construction activities, including ground disturbance and vegetation removal activities, to avoid the nesting season. The nesting season for most birds, including raptors in the San Francisco Bay Area, extends from February 1 through August 31, inclusive. • **Nesting Surveys**: If demolition and construction activities cannot be scheduled between September 1 and January 31 (inclusive), general pre-construction nesting bird surveys shall be conducted by a qualified Biologist not more than 7 days prior to construction activities involving ground clearing, vegetation removal/trimming, or building demolition. The surveys shall include the disturbance area plus a 200-foot buffer around the site and a 500-foot buffer for raptors. • **Buffer Zones**: If active nests (i.e., nests containing eggs and/or juveniles) are located, an appropriate avoidance buffer shall be established within which no work activity would be allowed that would impact these nests. The avoidance buffer shall be established by the qualified Biologist on a case-by-case basis based on the species and site conditions. In no case shall the buffer be smaller than 50 feet for non-raptor bird species or smaller than 200 feet for raptor species. Larger buffers may be required depending on the status of the nest and the construction activities occurring near the nest. The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and the nest is inactive. The qualified Biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. If there are delays in on-site activities for more than 14 days during the breeding season, an additional survey shall be required within 7 days prior to the start of work.	Less than significant impact with mitigation incorporated.
Impact BIO-2: The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or	No mitigation required.	No impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.		
Impact BIO-3: The proposed project would not 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.	No mitigation required.	No impact.
Impact BIO-4: The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.	No mitigation required.	Less than significant impact without mitigation.
Impact BIO-5: The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	No mitigation required.	Less than significant impact without mitigation.
Impact BIO-6: The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.	No mitigation required.	Less than significant impact without mitigation.
Cumulative Impact	No mitigation required.	Less than significant cumulative impact without mitigation.
Section 3.3—Cultural Resources		
Impact CUL-1: The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.	No mitigation required.	No impact.
Impact CUL-2: The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	Implement MM TCR-1.	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact CUL-3: The proposed project could disturb human remains, including those interred outside of formal cemeteries.	Implement MMTCR-1.	Less than significant impact with mitigation incorporated.
Cumulative Impact	No mitigation required.	Less than significant cumulative impact without mitigation.
Section 3.4—Greenhouse Gas Emissions		
Impact GHG-1: The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	Implement MM TRANS-2.	Significant and unavoidable impact.
Impact GHG-2: The proposed project would conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.	Implement MM TRANS-2.	Significant and unavoidable impact.
Cumulative Impact	Significant and unavoidable impact.	Significant and unavoidable cumulative impact.
Section 3.5—Hazards and Hazardous Materials		
Impact HAZ-1: The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	**MM HAZ-1:** Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall contract a qualified environmental professional to conduct a Limited Phase II Subsurface Investigation at the project site, following the recommendations provided in the Phase I Environmental Site Assessment (Phase I ESA) performed by AEI Consultants and dated February 10, 2023. The Limited Phase II Subsurface Investigation shall be prepared in accordance with the State and regional guidelines and applicable American Society for Testing and Materials (ASTM) International standards to determine the presence and/or extent of the potential contamination at the project site and to inform potential remediation actions. If the Limited Phase II Subsurface Investigation identifies contamination at the project site, recommendations provided in the Limited Phase II Subsurface Investigation shall be implemented. If remediation is required at the project site, a soil and groundwater management plan (or similar) shall be prepared to provide remediation actions to be performed at the project site and	Less than cumulative impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	contamination shall be remediated to satisfactory levels appropriate for residential uses prior to ground disturbance at the project site. The Limited Phase II Subsurface Investigation and any subsequent report shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE). If pesticide concentrations are found above regulatory residential Environmental Screening Levels (ESLs), the applicant shall obtain regulatory oversight from County of Santa Clara Department of Environmental Health (DEH), Regional Water Quality Control Board (RWQCB) or the California Department of Toxic Substances Control (DTSC). A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified hazardous materials consultant. The SMP shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The SMP and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the PBCE and the Environmental Compliance Officer in the City of San José Environmental Services Department (ESD).	
Impact HAZ-2: The proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.	Implement MM HAZ-1.	Less than significant impact with mitigation incorporated.
Impact HAZ-3: The proposed project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	No mitigation required.	Less than significant impact without mitigation.
Impact HAZ-4: The proposed project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, that as a result, would create a significant hazard to the public or the environment.	Implement MM HAZ-1.	Less than significant impact with mitigation incorporated.
Impact HAZ-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public	No mitigation required.	No impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
use airport, the proposed project would not result in a safety hazard or excessive noise for people residing or working the project area.		
Impact HAZ-6: The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	No mitigation required.	Less than significant impact without mitigation.
Impact HAZ-7: The proposed project would not expose people or structures, either directly or indirectly to a significant risk of loss, injury, or death involving wildland fires.	No mitigation required.	Less than significant impact without mitigation.
Cumulative Impact	No mitigation required.	Less than significant cumulative impact without mitigation.
Section 3.6—Land Use and Planning		
Impact LAND-1: The proposed project would not physically divide an established community.	No mitigation required.	Less than significant impact without mitigation.
Impact LAND-2: The proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	No mitigation required.	Less than significant impact without mitigation.
Cumulative Impact	No mitigation required.	Less than significant cumulative impact without mitigation.
Section 3.7—Noise		
Impact NOI-1: The proposed project would not generate 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.	No mitigation required.	Less than significant impact without mitigation.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact NOI-2: The proposed project would not result in generation of excessive groundborne vibration or groundborne noise levels.	No mitigation required.	Less than significant impact without mitigation.
Impact NOI-3: The proposed project would not expose people residing or working in the project area to excessive noise levels 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.	No mitigation required.	No impact.
Cumulative Impact	No mitigation required.	Less than significant cumulative impact without mitigation.
Section 3.8—Population and Housing		
Impact POP-1: The proposed project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).	No mitigation required.	Less than significant impact without mitigation.
Impact POP-2: The proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.	No mitigation required.	No impact.
Cumulative Impact	No mitigation required.	No cumulative impact.
Section 3.9—Recreation		
Impact REC-1: The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	No mitigation required.	Less than significant impact without mitigation.
Impact REC-2: The proposed project would not include recreational facilities or require the construction or	No mitigation required.	Less than significant impact without mitigation.

Impacts	Mitigation Measures	Level of Significance After Mitigation
expansion of recreational facilities which might have an adverse physical effect on the environment.		
Cumulative Impact	No mitigation required.	Less than significant cumulative impact without mitigation.
Section 3.10—Transportation		
Impact TRANS-1: The proposed project would not conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities.	No mitigation required.	Less than significant impact without mitigation.
Impact TRANS-2: The proposed project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	**MM TRANS-2:** Prior to issuance of building occupancy permits, the project applicant shall implement the following mitigation measures to reduce Vehicle Miles Traveled (VMT) impacts to the satisfaction of the Director of Public Works or the Director's designee, and submit proof of compliance documentation for review and approval to the Director of Planning, Building, and Code Enforcement or the Directors' designee: **Pedestrian Network Improvements (MI-05)** Remove pork-chop islands and extend the curb-lines at the northwest and southwest corners of the Camden Avenue and Blossom Hill Road intersection. These improvements would require a signal modification, including the replacement of existing signal poles and associated mast arms and streetlights, and restriping of the intersection. The intersection corners will include new Americans with Disabilities Act (ADA) compliant curb ramps with truncated domes. The existing standard, white-striped crosswalks will be upgraded to high-visibility yellow ladder striping on all legs of the intersection. These multimodal infrastructure improvements would enhance pedestrian connectivity, slow down the southbound and eastbound right-turn vehicle movements, shorten pedestrian crossing distances, and make pedestrians more visible to drivers. Alternatively, if it is determined that pork-chop island removal at the Camden Avenue and Blossom Hill Road intersection is infeasible due to the cost of the total "Pedestrian Network Improvements" mitigation measure, the new signal at the Camden Avenue and Singletree Way intersection constructed by the project (discussed below under the "Council Policy 5-1	Significant and unavoidable impact.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	VMT Override Traffic Payment") provides a comparable reduction in VMT as a "Network Connectivity/Design Improvements" measure by providing an additional safe and visible pedestrian connection across Camden Avenue and promoting walking as a viable option to driving for existing neighborhood residents west of the Camden Avenue. **Traffic Calming Measures (MI-04)** • Construct a bulb-out at the northeast corner of the Camden Avenue and Singletree Way intersection, directional ADA compliant curb ramps at both the northeast and southeast corners of the intersection, and a yellow-striped crosswalk on Singletree Way. • Extend the raised median island on Camden Avenue south to Singletree Way (approximately 150 feet). **Transit Access Improvements** Relocate the existing near side Santa Clara Valley Transit Authority (VTA) bus stop along westbound Blossom Hill Road to the far side of the intersection (west side of Camden Avenue). Improvements include construction of a new concrete bus pad, and installation of a new standard metal bench and bus shelter. The proposed bus stop improvements will encourage existing and future residents to utilize transit as an alternative to driving. **Transportation Demand Management Plan** To further reduce the project VMT, the applicant shall implement the following Transportation Demand Management (TDM) Plan Programmatic measures: • **School Pool Program (TP-01):** Implement a School Pool Program to transport students from the development to schools without a bussing program or schools where students cannot walk or bike. It is expected that at least 25 percent of residents will participate in the school pool program. • **Voluntary Travel Behavior Change Program (TP-18):** Provide a program that targets individual attitudes and behavior towards travel and provides information and tools for residents to analyze and alter their travel behavior. All households (100 percent of residents) are expected to enroll. • **On-site TDM Coordinator:**	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	– Provide a TDM plan prior to Planning (Planned Development) Permit approval. Include an annual monitoring requirement establishing an Average Daily Traffic (ADT) cap of 47 AM peak-hour trips and 56 PM peak-hour trips. The annual monitoring report must demonstrate the project is within 10 percent of the ADT cap and must be prepared by a Traffic Engineer. – If the project is not in conformance with the trip cap, the project may add additional TDM measure to meet the trip cap. A follow up report will be required within 6 months. If the project is still out of conformance, penalties will be assessed. See Council Policy 5-1. • **Parking and TDM Ordinance:** The TDM Plan for the project has additional measures to meet the City Parking TDM requirements. The TDM Plan includes the following measures from the Transportation Analysis prepared for the project and shall be implemented prior to issuance of the Certificate of Occupancy. Compliance shall be coordinated with the Director of Public Works or the Director's designee, and then the project proponent shall submit proof of compliance documentation for review and approval to the Director of Planning, Building, and Code Enforcement or the Directors' designee: – Provide Residential Street Improvements (MI-04) – Provide Pedestrian Network Improvements (MI-05 – Right-size Off-site Vehicle Parking Supply (PK-01) – Provide End of Trip Bike Parking Facilities (PK-02) – Provide School Pool Program (TP-01) – Provide Education, Marketing, and Outreach Program (TP-04) – Provide Ride Share Program (TP-13) – Provide Targeted Behavioral Intervention (TP-15) – Provide Voluntary Travel Behavior Change Program (TP-18) • **Council Policy 5-1 VMT Override Traffic Payment:** – Prior to issuance of building occupancy permits, the project proponent shall Pay the VMT Impact Overriding Traffic payment for the proposed 108 townhome residential units. The 2025 traffic payment is $3,002 per unmitigated VMT per resident and is subject to an annual escalation on January 1st in line with the Engineering News-Record Construction Cost Index (ENR CCI). The project will be	

Impacts	Mitigation Measures	Level of Significance After Mitigation
	required to pay the VMT Override Offset Traffic Payment for the proposed 108 townhome units. In coordination with the City, the project proponent shall implement the following improvements prior to issuance of Building occupancy permits in-lieu of VMT overriding traffic fee payment. The improvements will include the following: ○ Construct a new traffic signal at the Camden Avenue/Singletree Way intersection with crosswalks and bulb-outs.	
Impact TRANS-3: The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	No mitigation required.	Less than significant impact without mitigation.
Impact TRANS-4: The proposed project would not result in inadequate emergency access.	No mitigation required.	Less than significant impact without mitigation.
Cumulative Impact	Implement MM TRANS-2.	Significant and unavoidable cumulative impact related to VMT.
Section 3.11—Tribal Cultural Resources		
Impact TCR-1: The proposed project could 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).	**MM TCR-1: Cultural Awareness Training** Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant, in association with the City of San José, shall implement a cultural awareness training program for workers that may be present on the project site during ground-disturbing activities. Training shall be required for all construction personnel participating in ground-disturbing construction activities to alert them to the archaeological sensitivity of the project area and provide protocols to follow in the event of a discovery of archaeological materials. The training shall be provided by a qualified Archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. The qualified Archaeologist, to be retained by the applicant on an on-call basis, shall develop and distribute for job site	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	posting an "ALERT SHEET" summarizing potential archaeological finds that could be exposed and the protocols to be followed as well as points of contact to alert in the event of a discovery. Documentation verifying that the cultural awareness training program has been completed shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee within 20 days of completion of the training. The project applicant shall note on any plans that require ground-disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials. **MM TCR-2: Monitoring Plan** Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), a qualified Archaeologist, in consultation with a Native American representative registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a Monitoring Plan for all earthmoving activities. The Monitoring Plan shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for review and approval. The Monitoring Plan shall include, but is not limited to, the following: Monitoring schedules, contract information, recommended monitoring methods, and timing of reporting finds. A qualified Archaeologist in collaboration with a Native American Monitor, registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall be present during applicable earthmoving activities in accordance with the Monitoring Plan. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on-site, or major landscaping.	
Impact TCR-2: The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural 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.	Implement MM TCR-1 and MM TCR-2.	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Cumulative Impact	No mitigation required.	Less than significant cumulative impact without mitigation.

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CHAPTER 1: INTRODUCTION

1.1 - Overview of the CEQA Process

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Mana Camden Residential Project (State Clearinghouse No. 2024080104). This document is prepared in conformance with CEQA (California Public Resources Code [PRC] § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, *et seq*.). This Draft EIR is intended to serve as an informational document for the public agency decision-makers and the public regarding the proposed project. The proposed project was submitted under the Builder's Remedy of the Housing Accountability Act (California Government Code [CGC] § 65589.5).

1.1.1 - Overview

The 5670 Camden Avenue Residential Project (proposed project), located at 5670 Camden Avenue in the City of San José, California, consists of the removal of existing sports fields and associated structures and improvements, and the development of 108 townhouse units spread over 32 buildings. Twenty of the buildings would contain three units (3-plex), while the other 12 buildings would contain four units (4-plex). A total of 22 units would be maintained as Low-Income Dwelling Units. These Low-Income Dwelling Units would not be clustered in one building; rather they would be mixed with the market-rate units and be located in multiple buildings throughout the project site.

The proposed project would include 243 parking spaces composed of 216 garage spaces and 27 guest spaces. Twenty-eight temporary bicycle parking spaces would also be provided, along with 12 bicycle lockers. The proposed project would also include development of approximately 83,347 square feet of combined private and public open space, internal private roads, and two stormwater treatment chambers. Chapter 2, Project Description provides a complete description of the proposed project.

It should be noted the proposed project does not include the relocation of the sports fields to Dartmouth Middle School or any other location, and as such, any relocation is not analyzed in this Draft EIR. Any potential future relocation project is not related to the proposed project and is speculative.

1.1.2 - Purpose and Authority

This Draft EIR provides a project-level analysis of the environmental effects of the proposed project. The environmental impacts of the proposed project are analyzed in the Draft EIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146. This document addresses the potentially significant adverse environmental impacts that may be associated with the planning, construction, or operation of the proposed project. It also identifies appropriate and feasible mitigation measures and alternatives that may be adopted to significantly reduce or avoid these impacts.

CEQA requires that an EIR contain, at a minimum, certain specific elements. These elements are contained in this Draft EIR and include:

- Table of Contents
- Introduction
- Executive Summary
- Project Description
- Environmental Setting, Significant Environmental Impacts, and Mitigation Measures
- Cumulative Impacts
- Significant Unavoidable Adverse Impacts
- Alternatives to the Proposed Project
- Growth-Inducing Impacts
- Effects Found not to be Significant
- Areas of Known Controversy

1.1.3 - Lead Agency Determination

The City of San José is designated as the Lead Agency for the proposed project. CEQA Guidelines Section 15367 defines the lead agency as ". . . the public agency, which has the principal responsibility for carrying out or approving a project." Other public agencies may use this Draft EIR in the decision-making or permit process and consider the information in this Draft EIR along with other information that may be presented during the CEQA process.

This Draft EIR was prepared by FirstCarbon Solutions (FCS), an environmental consultant. Prior to public review, it was extensively reviewed and evaluated by the City of San José. This Draft EIR reflects the independent judgment and analysis of the City of San José as required by CEQA. A list of organizations and persons consulted and the report preparation personnel is provided in Chapter 7 of this Draft EIR.

1.2 - Scope of the Draft EIR

This Draft EIR addresses the potential environmental effects of the proposed project. The City of San José issued a Notice of Preparation (NOP) for the proposed project on August 5, 2024, which circulated between August 5 and September 5, 2024, for the statutory 30-day public review period. The scope of this Draft EIR includes the potential environmental impacts identified in the NOP and issues raised by agencies and the public in response to the NOP. The NOP is contained in Appendix A of this Draft EIR.

Sixteen comment letters were received in response to the NOP. These comment letters are listed in Table 1-1 and are provided in Appendix A of this Draft EIR. A summary of oral comments recorded during the August 12, 2024, joint community meeting and EIR scoping meeting, as well as a summary of oral comments during the August 19, 2024, community meeting, organized by District 10 Councilmember Arjun Batra, are also listed in the table. As stated above, the proposed project does not include any potential future relocation of the sports fields to a different location. Accordingly, comments related to the potential future fields are not related to this proposed project as they are too speculative to actions related to this proposed project and are outside of the scope of the proposed project. Relevant NOP comments are addressed in the appropriate topical sections.

Table 1-1: NOP Comment Letters

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
State Agencies				
Native American Heritage Commission (NAHC)	Cody Campagne, Cultural Resources Analyst	08/15/24	• Stated that Assembly Bill (AB) 52 has added to CEQA and listed additional requirements. • Listed Senate Bill (SB) 18's provisions. • Recommended that the proposed project contacts the appropriate regional California Historical Research Information System. • States that an archaeological inventory survey is required. • Recommends contacting the NAHC for a Sacred Lands File Search and a Native American Tribal Consultation List. • States that the lack of surface evidence of archaeological resources does not preclude their subsurface existence.	• Section 3.11, Tribal Cultural Resources
Local Agencies				
Santa Clara Valley Water District (Valley Water)	Andrew Quan, Assistant Engineer II–Civil Community Projects Review Unit	08/09/2024	• Makes note that the proposed project would require a Valley Water encroachment permit. • Requests that the project be designed in such a way that drainage is directed away from Valley Water right-of-way. Runoff from the site needs to be directed to the City of San José's storm drain system. • States that if previously unknown wells are found on the subject property during development, they must be destroyed under permit form Valley Water or registered Valley Water and protected from damage.	• Chapter 4, Effects Found not to be Significant
Santa Clara Valley Water District (Valley Water)	Andrew Quan, Assistant Engineer II–Civil	9/5/2024	• States that the proposed project be designed to minimize impervious surface and include bioretention basins and other stormwater	• Chapter 4, Effects Found not to be Significant

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
	Community Projects Review Unit		elements designed to allow as much infiltration as possible to maintain existing natural groundwater recharge without adversely impacting the water quality of the groundwater basin. • States that a Valley Water encroachment permit is required and requests the application form be completed. • States that the project is located in n Zone D, defined as an area in which flood hazards are undetermined but possible according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM). • States that the project site is located within the Santa Clara Plain Recharge Area of the Santa Clara Subbasin and requests this comment be in the Draft EIR and that the proposed project should consider potential impacts to groundwater recharge and include potential mitigation. • States if previously unknown wells are found on the subject property during development, they must be properly destroyed under permit form Valley Water or registered with Valley Water and protected from damage.	
Organizations				
Pacific Gas and Electric Company (PG&E)	Alexa Boyd, Land Management	9/3/2024	• States that PG&E operates overhead electric distribution facilities along the northerly and a portion of the easterly boundaries of the subject property and no buildings and/or other structures are permitted within PG&E's easements. • Requests engineering plans for the proposed retaining walls be provided for review and	• Addressed by the City

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
			approval prior to the commencement of any construction.	
Individuals				
N/A	Maki Azumi	08/28/2024	• Concerns about traffic congestion on the Camden Ave and Blossom Hill Road. • Concerns about traffic congestion on Singletree and Camden. • Concerns about parking and whether there would be adequate parking for townhome residents and guests. • Concerns about safety that increased traffic congestion would cause. • Requests information on how the City will address issues and concerns raised in letter. • Requests information on whether a detailed traffic survey has been conducted. • Requests information on if there is data on what measures or solutions have been implemented in past situations. • Requests information on solutions in place to ensure that residents' concerns are adequately addressed, and safety and traffic flow are managed correctly.	• Section 3.10, Transportation
N/A	Brian Heneghan	08/11/2024	• States that the proposed project is "a money grab for the district and developer with no care for the people in the area." • Concerns about zoning and land use designation. • Concerns about traffic congestion, accessibility, and parking. • Raises concerns about the proposed project changing the existing ambience of the neighborhood.	• Section 3.6, Land Use and Planning • Section 3.10, Transportation

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
			• States that there are plenty of open areas and very old plots of land that can be used to develop the project.	
N/A	Nina Hislop	9/4/2024	• Stated that none of the multi-family units stated in the presentation is three stories high nor do they have the density that the project is projecting. • States that all the existing multi-family units currently have additional cars parked on both sides of Blossom Hill and Singletree. • Concerns about emergency access on Singletree. • Concerns about the left turn on Singletree being eliminated. States that would create congestion and safety concerns on Blossom Hill. • States that the only realistic way out of the proposed project is via Singletree. • States that Union school district is a highly sought after district and all the schools in the area are currently overpopulated. • Concerns about the reduction of green space and that the new fields at Dartmouth would not be accessible for the community to use. • Concerns about electricity and water usage. • Requests information on how the City is going to keep trucks from cutting through surrounding neighborhoods and how they are going to keep them accountable to using Singletree and Camden Avenue.	• Section 3.10, Transportation • Chapter 4, Effects Found not to be Significant
N/A	Thomas James Hislop	8/19/2024	• Concerns about student overcrowding within the school district.	• Section 3.1, Air Quality • Section 3.7, Noise • Section 3.9, Recreation • Section 3.10, Transportation

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
			• Requests information on what steps will be taken to address the potential growth issue that would affect schools. • Raises concerns regarding safety at the Camden/Blossom Hill intersection. • Requests information on who will fund necessary upgrades to Camden/Blossom Hill intersection and what thresholds of accidents and increase would trigger a review of safety issues. • Raises concerns regarding safety risks along Singletree Way. • Requests information on what improvements would be included to accommodate increases traffic along Singletree Way and ensure pedestrian and cyclist safety. • Requests information on how the transit system will be expanded to serve increased population. • Requests information on whether there are any plans to incorporate green spaces or parks into development. • Safety concerns about the proposed exit onto Camden Ave. Requests information on what revision would be made to address concerns. • Concerns about how the project would exacerbate traffic impacts on the community. • Requests information on who will be funding necessary upgrades to sewer lines and other infrastructure to support increased density. • Requests information on whether additional fire equipment would be required to address risks with the 3-story buildings adjacent to open space.	• Chapter 4, Effects Found not to be Significant

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
			• Requests information on a plan to ensure that emergency vehicles can safely navigate the area. • Requests information on how the project will address potential overflow parking issues. • Requests information on the projects plan to improve sidewalks and ensure safety of pedestrians and cyclists. • Requests information on what units will be designed as affordable housing and if there are any affordable units located near the power plant, where noise and air quality could be a concern.	
N/A	Kristen Jordan	08/17/2024	• Requests to add flooding impacts to the project site and surrounding area into the EIR.	• Chapter 4, Effects Found not to be Significant
N/A	Kristen Jordan	08/23/2024	• Concerns about traffic around Camden Avenue and Blossom Hill Road especially concerns regarding traffic impacts on children attending surrounding schools. • Concerns that the proposed driveway would not be able to accommodate future residents. • Suggests moving the current driveway from Singletree which would allow residents to safely enter their homes. • Suggests installing a stoplight at Singletree and Camden Avenue in order to make it safer for future residents. • Concerns about increased traffic congestion. • Concerns about the safety of children biking and walking to school and along the trail at Singletree Way.	• Section 3.10, Transportation

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
N/A	Jiwoo Kim	09/01/2024	• Functional concerns regarding the entrance and exit to and from Camden Avenue. Suggests a fully operational entrance on another street other than Camden Avenue. • Safety concerns regarding traffic congestion around the Beacon school. Suggests installing a traffic signal on Camden Avenue and Singletree Way. • Traffic and safety concerns around the electric facility and Guadalupe trail. Suggests moving the entrance away from the current planned location on Singletree way. • Traffic and safety concerns on Blossom Hill Road. Suggests installing a traffic signal on Blossom Hill Road and Park Crest Drive.	• Section 3.10, Transportation
N/A	Jim Krepelka	08/13/2024	• Raises concerns about parking needs for the proposed project. • Requests information about how tenants of the buildings along the edge of the construction will be compensated. • Raises concerns regarding tree removal on-site.	• Section 3.2, Biological Resources • Section 3.10, Transportation
NA	Patty Montazeri	9/4/2024	• Concerns that the proposed project would change the existing nature of the neighborhood. • Concerns about traffic and pedestrian safety. • Suggests speedbumps to assure safety. • Proposes to shutoff Singletree way at Park Manor Drive with a meridian and adding trees. • Suggests building a playground.	• Section 3.9, Recreation • Section 3.10, Transportation •
N/A	Zoila Rollins	08/08/2024	• Concerns about how the project would impact the neighborhood.	• Section 3.10, Transportation • Chapter 4, Effects Found not to be Significant

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
			• Raises safety concerns regarding children riding bikes, parents driving their children to school. • Concerns about the project adding to excessive traffic. • Concerns about aesthetic appearance of the proposed project and that the proposed project would devalue adjacent properties. • Request an in-person scoping meeting.	
NA	Zoila Rollins and Scott Rollins	9/5/2024	• Concerns about traffic safety on Singletree and states that the current exit on Camden is unacceptable. • Requests proof that there is a need for housing. • Requests documentation on how Pacific Gas and Electric Company (PG&E) can provide more energy to new homes. • Concerns about privacy and noise. • Concerns that the homes developed would devalue existing homes.	• Section 3.7, Noise • Section 3.8 Population and Housing • Section 3.10, Transportation • Chapter 4, Effects Found not to be Significant
NA	Scott Sheldon	8/11/2024	• Makes correction that “San José Unified School District” should be “San José Union School District.” • Makes correction that Leigh High School is within the Campell Union High School District.	• Chapter 4, Effects Found not to be Significant
N/A	Caleb Silverman	08/19/2024	• Concerns that the project will cause irreparable damage to the neighborhood. • Concerns about pedestrian safety, construction safety, and traffic issues of all kinds. • Concerns that the plan is too dense and does not fit with the surrounding areas.	• Section 3.6, Land Use and Planning • Section 3.10, Transportation • Chapter 4, Effects Found not to be Significant

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
			• States that no other adjacent spaces are three stories and thus this leaves no space for anything other than residences. • Concerns with use of the space since it is designated for another land use, states that the land use should not be changed. • States if the schools need more money they should put that measure on the ballot. • Concerns about adjacent property values decreasing.	
N/A	Chris K	08/12/2024 EIR Scoping Meeting	• Asks whether property owners adjacent to the proposed project would prefer project buildout to continue in the planned location or elsewhere.	• Addressed by City
N/A	Alex O	08/12/2024 EIR Scoping Meeting	• Requests information on whether it is possible to put a restaurant or coffee shop as opposed to full unit buildout.	• Addressed by City
N/A	Doug	08/12/2024 EIR Scoping Meeting	• Concerns about traffic safety, parking.	• Section 3.10, Transportation
N/A	Zoila Rollins	08/12/2024 EIR Scoping Meeting	• Concerns about traffic and impact to Singletree Way. • Raises safety concerns regarding children riding bikes, parents driving their children to school. • Concerns about the project adding to excessive traffic. • Concerns that proposed project would devalue adjacent properties.	• Section 3.10, Transportation
N/A	Patrick	08/12/2024 EIR Scoping Meeting	• Concerns about lack of greenery and open space. • Concerns about traffic congestion within the neighborhood.	• Section 3.9, Recreation • Section 3.10, Transportation

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
N/A	Shaid	08/12/2024 EIR Scoping Meeting	• Concerns about privacy issues due to the 3-story buildings. • Concerns about traffic and safety, especially concerning children.	• Section 3.10, Transportation
N/A	Gi Wu Kim	08/12/2024 EIR Scoping Meeting	• Concerns about the population and housing section of the Draft EIR.	• Section 3.8, Population and Housing
N/A	Hardik	08/12/2024 EIR Scoping Meeting	• Concerns related to safety and traffic. • Concerns with limited parking and how narrow streets are. • Requests information on whether there will be expanded streets to accommodate increased traffic congestion and parking.	• Section 3.10, Transportation
N/A	Artours	08/12/2024 EIR Scoping Meeting	• Concerns on whether adjacent property owners will have access to the back of their properties like they currently do • Concerns about increased traffic.	• Section 3.10, Transportation
N/A	Marty	08/12/2024 EIR Scoping Meeting	• Concerns about traffic along Singletree Way.	• Section 3.10, Transportation
N/A	MJ	08/12/2024 EIR Scoping Meeting	• Requests information on how many people are on the call. • Requests information about who got notified about project and if there's a way to access list.	• Addressed by the City
N/A	Chris	08/12/2024 EIR Scoping Meeting	• Concerns about traffic on Singletree Way. • Suggest adding a red curb on one side and temporary parking for pedestrians. • Opposes project due to traffic.	• Section 3.10, Transportation
N/A	Number ending in 075	08/12/2024 EIR Scoping Meeting	• Concerns that 3-story buildings would not be friendly to seniors.	• Section 3.10, Transportation • Chapter 4, Effects Found not to be Significant

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
			• Concerns about how the project would conflict with the existing school. • Concerns about traffic.	
N/A	Thomas	08/12/2024 EIR Scoping Meeting	• Concerns about traffic on Singletree Way and Blossom Hill.	• Section 3.10, Transportation
N/A	Ethan Robinson	08/12/2024 EIR Scoping Meeting	• Requests that the EIR analyze water use, electricity, waste management, dust during construction, traffic, noise and vibration, effects on the adjacent school, privacy, surveillance, fences, carbon footprint.	• Section 3.1, Air Quality • Section 3.2, Biological Resources • Section 3.7, Noise • Section 3.10, Transportation • Chapter 4, Effects Found not to be Significant
N/A	James K	08/12/2024 EIR Scoping Meeting	• States that there's a gross underestimate of parking needs. • Requests that construction burden be analyzed within the EIR.	• Section 3.10, Transportation
N/A	Sonya	EIR Scoping Meeting 08/12/2024	• Concerns about traffic, noise, and dust.	• Section 3.1, Air Quality • Section 3.7, Noise • Section 3.10, Transportation
N/A	Caleb	EIR Scoping Meeting 08/12/2024	• Requests information on if the deal is not approved. • Objects to the proposed project.	• Addressed by City
N/A	Chris	EIR Scoping Meeting 08/12/2024	• Requests information on what Mana Investments would pay the school district for the land. • Requests information on whether the proposed project would impact the value of homes.	• Addressed by City
N/A	George Casey	EIR Scoping Meeting 08/12/2024	• Requests information on if the supportive housing would require parking.	• Section 3.10, Transportation

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
N/A	Kanalysis	EIR Scoping Meeting 08/12/2024	• Concerns about traffic safety. • Requests information regarding to what degree residents be impacted by the projects. • Requests to send a survey out to the public to determine how the public feels about the project.	• Section 3.10, Transportation
N/A	MJ	08/12/2024 EIR Scoping Meeting	• Requests information on how much the purchase of the land for and what the school district would use the land for. • Requests information on whether litigation was involved. • Requests information on if the new fields at Dartmouth be publicly available. • Requests information on benefit for school employees.	• Addressed by City
N/A	General Comments recorded by City Staff	8/19/2024 Community Meeting	• Requests information on when construction would begin. • Requests information on when and where the Little League baseball fields would be relocated. • Requests information on if the project would include any open space, and if so, would It be publicly accessible? • Requests information on if traffic would increase during school or peak hours. • Requests information on the details of the land swape or sale with the Union School District and who the applicant is. • Requests information on if the entrance to the project be relocated from Camden to Single Tree. • Requests information on if the school district would be retaining the corporate yard and if it is part of the project.	• Section 3.10, Transportation

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
			• Requests information on if the proposed project would include or prioritize teacher housing. • Requests information on if the baseballs fields would be moved to Dartmouth, and if it is part of the project. • Requests information on how construction noise and dust would be mitigated. • Requests information on when the sale of the land would occur and what would happen if the sale does not go through. • Requests information on if the fields would still be moved if the project does not proceed. • Requests information on if the sale of land valued between $6 to $10 million, and will all of that money be used for constructing new baseball fields? • Requests information on if traffic from the new project use existing residential streets, and how can this be prevented. • Requests information on if new trees be planted near existing property lines, and how this would impact existing houses. • Requests information on why the project proposed is to be high density, and why does it not resemble the Glider project that better matches the neighborhood. • Requests information on if the water supply is sufficient to support the proposed project. • States that the units are too tall and would raise privacy concerns. • Requests information on how close the proposed project would be to the single tree park property line.	

Agency/Organization	Author	Date	Comment Summary Coverage in the Draft EIR	Coverage in the Draft EIR
			• Requests information on if there would be an empty lane or alley between the development property and Single Tree Park property lines, considering there is a power line crossing the property lines and if there Is any setback or easement required for this power line? • Raises concern on whether the City should address the current infrastructure concerns. • Requests information on why other neighborhoods were not notified about the project, such as the Dartmouth School area. • Requests information on if the timing of the land sale relates to the timing of the project submission for builder's remedy? • Requests information on when the details of the EIR City Council hearing be available. • Requests more information about the exchange with the Union School District: what did they receive in return, and why was it presented as a sale by the district if the sale is not yet complete. • Requests information on how the traffic during school hours affect Dartmouth, Park Crest, and other nearby streets. • Requests information on if there are enough stoplights in the area, and if the project would include any new stoplights.	

1.2.1 - Environmental Issues Determined not to be Significant

The NOP identified topical areas that were determined not to be significant. According to State CEQA Guidelines Section 15128, an EIR shall contain a statement briefly indicating the reasons that various possible effects of a project were determined not to be potentially significant adverse environmental effects and were therefore not discussed in detail in the EIR. An explanation of why each of the following topical areas has been determined not to be significant is provided in Chapter 4, Effects Found not to be Significant. These topical areas are as follows:

- Aesthetics
- Agricultural and Forestry Resources
- Energy
- Geology and Soils
- Hydrology and Water Quality
- Mineral Resources
- Public Services
- Utilities and Service Systems
- Wildfire

An explanation of why each issue is determined not to be significant is provided in Chapter 4, Effects Found not to be Significant.

1.2.2 - Potentially Significant Environmental Issues

The NOP found that the following topical areas may contain potentially significant environmental issues that require further analysis in the Draft EIR. These sections are as follows:

- Air Quality
- Biological Resources
- Cultural Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Population and Housing
- Recreation
- Transportation
- Tribal Cultural Resources

1.3 - Organization of the Draft EIR

This Draft EIR is organized into the following main sections:

- **Chapter ES: Executive Summary.** This chapter includes a summary of the proposed project and alternatives to be addressed in the Draft EIR. A brief description of the areas of

controversy and issues to be resolved, and overview of the Mitigation Monitoring and Reporting Program (MMRP), in addition to a table that summarizes the impacts, mitigation measures, and level of significance after mitigation, are also included in this section.

- **Chapter 1: Introduction.** This chapter provides an introduction and overview describing the purpose of this Draft EIR, its scope and components, and its review and certification process.
- **Chapter 2: Project Description.** This chapter includes a detailed description of the proposed project, including its location, site, and project characteristics. A discussion of the project objectives, intended uses of the Draft EIR, responsible agencies, and approvals that are needed for the proposed project are also provided.
- **Chapter 3: Environmental Impact Analysis.** This chapter analyzes the environmental impacts of the proposed project. Impacts are organized into major topic areas. Each topic area includes a description of the environmental setting, methodology, significance criteria, impacts, mitigation measures, and significance after mitigation. The specific environmental topics that are addressed within Chapter 3 are as follows:
  - **Section 3.1—Air Quality:** Addresses potential air quality impacts associated with project implementation and emissions of criteria pollutants. In addition, the section also evaluates project emissions of toxic air contaminants.
  - **Section 3.2—Biological Resources:** Addresses potential impacts on habitat, vegetation, and wildlife; the potential degradation or elimination of important habitat; and impacts on listed, proposed, and candidate threatened and endangered species.
  - **Section 3.3—Cultural Resources:** Addresses potential impacts on historical resources, archaeological resources, and burial sites.
  - **Section 3.4—Greenhouse Gas Emissions:** Addresses potential project emissions of greenhouse gases.
  - **Section 3.5—Hazards and Hazardous Materials:** Addresses potential for presence of hazardous materials or conditions on the project site and in the project area that may have the potential to impact human health.
  - **Section 3.6—Land Use and Planning:** Addresses the potential land use impacts associated with division of an established community and consistency with the City of San José Municipal Code.
  - **Section 3.7—Noise:** Addresses potential noise impacts during construction and at project buildout from mobile and stationary sources. The section also addresses the impact of noise generation on neighboring uses.
  - **Section 3.8—Population and Housing:** Addresses the potential of the proposed project to induce direct or indirect population growth.
  - **Section 3.9—Recreation:** Addresses potential impacts related to parks and park usage.
  - **Section 3.10—Transportation:** Addresses potential impacts related to the local and regional roadway system and public transportation, bicycle, and pedestrian access.

    Section 3.11**—Tribal Cultural Resources:** Addresses potential project impacts related to tribal cultural resources.
- **Chapter 4: Effects Found not to be Significant.** This chapter contains analysis of the topical sections not addressed in Chapter 3.

- **Chapter 5: Other CEQA Considerations.** This chapter provides a summary of significant environmental impacts, including unavoidable and growth-inducing impacts. This chapter discusses the cumulative impacts associated with the proposed project, including the impacts of past, present, and probable future projects. In addition, the proposed project's energy demand is discussed.
- **Chapter 6: Alternatives to the Proposed Project.** This chapter compares the impacts of the proposed project with three land use project alternatives: the No Project Alternative, the Reduced Intensity Alternative, and the Increased Intensity Alternative. An environmentally superior alternative is identified. In addition, alternatives initially considered but rejected from further consideration are discussed.
- **Chapter 7: Persons and Organizations Consulted/List of Preparers.** This chapter also contains a full list of persons and organizations that were consulted during the preparation of this Draft EIR. This chapter also contains a full list of the authors who assisted in the preparation of the Draft EIR, by name and affiliation.
- **Appendices.** The Draft EIR appendices includes all notices and other procedural documents pertinent to the Draft EIR, as well as all technical material prepared to support the analysis.

1.4 - Documents Incorporated by Reference

As permitted by CEQA Guidelines Section 15150, this Draft EIR has referenced several technical studies, analyses, and previously certified environmental documentation. Information from the documents, which have been incorporated by reference, has been briefly summarized in the appropriate section(s). The relationship between the incorporated part of the referenced document and the Draft EIR has also been described. The documents and other sources that have been used in the preparation of this Draft EIR include but are not limited to:

- Envision San José 2040 General Plan
- City of San José Municipal Code

In accordance with CEQA Guidelines Section 15150(b), the General Plan, City Municipal Code, and the referenced documents and other sources used in the preparation of the Draft EIR are available for review at the City of San José Planning Division at the address shown in Section 1.6 below.

1.5 - Documents Prepared for the Proposed Project

The following technical studies and analyses were prepared for the proposed project:

- Air Quality, Greenhouse Gas Emissions, and Energy Impacts Analysis (FCS 2024) attached as Appendix B.
- Biological Resources Assessment Memorandum (FCS 2024) attached in Appendix C.
- Phase I Cultural Resources Assessment (FCS 2024) attached as Appendix D.
- San José Greenhouse Gas Reduction Strategies Checklist (FCS 2024), attached as Appendix E.

- Phase I Environmental Site Assessment (AEI Consultants 2023) attached as Appendix F.
- Noise Impact Analysis (FCS 2024) attached as Appendix G.
- Transportation Analysis (Hexagon Transportation Consultants 2025) attached as Appendix H.
- Geotechnical Investigation (Baez Geotechnical Group 2023) attached as Appendix I.
- Stormwater Hydromodification Management Report (Hanna-Brunetti 2024) attached as Appendix J.

1.6 - Review of the Draft EIR

Upon completion of the Draft EIR, the City filed a Notice of Completion (NOC) with the California Governor's Office of Land Use and Climate Innovation (LCI) to begin the public review period (PRC § 21161). Concurrent with the NOC, this Draft EIR has been distributed to affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the locations below:

City of San José
Planning Division
200 East Santa Clara Street
Third Floor Tower
San José, CA 95113

Dr. Martin Luther King Jr. Library,
150 East San Fernando Street
San José, CA 95112

San José Public Library,
Vineland Branch
1450 Blossom Hill Road
San José, CA 95118

The Draft EIR is also available for review at the following website: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-review/environmental-review-documents/5670-camden-avenue-residential-project.

Agencies, organizations, and interested parties have the opportunity to comment on the Draft EIR during the 45-day public review period. Written comments on this Draft EIR should be addressed to:

City of San José
Department of Planning, Building and Code Enforcement
Attn: Cort Hitchens, Environmental Project Manager
200 East Santa Clara Street, Third Floor Tower
San José, CA 95113-1905
Email: Cort.Hitchens@sanjoseca.gov

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearings before the Planning Commission and City Council on the proposed project, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision-makers for the proposed project.

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CHAPTER 2: PROJECT DESCRIPTION

This Draft Environmental Impact Report (Draft EIR) analyzes the potential environmental effects of the 5670 Camden Avenue Residential Project (proposed project) in the City of San José.

2.1 - Project Location and Setting

2.1.1 - Location

The proposed project is located at 5670 Camden Avenue in the City of San José (City), California (Figure 2-1), southeast of the intersection of Blossom Hill Road and Camden Avenue, within Assessor's Parcel Number (APN) 567-28-001. This approximately 10.7-gross-acre parcel is currently occupied by Beacon School, Delight Montessori School San José, and sports fields utilized for youth activities. The 5670 Camden Avenue Residential Project site would occupy approximately 6.67 acres of the parcel, as shown in Figure 2-2. The term "project site" is used herein to refer to the approximately 6.67 acres of the proposed development.

The site is bound by residential uses to the east along Blossom Park Lane, residential uses to the north, and the two schools listed above to the west. South of the site, beyond Singletree Way, are residential uses as well as an electricity production and distribution substation. As shown in Figure 2-2, a narrow portion of the project site extends from Camden Avenue and then widens behind the existing schools as the site extends to Singletree Way.

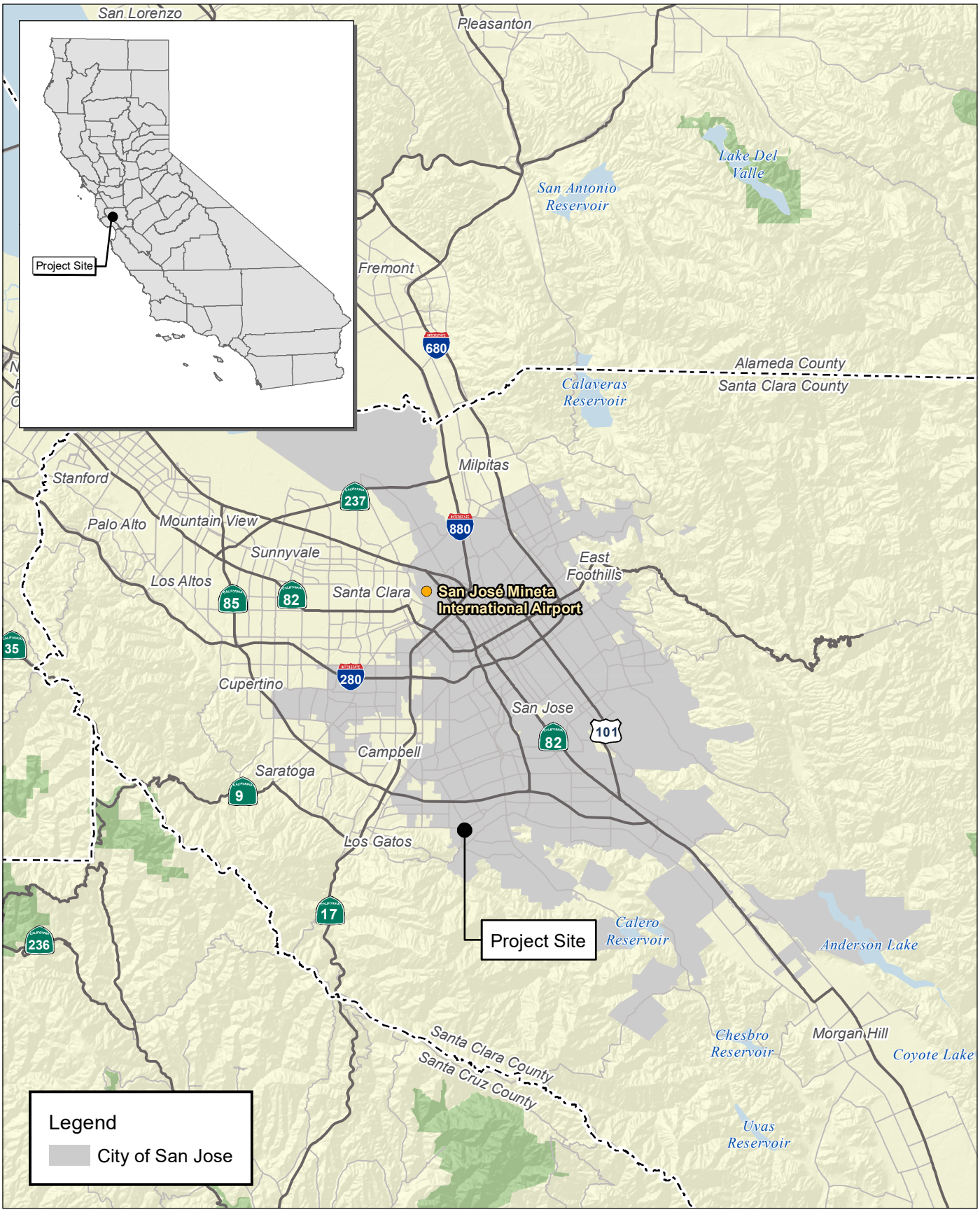
Santa Clara Valley Habitat Conservation Plan

The project site is located within the Santa Clara Valley Habitat Conservation Plan (SCVHCP) covered area. According to the Santa Clara Valley Habitat Agency's Geobrowser tool, the project site is located in the following zones:

- Private Development Coverage Area: Urban Development Equal to or Greater Than Two Acres Covered
- Land Cover: Golf Course/Urban Parks
- Land Cover Fee Zone B: Agricultural and Valley Floor Lands

The project site is not located in a Burrowing Owl Fee Zone, Wetland Fee Zone, Potential Serpentine Fee Zone, Plant Survey Area, Wildlife Survey Area, Category 1 Stream and Category 1 Stream Buffer, Valley and Blue Oak Woodlands, or Urban Reserve System Interface Zone.

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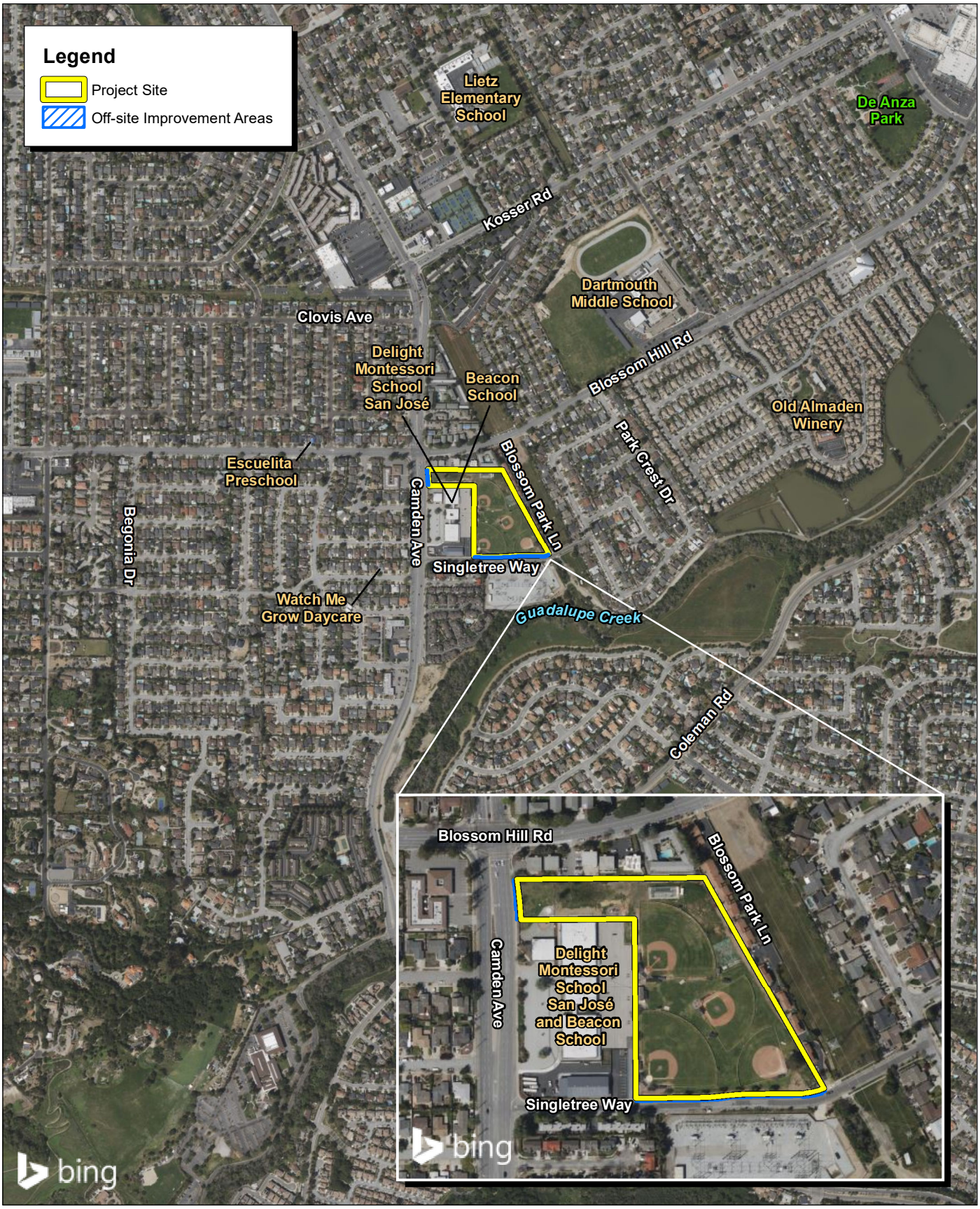
Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

FIRSTCARBON SOLUTIONS™

5 2.5 0 5 Miles

Figure 2-1
Regional Location Map

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Source: Bing Aerial Imagery. Hanna-Brunetti, January 2024.

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1,000 500 0 1,000 Feet

Figure 2-2
Local Vicinity Map

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2.1.2 - Existing Conditions

Land Use and Zoning Designations

The project site includes four baseball diamonds and associated structures such as bleachers and dugouts that were originally associated with a former school that is now the Beacon School. These fields are currently owned by the San José Union School District. A 645-square-foot snack shack with an associated concrete patio is located along the center portion of the western project site boundary, and a 205-square-foot storage room is located in the southwest corner of the project site abutting the batter's box. The project site also includes other baseball-related structures, including a batting cage in its northern portion, and pitcher warm-up areas with associated fencing, as well as a fence that surrounds the entire site.

The Housing Accountability Act (HAA) (Senate Bill [SB] 167), approved on September 29, 2017, prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very-low, low-, or moderate-income housing or an emergency shelter unless one of five potential written findings are made (Government Code § 65589.5(d)). Government Code Section 65589.5(d)(5) authorizes jurisdictions to deny a qualifying project if both of the following criteria are satisfied: (1) the project is inconsistent with the jurisdiction Zoning Ordinance and General Plan land use designation; and (2) the jurisdiction has a housing element in substantial compliance with State Housing Element Law. The "Builder's Remedy" refers to a penalty for jurisdictions that do not have a substantially compliant housing element, meaning such a jurisdiction may not disapprove a qualifying housing development project based upon inconsistency with both the jurisdiction's zoning ordinance and general plan land use designation. The proposed project was submitted under the "Builder's Remedy" before the City had a Housing Element determined to be substantially compliant with state law.

The project site's land use designation pursuant to the Envision San José 2040 General Plan (General Plan) is Public/Quasi-Public (PQP) (Figure 2-3), and the project site is zoned as Multiple Residence District (R-M) (Figure 2-4). The R-M Zoning District allows for single-family residential, accessory dwelling units (ADUs), two-family dwelling units, multiple dwelling uses, permanent supportive housing, residential care facilities with six or fewer persons, and residential service facilities with six of fewer persons.

According to the General Plan, the PQP category is used to designate public land uses, including schools, colleges, corporation yards, homeless shelters, permanent supportive housing, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices, and airports. Residential uses are not allowed in this category. However, the Builder's Remedy prohibits the City from disapproving the proposed project for inconsistency with the City's zoning ordinance or General Plan land use designation.

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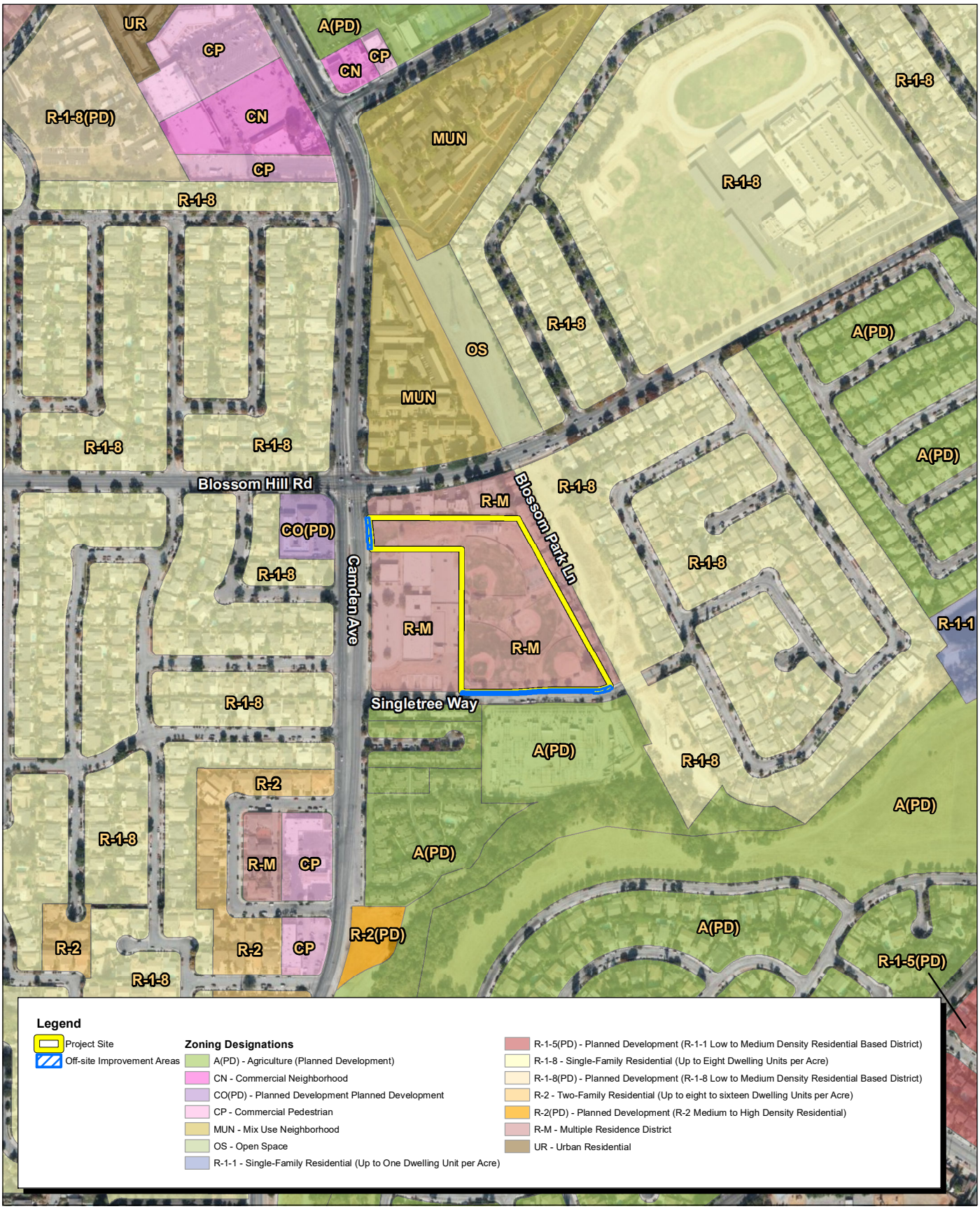
Source: Bing Aerial Imagery. Hanna-Brunetti, January 2024. City of San Jose.

FIRSTCARBON SOLUTIONS™

500 250 0 500 Feet

Figure 2-3
General Plan Land Use Designation

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Source: Bing Aerial Imagery. Hanna-Brunetti, January 2024. City of San Jose.

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500 250 0 500 Feet

Figure 2-4
Zoning Map

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2.1.3 - Surrounding Land Uses

West

To the west, the project site is bound by Beacon School and Delight Montessori School San José along Camden Avenue, with residential uses across Camden Avenue.

North

To the north, the project site is bound by residential uses located between the project site and Blossom Hill Road, with additional residential uses beyond Blossom Hill Road.

East

To the east, the project site is bound by residential development along Blossom Park Lane. A Santa Clara Valley Water District easement is located east of Blossom Park Lane, with additional residential uses beyond it.

South

To the south, the project site is bound by Singletree Way. Pacific Gas and Electric Company's (PG&E) Hicks Substation, an electricity production and distribution substation, is located south of Singletree Way, approximately 50 feet south of the project site; and residential uses are located approximately 50 feet to the southwest of the project site. Guadalupe Creek is located south of the substation, approximately 400 feet south of the project site.

2.2 - Project Characteristics

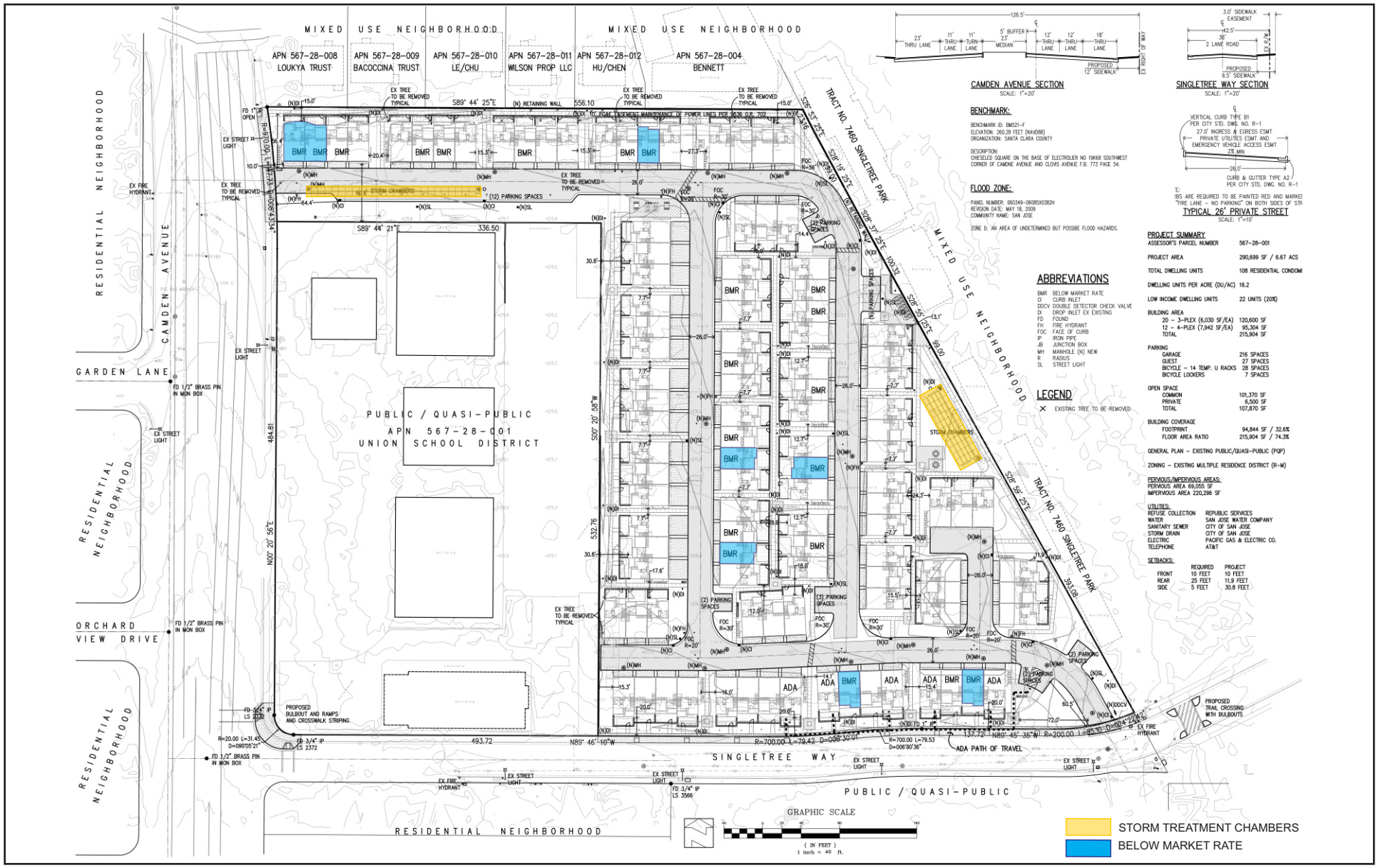
2.2.1 - Project Summary

Mana Camden Fund, LLC (applicant) proposes to remove the existing sports fields and associated structures and improvements and then to develop 108 townhouse units spread over 32 buildings. Twenty of the buildings would contain three units (3-plex), while the other 12 buildings would contain four units (4-plex) (Figure 2-5).

A total of 8 units would be maintained as extremely low-income dwelling units. These units would be interspersed with the market-rate units and would be located in multiple buildings throughout the project site, as shown in Figure 2-5.

The proposed project would include 243 off-street parking spaces composed of 216 garage spaces and 27 guest spaces. Twenty-eight temporary bicycle parking spaces would be provided, along with 12 bicycle lockers. Open space would include approximately 48,031 square feet of common open space for all residents (but not available to non-residents) and approximately 35,316 square feet of private open space, such as patio and balconies, available to individual residential units (for a total of 83,347 square feet).

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Source: Hanna - Brunetti, 01/26/2024.

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Figure 2-5
Tentative Map Site Plan

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The total building cover footprint would be 94,844 square feet, which would be approximately 36 percent of the project site. Total floor area would be 215,904 square feet, or approximately 74.3 percent of the project site (see Table 2-1). The proposed project would also include development of private internal roads. Stormwater on the site would be treated at two new storm treatment chambers (Figure 2-5), each having a 12-inch rock base layer and a 6-inch rock cover. Impervious areas at the project site would total 220,296 square feet. As part of the proposed project, 41 on-site trees would be removed (see Landscaping and Lighting below). Twenty-three of these trees are classified as ordinance trees by the City. The existing schools would remain and no development is proposed at the schools.

Table 2-1: Mana Camden Residential Project Summary

Acres	Building Square Feet	Floor Area Ratio	Maximum Building Height	End Use/Characteristics
6.67	215,904	0.74	35.5 feet	Residential
Source: Hanna-Brunetti. 2024.				

Site Access, Circulation, and Parking

Vehicular access to the proposed project would be provided via Camden Avenue in the northwestern corner of the project site and Singletree Way in the southeastern corner. Internal roads would be provided throughout the project site to support emergency ingress and egress. As stated above, a total of 243 parking spaces would be provided: two garage parking stalls for each unit (216 stalls) and 27 on-site parking stalls. Each garage would have an electric vehicle (EV) charging station, for a total of 108 stations. Two of the guest parking spaces would be ADA-compliant.

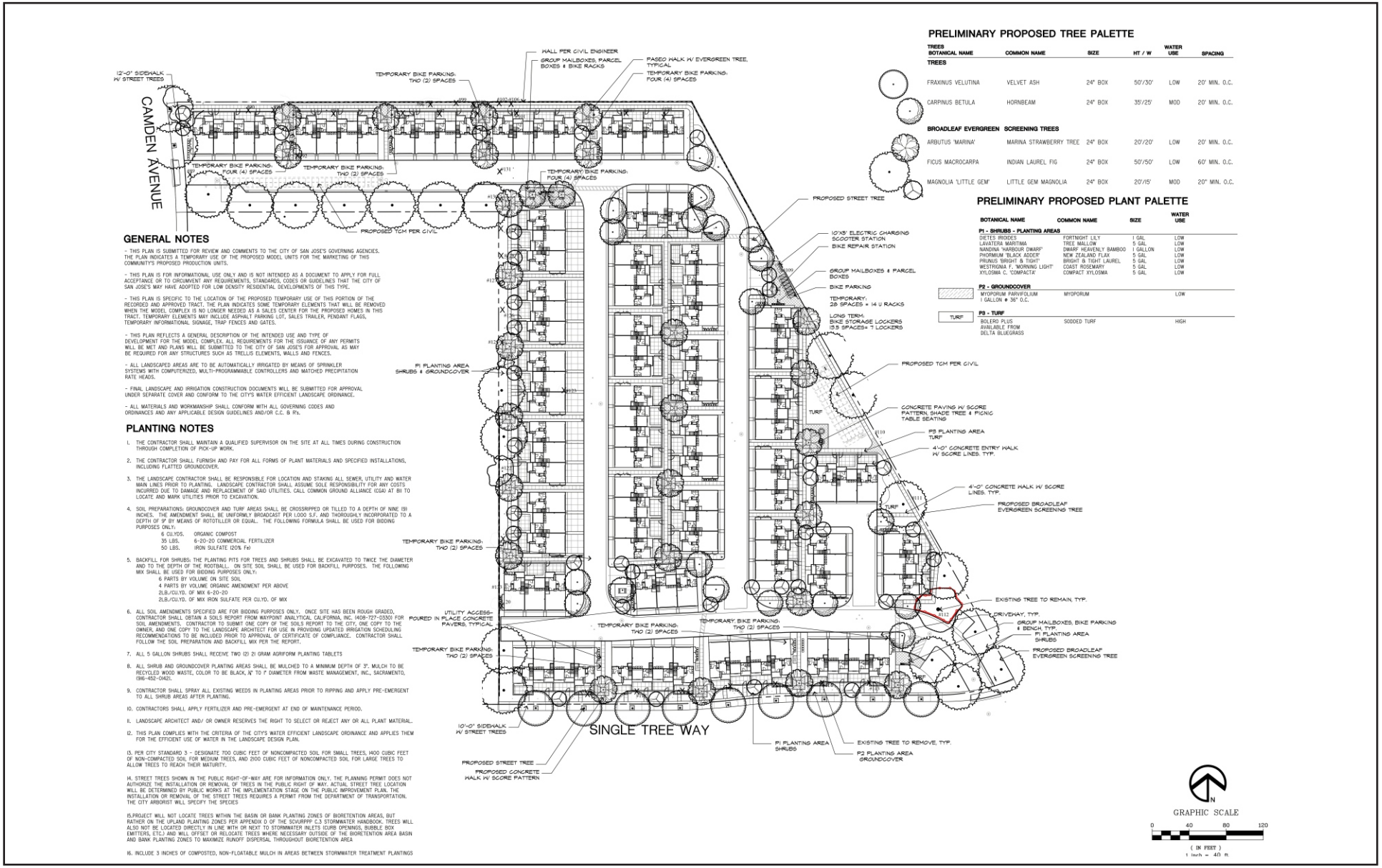
Landscaping and Lighting

The proposed project's landscaping would include a combination of trees, shrubs, groundcover, and turf (Figure 2-6). Of the existing 44 trees on the project site, 41 would be removed (Figure 2-7). Of the 41 trees to be removed, 23 are ordinance trees. The proposed project would include the planting of a total of 117 trees, the species and size of which would be in accordance with City requirements. The project site would be divided into zones, each with a separate irrigation system ranging from low-water-use drip or bubbler irrigation to moderate-water-use bubbler irrigation to high-water-use spray irrigation. The total landscaped area would be approximately 57,299 square feet, or about 20 percent of the project site.

Amenities in the common open space would include community mailboxes, bicycle racks, bicycle lockers, a bicycle repair station, picnic tables, benches, and trash receptacles.

Exterior lighting for the proposed project would include garage lights, streetlights, and pedestrian light bollards. All lighting would be consistent with the City lighting policies and requirements.

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PRELIMINARY PROPOSED TREE PALETTE

BOTANICAL NAME	COMMON NAME	SIZE	HT / W	WATER USE	SPACING
TREES					
FRAXINUS VELUTINA	VELVET ASH	24" BOX	50'/30'	LOW	20' MIN. O.C.
CARPINUS BETULA	HORNBEAM	24" BOX	35'/25'	MOD	20' MIN. O.C.
BROADLEAF EVERGREEN SCREENING TREES					
ARBUTUS 'MARINA'	MARINA STRAWBERRY TREE	24" BOX	20'/20'	LOW	20' MIN. O.C.
FICUS MACROCARPA	INDIAN LAUREL FIG	24" BOX	50'/50'	LOW	60' MIN. O.C.
MAGNOLIA 'LITTLE GEM'	LITTLE GEM MAGNOLIA	24" BOX	20'/15'	MOD	20' MIN. O.C.

PRELIMINARY PROPOSED PLANT PALETTE

BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
P1 - SHRUBS - PLANTING AREAS			
DIETES IRIDOIDES	FORTNIGHT LILY	1 GAL	LOW
LAVATERA MARITIMA	TREE MALLOW	5 GAL	LOW
NANDINA 'HARBOUR DWARF'	DWARF HEAVENLY BAMBOO	1 GALLON	LOW
PHORMIUM 'BLACK ADDER'	NEW ZEALAND FLAX	5 GAL	LOW
PRUNUS 'BRIGHT & TIGHT'	BRIGHT & TIGHT LAUREL	5 GAL	LOW
WESTRINGIA F. 'MORNING LIGHT'	COAST ROSEMARY	5 GAL	LOW
XYLOSMA C. 'COMPACTA'	COMPACT XYLOSMA	5 GAL	LOW
P2 - GROUNDCOVER			
MYOPORUM PARVIFOLIUM 1 GALLON @ 36" O.C.	MYOPORUM		LOW
P3 - TURF			
TURF	BOLERO PLUS AVAILABLE FROM DELTA BLUEGRASS	SODDED TURF	HIGH

GENERAL NOTES

- THIS PLAN IS SUBMITTED FOR REVIEW AND COMMENTS TO THE CITY OF SAN JOSE'S GOVERNING AGENCIES. THE PLAN INDICATES A TEMPORARY USE OF THE PROPOSED MODEL UNITS FOR THE MARKETING OF THIS COMMUNITY'S PROPOSED PRODUCTION UNITS.

- THIS PLAN IS FOR INFORMATIONAL USE ONLY AND IS NOT INTENDED AS A DOCUMENT TO APPLY FOR FULL ACCEPTANCE OR TO CIRCUMVENT ANY REQUIREMENTS, STANDARDS, CODES OR GUIDELINES THAT THE CITY OF SAN JOSE'S MAY HAVE ADOPTED FOR LOW DENSITY RESIDENTIAL DEVELOPMENTS OF THIS TYPE.

- THIS PLAN IS SPECIFIC TO THE LOCATION OF THE PROPOSED TEMPORARY USE OF THIS PORTION OF THE RECORDED AND APPROVED TRACT. THE PLAN INDICATES SOME TEMPORARY ELEMENTS THAT WILL BE REMOVED WHEN THE MODEL COMPLEX IS NO LONGER NEEDED AS A SALES CENTER FOR THE PROPOSED HOMES IN THIS TRACT. TEMPORARY ELEMENTS MAY INCLUDE ASPHALT PARKING LOT, SALES TRAILER, PENDANT FLAGS, TEMPORARY INFORMATIONAL SIGNAGE, TRAP FENCES AND GATES.

- THIS PLAN REFLECTS A GENERAL DESCRIPTION OF THE INTENDED USE AND TYPE OF DEVELOPMENT FOR THE MODEL COMPLEX. ALL REQUIREMENTS FOR THE ISSUANCE OF ANY PERMITS WILL BE MET AND PLANS WILL BE SUBMITTED TO THE CITY OF SAN JOSE'S FOR APPROVAL AS MAY BE REQUIRED FOR ANY STRUCTURES SUCH AS TRELLIS ELEMENTS, WALLS AND FENCES.

- ALL LANDSCAPED AREAS ARE TO BE AUTOMATICALLY IRRIGATED BY MEANS OF SPRINKLER SYSTEMS WITH COMPUTERIZED, MULTI-PROGRAMMABLE CONTROLLERS AND MATCHED PRECIPITATION RATE HEADS.

- FINAL LANDSCAPE AND IRRIGATION CONSTRUCTION DOCUMENTS WILL BE SUBMITTED FOR APPROVAL UNDER SEPARATE COVER AND CONFORM TO THE CITY'S WATER EFFICIENT LANDSCAPE ORDINANCE.

- ALL MATERIALS AND WORKMANSHIP SHALL CONFORM WITH ALL GOVERNING CODES AND ORDINANCES AND ANY APPLICABLE DESIGN GUIDELINES AND/OR C.C. & R's.

PLANTING NOTES

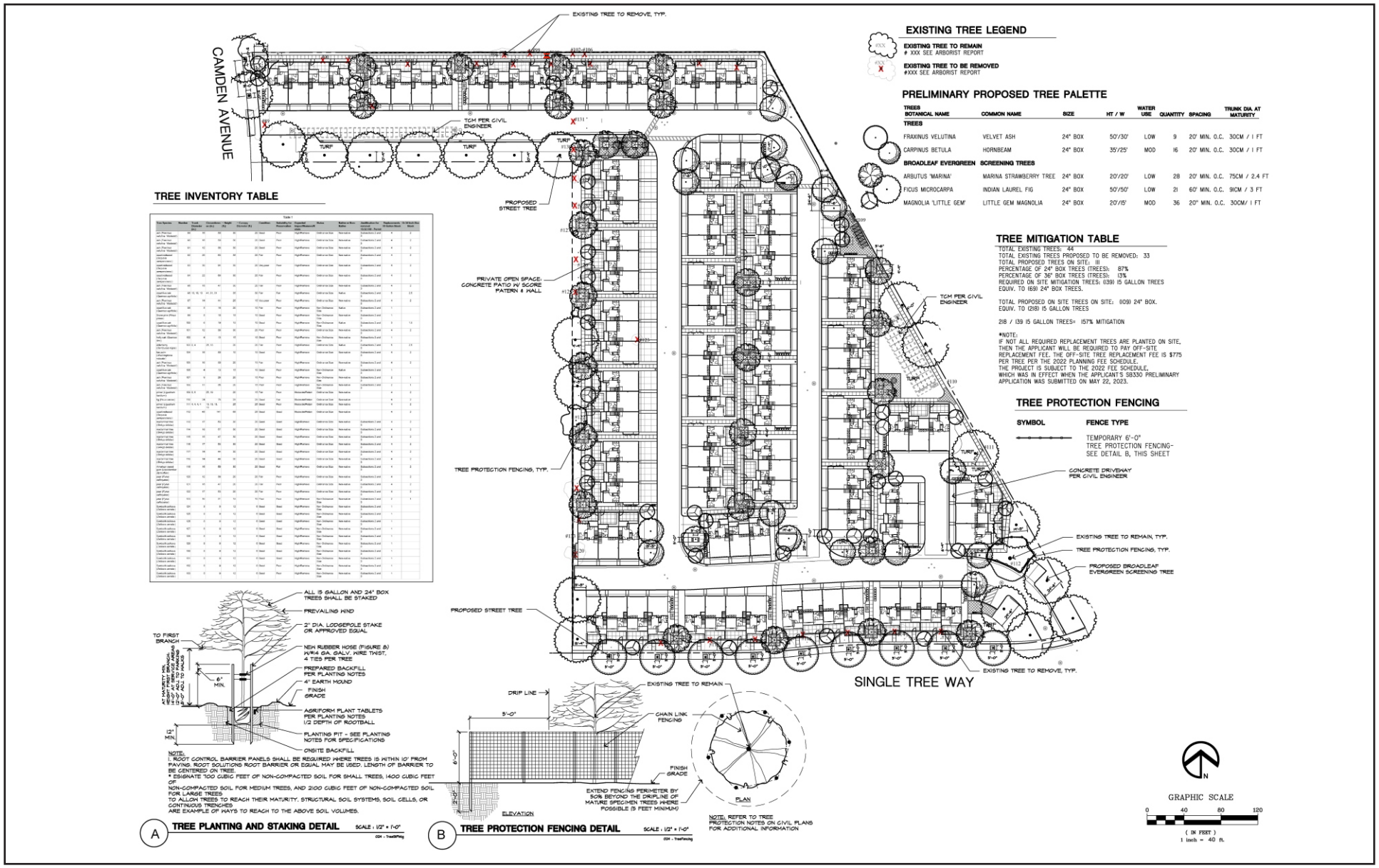
1. THE CONTRACTOR SHALL MAINTAIN A QUALIFIED SUPERVISOR ON THE SITE AT ALL TIMES DURING CONSTRUCTION THROUGH COMPLETION OF PICK-UP WORK.
2. THE CONTRACTOR SHALL FURNISH AND PAY FOR ALL FORMS OF PLANT MATERIALS AND SPECIFIED INSTALLATIONS, INCLUDING FLATTED GROUNDCOVER.
3. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION AND STAKING ALL SEWER, UTILITY AND WATER MAIN LINES PRIOR TO PLANTING. LANDSCAPE CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR ANY COSTS INCURRED DUE TO DAMAGE AND REPLACEMENT OF SAID UTILITIES. CALL COMMON GROUND ALLIANCE (CGA) AT 811 TO LOCATE AND MARK UTILITIES PRIOR TO EXCAVATION.
4. SOIL PREPARATIONS: GROUNDCOVER AND TURF AREAS SHALL BE CROSSRIPPED OR TILLED TO A DEPTH OF NINE (9) INCHES. THE AMENDMENT SHALL BE UNIFORMLY BROADCAST PER 1,000 S.F. AND THOROUGHLY INCORPORATED TO A DEPTH OF 9" BY MEANS OF ROTOTILLER OR EQUAL. THE FOLLOWING FORMULA SHALL BE USED FOR BIDDING PURPOSES ONLY:
   - 6 CU.YDS. ORGANIC COMPOST
   - 35 LBS. 6-20-20 COMMERCIAL FERTILIZER
   - 50 LBS. IRON SULFATE (20% Fe)
5. BACKFILL FOR SHRUBS: THE PLANTING PITS FOR TREES AND SHRUBS SHALL BE EXCAVATED TO TWICE THE DIAMETER AND TO THE DEPTH OF THE ROOTBALL. ON SITE SOIL SHALL BE USED FOR BACKFILL PURPOSES. THE FOLLOWING MIX SHALL BE USED FOR BIDDING PURPOSES ONLY:
   - 6 PARTS BY VOLUME ON SITE SOIL
   - 4 PARTS BY VOLUME ORGANIC AMENDMENT PER ABOVE
   - 2LB./CU.YD. OF MIX 6-20-20
   - 2LB./CU.YD. OF MIX IRON SULFATE PER CU.YD. OF MIX
6. ALL SOIL AMENDMENTS SPECIFIED ARE FOR BIDDING PURPOSES ONLY. ONCE SITE HAS BEEN ROUGH GRADED, CONTRACTOR SHALL OBTAIN A SOILS REPORT FROM WAYPOINT ANALYTICAL CALIFORNIA, INC. (408-727-0330) FOR SOIL AMENDMENTS. CONTRACTOR TO SUBMIT ONE COPY OF THE SOILS REPORT TO THE CITY, ONE COPY TO THE OWNER, AND ONE COPY TO THE LANDSCAPE ARCHITECT FOR USE IN PROVIDING UPDATED IRRIGATION SCHEDULING RECOMMENDATIONS TO BE INCLUDED PRIOR TO APPROVAL OF CERTIFICATE OF COMPLIANCE. CONTRACTOR SHALL FOLLOW THE SOIL PREPARATION AND BACKFILL MIX PER THE REPORT.
7. ALL 5 GALLON SHRUBS SHALL RECEIVE TWO (2) 21 GRAM AGRIFORM PLANTING TABLETS
8. ALL SHRUB AND GROUNDCOVER PLANTING AREAS SHALL BE MULCHED TO A MINIMUM DEPTH OF 3". MULCH TO BE RECYCLED WOOD WASTE, COLOR TO BE BLACK, ¾" TO 1" DIAMETER FROM WASTE MANAGEMENT, INC., SACRAMENTO, (916-452-0482).
9. CONTRACTOR SHALL SPRAY ALL EXISTING WEEDS IN PLANTING AREAS PRIOR TO RIPPING AND APPLY PRE-EMERGENT TO ALL SHRUB AREAS AFTER PLANTING.
10. CONTRACTORS SHALL APPLY FERTILIZER AND PRE-EMERGENT AT END OF MAINTENANCE PERIOD.
11. LANDSCAPE ARCHITECT AND/ OR OWNER RESERVES THE RIGHT TO SELECT OR REJECT ANY OR ALL PLANT MATERIAL.
12. THIS PLAN COMPLIES WITH THE CRITERIA OF THE CITY'S WATER EFFICIENT LANDSCAPE ORDINANCE AND APPLIES THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.
13. PER CITY STANDARD 3 - DESIGNATE 700 CUBIC FEET OF NONCOMPACTED SOIL FOR SMALL TREES, 1400 CUBIC FEET OF NON-COMPACTED SOIL FOR MEDIUM TREES, AND 2100 CUBIC FEET OF NONCOMPACTED SOIL FOR LARGE TREES TO ALLOW TREES TO REACH THEIR MATURITY.
14. STREET TREES SHOWN IN THE PUBLIC RIGHT-OF-WAY ARE FOR INFORMATION ONLY. THE PLANNING PERMIT DOES NOT AUTHORIZE THE INSTALLATION OR REMOVAL OF TREES IN THE PUBLIC RIGHT OF WAY. ACTUAL STREET TREE LOCATION WILL BE DETERMINED BY PUBLIC WORKS AT THE IMPLEMENTATION STAGE ON THE PUBLIC IMPROVEMENT PLAN. THE INSTALLATION OR REMOVAL OF THE STREET TREES REQUIRES A PERMIT FROM THE DEPARTMENT OF TRANSPORTATION. THE CITY ARBORIST WILL SPECIFY THE SPECIES
15. PROJECT WILL NOT LOCATE TREES WITHIN THE BASIN OR BANK PLANTING ZONES OF BIORETENTION AREAS, BUT RATHER ON THE UPLAND PLANTING ZONES PER APPENDIX D OF THE SCVURPPP C.3 STORMWATER HANDBOOK. TREES WILL ALSO NOT BE LOCATED DIRECTLY IN LINE WITH OR NEXT TO STORMWATER INLETS (CURB OPENINGS, BUBBLE BOX EMITTERS, ETC.) AND WILL OFFSET OR RELOCATE TREES WHERE NECESSARY OUTSIDE OF THE BIORETENTION AREA BASIN AND BANK PLANTING ZONES TO MAXIMIZE RUNOFF DISPERSAL THROUGHOUT BIORETENTION AREA
16. INCLUDE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN STORMWATER TREATMENT PLANTINGS

Source: Ripley Design Group, Inc.

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Figure 2-6
Conceptual Landscape Plan

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Source: Ripley Design Group, Inc., 02/02/2024.

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Figure 2-7
Conceptual Tree Disposition Plan

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Utilities

Utilities for the proposed project would be provided by the following providers:

- Refuse Collection: Various residential haulers
- Water: San José Water Company
- Sanitary Sewer: City of San José
- Storm Drain: City of San José
- Electricity: PG&E
- Telephone: AT&T
- Internet: AT&T and Spectrum

Connections for water, sanitary sewer, and storm drains would connect to existing infrastructure in Singletree Way. Water and storm drains would connect to existing infrastructure in Camden Avenue as well.

Off-site Improvements

The proposed project would include approximately 0.17-acre of off-site improvements along Camden Avenue and Singletree Lane. Improvements would include frontage sidewalk, driveway curb, and gutter improvements. The proposed project would exceed the City's Vehicle Miles Traveled (VMT) residential threshold (see further discussion in Section 3.9, Transportation). Mitigation measures to mitigate this impact would include implementation of a Transportation Demand Management (TDM) plan.

Off-site improvement elements of the TDM plan would include the following:

- Residential street improvements
  - Bulb-out at the northeast corner of Camden Avenue and Singletree Way
  - ADA-compliant curb ramps at the northeast and southeast corners of the intersection
  - A yellow-striped crosswalk on Singletree Way
- Pedestrian network improvements at the Camden Avenue and Blossom Hill Road intersection
  - Signal modifications
  - Removing the pork chop islands at the northwest and southwest corners
  - Extending the curb lines at the northwest and southwest corners
  - Replacing existing signal poles, mast arms, and streetlights
  - Restriping

Programmatic TDM measures would include the following:

- Promote a school pool program
- Develop and implement a marketing campaign to provide residents information on travel options and encourage using transit, shared rides, walking, and biking
- Encourage carpooling and vanpooling
- Host an annual on-site Travel Behavior Intervention event, including educational activities and personalized commute planning

- Implement a voluntary travel behavior change program, including an annual resident travel survey and year-round communications

To mitigate the VMT impact, the proposed project would also be subject to an Impact Override Fee, which would apply to the VMT that cannot be mitigated and would be in the form of either the construction or funding of multimodal improvements.

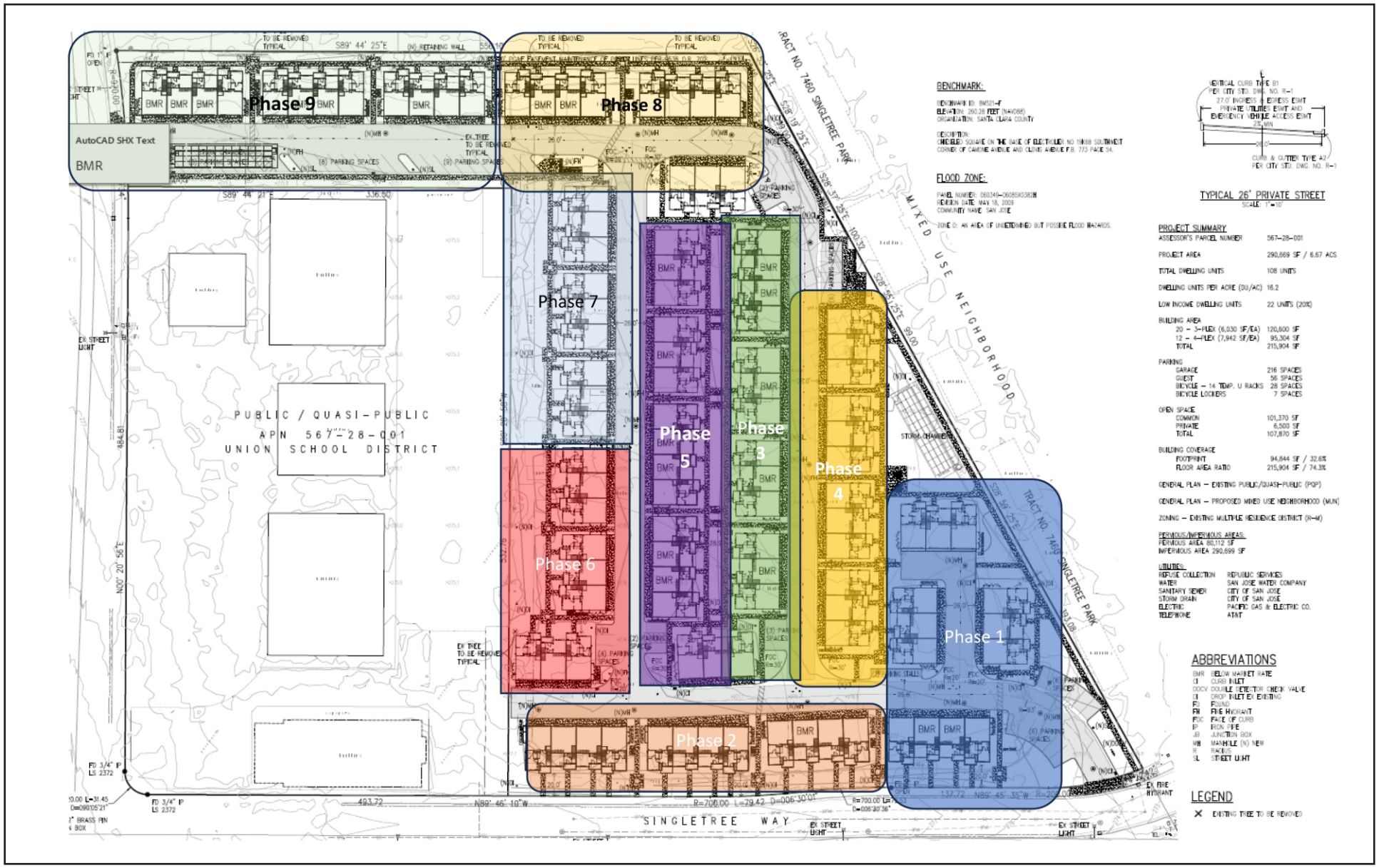
Construction

Construction would occur in nine phases (Figure 2-8), each lasting nine months, with multiple phases building concurrently. Construction activities would include, but not be limited to: demolition; site preparation, excavation, and grading activities; new building construction; paving; installation and connection of utilities; building interior finishing; exterior hardscaping and landscaping; and improvements within the City of San José right-of-way. The total length of construction is expected to be approximately 2.5 years. The affordable housing construction schedule is shown in Table 2-2.

Table 2-2: Affordable Housing Phasing Plan

Phase	Total Units	Market Rate	Below Market Rate	% phase affordable	Affordable Unit Mix
1	13	12	1	8%	1 BMR unit: 1,711 sf, 3 bd/2.5 ba
2	12	11	1	8%	1 BMR unit: 1,711 sf, 3 bd/2.5 ba
3	13	12	1	8%	1 BMR unit: 1,711 sf, 3 bd/2.5 ba
4	12	12	0	0%	—
5	17	15	2	12%	2 BMR units: 1,711 sf, 3 bd/2.5 ba
6	9	9	0	0%	—
7	9	9	0	0%	—
8	11	10	1	9%	1 BMR unit: 1,711 sf, 3 bd/2.5 ba
9	12	10	2	17%	1 BMR unit: 1,711,sf, 3 bd/2.5 ba; 1 BMR unit: 1,868 sf, 4 bd/3.5 ba
Total	108	100	8	NA	NA

Notes:
BMR = Below Market Rate
sf = square feet
bd = bedrooms
ba = bathrooms
NA = not applicable
Source: Mana Camden, LLC. 2023.



Source: Mana Camden, LLC. 2023.

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Figure 2-8
Affordable Housing Phasing Plan

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A variety of mobile and stationary construction equipment would be used at the site and/or in the immediate vicinity during construction. This is expected to include limited use of cranes. Other mobile equipment, such as asphalt grinders, concrete/industrial saws, excavators, backhoes, loaders, concrete trucks, and forklifts, would be used at the project site for a range of other construction tasks, including site preparation, excavation and grading, building construction, and/or hardscape and landscape materials installation and material deliveries.

Construction would generate off-site truck trips for deliveries of concrete and other building materials, transportation of construction equipment to and from the site, hauling soils and debris from the site, and street sweepers. A variety of other smaller mechanical equipment would also be used during the construction period, such as concrete/industrial saws, tile saws, stud impact guns, impact drills, torque wrenches, welding machines, and concrete boom pumps. Back up alarms on all heavy equipment are required to satisfy California Occupational Health and Safety Administration (Cal/OSHA) mandates. On-site construction materials/construction worker staging areas would be located within the project site or off-site at defined location(s).

2.3 - Project Objectives

The underlying purpose of the proposed project is to develop an appropriate mix of multi-family units, including affordable units, that meets the regional housing goals. The objectives of the proposed project are to:

- Deliver approximately 100 units of new, high-quality housing in an existing residential neighborhood.
- Provide housing with a variety of floor plans and unit types to enhance the economic viability of the development for long-term sustainability.
- Phase development to allow for managed and orderly growth, while limiting construction-related effects in the project site vicinity.
- Construct housing with sufficient density to be marketable and produce a reasonable return on investment for the project applicant and its investors and that is able to attract investment capital and construction financing.
- Assist the City of San José to satisfy its regional housing needs allocation for market-rate and below market rate housing units.
- Provide quality housing that connects to the existing circulation system and includes pedestrian access to create a walkable community.

2.4 - Intended Uses of this Draft EIR

This Draft EIR is being prepared by the City of San José to assess the potential environmental impacts that may arise in connection with actions related to implementation of the proposed project. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15367, the City of San José is the Lead Agency for the proposed project and has discretionary authority over the proposed

project and project approvals. The Draft EIR is intended to address all public infrastructure improvements and all future development that are within the parameters of the proposed project.

2.4.1 - Discretionary and Ministerial Actions

Discretionary approvals and permits are required by the City of San José for implementation of the proposed project. The proposed project would require the following discretionary approvals and actions, including:

- Site Development Permit
- Tentative Map

Subsequent ministerial actions would be required for the implementation of the proposed project, including issuance of grading and building permits and other Public Works clearances.

There are no identified Responsible Agencies for the proposed project.

CHAPTER 3: ENVIRONMENTAL IMPACT ANALYSIS

Organization of Issue Areas

This Draft Environmental Impact Report (Draft EIR) provides analysis of impacts for those environmental topics where it was determined in the Notice of Preparation (NOP), or through subsequent analysis, that the 5670 Camden Avenue Residential Project (proposed project) could result in "potentially significant impacts." Sections 3.1 through 3.9 discuss the environmental impacts that may result with approval and implementation of the proposed project.

Issues Addressed in this Draft EIR

The following environmental issues are addressed in Chapter 3:

- Air Quality
- Biological Resources
- Cultural Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Population and Housing
- Recreation
- Transportation
- Tribal Cultural Resources

Level of Significance

Determining the severity of project impacts is fundamental to achieving the objectives of the California Environmental Quality Act (CEQA). CEQA Guidelines Section 15091 requires that decision-makers mitigate, as completely as is feasible, the significant impacts identified in the Draft EIR. If the EIR identifies any significant unmitigated impacts, CEQA Guidelines Section 15093 requires decision-makers, in approving a project, to adopt a statement of overriding considerations that explains why the benefits of the project outweigh the adverse environmental consequences identified in the EIR.

The level of significance for each impact examined in this Draft EIR was determined by considering the predicted magnitude of the impact against the applicable threshold. Thresholds were developed using criteria from the CEQA Guidelines and checklist; State, federal, and local regulatory schemes; local/regional plans and ordinances; accepted practice; consultation with recognized experts; and other professional opinions.

Impact Analysis and Mitigation Measure Format

The format adopted in this EIR to present the evaluation of impacts is described and illustrated below.

Introduction

This subsection summarizes what will be discussed in the respective environmental topic section, states what informational documents are used as the basis for the section, and indicates what related comments, if any, were received during the EIR public scoping period.

Environmental Setting

This subsection describes the existing baseline physical conditions of the project site and surroundings (e.g., existing land uses, transportation conditions, noise environment) with respect to each resource topic at the time the NOP was issued. Conditions are described in sufficient detail and breadth to allow a general understanding of the environmental impacts of the proposed project.

Regulatory Framework

This subsection describes the relevant federal, State, and local regulatory requirements that are directly applicable to the environmental topic being analyzed.

Impacts and Mitigation Measures

This subsection evaluates the potential for the proposed project to result in direct and indirect adverse impacts on the existing physical environment, with consideration of both short-term and long-term impacts. The analysis covers all phases of the proposed project, including construction and operation. The significance thresholds for environmental impacts are defined at the beginning of this subsection, and the discussion of the approach to the analysis explains how the significance thresholds have been applied to evaluate the impacts of the proposed project.

Indirect impacts are discussed only for those resources for which they have the potential to occur (e.g., cultural resources, air quality, and biological resources). Both project-level and cumulative impacts are analyzed. Project-level impacts could result from actions related to implementation of the proposed project. Cumulative impacts could result from implementation of the proposed project in combination with other cumulative projects in the study area. As discussed in Cumulative Impacts, below, the projects listed in Table 3-1, in conjunction with the proposed project, are considered the cumulative scenario for the analysis of cumulative impacts.

Impacts are analyzed and the respective assessment and findings are included in this Draft EIR, applying the following levels of significance:

- **No impact.** This conclusion is reached if no potential exists for impacts or if the environmental resource does not occur in the project area or the area of potential impacts.
- **Less than significant impact.** This determination applies if the impact does not exceed the defined significance criteria or would be eliminated or reduced to a less than significant level

through compliance with existing local, State, and federal laws and regulations. No mitigation is required for impacts determined to be less than significant.

- **Less than significant impact with mitigation incorporated.** This determination applies if the proposed project would result in a significant impact, exceeding the established significance criteria, but feasible mitigation is available that would reduce the impact to a less than significant level.
- **Significant and unavoidable impact.** This determination applies if the proposed project would result in an adverse impact that exceeds the established significance criteria, and no feasible mitigation is available to reduce the impact to a less than significant level. Therefore, the residual impact would be significant and unavoidable.
- **Significant and unavoidable impact with mitigation.** This determination applies if the proposed project would result in an adverse impact that exceeds the established significance criteria and, although feasible mitigation might lessen the impact, the residual impact would be significant, and, therefore, the impact would remain unavoidable, even with the implementation of all feasible mitigation.

Impacts are defined in terms of their context and intensity. Context is related to the uniqueness of a resource; intensity refers to the severity of the impact. Where applicable, Best Management Practices (BMPs) or project improvement measures, or both, are incorporated into the proposed project to limit the potential for a significant impact. Where necessary, mitigation measures are identified for significant impacts to limit the degree or lower the magnitude of the impact; rectify the impact by repairing, rehabilitating, or restoring the affected environment; or compensate for the impact by replacing or providing substitute resources or environments. These impacts conclude with a finding of "Less than significant impact with mitigation incorporated." Where no mitigation measures are necessary, relevant impacts are concluded to be "Less than significant impact" or to have "No impact."

As part of the impact analysis, mitigation measures are identified, where feasible, for impacts considered significant or potentially significant, consistent with CEQA Guidelines Section 15126.4, which states that an EIR "shall describe feasible measures which could minimize significant adverse impacts." CEQA requires that mitigation measures have an essential nexus and be roughly proportional to the significant impact identified in the EIR. The project sponsor is required to implement all identified mitigation measures included in this Chapter, and the lead agency (in this case, the City of San José) is responsible for overseeing the project sponsor's implementation of such mitigation measures. Pursuant to CEQA Guidelines Section 15126.4, mitigation measures are not required for environmental impacts that are found not to be significant.

Impacts are numbered and shown in bold type. The corresponding mitigation measures, where identified, are numbered and indented and follow the impact statements. Impacts and mitigation measures are numbered consecutively within each topic and include an abbreviated reference to the impact section (e.g., "LAND" for Land Use and Planning). The following abbreviations are used for individual topics:

Code	Environmental Issue
AIR	Air Quality
BIO	Biological Resources
CUL	Cultural Resources
GHG	Greenhouse Gas Emissions
HAZ	Hazards and Hazardous Materials
LAND	Land Use and Planning
NOI	Noise
POP	Population and Housing
REC	Recreation
TRANS	Transportation
TCR	Tribal Cultural Resources

Cumulative Impacts

The discussion of cumulative impacts in this subsection analyzes the cumulative impacts of the proposed project, taken together with other past, present, and reasonably foreseeable future projects producing related impacts. The goal of this analysis is to determine whether the overall long-term impacts of all such projects would be cumulatively significant and to determine whether the proposed project itself would cause a "cumulatively considerable" incremental contribution to any such cumulatively significant impacts. To determine whether the overall long-term impacts of all such projects would be cumulatively significant, the analysis generally considers the following:

- The area in which impacts of the proposed project would be experienced.
- The impacts of the proposed project that are expected in the area.
- Other past, proposed, and reasonably foreseeable projects that have had or are expected to have impacts in the same area.
- The impacts or expected impacts of these other projects.
- The overall impact that can be expected if the individual impacts from each project are allowed to accumulate.

"Cumulative impacts" refers to two or more individual impacts that, together, are considerable, or that compound or increase other environmental impacts (CEQA Guidelines § 15355). Cumulative impacts can result from individually minor but collectively significant impacts taking place over time (40 Code of Federal Regulations [CFR] 1508.7). If the analysis determines that the potential exists for the proposed project, taken together with other past, present, and reasonably foreseeable future projects, to result in a significant or adverse cumulative impact, the analysis then determines whether the proposed project's incremental contribution to any significant cumulative impact is itself significant (i.e., "cumulatively considerable"). The cumulative impact analysis for each

individual resource topic is presented in each resource section of this Chapter, immediately after the description of the direct project impacts and identified mitigation measures. Cumulative impacts are evaluated where the proposed project would have a "less than significant" or greater impact. If there is no impact associated with the proposed project, be it overall or with respect to a particular CEQA threshold, further discussion of cumulative impacts is not required.

The City did not identify any proposed or reasonable foreseeable future projects within 2 miles of the proposed project site to be evaluated within a cumulative analysis. Accordingly, unless otherwise noted, and as stated above, the cumulative impact analyses contained in this Draft EIR uses the summary of projections approach and relies on the General Plan growth projections and/or Association of Bay Area Governments (ABAG) long-range integrated transportation and land use/housing strategy. The projections used were further described and evaluated in the Envision San José 2040 General Plan Final Environmental Impact Report, certified by City of San José in 2011. Therefore, the cumulative impact analysis for this Draft EIR will incorporate the analysis contained in the Envision San José 2040 General Plan EIR.

This analysis evaluates whether impacts of the proposed project, together with impacts of cumulative development, would result in a cumulatively significant impact with respect to the topics discussed in Sections 3.1 through 3.9. This analysis then considers whether incremental contribution of the impacts associated with implementation of the proposed project would be significant. Both conditions must apply for cumulative effects to rise to the level of significance.

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3.1 - Air Quality

3.1.1 - Introduction

This section describes existing air quality conditions regionally and locally as well as the relevant regulatory framework. This section also evaluates the possible impacts related to air quality that could result from implementation of the proposed project. Information included in this section is based, in part, on project-specific Air Quality, Greenhouse Gas Emissions, and Energy Impacts Analysis technical memorandum prepared by FirstCarbon Solutions on June 27, 2024, and air quality modeling results utilizing California Emissions Estimator Model (CalEEMod) Version 2022.1, the American Meteorological Society/United States Environmental Protection Agency (EPA) AERMOD air dispersion model (Version 18081). The memorandum and complete modeling output are provided in Appendix B.

3.1.2 - Environmental Setting

The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency for the San Francisco Bay Area Air Basin (SFBAAB), which comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, the southern portion of Sonoma County, and the southwestern portion of Solano County. Air quality in this area is determined by such natural factors as meteorology, terrain, and temperature, in addition to the presence of existing air pollution sources and ambient conditions. These factors, along with applicable regulations aimed at reducing air pollution, are discussed below.

Existing Air Quality Conditions and Air Pollution Formation

The SFBAAB is characterized by complex terrain, consisting of coastal mountain ranges, inland valleys, and bays, which distorts normal wind flow patterns and induces significant variations of air flow, mixing, and temperatures among subregions. These natural conditions strongly influence the formation of air pollution. Air quality is a function of both the rate and location of pollutant emissions under the influence of meteorological conditions and topographic features. Atmospheric conditions such as wind speed, wind direction, and air temperature inversions interact with the physical features of the landscape to determine the movement and dispersal of air pollutant emissions and, consequently, their effect on air quality.

Santa Clara Valley Climatological Subregion

All urbanized areas of the SFBAAB are included in one of 11 climatological subregions. These subregions experience varying climatological and topographic conditions, as well as major types of air pollutant sources, resulting in variations in air pollution.

The proposed project is located at the western edge of the Santa Clara Valley climatological subregion. This subregion is bounded by the Bay to the north and by mountains to the east, south, and west. Temperatures are warm on summer days and cool on summer nights, and winter temperatures are fairly mild. At the northern end of the valley, mean maximum temperatures are in the low 80°F (degrees Fahrenheit) during the summer and the high 50s during the winter, and mean minimum temperatures range from the high 50s in the summer to the low 40s in the winter. Further

inland, where the moderating effect of the Bay is not as strong, temperatures extremes are greater. For example, in San Martin, located 27 miles south of the San José Airport, temperatures can be more than 10°F warmer on summer afternoons and more than 10°F cooler on winter nights.

Winds in the valley are greatly influenced by terrain, resulting in a prevailing flow that roughly parallels the valley's northwest-southeast axis. A north-northwesterly sea breeze flows through the valley during the afternoon and early evening, and a light south-southeasterly drainage flow occurs during the late evening and early morning. In the summer, the southern end of the valley sometimes becomes a "convergence zone" when air flowing from Monterey Bay gets channeled northward into the southern end of the valley and meets with the prevailing north-northwesterly winds.

Wind speeds are greatest in the spring and summer and weakest in the fall and winter. Nighttime and early morning hours frequently have calm winds in all seasons, while summer afternoons and evenings are quite breezy. Strong winds are rare, associated mostly with the occasional winter storm.

The air pollution potential of the Santa Clara Valley is high. High summer temperatures, stable air, and mountains surrounding the valley combine to promote ozone formation. In addition to the many local sources of air pollution, ozone precursors from San Francisco, San Mateo, and Alameda counties are carried by prevailing winds to the Santa Clara Valley. The valley tends to channel pollutants to the southeast. In addition, on summer days with low-level inversions, ozone can be recirculated by southerly drainage flows in the late evening and early morning and by the prevailing northwesterly wind in the afternoon. A similar recirculation pattern occurs in the winter, affecting levels of carbon monoxide and particulate matter. This movement of the air up and down the valley increases the impact of the pollutants significantly.

Pollution sources are plentiful and complex in this subregion. The Santa Clara Valley has a high concentration of industry at the northern end, in the Silicon Valley. Some of these industries are sources of air toxics as well as criteria air pollutants. In addition, Santa Clara Valley's large population and many work-site destinations generate some of the highest mobile source emissions of any subregion in the SFBAAB.

Criteria Air Pollutants

Concentrations of criteria air pollutants are used as indicators of air quality conditions. Air pollutants are termed criteria air pollutants if they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. According to the EPA, criteria air pollutants are ozone, particulate matter (PM_{10} and $PM_{2.5}$), nitrogen dioxide (NO_2), carbon monoxide (CO), lead, and sulfur dioxide (SO_2). Table 3.1-1 provides a summary of the types, sources, and effects of criteria air pollutants.

Table 3.1-1: Description of Criteria Pollutants of National and California Concern

Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
Ozone	Ozone is a photochemical pollutant as it is not emitted directly into the atmosphere but is formed by a complex series of chemical reactions between volatile organic compounds (VOC), nitrogen oxides (NO_X), and sunlight. Ozone is a regional pollutant that is generated over a large area and is transported and spread by the wind.	Ozone is a secondary pollutant; thus, it is not emitted directly into the lower level of the atmosphere. The primary sources of ozone precursors (VOC and NO_X) are mobile sources (on-road and off-road vehicle exhaust).	Irritate respiratory system; reduce lung function; change breathing patterns; reduce breathing capacity; inflame and damage cells that line the lungs; make lungs more susceptible to infection; aggravate asthma; aggravate other chronic lung diseases; cause permanent lung damage; cause some immunological changes; increased mortality risk; damage vegetation and property.
Particulate matter (PM_{10}) Particulate matter ($PM_{2.5}$)	Suspended particulate matter is a mixture of small particles that consist of dry solid fragments, droplets of water, or solid cores with liquid coatings. The particles vary in shape, size, and composition. PM_{10} refers to particulate matter that is between 2.5 and 10 microns in diameter. (One micron is one-millionth of a meter.) $PM_{2.5}$ refers to particulate matter that is 2.5 microns or less in diameter, about one-thirtieth the size of the average human hair.	Stationary sources include fuel or wood combustion for electrical utilities, residential space heating, and industrial processes; construction and demolition; metals, minerals, and petrochemicals; wood products processing; mills and elevators used in agriculture; erosion from tilled lands; waste disposal and recycling. Mobile or transportation-related sources are from vehicle exhaust and road dust. Secondary particles form from reactions in the atmosphere.	• Short-term exposure (hours/days): irritation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravate existing lung disease, causing asthma attacks and acute bronchitis; those with heart disease can suffer heart attacks and arrhythmias. • Long-term exposure: reduced lung function; chronic bronchitis; changes in lung morphology; death.
Nitrogen dioxide (NO_2)	During combustion of fossil fuels, oxygen reacts with nitrogen to produce nitrogen oxides—NO_X (NO, NO_2, NO_3, N_2O, N_2O_3, N_2O_4, and N_2O_5). NO_X is a precursor to ozone, PM_{10}, and $PM_{2.5}$ formation. NO_X can react with compounds to form nitric acid and related small particles and result in particulate matter (PM) related health effects.	NO_X is produced in motor vehicle internal combustion engines and fossil fuel-fired electric utility and industrial boilers. NO_2 forms quickly from NO_X emissions. NO_2 concentrations near major roads can be 30 to 100 percent higher than those at monitoring stations.	Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; contributions to atmospheric discoloration; increased visits to hospital for respiratory illnesses.

Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
Carbon monoxide (CO)	CO is a colorless, odorless, toxic gas. CO is somewhat soluble in water; therefore, rainfall and fog can suppress CO conditions. CO enters the body through the lungs, dissolves in the blood, replaces oxygen as an attachment to hemoglobin, and reduces available oxygen in the blood.	CO is produced by incomplete combustion of carbon-containing fuels (e.g., gasoline, diesel fuel, and biomass). Sources include motor vehicle exhaust, industrial processes (metals processing and chemical manufacturing), residential wood-burning, and natural sources.	Ranges depending on exposure: slight headaches; nausea; aggravation of angina pectoris (chest pain) and other aspects of coronary heart disease; decreased exercise tolerance in persons with peripheral vascular disease and lung disease; impairment of central nervous system functions; possible increased risk to fetuses; death.
Sulfur dioxide (SO_2)	Sulfur dioxide is a colorless, pungent gas. At levels greater than 0.5 parts per million (ppm), the gas has a strong odor, similar to rotten eggs. Sulfur oxides (SO_X) include sulfur dioxide and sulfur trioxide. Sulfuric acid is formed from sulfur dioxide, which can lead to acid deposition and can harm natural resources and materials. Although sulfur dioxide concentrations have been reduced to levels well below State and federal standards, further reductions are desirable because sulfur dioxide is a precursor to sulfate and PM_{10}.	Human-caused sources include fossil fuel combustion, mineral ore processing, and chemical manufacturing. Volcanic emissions are a natural source of sulfur dioxide. The gas can also be produced in the air by dimethyl sulfide and hydrogen sulfide. Sulfur dioxide is removed from the air by dissolution in water, chemical reactions, and transfer to soils and ice caps. The sulfur dioxide levels in the State are well below the maximum standards.	Bronchoconstriction accompanied by symptoms which may include wheezing, shortness of breath, and chest tightness during exercise or physical activity in persons with asthma. Some population-based studies indicate that the mortality and morbidity effects associated with fine particles show a similar association with ambient sulfur dioxide levels. It is not clear whether the two pollutants act synergistically or one pollutant alone is the predominant factor.
Lead (Pb)	Lead is a solid heavy metal that can exist in air pollution as an aerosol particle component. Leaded gasoline was used in motor vehicles until around 1970. Lead concentrations have not exceeded State or federal standards at any monitoring station since 1982.	Lead ore crushing, lead ore smelting, and battery manufacturing are currently the largest sources of lead in the atmosphere in the United States. Other sources include dust from soils contaminated with lead-based paint, solid waste disposal, and crustal physical weathering.	Lead accumulates in bones, soft tissue, and blood and can affect the kidneys, liver, and nervous system. It can cause impairment of blood formation and nerve conduction, behavior disorders, intellectual disability, neurological impairment, learning deficiencies, and low IQs.

Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure

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Regional Air Quality

SFBAAB Attainment Status

The EPA and the ARB designate air basins where ambient air quality standards are exceeded as "nonattainment" areas. If standards are met, the area is designated as an "attainment" area. If there is inadequate or inconclusive data to make a definitive attainment designation, they are considered "unclassified." National nonattainment areas are further designated as marginal, moderate, serious, severe, or extreme as a function of deviation from standards.

The current attainment designations for the Air Basin are shown in Table 3.1-2. Currently in the Air Basin, 8-hour average ozone (both State and national), 1-hour average ozone (State), annual arithmetic mean PM_{10} (State), 24-hour average PM_{10} (State), annual arithmetic mean $PM_{2.5}$ (State), and 24-hour average $PM_{2.5}$ (national) are still in nonattainment status.

Table 3.1-2: San Francisco Bay Area Air Basin Attainment Status

Pollutant	State Status	National Status
Ozone	Nonattainment	Nonattainment
CO	Attainment	Attainment

Pollutant	State Status	National Status
NO_2	Attainment	Attainment
SO_2	Attainment	Attainment
PM_{10}	Nonattainment	Unclassified
$PM_{2.5}$	Nonattainment	Nonattainment
Sulfates	Attainment	N/A
Hydrogen Sulfates	Unclassified	N/A
Visibility-reducing Particles	Unclassified	N/A
Lead	N/A	Attainment

Notes:
CO = carbon monoxide
NO_2 = nitrogen dioxide
PM_{10} = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
SO_2 = sulfur dioxide

Source: Bay Area Air Quality Management District (BAAQMD). 2017. Air Quality Standards and Attainment Status. January. Website: https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status#:~:text=%E2%80%9CAttainment%E2%80%9D%20status%20for%20a%20pollutant%20means%20that%20the,ensures%20that%20these%20standards%20are%20met%20and%20maintained. Accessed: July 30, 2024.

Project Site

The project site currently contains sports fields and associated structures that could lead to generated mobile source emissions from vehicles driving to and from the site.

Toxic Air Contaminants

Concentrations of toxic air contaminants (TACs) are also used as indicators of air quality conditions. Air pollutant human exposure standards are identified for many TACs, including the following common TACs relevant to development projects: particulate matter, fugitive dust, lead, and asbestos. These air pollutants are called TACs because they are air pollutants that may cause or contribute to an increase in mortality or in serious illness or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health impact may pose a threat to public health even at low concentrations. TACs can cause long-term health effects (such as cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage) or short-term acute affects (such as eye watering, respiratory irritation, runny nose, throat pain, or headaches).

TACs are separated into carcinogens and noncarcinogens based on the nature of the physiological effects associated with exposure to a particular TAC. Carcinogens are assumed to have no safe threshold below which health impacts would not occur. Cancer risk is typically expressed as excess cancer cases per million exposed individuals, typically over a lifetime exposure or other prolonged duration. For noncarcinogenic substances, there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur. These levels may vary depending on the

specific pollutant. Acute and chronic exposure to noncarcinogens is expressed as a hazard index (HI), which is the ratio of expected exposure levels to an acceptable reference exposure levels (RELs).

According to BAAQMD, mobile source emissions of diesel particulate matter (DPM) benzene and 1,3-butadiene represent a substantial portion of the ambient background risk from TACs in the SFBAAB. Table 3.1-3 provides a summary of the types, sources, and effects of TACs.

Table 3.1-3: Description of Toxic Air Contaminants of National and California Concern

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
Diesel Particulate Matter (DPM)	DPM is a source of $PM_{2.5}$—diesel particles are typically 2.5 microns and smaller. Diesel exhaust is a complex mixture of thousands of particles and gases that is produced when an engine burns diesel fuel. Organic compounds account for 80 percent of the total particulate matter mass, which consists of compounds such as hydrocarbons and their derivatives, and polycyclic aromatic hydrocarbons and their derivatives. Fifteen polycyclic aromatic hydrocarbons are confirmed carcinogens, a number of which are found in diesel exhaust.	Diesel exhaust is a major source of ambient particulate matter pollution in urban environments. Typically, the main source of DPM is from combustion of diesel fuel in diesel-powered engines. Such engines are in on-road vehicles such as diesel trucks, off-road construction vehicles, diesel electrical generators, and various pieces of stationary construction equipment.	Some short-term (acute) effects of DPM exposure include eye, nose, throat, and lung irritation, coughs, headaches, light-headedness, and nausea. Studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems. Human studies on the carcinogenicity of DPM demonstrate an increased risk of lung cancer, although the increased risk cannot be clearly attributed to diesel exhaust exposure.
VOCs	Reactive organic gases (ROGs), or VOCs, are defined as any compound of carbon—excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate—that participates in atmospheric photochemical reactions. Although there are slight differences in the definition of ROGs and VOCs, the two terms are often used interchangeably.	Indoor sources of VOCs include paints, solvents, aerosol sprays, cleansers, tobacco smoke, etc. Outdoor sources of VOCs are from combustion and fuel evaporation. A reduction in VOC emissions reduces certain chemical reactions that contribute to the formulation of ozone. VOCs are transformed into organic aerosols in the atmosphere, which contribute to higher PM_{10} and lower visibility.	Although health-based standards have not been established for VOCs, health effects can occur from exposures to high concentrations because of interference with oxygen uptake. In general, concentrations of VOCs are suspected to cause eye, nose, and throat irritation; headaches; loss of coordination; nausea; and damage to the liver, the kidneys, and the central nervous system. Many VOCs have been classified as toxic air contaminants (TACs).

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
Benzene	Benzene is a VOC. It is a clear or colorless light-yellow, volatile, highly flammable liquid with a gasoline-like odor. The EPA has classified benzene as a "Group A" carcinogen.	Benzene is emitted into the air from fuel evaporation, motor vehicle exhaust, tobacco smoke, and from burning oil and coal. Benzene is used as a solvent for paints, inks, oils, waxes, plastic, and rubber. Benzene occurs naturally in gasoline at 1 to 2 percent by volume. The primary route of human exposure is through inhalation.	Short-term (acute) exposure of high doses from inhalation of benzene may cause dizziness, drowsiness, headaches, eye irritation, skin irritation, and respiratory tract irritation, and at higher levels, loss of consciousness can occur. Long-term (chronic) occupational exposure of high doses has caused blood disorders, leukemia, and lymphatic cancer.
Asbestos	Asbestos is the name given to a number of naturally occurring fibrous silicate minerals that have been mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength. The three most common types of asbestos are chrysotile, amosite, and crocidolite.	Chrysotile, also known as white asbestos, is the most common type of asbestos found in buildings. Chrysotile makes up approximately 90 to 95 percent of all asbestos contained in buildings in the United States.	Exposure to asbestos is a health threat; exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest, and abdominal cavity), and asbestosis (a non-cancerous lung disease that causes scarring of the lungs). Exposure to asbestos can occur during demolition or remodeling of buildings that were constructed prior to the 1977 ban on asbestos for use in buildings. Exposure to naturally occurring asbestos can occur during soil-disturbing activities in areas with deposits present.
Hydrogen Sulfide	Hydrogen sulfide (H_2S) is a flammable, colorless, poisonous gas that smells like rotten eggs.	Manure, storage tanks, ponds, anaerobic lagoons, and land application sites are the primary sources of hydrogen sulfide. Anthropogenic sources include the combustion of sulfur containing fuels (oil and coal).	High levels of hydrogen sulfide can cause immediate respiratory arrest. It can irritate the eyes and respiratory tract and cause headache, nausea, vomiting, and cough. Long exposure can cause pulmonary edema.
Sulfates	Sulfates occur in combination with metal and/or hydrogen ions. Many sulfates are soluble in water.	Sulfates are particulates formed through the photochemical oxidation of sulfur dioxide. In California, the main source of sulfur	(a) Decrease in ventilatory function; (b) aggravation of asthmatic symptoms;

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
		compounds is combustion of gasoline and diesel fuel.	(c) aggravation of cardiopulmonary disease; (d) vegetation damage; (e) degradation of visibility; (f) property damage.
Visibility-Reducing Particles	Suspended particulate matter is a mixture of small particles that consist of dry solid fragments, droplets of water, or solid cores with liquid coatings. The particles vary in shape, size, and composition. PM_{10} refers to particulate matter that is between 2.5 and 10 microns in diameter (1 micron is one-millionth of a meter). $PM_{2.5}$ refers to particulate matter that is 2.5 microns or less in diameter, about one-thirtieth the size of the average human hair.	Stationary sources include fuel or wood combustion for electrical utilities, residential space heating, and industrial processes; construction and demolition; metals, minerals, and petrochemicals; wood products processing; mills and elevators used in agriculture; erosion from tilled lands; waste disposal; and recycling. Mobile or transportation-related sources are from vehicle exhaust and road dust. Secondary particles form from reactions in the atmosphere.	• Short-term exposure (hours/days): irritation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravates existing lung disease, causing asthma attacks and acute bronchitis; those with heart disease can suffer heart attacks and arrhythmias. • Long-term exposure: reduced lung function; chronic bronchitis; changes in lung morphology; death.
Vinyl Chloride	Vinyl chloride, or chloroethene, is a chlorinated hydrocarbon and a colorless gas with a mild, sweet odor. In 1990, the California Air Resources Board (ARB) identified vinyl chloride as a toxic air contaminant and estimated a cancer unit risk factor.	Most vinyl chloride is used to make polyvinyl chloride plastic and vinyl products, including pipes, wire and cable coatings, and packaging materials. It can be formed when plastics containing these substances are left to decompose in solid waste landfills. Vinyl chloride has been detected near landfills, sewage plants, and hazardous waste sites.	Short-term exposure to high levels of vinyl chloride in the air causes central nervous system effects, such as dizziness, drowsiness, and headaches. Epidemiological studies of occupationally exposed workers have linked vinyl chloride exposure to development of a rare cancer, liver angiosarcoma, and have suggested a relationship between exposure and lung and brain cancers.
Lead (Pb)	Lead is a solid heavy metal that can exist in air pollution as an aerosol particle component. Leaded gasoline was used in motor vehicles until around 1970. Lead concentrations have not exceeded State or federal standards at any monitoring station since 1982.	Lead ore crushing, lead ore smelting, and battery manufacturing are currently the largest sources of lead in the atmosphere in the United States. Other sources include dust from soils contaminated with lead-based paint, solid waste	Lead accumulates in bones, soft tissue, and blood and can affect the kidneys, liver, and nervous system. It can cause impairment of blood formation and nerve conduction, behavior disorders, mental retardation, neurological

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
		disposal, and crustal physical weathering.	impairment, learning deficiencies, and low IQs.

Sources:
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Project Site Vicinity

The primary sources of air pollutants (both criteria air pollutant and TACs) in the project site vicinity include the surrounding residential properties and businesses, and their building-related energy use and motor-related vehicle trips. Other activities that result in emissions include space and water heating, landscape maintenance, and any surrounding land uses that can store, produce, decommission, or otherwise handle hazardous materials. There are no major sources of pollutants in the project area.

Air Pollution Sensitive Receptors

Air pollution does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. Children and infants are among the most susceptible to air pollution due to their developing lungs, higher inhalation rates, narrow airways, and less mature immune systems. Children and adults with allergies may also have an enhanced allergic

response when exposed to particulate matter pollution. Other sensitive populations include the elderly, pregnant women (due to the developing fetus), and those with respiratory or cardiovascular illnesses affected by air pollution. Sensitive land uses (also referred to as receptors) are places where sensitive populations are most likely to spend their time, such as residences, schools, day care centers, hospitals, nursing and convalescent homes, and playgrounds/parks. The groups identified with these land uses may have increased susceptibility to respiratory distress or, as in the case of residences, their exposure time is greater than that for other land uses. BAAQMD defines sensitive receptors as children, adults, and seniors occupying or residing in residential dwellings, schools, day care centers, hospitals, and senior-care facilities. In BAAQMD's 2022 California Environmental Quality Act (CEQA) Guidelines Appendix E: Recommended Methods for Screening and Modeling Local Risks, sensitive receptors have been expanded to include off-site workers.

Project Vicinity

The closest sensitive receptors include single-family residences immediately adjacent to the east and north of the project boundaries and Beacon School and Delight Montessori School San José, immediately west of the project boundary.

Existing Ambient Air Quality: Odors and Dust

Other air quality issues of concern in the SFBAAB include nuisance impacts of odors and dust. Objectionable odors may be associated with a variety of pollutants. Common sources of odors include wastewater treatment plants, landfills, composting facilities, refineries, and chemical plants. Similarly, nuisance dust may be generated by a variety of sources including quarries, agriculture, grading, construction and roads. Odors rarely have direct health effects among the public. Each year the BAAQMD receives thousands of citizen complaints about objectionable odors. Dust emissions can contribute to increased ambient concentrations of PM_{10} and can also contribute to reduced visibility and soiling of exposed surfaces.

Project Vicinity

The proposed project is developed as a school field and the project area consists of single-family residential neighborhoods. These uses are not known odor generators.

3.1.3 - Regulatory Framework

Federal

Clean Air Act

Congress established much of the basic structure of the Clean Air Act in 1970 and made major revisions in 1977 and 1990. The Clean Air Act addresses the six common air pollutants (also discussed in Section 2.1.1–Criteria Air Pollutants):

- Ozone (O_3)
- Nitrogen dioxide (NO_2)
- Lead (Pb)
- Particulate matter (PM_{10} and $PM_{2.5}$)
- Carbon monoxide (CO)
- Sulfur dioxide (SO_2)

The federal standards were set to protect public health, including that of sensitive individuals; thus, the EPA is tasked with updating the standards as more medical research is available regarding the

health effects of the criteria pollutants. Primary federal standards are the levels of air quality necessary, with an adequate margin of safety, to protect public health.

The federal Clean Air Act also requires each state to prepare an air quality control plan, referred to as a State Implementation Plan (SIP). The federal Clean Air Act amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The purpose of the federal SIPs is to (1) demonstrate a state has the basic air quality management program components in place to implement a new or revised National Ambient Air Quality Standards (NAAQS); (2) identify the emissions control requirements that a state will rely on to attain and/or maintain the primary and secondary NAAQS; (3) prevent air quality deterioration for areas that are in attainment with the NAAQS; and (4) reduce common or criteria pollutants emitted in nonattainment areas, updating the standards as more medical research is available regarding the health effects of the criteria pollutants. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins, as reported by their jurisdictional agencies.

EPA Emission Standards for New Off-Road Equipment

Before 1994, there were no standards to limit the amount of emissions from off-road equipment. In 1994, the EPA established emission standards for hydrocarbons, NO_X, CO, and PM to regulate new pieces of off-road equipment. These emission standards came to be known as Tier 1. Since that time, increasingly more stringent Tier 2, Tier 3, and Tier 4 (interim and final) standards were adopted by the EPA, as well as by the California Air Resources Board (ARB). Each adopted emission standard was phased in over time. New engines built in and after 2015 across all horsepower sizes must meet Tier 4 Final emission standards. In other words, new manufactured engines cannot exceed the emissions established for Tier 4 Final emissions standards.

State

California Air Quality Control Plan (State Implementation Plan)

A SIP is a document prepared by each state describing existing air quality conditions and measures that will be followed to attain and maintain federal standards. The SIP for the State of California is administered by the ARB, which has overall responsibility for Statewide air quality maintenance and air pollution prevention. California's SIP incorporates individual federal attainment plans for regional air districts—an air district prepares their federal attainment plan, which is sent to the ARB to be approved and incorporated into the California SIP. Federal attainment plans include the technical foundation for understanding air quality (e.g., emission inventories and air quality monitoring), control measures and strategies, and enforcement mechanisms for attaining and maintaining air quality standards.

Areas designated nonattainment must develop air quality plans and regulations to achieve standards by specified dates, depending on the severity of the exceedances. For much of the country, implementation of federal motor vehicle standards and compliance with federal permitting requirements for industrial sources are adequate to attain air quality standards on schedule. For many areas of California, however, additional State and local regulation is required to achieve the standards.

California Clean Air Act

The California Legislature enacted the California Clean Air Act (CCAA) in 1988 to address air quality issues of concern not adequately addressed by the federal Clean Air Act at the time. California's air quality problems were and continue to be some of the most severe in the nation and required additional actions beyond the federal mandates. The ARB administers California Ambient Air Quality Standards (CAAQS) for the 10 air pollutants designated in the CCAA. The 10 State air pollutants are the six federal criteria pollutants listed previously, as well as visibility-reducing particulates, hydrogen sulfide, sulfates, and vinyl chloride.

The federal Clean Air Act also requires each state to prepare an air quality control plan referred to as a SIP. The federal Clean Air Act amendments of 1990 added requirements for states with regions that do not attain the air pollutant standards set forth by the Clean Air Act NAAQs–known as nonattainment areas–to revise their SIPs to incorporate additional control measures to reduce air pollution. SIPs are not a single document. They are a compilation of new and previously submitted plans, programs, air district rules, state regulations, and federal controls. Many of California's SIPs rely on the same core set of control strategies, including emission standards for cars and heavy trucks, fuel regulations, and limits on emissions from consumer products. Local air districts and other agencies prepare SIP elements and submit them to the ARB for review and approval. The ARB then forwards SIP revisions to the EPA for approval and publication in the Federal Register.

For much of the country, implementation of federal motor vehicle standards and compliance with federal permitting requirements for industrial sources are adequate to attain air quality standards. For many areas of California, however, additional State and local regulation is required to attain the air quality standards. The BAAQMD 2017 Clean Air Plan is the SIP for the SFBAAB. The 2017 Clean Air Plan accommodates growth by projecting emissions based on different indicators. For example, population forecasts adopted by the Association of Bay Area Governments (ABAG) are used to forecast population-related emissions. Through the planning process, emissions growth is offset by basin-wide controls on stationary, area, and transportation sources of air pollution.

Assembly Bill 1807 (Tanner Air Toxics Act) and Assembly Bill 2588 (Air Toxics "Hot Spots" Information and Assessment Act of 1987)

California regulates TACs primarily through Assembly Bill (AB) 1807 (Tanner Air Toxics Act) and AB 2588 (Air Toxics "Hot Spot" Information and Assessment Act of 1987). The Tanner Air Toxics Act sets up a formal procedure for ARB to designate substances as TACs. Once a TAC is identified, ARB adopts an "airborne toxics control measure" for sources that emit designated TACs. If there is a safe threshold for a substance (i.e., a point below which there is no toxic effect), the control measure must reduce exposure to below that threshold. If there is no safe threshold, the measure must incorporate toxics best available control technology to minimize emissions. To date, ARB has established formal control measures for 11 TACs that are identified as having no safe threshold.

California Health and Safety Code Section 39655 and California Code of Regulations Title 17 Section 93000 (Substances Identified as Toxic Air Contaminants)

The ARB identifies substances as TACs as defined in Health and Safety Code Section 39655 and listed in Title 17, Section 93000 of the California Code of Regulations, "Substances Identified As Toxic Air

Contaminants." A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or serious illness or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations. In general, for those TACs that may cause cancer, there are thresholds set by regulatory agencies below which adverse health impacts are not expected to occur. This contrasts with the criteria pollutants for which acceptable levels of exposure can be determined and for which the State and federal governments have set ambient air quality standards. According to the California Almanac of Emissions and Air Quality, the majority of the estimated health risk from TACs for the State of California can be attributed to relatively few compounds, the most important of which is DPM from diesel-fueled engines.

California Low Emission Vehicle Program

The ARB first adopted Low Emission Vehicle (LEV) program standards in 1990. These first LEV standards ran from 1994 through 2003. LEV II regulations, running from 2004 through 2010, represented continuing progress in emission reductions. As the State's passenger vehicle fleet continues to grow and more sport utility vehicles and pickup trucks are used as passenger cars rather than work vehicles, the more stringent LEV II standards were adopted to provide reductions necessary for California to meet federally mandated clean air goals outlined in the 1994 SIP. In 2012, the ARB adopted the LEV III amendments to California's LEV regulations. These amendments, also known as the Advanced Clean Car Program, include more stringent emission standards for model years 2017 through 2025 for both criteria pollutants and greenhouse gas (GHG) emissions for new passenger vehicles.[1]

The most recent amendments in 2022, the Advanced Clean Cars II Regulations, apply to light-duty passenger car, truck, and SUV emissions starting with the 2026 model year through 2035. It will take the State's already growing Zero-Emission Vehicle (ZEV) market and robust motor vehicle emission control rules and augment them to meet more aggressive tailpipe emissions standards and ramp up to 100 percent ZEVs. By 2035 all new passenger cars, trucks, and SUVs sold in California will be zero emissions.

California On-Road Heavy-Duty Vehicle Program

The ARB has adopted standards for emissions from various types of new on-road heavy-duty vehicles. Section 1956.8, Title 13, of the California Code of Regulations contains California's emission standards for on-road heavy-duty engines and vehicles and test procedures. The ARB has also adopted programs to reduce emissions from in-use heavy-duty vehicles, including the Heavy-Duty Diesel Vehicle Idling Reduction Program, the Heavy-Duty Diesel In-Use Compliance Program, the Public Bus Fleet Rule and Engine Standards, the School Bus Program, and others.[2]

California In-Use Off-Road Diesel Vehicle Regulation

On July 26, 2007, the ARB adopted a regulation to reduce DPM and NO_X emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction,

[1] California Air Resources Board (ARB). 2013. Clean Car Standards—Pavley, Assembly Bill 1493. Website: https://ww2.arb.ca.gov/californias-greenhouse-gas-vehicle-emission-standards-under-assembly-bill-1493-2002-pavley. Accessed July 9, 2024.

[2] California Air Resources Board (ARB). 2013. The California Almanac of Air Quality and Emissions—2013 Edition. Website: http://www.arb.ca.gov/aqd/almanac/almanac13/almanac13.htm. Accessed July 9, 2024.

mining, and industrial operations. The regulation limits idling to no more than 5 consecutive minutes, requires reporting and labeling, and requires disclosure of the regulation upon vehicle sale. Performance requirements of the rule are based on a fleet's average NO_X emissions, which can be met by replacing older vehicles with newer, cleaner vehicles or by applying exhaust retrofits. More recent 2022 amendments to the regulation include:[3]

- Phase-out of the oldest off-road engines from operation—Tier 2 and model year 2003 or older on-road engines must be phased out from large/medium/small/ultra-small fleets in 2028/30/32/36, respectively.
- Restrictions on the addition of older engines to the fleet—Vehicles with Tier 3/4i and model year 2006 or older on-road engines cannot be added to a fleet from 2024/28/35 for large and medium/small/ultra-small fleets, respectively.
- All fleets must use R99 or R100 renewable diesel fuel as of January 1, 2024.

California Truck and Bus Regulation

The latest amendments to the Truck and Bus regulation became effective on December 31, 2014. The amended regulation required that diesel trucks and buses operating in California be upgraded to reduce emissions. Newer heavier trucks and buses were required to meet PM filter requirements beginning January 1, 2012. Lighter and older heavier trucks had to be replaced starting January 1, 2015. As of January 1, 2023, nearly all trucks and buses were required to have 2010 model year engines or equivalent.

The regulation applies to nearly all privately and federally owned diesel-fueled trucks and buses and to privately and publicly owned school buses with a gross vehicle weight rating greater than 14,000 pounds. The regulation provides a variety of flexibility options tailored to fleets operating low-use vehicles, fleets operating in selected vocations like agricultural and construction, and small fleets of three or fewer trucks.[4]

Small Off-road Engine Regulation

Small Off-road Engines (SORE) are spark-ignition engines with rated power at or below 19 kilowatts (25 horsepower). The SORE regulations require new engines to be certified and labeled to meet emission standards and other requirements. Typical equipment types that use SORE include lawn and garden equipment, portable generators, and pressure washers. Amendments to the SORE regulations will require most landscaping equipment to be zero emissions beginning in 2024. Despite their small size, these engines are highly polluting. The volume of smog-forming emissions from this type of equipment has surpassed emissions from light-duty passenger cars and is projected to be nearly twice those of passenger cars by 2031. Portable generators, including those in recreational vehicles, would be required to meet more stringent standards in 2024 and meet zero-emission

[3] California Air Resources Board (ARB). 2024. Rulemaking Documents. Website: https://ww2.arb.ca.gov/our-work/programs/use-road-diesel-fueled-fleets-regulation/rulemaking-documents. Accessed July 9, 2024.

[4] California Air Resources Board (ARB). 2015. On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation. Website: http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm. Accessed July 9, 2024.

standards starting in 2028.[5] Engines that use diesel fuel and engines that are used in stationary equipment, including standby generators, are not subject to the SORE regulations.

California Airborne Toxic Control Measures

As of December 2022, the ARB had developed 26 mobile and stationary source Airborne Toxic Control Measures (ATCMs).[6] The following summarizes the ATCMs that are potentially applicable for land use development projects such as logistics, warehouse, residential, mixed use, and retail development. Source and industry-specific requirements apply to industrial projects, gas stations, dry cleaners, and other types of facilities which are significant sources of TACs.

Asbestos ATCM

In July 2001, ARB approved an ATCM for construction, grading, quarrying, and surface mining operations to minimize emissions of naturally occurring asbestos. The regulation requires application of Best Management Practices (BMPs) to control fugitive dust in areas known to have naturally occurring asbestos and requires notification to the local air district prior to commencement of ground-disturbing activities. The measure establishes specific testing, notification, and engineering controls prior to grading, quarrying, or surface mining in construction zones where naturally occurring asbestos is located on projects of any size. There are additional notification and engineering controls at work sites larger than 1 acre. These projects require the submittal of a "Dust Mitigation Plan" and approval by the ARB prior to the start of a project.

Asbestos is also found in a natural state, known as naturally occurring asbestos. Exposure and disturbance of rock and soil that naturally contain asbestos can result in the release of fibers into the air and consequent exposure to the public. Asbestos most commonly occurs in ultramafic rock that has undergone partial or complete alteration to serpentine rock (serpentinite) and often contains chrysotile asbestos. In addition, another form of asbestos, tremolite, can be found associated with ultramafic rock, particularly near faults. Sources of asbestos emissions include unpaved roads or driveways surfaced with ultramafic rock, construction activities in ultramafic rock deposits, or rock quarrying activities where ultramafic rock is present.

Areas are subject to the regulation if they are identified on maps published by the Department of Conservation as ultramafic rock units or if the Air Pollution Control Officer or owner/operator has knowledge of the presence of ultramafic rock, serpentine, or naturally occurring asbestos on the site. The measure also applies if ultramafic rock, serpentine, or asbestos is discovered during any operation or activity. Review of the Department of Conservation maps indicates that no ultramafic rock has been found on or near the project site.[7]

[5] California Air Resources Board (ARB). 2021. Website: https://ww2.arb.ca.gov/news/carb-approves-updated-regulations-requiring-most-new-small-road-engines-be-zero-emission-2024. Accessed July 9, 2024.

[6] California Air Resources Board (ARB). 2023. Website: https://ww2.arb.ca.gov/resources/documents/airborne-toxic-control-measures. Accessed July 9, 2024.

[7] United States Geological Survey (USGS). 2019. Reported Historic Asbestos Mines, Historic Asbestos Prospects, and Other Natural Occurrences of Asbestos in the Conterminous United States. Website: https://www.usgs.gov/data/reported-historic-asbestos-mines-historic-asbestos-prospects-and-other-natural-occurrences. Accessed July 9, 2024.

Verified Diesel Emission Control Strategies

The EPA and the ARB tiered off-road emission standards only apply to new engines and off-road equipment can last several years. The ARB has developed Verified Diesel Emission Control Strategies (VDECS), which are devices, systems, or strategies used to achieve the highest level of pollution control from existing off-road vehicles, to help reduce emissions from existing engines. VDECS are designed primarily for the reduction of DPM emissions and have been verified by ARB. There are three levels of VDECS, the most effective of which is the Level 3 VDECS. Tier 4 engines are not required to install VDECS because they already meet the emissions standards for lower-tiered equipment with installed controls.

Tanner Air Toxics Act and Air Toxics Hot Spots Information and Assessment Act

TACs in California are primarily regulated through the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588), also known as the Hot Spots Act. To date, the ARB has identified more than 21 TACs and has adopted the EPA's list of Hazardous Air Pollutants (HAPs) as TACs.

Carl Moyer Memorial Air Quality Standards Attainment Program

The Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), a partnership between the ARB and local air districts, issues grants to replace or retrofit older engines and equipment with engines and equipment that exceed current regulatory requirements to reduce air pollution. Money collected through the Carl Moyer Program complements California's regulatory program by providing incentives to effect early or extra emission reductions, especially from emission sources in environmental justice communities and areas disproportionately affected by air pollution. The program has established guidelines and criteria for the funding of emissions reduction projects and has established cost-effectiveness criteria for funding emission reductions projects, which under the Carl Moyer Program Guidelines are $30,000 per weighted ton of NO_X, reactive organic gases (ROGs), and PM.[8] The latest Guidelines are anticipated to be approved in October 2024.[9]

Regional

Bay Area Air Quality Management District

The BAAQMD is one of 35 local air pollution control districts created by the California Legislature with authority to regulate air pollutant emissions from businesses and stationary facilities, ranging from oil refineries to auto body shops and dry cleaners. The BAAQMD is the primary agency responsible for ensuring that the NAAQS and CAAQS are attained and maintained in the SFBAAB. The air quality strategy employed by BAAQMD includes a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The BAAQMD also inspects stationary sources of air pollution and responds to citizen

[8] California Air Resources Board (ARB). 2017. 2017 Carl Moyer Program Guidelines. Website: https://ww2.arb.ca.gov/our-work/programs/carl-moyer-memorial-air-quality-standards-attainment-program. Accessed August 9, 2024.

[9] California Air Resources Board (ARB). 2024. 2024 Revisions to the Carl Moyer Memorial Air Quality Standards Attainment Program Guidelines. Website: https://ww2.arb.ca.gov/sites/default/files/2024-08/2024cmpstaffreport.pdf. Accessed September 4, 2024.

complaints, monitors ambient air quality and meteorological conditions, and implements program and regulations required by the federal and California Clean Air Acts.

The BAAQMD Board of Directors adopted CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans (BAAQMD CEQA Thresholds) in 2022. The BAAQMD CEQA Thresholds (and associated guidance) are intended to assist lead agencies in evaluating air quality and climate impacts from proposed land use projects in the SFBAAB during the environmental review process.

Local

Envision San José 2040 General Plan

The General Plan includes policies to avoid or mitigate impacts resulting from development projects with the City. The following policies are specific to air quality and apply to the proposed project.

Policy MS-10.1 Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to State and federal standards. Identify and implement air emissions reduction measures.

Policy MS-10.2 Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-11.1 Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

Policy MS-11.2 For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.

Policy MS-11.3 Review projects generating significant heavy-duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.

Policy MS-11.4 Encourage the installation of air filtration, to be installed at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.

Policy MS-11.5 Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

Policy MS-12.2 Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separate distance will be determined based upon the type, size and operations of the facility.

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

Policy MS-13.2 Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board Airborne Toxic Control Measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

3.1.4 - Methodology

Model Selection, Modeling Parameters and Assumptions

The California Emission Estimator Model (CalEEMod) is used to calculate and assess criteria air pollutant (including ozone precursors), TAC, and GHG emissions, which consist of those on-site and off-site construction and operational emissions generated from all facets of the proposed project. CalEEMod provides a uniform platform for government agencies, land use planners, and environmental professionals to emissions from land use development and linear projects in California.

Criteria air pollutant, TAC, and GHG emissions can be estimated by using emission factors and a level of activity. Emission factors represent the emission rate of a pollutant over a given time or activity, for example, grams of NO_X per vehicle mile traveled or grams of NO_X per horsepower hour of equipment operation. The activity factor is a measure of how active a piece of equipment is and can be represented as the amount of material processed, elapsed time that a piece of equipment is in operation, horsepower of a piece of equipment used, the fuel consumption rate, or Vehicle Miles Traveled (VMT) per day. The ARB has published emission factors for on-road mobile vehicles/trucks in the Emission Factor (EMFAC) mobile source emissions model and emission factors for off-road equipment and vehicles in the OFF-ROAD emissions model. An air emissions model (or calculator) combines the emission factors and the levels of activity and outputs the emissions for the various pieces of equipment.

Construction and operational emissions reported in this analysis were modeled using CalEEMod Version 2022.1.

Criteria Pollutants Assessed

The following air pollutants are assessed in this analysis:

- ROG
- NO_X
- CO
- Particulate matter less than 10 microns in diameter (PM_{10})
- Particulate matter less than 2.5 microns in diameter ($PM_{2.5}$)

Note that the proposed project would emit ozone precursors ROG and NO_X during construction from construction equipment and vehicles and during operation from vehicles, landscape equipment, and use of consumer products. However, the proposed project would not directly emit ozone since it is formed in the atmosphere during the photochemical reaction of ozone precursors.

Toxic Air Contaminants Assessed

The following TACs are assessed in this analysis:

- DPM
- $PM_{2.5}$

Model Inputs

Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and prevailing weather conditions. Construction emissions result from on-site and off-site activities. On-site emissions principally consist of exhaust emissions from the activity of light and heavy-duty construction equipment, motor vehicle operation, and fugitive dust (PM_{10} and $PM_{2.5}$) from disturbed soil. Additionally, paving operations and application of architectural coatings would release volatile organic compound (VOC) emissions. Off-site emissions are caused by motor vehicle exhaust from delivery vehicles, worker traffic, and road dust (PM_{10} and $PM_{2.5}$).

Construction activities would consist of demolition, site preparation, grading, building construction, paving, and architectural coating of the inside and outside of the buildings. The conceptual construction schedule, worker trips, and construction equipment, along with hours of operation per day, horsepower, and load factor are available in Appendix B. Where project-specific information was not available or unknown, default assumptions were used to complete emissions modeling. The activity for construction equipment is based on the horsepower and load factors of the equipment. In general, the horsepower is the power of an engine—the greater the horsepower, the greater the power. The load factor is the average power of a given piece of equipment while in operation compared with its maximum rated horsepower. A load factor of 1.0 indicates that a piece of equipment continually operates at its maximum operating capacity. This analysis uses the CalEEMod default load factors for off-road equipment.

Based on applicant-provided information, it was assumed in CalEEMod that construction would begin in January 2025 and would last for approximately 34 months, and the construction emissions modeling reflects that duration assumed for the purposes of this environmental analysis. See

estimated schedule in Table 3.1-4. The construction schedule used in the analysis represents a "worst-case" analysis scenario since emission factors for construction equipment decrease as the analysis year increases due to improvements in technology and compliance with more stringent regulatory requirements. Therefore, construction emissions would be expected to decrease if the construction schedule moved to later years. The duration of construction activity and associated equipment represent a reasonable approximation of the expected construction fleet as required by the CEQA Guidelines.

Table 3.1-4: Construction Schedule

Phase	Working Days per Week	Total Number of Working Days
Demolition	5	20
Site Preparation	5	10
Grading	5	20
Building Construction	5	651
Paving	5	20
Architectural Coating	5	20

A summary of the on-site, off-road construction equipment usage assumptions used to estimate emissions presented in Table 3.1-5.

Table 3.1-5: Project Construction Equipment Assumptions

Construction Activity	Equipment	Equipment Amount	Average Hours per Day	Horsepower	Load Factor
Demolition	Rubber Tired Dozers	2	8	367	0.4
Demolition	Excavators	3	8	36	0.38
Demolition	Concrete/Industrial Saws	1	8	33	0.73
Site Preparation	Rubber Tired Dozers	3	8	367	0.4
Site Preparation	Tractors/Loaders/Backhoes	4	8	84	0.37
Grading	Graders	1	8	148	0.41
Grading	Excavators	1	8	36	0.38
Grading	Tractors/Loaders/Backhoes	3	8	84	0.37
Grading	Rubber Tired Dozers	1	8	367	0.4
Building Construction	Forklifts	3	4	82	0.2
Building Construction	Generator Sets	1	4	14	0.74
Building Construction	Cranes	1	4	367	0.29
Building Construction	Welders	1	4	46	0.45

Construction Activity	Equipment	Equipment Amount	Average Hours per Day	Horsepower	Load Factor
Building Construction	Tractors/Loaders/Backhoes	2	10	84	0.37
Paving	Pavers	2	8	81	0.42
Paving	Paving Equipment	2	8	89	0.36
Paving	Rollers	2	8	36	0.38
Architectural Coating	Air Compressors	1	6	37	0.48
Source: CalEEMod Output (Appendix A).					

A summary of the construction-related vehicle trips is shown in Table 3.1-6. Demolition activities include the demolition of approximately 25,000 square feet of existing hardscape and on-site structures. During site preparation and grading, the activities would include 579 cubic yards of soil export (based on applicant-provided information). Note that the total number of construction vehicle trips would not necessarily occur on the same day since construction activities would vary each day during the construction period.

Table 3.1-6: Construction Off-site Trips (Average Daily Rates)

Construction Activity	Trips per Day		
	Worker	Vendor	Hauling
Demolition	15	0	14.4
Site Preparation	17.5	0	0
Grading	15	0	3.6
Building Construction	77.7	11.5	0
Paving	15	0	29
Architectural Coating	15.5	0	0
Source: CalEEMod Output (Appendix A).			

Fugitive Dust

During grading activities, fugitive dust can be generated from the movement of dirt on the project site. CalEEMod estimates dust from earth movement, from graders or other construction equipment leveling the land and from loading or unloading dirt (or other materials including trees) into haul trucks. All projects are required to comply with the requirements of BAAQMD BMPs to reduce emissions of fugitive dust. As shown in Appendix B, the BMPs are accounted for through selection of the appropriate measures in CalEEMod. Two measures are available for inclusion in CalEEMod—watering unpaved roads twice daily and limiting vehicle speeds on unpaved roads to 25 miles per hour—which would reduce fugitive dust compared to default values.

3.1.5 - Thresholds of Significance

Appendix G to the CEQA Guidelines is a sample Initial Study Checklist that includes questions for determining whether impacts to air quality are significant. These questions reflect the input of planning and environmental professionals at the California Governor's Office of Planning and Research (OPR) and the California Natural Resources Agency, based on input from stakeholder groups and experts in various other governmental agencies, nonprofits, and leading environmental consulting firms.

Additional guidance on the significance of air quality impacts is found in CEQA Guidelines Section 15065, subdivision (a)(4), which provides that a lead agency shall find that a project may have a significant effect on the environment if "the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." According to the California Supreme Court, this "mandatory finding of significance" applies to potential effects on public health from environmental impacts, such as those associated with air pollutant emissions from projects. (*California Business Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 386-392.)

Additionally, where available, significance criteria established by the applicable air quality management or air pollution control district may be relied upon to assist in making significance determinations. As explained earlier, BAAQMD's 2022 CEQA Air Quality Guidelines were prepared to assist in evaluating air quality impacts of projects and plans proposed within the Bay Area. The guidelines provide recommended procedures for evaluating potential air quality impacts during the environmental review process, consistent with CEQA requirements, and include recommended thresholds of significance, mitigation measures, and background air quality information. They also include recommended assessment methodologies for air toxics, odors, and GHGs. While the final determination of whether a project is significant is within the purview of the lead agency pursuant to Section 15064(b) of the CEQA Guidelines, the BAAQMD recommends that its quantitative air pollution thresholds be used to determine the significance of project emissions. If a lead agency finds that a project has the potential to exceed these air pollution thresholds, the proposed project should be considered to have significant air quality impacts. Table 3.1-7 shows the thresholds of significance. In developing the thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts on the region's existing air quality conditions.

Table 3.1-7: BAAQMD Thresholds of Significance for Air Quality Impacts

Pollutant	Construction Thresholds Average Daily Emissions (lbs/day)	Operational Thresholds	
		Average Daily Emissions (lbs/day)	Maximum Annual Emissions (tons/year)
Criteria Air Pollutants			
ROG	54	54	10

Pollutant	Construction Thresholds Average Daily Emissions (lbs/day)	Operational Thresholds	
		Average Daily Emissions (lbs/day)	Maximum Annual Emissions (tons/year)
NO_X	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance, other Best Management Practices (BAAQMD Basic Construction Mitigation Measures)	Not Applicable	
Health Risks and Hazards for New Sources			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or 1-hour Acute Hazard Index	1.0	1.0	
Incremental Annual Average $PM_{2.5}$	0.3 µg/m^3	0.3 µg/m^3	
Health Risks and Hazards for Sensitive Receptors (Cumulative from All Sources within 1,000-foot Zone of Influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	100 per 1 million		
Chronic Hazard Index	10.0		
Annual Average $PM_{2.5}$	0.8 µg/m^3		

Notes:
lbs = pounds
µg/m^3 = micrograms per cubic meter
CO= carbon monoxide
NO_X = nitrogen oxides
PM_{10} = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
ROG = reactive organic gases
Source: Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Air Quality Guidelines. April. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?la=en. Accessed September 4, 2024.

The BAAQMD has also developed screening criteria for project construction and operation that informs whether a project would be anticipated to result in an exceedance of emissions thresholds during construction and operation. These preliminary screening levels are contained in Table 4-1 of the BAAQMD's 2022 CEQA Air Quality Guidelines. Predetermined project size thresholds for individual land uses provide lead agencies with a conservative indication of the potential for a project to result in the generation of operational criteria air pollutants or precursors that exceed the thresholds of significance. As such, small projects can apply these size-based thresholds to determine that they would have less than significant impact, avoiding unnecessarily detailed emissions calculations.

Accordingly, many lead agencies derive their significance criteria from the questions posed in Appendix G and recommendations from the air district. For purposes of the criteria air pollutant analysis, the BAAQMD quantitative air pollution thresholds were utilized. Therefore, if the City finds that a project has the potential to exceed these air pollution thresholds, the project should be considered to have significant air quality impacts if it would:

a) Conflict with or obstruct implementation of the applicable air quality plan.

b) Result in cumulative considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.

c) Expose sensitive receptors to substantial pollutant concentrations.

d) Create objectionable odors affecting a substantial number of people.

3.1.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Consistency with Air Quality Management Plan

Impact AIR-1:	**The proposed project could conflict with or obstruct implementation of the applicable air quality plan.**

The project site is located in the SFBAAB, where the BAAQMD regulates air quality. The EPA is responsible for identifying nonattainment and attainment areas for each criteria pollutant within the Air Basin. The Air Basin is designated nonattainment for State standards for 1-hour and 8-hour ozone, 24-hour respirable particulate matter (PM_{10}), annual PM_{10}, and annual fine particulate matter ($PM_{2.5}$).[10]

The BAAQMD has adopted several air quality policies and plans to address regional air quality standards, the most recent of which is the 2017 Clean Air Plan. The 2017 Clean Air Plan was adopted in April of 2017 and serves as the regional Air Quality Plan (AQP) for the Air Basin for attaining NAAQS. The primary goals of the 2017 Clean Air Plan are to protect public health and protect the climate. The 2017 Clean Air Plan acknowledges that the BAAQMD's two stated goals of protection are closely related. As such, the 2017 Clean Air Plan identifies a wide range of control measures intended to decrease both criteria pollutants and GHG.[11] The 2017 Clean Air Plan also accounts for projections of population growth provided by ABAG and VMT provided by the Metropolitan Transportation Commission (MTC) and identifies strategies to bring regional emissions into compliance with federal and State air quality standards. A project would be judged to conflict with or

[10] Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Air Quality Guidelines. April. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?la=en. Accessed July 30, 2024.

[11] A greenhouse gas (GHG) is any gaseous compound in the atmosphere that is capable of absorbing infrared radiation, thereby trapping and holding heat in the atmosphere. By increasing the heat in the atmosphere, greenhouse gases are responsible for the greenhouse effect, which ultimately leads to global warming.

obstruct implementation of the 2017 Clean Air Plan if it would result in substantial new regional emissions not foreseen in the air quality planning process.

The BAAQMD does not provide a numerical threshold of significance for project-level consistency analysis with AQPs. Therefore, the following criteria will be used for determining a project's consistency with the AQP.

- **Criterion 1:** Does the project support the primary goals of the AQP?
- **Criterion 2:** Does the project include applicable control measures from the AQP?
- **Criterion 3:** Does the project disrupt or hinder the implementation of any AQP control measures?

Criterion 1

The primary goals of the 2017 Clean Air Plan, the current AQP to date, are to:

- Attain air quality standards;
- Reduce population exposure to unhealthy air and protect public health in the Bay Area; and
- Reduce GHG emissions and protect the climate.

A measure for determining whether the proposed project supports the primary goals of the AQP is if the project would not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQPs. This measure is determined by comparing project emissions to the significance thresholds identified by the BAAQMD for construction- and operation-related pollutants. These significance thresholds are applied in the evaluation of Impact AIR-2, below. As discussed under Impact AIR-2 and Impact AIR-3, the proposed project would not significantly contribute to cumulative nonattainment pollutant violations or expose sensitive receptors to substantial pollutant concentrations after incorporating identified mitigation. Fugitive dust control measures would be required to be implemented during the construction of the proposed project in order to reduce localized dust impacts. Impacts related to fugitive dust from the proposed project's construction would be potentially significant without the inclusion of sufficient dust control measures. Standard Permit Condition Construction-Related Air Quality requires the inclusion of BMPs recommended by the BAAQMD to reduce potential impacts related to fugitive dust emissions from use of construction equipment. In addition, construction exhaust emissions would result in potentially significant health risk impacts and would require the implementation of Mitigation Measure (MM) AIR-1, which would require the use of Tier 4 Final engines for construction equipment equal to or greater than 25 horsepower. With the implementation of Standard Permit Condition Construction-Related Air Quality and MM AIR-1 (see Impact AIR-3), the proposed project would be consistent with Criterion 1.

Criterion 2

Another measure for determining whether a project is consistent with the AQP is to determine whether the project is inconsistent with the growth assumptions incorporated into the AQP and, thus, whether it would interfere with the region's ability to comply with federal and California air

quality standards. The development of the AQP is based in part on the land use general plan determinations of the various cities and counties that constitute the Air Basin. According to the General Plan, the project site has a land use designation of Public/Quasi-Public (PQP) by the City of San José General Plan 2040 and is zoned Multiple Residence (R-M) by the San José Zoning Ordinance.

According to the General Plan, the PQP category is used to designate public land uses, including schools, colleges, corporation yards, homeless shelters, permanent supportive housing, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices, and airports. Residential uses are not allowed in this category, but the applicant proposes to amend the General Plan Land Use Designation to Mixed-Use Neighborhood, which does allow for residential development.

The R-M zoning district is intended to reserve land for the construction, use and occupancy of higher density residential development and higher density residential-commercial mixed-use development. The proposed project would be consistent with the R-M zoning district of the site.

The proposed project would develop 108 townhome units. Since the proposed facility would have fewer than 500 units, it is not considered a regionally significant project under CEQA Guidelines Section 15206, which would affect regional VMT and warrant intergovernmental review by ABAG and MTC.

Furthermore, the net increase in regional emissions generated by the proposed project would be less than the BAAQMD's emissions thresholds (see Impact AIR-2, below). The BAAQMD emissions thresholds were established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Because the proposed project would not exceed these thresholds, it would not impede the long-term air quality planning in the SFBAAB.

The AQPs also assume that all mandatory regulations to reduce air pollution would be adhered to. Therefore, to conform to the assumptions in the AQP, a project must be consistent with all applicable measures contained in the applicable AQP. The Clean Air Plan contains 85 control measures to reduce air pollutants and GHGs at the local, regional, and global levels. Along with the traditional stationary, area, mobile source, and transportation control measures, the Clean Air Plan contains several control measures designed to protect the climate and to promote mixed-use and compact development to reduce vehicle emissions and exposure to pollutants from stationary and mobile sources. The Clean Air Plan also includes an account of the implementation status of control measures identified in the previous 2010 Clean Air Plan.

Table 3.1-8 lists the relevant Clean Air Plan policies to the proposed project and evaluates the proposed project's consistency with the policies. As shown below, the proposed project would be consistent with applicable measures.

Table 3.1-8: Project Consistency with Applicable Clean Air Plan Control Measures

Control Measure	Project Consistency
Buildings Control Measures	
BL1: Green Buildings	**Consistent**. The proposed project would not conflict with the implementation of this measure. The proposed project would comply with the latest energy efficiency standards and incorporate applicable energy efficiency features designed to reduce project energy consumption.
BL4: Urban Heat Island Mitigation	**Consistent.** The proposed project would incorporate landscaping through the preservation of 11 existing trees on-site and the planting of 111 new trees. In addition, the proposed project would include 69,055 square feet of pervious area. The proposed project would provide landscaping, including trees according to City standards, that would reduce the urban heat island effect.
Energy Control Measures	
EN1: Decarbonize Electricity Generation	**Consistent.** The proposed project would not conflict with the implementation of this measure. The proposed project would comply with the latest energy efficiency standards and incorporate applicable energy efficiency features designed to reduce project energy consumption. In addition, as a low-rise residential development, the proposed project would be required to comply with the standards contained in the 2022 California Building Standards Code (CBC), Title 24, Part 6, Subchapter 8, which includes rooftop solar panels. The proposed project would be consistent with this measure.
EN2: Decrease Electricity Demand	**Consistent.** The proposed project would be required to conform to the energy efficiency requirements of the current California Building Standards Code (CBC), which was adopted to meet an Executive Order in the Green Building Initiative to improve the energy efficiency of buildings through aggressive standards. The 2022 Title 24 Standards are the current State building regulations, which went into effect on January 1, 2023.
Natural and Working Lands Control Measures	
NW2: Urban Tree Planting	**Consistent.** The proposed project would incorporate landscaping through the preservation of 11 existing trees on-site and the planting of 111 new trees.
WA3: Green Waste Diversion	**Consistent.** The waste service provider for the proposed project would be required to meet the Assembly Bill (AB) 341 and Senate Bill (SB) 939 and 1374 requirements that require waste service providers to divert green waste. All plant refuse generated during operations of the proposed project would be recycled off-site.
WA4: Recycling and Waste Reduction	**Consistent.** The waste service provider for the proposed project would be required to meet the AB 341 and SB 939 and 1374 requirements that require waste to be recycled.
Stationary Control Measures	
SS36: Particulate Matter from Trackout	**Consistent.** Mud and dirt that may be tracked out onto the nearby public roads during construction activities shall be removed promptly by the contractor based on the Bay Area Air Quality Management District's (BAAQMD's) requirements. The proposed project would comply with

Control Measure	Project Consistency
	Standard Permit Condition Construction-Related Air Quality, which incorporates BAAQMD requirements related to reducing construction fugitive dust and particulate matter trackout.
SS37: Particulate Matter from Asphalt Operations	**Consistent.** Asphalt used during project construction would be subject to BAAQMD Regulation 8, Rule 15-Emulsified and Liquid Asphalts. Although this rule does not directly apply to the proposed project, it does limit the reactive organic gas (ROG) content of asphalt available for use during construction by regulating the sale and use of asphalt. Using asphalt from facilities that meet BAAQMD regulations, the proposed project would be consistent with this Clean Air Plan measure.
Transportation Control Measures	
TR9: Bicycle and Pedestrian Access and Facilities	**Consistent.** Pedestrian access would be provided via the proposed internal walkways connecting to Camden Avenue and Singletree Lane. Two bus stops as a part of Santa Clara Valley Transportation Authority (VTA) Bus Route 27 are located within a short walking distance of the site, both along Blossom Hill Road. Bus Route 64B is also located approximately 1 mile east of the site. Therefore, the proposed project would not conflict with and be consistent with the BAAQMD's effort to encourage planning for bicycle and pedestrian facilities.
Source: Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. April 19.	

In summary, the proposed project would not conflict with any applicable measures under the 2017 Clean Air Plan after implementing Standard Permit Condition Construction-Related Air Quality; therefore, the proposed project would be consistent with Criterion 2.

Criterion 3

The proposed project would not preclude extension of a transit line or bike path, propose excessive parking beyond parking requirements, or otherwise create an impediment or disruption to implementation of any AQP control measures. As shown in Table 3.1-8 above, the proposed project would incorporate several AQP control measures as project design features, such as utilizing asphalt which would be compliant with BAAQMD regulations, complying with energy efficiency standards contained in the 2022 California Building Standards Code (CBC), and installing landscaping across the project site. Considering this information, the proposed project would not disrupt or hinder the implementation of any AQP control measures. The proposed project is therefore consistent with Criterion 3.

As discussed above, the proposed project would be consistent with all three criteria after incorporating the identified mitigation. Thus, the proposed project would not conflict with the 2017 Clean Air Plan. Therefore, impacts associated with conflicting with or obstructing the 2017 Clean Air Plan would be less than significant with mitigation incorporated.

City of San José Standard Permit Conditions

Implement Standard Permit Condition Construction-related Air Quality (see Impact AIR-2).

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM AIR-1 (see ImpactAIR-3).

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Cumulative Criteria Pollutant Emissions Impacts

Impact AIR-2:	**The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.**

This impact is related to the cumulative effect of a project's criteria pollutant emissions. By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. The nonattainment status of regional pollutants results from past and present development within the Air Basin, and this regional impact is a cumulative impact. Therefore, new development projects (such as the proposed project) within the Air Basin would contribute to this impact only on a cumulative basis. No single project would be sufficient in size, by itself, to result in nonattainment of regional air quality standards. Instead, a project's emissions may be individually limited but cumulatively considerable when evaluated in combination with past, present, and future development projects.

Potential regional impacts could result in exceedances of State or federal standards for NO_X, particulate matter (PM_{10} and $PM_{2.5}$), or CO. NO_X emissions are of concern because of potential health impacts from exposure to NO_X emissions during both construction and operation and as a precursor in the formation of airborne ozone. PM_{10} and $PM_{2.5}$ are of concern during construction because of the potential to emit exhaust emissions from the operation of off-road construction equipment and fugitive dust during earth-disturbing activities (construction fugitive dust). CO emissions are of concern during project operation because operational CO hotspots are related to increases in on-road vehicle congestion and resulting health effects.

ROG emissions are also important because of their participation in the formation of ground-level ozone. Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and that can cause substantial damage to vegetation and other materials. Elevated ozone concentrations result in reduced lung function, particularly during vigorous physical activity. This health problem is particularly acute in sensitive receptors such as the sick, elderly, and young children.

The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the proposed project would result in emissions that exceed the BAAQMD thresholds of

significance for construction and operations on a project level. The thresholds of significance represent the allowable emissions each project can generate without producing a cumulatively considerable contribution to regional air quality impacts. Therefore, a project that would not exceed the BAAQMD thresholds of significance on the project level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts. Construction and operational emissions are discussed separately below.

Construction Emissions

During construction, fugitive dust would principally be generated from demolition, site grading, and other earthmoving activities. The majority of fugitive dust would remain localized and would be deposited near the project site; however, the potential for impacts from fugitive dust exists unless control measures are implemented to reduce the emissions from this source. Exhaust emissions would also be generated from the operation of the off-road construction equipment and on-road construction vehicles.

Construction Fugitive Dust

PM_{10}/$PM_{2.5}$ (fugitive dust) is recognized to impact local communities. Construction-related activities, such as soil disturbance, grading, and material hauling, can also result in fugitive dust emissions (e.g., $PM_{2.5}$ and PM_{10}). The BAAQMD does not have a numerical threshold for fugitive dust particulate matter emissions. Instead, the BAAQMD bases the determination of significance for fugitive dust on implementing effective control measures. In order for a project to have a less than significant criteria air pollutant impact related to construction-related fugitive dust emissions, it must implement all BAAQMD basic BMPs. Air pollution control measures shall be implemented during construction activities as outlined in Standard Permit Condition Construction-Related Air Quality listed above. With the incorporation of this condition, short-term construction fugitive dust impacts would be less than significant.

Construction Air Pollutant Emissions: ROG, NO_X, Exhaust PM_{10}, and Exhaust $PM_{2.5}$

California Emissions Estimator Model (CalEEMod) Version 2022.1 was used to estimate the proposed project's construction emissions. CalEEMod provides a consistent platform for estimating construction and operational emissions from a wide variety of land use projects and is the model recommended by the BAAQMD for estimating project emissions. Estimated construction emissions are compared with the applicable thresholds of significance established by the BAAQMD to assess ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$ construction emissions to determine significance for this criterion.

For the purpose of providing conservative analysis, construction of the proposed project was modeled in CalEEMod to begin in January 2025 and conclude in November 2027. Table 3.1-9 below shows the construction sequence. Note that since construction would occur after January 2025, construction emissions would likely be slightly reduced compared to the emissions shown herein because of improvements in technology and more stringent regulatory requirements. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as CEQA Guidelines require.

Table 3.1-9: Preliminary Construction Schedule

Phase	Working Days per Week	Total Number of Working Days
Demolition	5	20
Site Preparation	5	10
Grading	5	20
Building Construction	5	651
Paving	5	20
Architectural Coating	5	20

The calculations of pollutant emissions from the construction equipment account for the type of equipment, horsepower and load factors of the equipment, and the duration of equipment use. Average daily construction emissions are compared with the significance thresholds in Table 3.1-10.

Table 3.1-10: Construction Emissions (Average Daily Rate)

Parameter	Air Pollutants[1] (tons/year)				
	Year	ROG	NO_X	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)
Project Construction					
Demolition	2025	0.025	0.236	0.009	0.009
Site Preparation	2025	0.017	0.158	0.007	0.006
Grading	2025	0.018	0.167	0.007	0.007
Building Construction	2025	0.143	1.147	0.045	0.042
	2026	0.169	1.360	0.050	0.046
	2027	0.114	0.910	0.031	0.029
Paving	2027	0.012	0.095	0.003	0.003
Architectural Coating	2027	1.540	0.009	0.000	0.000
Total Emissions (tons)		1.91	2.94	0.11	0.10
Total Emission (pounds)		3,818.8	5,884.5	214.9	197.8
Average Daily Emissions (lbs/day)[2]		5.15	7.94	0.29	0.27
Significance Threshold (lbs/day)		**54**	**54**	**82**	**54**
Exceeds Significance Threshold?		**No**	**No**	**No**	**No**

Notes:
lbs = pounds
NO_X = oxides of nitrogen
PM_{10} = particulate matter 10 microns in diameter
$PM_{2.5}$ = particulate matter 2.5 microns in diameter
ROG = reactive organic gases

Parameter	Air Pollutants[1] (tons/year)				
	Year	ROG	NO_X	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)

[1] Totals may not add up due to rounding. Calculations use unrounded totals.
[2] Average daily emissions equal total emissions divided by working days (741 workdays).
Source: CalEEMod Output (see Appendix B).

As indicated in Table 3.1-10 above, the construction emissions from all construction activities are below the recommended thresholds of significance; therefore, the proposed project's construction would have less than significant impact related to emissions of ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$.

The proposed project would implement Standard Permit Condition Construction-Related Air Quality, which incorporates BAAQMD's BMPs to reduce potential impacts of fugitive dust emissions during project construction. In addition, the proposed project would comply with all applicable district rules, including Regulation 6, Rule 1 (General Requirements), and Regulation 6, Rule 6 (Prohibition of Trackout), which require dust generating operations to limit particulate matter emissions. Therefore, project construction would have a less than significant impact with respect to fugitive dust.

Operational Emissions

Operational Air Pollutant Emissions: ROG, NO_X, PM_{10}, and $PM_{2.5}$

Operational emissions would include area, energy, and mobile sources. Area sources would include emissions from architectural coatings, consumer products, and landscape equipment. The proposed project would be all-electric and would not have any natural gas infrastructure. Therefore, there are no direct emissions related to building energy use for space or water heating. Mobile sources include exhaust and road dust emissions from the vehicles that would travel to and from the project site. Pollutants of concern include ROG, NO_X, PM_{10}, and $PM_{2.5}$.

BAAQMD provides easy-reference tables[12] to determine whether projects may have potentially significant criteria air pollutant impacts requiring a detailed analysis. These screening criteria are not thresholds of significance but provide a conservative indication of whether implementing a proposed project could result in potentially significant criteria air pollutants and precursors impacts. If all screening criteria for criteria air pollutants and precursors are met by a proposed project, a detailed assessment of the project's criteria air pollutant and precursor emissions is not required since the emissions from such a project would be under the BAAQMD quantitative thresholds of emissions for these pollutants.

The criteria pollutant screening levels were developed from default assumptions used by CalEEMod 2022.1, using EMFAC2021 emission factors for mobile sources. Each land use subcategory was modeled to determine the project size at which any criteria air pollutant or precursor threshold of significance may be exceeded. If the project is below the BAAQMD screening sizes and does not

[12] Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Air Quality Guidelines. April. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?la=en. Accessed July 31, 2024.

include stationary sources of operational emissions subject to BAAQMD permitting, then the project would not generate emissions of operational criteria pollutants above the significance threshold. Stationary sources of air pollution (e.g., generators) would not be part of this proposed project, so the screening levels may be used.

The operational screening-level from Table 4-1 of the BAAQMD CEQA Air Quality Guidelines for "condo-townhouse" is 637 dwelling units. Projects with fewer dwelling units, provided that they also meet all the other operational screening criteria (i.e., no overlapping construction and operations and project does not include stationary sources subject to permitting), do not need to perform a detailed air quality assessment of their operational emissions to demonstrate that emissions of these pollutants are less than significant. Since the proposed project includes only 108 residential townhome units, it is concluded that operation of the proposed project would result in a less than significant impact related to criteria air pollutants and precursors.

Operational Carbon Monoxide Hotspot

The CO emissions from traffic generated by the proposed project are a concern at the local level because congested intersections can result in high, localized concentrations of CO (referred to as a CO hotspot).

The BAAQMD screening criteria[13] were used to determine whether implementing the proposed project could result in local carbon monoxide emissions that exceed the thresholds of significance. If all the following screening criteria are met, operation of the proposed project would result in a less than significant impact related to carbon monoxide:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, the Regional Transportation Plan (RTP), and local congestion management agency plans.
- Project-generated traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- Project-generated traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

Based on a project-specific traffic analysis by Hexagon,[14] the two study intersections would not experience traffic levels above 24,000 and 44,000 vehicles per hours cited in the BAAQMD criteria. Specifically, Figure 11 of the Transportation Analysis (Appendix H) shows background plus project traffic peak-hour turning volumes at the two intersections. As shown on Figure 11, the intersection of Camden Avenue and Blossom Hill Road would experience the highest amount of peak-hour volume (3,758 AM peak-hour trips and 3,686 PM peak-hour trips). The peak-hours trip volume

[13] Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Air Quality Guidelines. April. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?la=en. Accessed July 31, 2024.

[14] Kimley-Horn. 2023. Vehicle Miles Traveled (VMT) Due Diligence. May.

experienced at this intersection is significantly below the threshold levels of 24,000 and 44,000 vehicle per hour. Therefore, the proposed project would meet all the CO screening criteria and would result in a less than significant impact related to carbon monoxide.

In summary, the proposed project would not result in a considerable net increase of any criteria pollutant for which the project region is nonattainment during construction or operation. Impacts would be less than significant.

City of San José Standard Permit Conditions

Construction-Related Air Quality

The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

i. Water active construction areas at least twice daily or as often as needed to control dust emissions.

ii. Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.

iii. Remove visible mud or dirt trackout onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

iv. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

v. Pave new or improved roadways, driveways, and sidewalks as soon as possible.

vi. Lay building pads as soon as possible after grading unless seeding or soil binders are used.

vii. Limit all vehicle speed on unpaved roads to 15 miles per hour (mph).

viii. Replant vegetation in disturbed areas as quickly as possible.

ix. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

x. Minimize idling times either by shutting off equipment when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxic Control Measure [ATCM], Title 13, Section 2485 of the California Code of Regulations [CCR]). Provide clear signage for construction workers at all access points.

xi. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

xii. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Level of Significance

Less than significant impact without mitigation.

Sensitive Receptors Exposure to Pollutant Concentrations

Impact AIR-3: The proposed project could expose sensitive receptors to substantial pollutant concentrations.

The BAAQMD defines a sensitive receptor as the following: "Facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas." As specified by the BAAQMD, health risk and hazard impacts should be analyzed for sensitive receptors within a 1,000-foot radius of the project site.[15] The closest existing sensitive receptors include the following:

- Single-family residences, immediately adjacent to the east and north of the project boundaries.
- Beacon School and Delight Montessori School San José, immediately west of the project boundary.

The proposed project would result in a potentially significant impact on sensitive receptors if any of the following four following criteria are met:

- **Criterion 1:** Construction of the proposed project would exceed the BAAQMD health risk significance thresholds.
- **Criterion 2:** Operation of the proposed project would exceed the BAAQMD health risk significance thresholds.
- **Criterion 3:** The proposed project would locate new sensitive receptors (residents) that could be subject to existing sources of TACs at the project site which exceed the BAAQMD cumulative health risk significance thresholds.
- **Criterion 4:** A CO hotspot assessment must demonstrate that the project would not result in the development of a CO hotspot that would cause an exceedance of the CO ambient air quality standards.

Criterion 1: Project Construction Toxic Air Pollutants

An assessment was made of the potential health impacts on surrounding sensitive receptors resulting from TAC emissions during construction. The assessment is provided below, while Attachment A provides the detailed assumptions and modeling parameters.

DPM has been identified by the ARB as a carcinogenic substance. Major sources of DPM include off-road construction equipment and heavy-duty delivery and vendor trucks and worker activities. For

[15] Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Air Quality Guidelines. April. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?la=en. Accessed July 31, 2024.

purposes of this analysis, DPM is represented as exhaust emissions of PM_{10}. $PM_{2.5}$ concentrations were calculated using the $PM_{2.5}$ emission rates using the dispersion modeling methods used for the PM_{10} and the Health Risk Assessment (HRA).

Estimation of Construction DPM Emissions

Construction DPM and $PM_{2.5}$ exhaust emissions were estimated using CalEEMod, Version 2022.1, as described under Impact AIR-2. For the purpose of the analysis, construction of the proposed project is estimated to begin in January 2025 and conclude in November 2027. Project construction emissions were assumed to be distributed over the project site with a working schedule of 8 hours per day, 5 days per week. Table 3.1-11 and Table 3.1-12 summarize the project's on-site and off-site DPM and $PM_{2.5}$ emissions during construction of the proposed project with and without the application of MM AIR-1. As identified in the HRA conducted below and the results shown in Table 3.1-13 and Table 3.1-14, DPM emissions generated by project construction would result in an exceedance of cancer risk thresholds and would require the implementation of MM AIR-1 to ensure impacts are less than significant.

Table 3.1-11: Project DPM Construction Emissions Over Construction Period

Scenario	On-site DPM—Area (lbs)	Off-site DPM—Road Segments (lbs)	Total DPM Emissions (lbs)
Unmitigated Project	211.09	3.77	214.86
Mitigated Project	52.69	3.77	56.46

Notes:
Off-site emissions includes all emissions from worker, vendor, and haul trucks. Quantities within 1,000 feet included in the Health Risk Assessment (HRA) are calculated and presented with HRA emissions in Attachment A.
DPM = diesel particulate matter (as characterized by PM_{10} exhaust)
Emissions Source: Appendix B.

Table 3.1-12: Project $PM_{2.5}$ Construction Emissions Over Construction Period

Scenario	On-site $PM_{2.5}$—Area (lbs)	Off-site $PM_{2.5}$—Road Segments (lbs)	Total $PM_{2.5}$ Emissions (lbs)
Unmitigated Project	262.80	120.97	383.77
Mitigated Project	118.84	120.97	239.82

Notes:
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
* $PM_{2.5}$ emissions includes fugitive dust and brake and tire wear for worker, vendor, and haul trucks for their entire trip length.
Emissions Source: Appendix B

To assess impacts to off-site sensitive receptors, the AERMOD air dispersion model was used to estimate the concentrations from PM_{10} and $PM_{2.5}$ exhaust at nearby sensitive receptors within 1,000 feet of the project site to determine the Maximally Exposed Individual Receptor (MEIR), which is defined as the single receptor with the highest exposure in a given study area (i.e., worst-case

estimate). The MEIR was determined for the single-family residence immediately to the east of the project site located at Blossom Park Lane (597548.5 UTM E and 4121464.55 UTM N). See Location of Maximum Exposed Receptor map within Attachment A for a depiction of receptors within the 1,000-foot buffer area and the location of the MEIR.

Estimation of Cancer Risks

The BAAQMD has developed a set of guidelines for estimating cancer risks resulting from exposure to TACs.[16] These guidelines require the use of Hotspots Analysis and Reporting Program (HARP2) software to identify the cancer risk associated with DPM generated during construction activities.

Estimation of Non-Cancer Chronic Hazards

An evaluation of the potential non-cancer effects of chronic chemical exposures was also conducted. Adverse health effects are evaluated by comparing the annual receptor concentration of each chemical compound with the appropriate reference exposure limit. Available reference exposure limits promulgated by the California Office of Environmental Health Hazard Assessment (OEHHA) were considered in the assessment.

Risk characterization for non-cancer health hazards from TACs is expressed as an HI. HI is a ratio of the predicted concentration of the proposed project's emissions to a concentration considered acceptable to public health professionals, termed the reference exposure limit. The HI assumes that chronic sub-threshold exposures adversely affect a specific organ or organ system (toxicological endpoint). For each discrete chemical exposure, target organs presented in regulatory guidance were used. Each chemical concentration or dose is divided by the appropriate toxicity reference exposure level to calculate the HI. For compounds affecting the same toxicological endpoint, this ratio is summed. Where the total equals or exceeds 1, a health hazard is presumed to exist. For purposes of this assessment, the TAC of concern is DPM, for which the OEHHA has defined a reference exposure limit for DPM of 5 micrograms per cubic meter ($\mu g/m^3$). The principal toxicological endpoint assumed in this assessment was through inhalation.

The area surrounding the project site is largely residential and there is an elementary school immediately west of the project boundary. Accordingly, the analysis below evaluates the MEIR and Beacon School within the 1,000-foot buffer zone. Impacts at all other receptors would be less than this and decrease with increasing distance from the site.

Table 3.1-13 summarizes the cancer risk and HI results for unmitigated project construction at the MEIR and Beacon School. The chronic hazards from DPM and $PM_{2.5}$ are below the BAAQMD thresholds or significance. However, DPM (characterized by PM_{10} exhaust) emissions would result in an incremental cancer risk of approximately 31.5 individuals per 1 million, which exceeds the BAAQMD's significance threshold of 10 individuals per 1 million. Table 3.1-14 summarizes the cancer risk and HI results after implementation of MM AIR-1.

[16] Bay Area Air Quality Management District (BAAQMD). 2020. BAAQMD Health Risk Assessment Modeling Protocol. Website: https://www.baaqmd.gov/~/media/files/ab617-community-health/facility-risk-reduction/documents/baaqmd_hra_modeling_protocol-pdf.pdf?la=en. Accessed July 31, 2024.

Table 3.1-13: Estimated Cancer Risks and Chronic Non-Cancer Hazards (Unmitigated Construction Scenario)

Cancer Risk Scenario[1]	Cancer Risk (risk per million)	Chronic Non-Cancer Hazard Index	$PM_{2.5}$ Exhaust ($\mu g/m^3$)
Maximum Exposed Individual Receptor[2]	31.5	0.018	0.19557
School (Beacon School)	6.8	0.007	0.07747
Thresholds of Significance	**10**	**1**	**0.3**
Exceeds Individual Source Threshold?	**Yes**	**No**	**No**

Notes:
$\mu g/m^3$ = micrograms per cubic meter
MEIR = Maximally Exposed Individual Receptor
PM_{10} = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
REL = Reference Exposure Level
[1] The proposed project construction cancer risk and chronic non-cancer hazard estimates shown here are based on a construction fleet with a Statewide average engine Tier distribution for the given calendar year.
[2] The maximum impact was determined for the single-family residence immediately to the east of the project site at 597548.5 UTM E and 4121464.55 UTM N.
Emissions Source: Appendix B.
Thresholds Source: Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Air Quality Guidelines. April. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?la=en. Accessed July 31, 2024.

The proposed project would implement a mitigation measure to reduce the cancer health impacts shown in Table 3.1-14 to a less than significant level. MM AIR-1 would ensure that emissions of DPM are reduced by requiring the use of Tier 4 Final engines for all construction equipment equal to or greater than 25 horsepower. As shown in Table 3.1-14 below, the implementation of MM AIR-1 would ensure that construction DPM emissions generated by the proposed project would not result in an exceedance of BAAQMD cancer risk and chronic non-cancer HI thresholds.

Table 3.1-14: Estimated Cancer Risks and Chronic Non-Cancer Hazards (MM AIR-1)

Cancer Risk Scenario[1]	Cancer Risk (risk per million)	Chronic Non-Cancer Hazard Index[2]	$PM_{2.5}$ Exhaust ($\mu g/m^3$)
Maximum Exposed Individual Receptor[3]	8.00	<0.01	0.10658
School (Beacon School)	1.76	<0.01	0.04261
Thresholds of Significance	**10**	**1**	**0.3**
Exceeds Individual Source Threshold?	**No**	**No**	**No**

Notes:
$\mu g/m^3$ = micrograms per cubic meter
MEIR = Maximally Exposed Individual Receptor
PM_{10} = particulate matter less than 10 microns in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
[1] The mitigated project construction cancer risk and chronic non-cancer hazard estimates shown here incorporate the use of Tier 4 Final engines for all construction equipment rated for 25 horsepower or greater, as required with MM AIR-1.

Cancer Risk Scenario[1]	Cancer Risk (risk per million)	Chronic Non-Cancer Hazard Index[2]	$PM_{2.5}$ Exhaust ($\mu g/m^3$)

[2] Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as $PM_{2.5}$ exhaust) by the reference exposure level of 5 $\mu g/m^3$.
[3] The maximum impact was determined for the single-family residence immediately to the east of the project site at 597548.5 UTM E and 4121464.55 UTM N.
Emissions Source: Appendix A.
Thresholds Source: Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Air Quality Guidelines. April. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?la=en. Accessed July 31, 2024.

As noted in Table 3.1-14 above, the proposed project's construction emissions would not exceed any applicable BAAQMD significance threshold after incorporating MM AIR-1. Therefore, project construction would not result in significant health impacts to nearby sensitive receptors with incorporation of the identified mitigation.

Criterion 2: Project-specific Operational Toxic Air Pollutants

The proposed project is a residential project and would not have stationary sources or on-site sources of TACs during operation. Traffic generated by the proposed project would consist of mostly light-duty gasoline-powered vehicles, which are not a significant source of TAC and air pollutant emissions. Thus, the proposed project would not generate a significant amount of DPM or other TAC emissions during operation and would not result in significant health impacts to nearby sensitive receptors during operation.

Criterion 3: Cumulative Health Risk Assessment

The BAAQMD recommends assessing the potential cumulative impacts from sources of TACs within 1,000 feet of a project. As a result, a cumulative HRA was performed that examined the cumulative impacts of the proposed project's construction emissions and existing sources of TAC emissions within 1,000 feet of the proposed project. As previously discussed, the MEIR was determined to be the single-family residence immediately east of the project site.

For a project-level analysis, BAAQMD provides several tools for use in screening potential sources of TACs. This includes the Stationary Source Screening Map,[17] which provides all the stationary sources permitted by the BAAQMD with risk and hazard estimates; Roadway Screening Data Layers[18] providing estimated cancer risks, hazards, and $PM_{2.5}$ concentrations for all Bay Area highways and surface streets; and Rail and Railyard Screening Data Layers,[19] providing estimated cancer risks, hazards, and $PM_{2.5}$ concentrations from diesel locomotives and select railyards.

The cumulative health risk results during project construction, including health risks from the existing stationary sources, roadway, and rail data from the BAAQMD sources above, are summarized in Table 3.1-15. No rail sources were identified within 1,000 feet of the project site, and

[17] Bay Area Air Quality Management District (BAAQMD). 2023. Stationary Source Screening Map. Website: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=845658c19eae4594b9f4b805fb9d89a3. Accessed July 31, 2024.
[18] Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Roadway Layers. December.
[19] Bay Area Air Quality Management District (BAAQMD). 2024. CEQA Rail and Railyard Layers. May.

the BAAQMD Railyard Screening Layers had no data for rail sources at the site. Outputs from the BAAQMD screening tools are documented in Appendix B, with the HRA results. Locations of the stationary sources and their distances from the project site are shown in the stationary sources screening map in Appendix B.

Table 3.1-15: Summary of the Cumulative Health Impacts at the MEIR during Construction

Source	Source Name/Type	Cancer Risk (per million)	Chronic Hazard Index	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Project				
Mitigated Construction[1]	Diesel Construction Equipment	8.00	<0.01	0.107
Stationary Sources[2]				
Facility ID 15104	Verizon Wireless–Camden and Hicks	0.61	0.002	0.001
Facility ID 110679	ARCO Facility #02155	19.12	0.083	0
Existing Roadways[3]				
Existing Roadways		4.08	0.015	0.109
Cumulative Health Risks				
Cumulative Total with Mitigated Project Construction		31.81	0.1	0.217
BAAQMD Cumulative Thresholds of Significance		**100**	**10**	**0.8**
Threshold Exceedance?		**No**	**No**	**No**

Notes:
$\mu g/m^3$ = micrograms per cubic meter
BAAQMD = Bay Area Air Quality Management District
MEIR = Maximally Exposed Individual Receptor
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter
TAC = toxic air contaminant

1 The mitigated project construction cancer risk and chronic non-cancer hazard estimates shown here incorporate the use of Tier 4 Final engines for all construction equipment rated for 25 horsepower or greater, as required with MM AIR-1.

2 Risks and hazards for cumulative sources within 1,000 feet are screening values for risks at the permitted source location and represent conservative screening values as they have not been adjusted for distance from receptor.

3 BAAQMD Roadway layers provide results for the combined contribution of all freeways and surface streets at each receptor and therefore impacts are not from a single surface street or freeway but an aggregate of their impacts. The impact of the roadways would depend both on their traffic volume and proximity. High traffic roadways emit TACs at much higher rates than surface streets, but their impacts are dissipated by distance. Nearby surface streets have lower traffic volumes and emissions, but their impact is more localized. The nearest contributing roadway with high traffic values is State Route (SR) 85 which is located more than 1 mile north of the project site.

Source: Appendix B

As noted in Table 3.1-15 above, the cumulative impacts from mitigated project construction and existing sources of TACs would be less than the BAAQMD cumulative thresholds of significance for

cancer risk and non-cancer chronic hazard and annual $PM_{2.5}$ concentrations. Therefore, the proposed project, along with cumulative sources of TAC emissions within 1,000 feet, would be below the BAAQMD's cumulative thresholds of significance, and there would be no cumulatively considerable or significant impact.

The Proposed Project as a Receptor

The proposed project would locate new sensitive receptors (residents) that could be subject to existing sources of TACs at the project site. However, the California Supreme Court concluded in *California Building Industry Association v. BAAQMD* that agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's future users or residents. Although impacts from existing sources of TAC emissions on sensitive receptors on the project site are not subject to CEQA, Policy MS-11.1 of the City of San José General Plan requires the completion of an analysis of cumulative TAC sources for new sensitive land uses, such as new residential developments, and incorporation of effective mitigation into project designs to avoid significant risks to health and safety.[20]

To determine the necessity of measures beyond those already required for the proposed project through compliance with regulations, the BAAQMD screening analysis was applied at the project site to evaluate whether existing TACs could adversely affect individuals living within the proposed project. The BAAQMD-provided tools for screening potential sources of TACs were used for this purpose.

Table 3.1-16 summarizes the cumulative health impacts at the project site at project buildout.

Table 3.1-16: Summary of the Cumulative Health Impacts at the Project Site

Source Name/Type	Cancer Risk (per million)	Chronic Hazard Index	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Stationary Sources[1]			
Facility ID 15104–Verizon Wireless	0.613	0.002	0.001
Facility ID 110679–ARCO	19.116	0.083	0
Existing Roadways[2]			
Existing Roadways	21.989	0.061	0.305
Cumulative Health Risks			
Cumulative Total	41.718	0.146	0.306
BAAQMD Cumulative Thresholds of Significance	**100**	**10**	**0.8**
Threshold Exceedance?	**No**	**No**	**No**

[20] City of San José. 2020. Envision San José 2040 General Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637394795874170000. Accessed July 31, 2024.

Source Name/Type	Cancer Risk (per million)	Chronic Hazard Index	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Notes: $\mu g/m^3$ = micrograms per cubic meter BAAQMD = Bay Area Air Quality Management District $PM_{2.5}$ = particulate matter less than 2.5 microns in diameter[1] [1] Risks and hazards for cumulative sources within 1,000 feet are screening values for risks at the permitted source location and represent conservative screening values as they have not been adjusted for distance from receptor. [2] Greatest value for cancer risk, chronic hazard index and annual $PM_{2.5}$ concentrations on-site was found at coordinates UTM 597333.04 E and 4121609.32 N. No rail sources were identified within 1,000 feet of the project site and the BAAQMD Railyard Screening Layers had no data for rail sources at the site. Source: Appendix B.			

As shown in Table 3.1-16 above, the cumulative health impacts to the future on-site residents from existing TAC emission sources located within 1,000 feet of the project site are below BAAQMD's cumulative significance threshold for cancer risk, chronic hazards, and annual $PM_{2.5}$ concentrations. As such, the proposed project would result in a less than significant cumulative health impact related to exposing sensitive receptors to substantial concentrations of pollutants. Thus, the cumulative health risk impacts from project construction and operation would be less than significant after incorporation of MM AIR-1.

Criterion 4: CO Hotspot

As discussed under Impact AIR-2, project operational CO hotspot impact would be less than significant.

In summary, with adherence to Standard Permit Condition Construction-Related Air Quality and implementation of MM AIR-1, the proposed project would not expose sensitive receptors to substantial pollutant concentrations during construction and operation. Impacts would be less than significant with mitigation incorporated.

City of San Jose Standard Permit Conditions

Implement Standard Permit Condition Construction-related Air Quality.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM AIR-1 Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit a construction management plan to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.

The construction management plan shall demonstrate that the off-road equipment used on-site to construct the project shall comply with Tier 4 Final off-road emission

standards. Off-road equipment descriptions and information included in the construction management plan may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number. Additionally, all off-road equipment equal to or greater than 25 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Objectionable Odors Exposure

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

Odor impacts on residential areas and other sensitive receptors, such as hospitals, daycare centers, schools, etc., warrant the closest scrutiny, but consideration should also be given to other land uses where people may congregate, such as recreational facilities, worksites, and commercial areas.

The ability to detect odors varies considerably among the populations and is subjective. The BAAQMD does not have a recommended odor threshold for construction activities. However, the BAAQMD recommends operational screening criteria based on the distance between receptors and types of sources known to generate odors.

According to BAAQMD 2022 CEQA Guidelines, odor impacts could occur if the proposed project proposes a new odor source near existing receptors. The presence of odor impacts is dependent on several variables, including the nature of the odor source (e.g., wastewater treatment plant, food processing plant), frequency of the odor, intensity of the odor, distance of the odor to sensitive receptors, wind direction, and sensitivity of the sensitive receptor.

Land uses typically associated with objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities, as shown in Table 5-4, Odor Screening Distances, in Chapter 5 Project-level Air Quality Impacts, 2022 BAAQMD CEQA Guidelines.[21]

Table 3.1-17 demonstrates the BAAQMD list of recommended odor screening distances for specific odor-generating facilities. Notably, single-family residential homes are not considered odor-generating facilities.

[21] Bay Area Air Quality Management District (BAAQMD). 2022. BAAQMD CEQA Guidelines, Chapter 5 Project-level Air Quality Impacts, Table 5-4, Odor Screening Distances.

Table 3.1-17: BAAQMD Odor Screening-level Distances Thresholds

Land Use/Type of Operation	Project Screening Distance
Wastewater Treatment Plant	2 miles
Wastewater Pumping Facilities	1 mile
Sanitary Landfill	2 miles
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	2 miles
Chemical Manufacturing	2 miles
Fiberglass Manufacturing	1 mile
Painting/Coating Operations	1 mile
Rendering Plant	2 miles
Coffee Roaster	1 mile
Food Processing Facility	1 mile
Confined Animal Facility/Feed Lot/Dairy	1 mile
Green Waste and Recycling Operations	1 mile
Metal Smelting Plants	2 miles
Source: Bay Area Air Quality Management District (BAAQMD). 2022. 2022 CEQA Guidelines.	

Construction-Related Odors

Sensitive receptors are residences located immediately east and north of the site and Beacon School and Delight Montessori School San José west of the site. Project construction would generate diesel exhaust and ROGs; however, these emissions would disperse rapidly from the project site and therefore would not create significant odors affecting a substantial number of people. As such, construction odor impacts would be less than significant.

Operational-Related Odors

The proposed project would involve the development of residences whose operations could lead to odors from associated laundry cleaning, vehicle exhaust, outdoor cooking, and waste disposal. However, such odors generated by project operation would be small in quantity and duration and likely not generate objectionable odors that may affect a substantial number of nearby receptors. As such, operation odor impacts would be less than significant.

Level of Significance

Less than significant impact without mitigation.

3.1.7 - Cumulative Impacts

Consistency with Air Quality Management Plan

Regional air quality effects are inherently cumulative. The nonattainment status of regional pollutants results from multiple sources in the air basin, both past and present. The potential for the proposed project to result in significant criteria air pollutant emissions, and therefore a cumulatively considerable contribution to potential impacts associated with consistency with the air quality management plan, is addressed under Impacts AIR-1, AIR-2, and AIR-3. Cumulative projects would be required to demonstrate consistency and adhere to all local, State and federal requirements. Therefore, the following cumulative impact discussion for air quality focuses on exposure to criteria pollutants ($PM_{2.5}$) and TACs.

Criteria Pollutants

The geographic area of this cumulative analysis is the SFBAAB. The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the proposed project would result in emissions that exceed the BAAQMD thresholds of significance for construction and operations on a project level. The thresholds of significance represent the allowable emissions each project can generate without generating a cumulatively considerable contribution to regional air quality impacts. Therefore, a project that would not exceed the BAAQMD thresholds of significance on the project level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts. The proposed project does not exceed BAAQMD project-level thresholds of significance for construction and operational-related emissions of criteria air pollutants. Therefore, a less than significant cumulative impact would occur.

Toxic Air Contaminants

The geographic area of this cumulative analysis is a 1,000-foot boundary around the proposed project site, as recommended by the BAAQMD.[22] As shown in Table 3.1-15, there is a cumulative impact of TACs from nearby roadways and stationary sources. The closest sensitive receptors include single-family residences, immediately adjacent to the east and north of the project boundaries, and Beacon School and Delight Montessori School San José, immediately west of the project boundary. An HRA was conducted to assess potential health impacts from exposure to TACs from the proposed project's construction-related activities. The estimated health impacts at the MEIR exceed the BAAQMD thresholds of significance, so there is a potential project impact which could be cumulatively considerable. However, after incorporation of MM AIR-1, the proposed project's

[22] Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Guidelines, Appendix E. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/appendix-e-recommended-methods-for-screening-and-modeling-local-risks-and-hazards_final-pdf.pdf?rev=b8917a27345a4a629fc18fc8650951e4&sc_lang=en. Accessed July 31, 2024.

construction health risk impacts are below the BAAQMD thresholds of significance. Therefore, the proposed project will not result in significant health risks to nearby sensitive receptors.

The BAAQMD cumulative threshold addresses the potential that a project would have a cumulative significant impact if the aggregate total of all past, present, and foreseeable future sources within a 1,000-foot radius. The City did not identify any projects within a 1–2 mile radius of the proposed project that could be considered for the cumulative analysis. Past and present projects are considered as part of the baseline environmental conditions. Sources of TACs as part of the baseline environmental conditions are shown in Table 3.1-15.

The proposed project was shown to have a less than significant cumulative health risk impact during construction, which considered existing stationery and roadway emissions within 1,000 feet of the site, after incorporating MM AIR-1. Therefore, the proposed project, in conjunction with past and present projects, would result in a less than significant cumulative impact.

The proposed project itself will not introduce new sources of TACs to the area from an operational standpoint. Accordingly, the proposed project would not have a cumulatively considerable contribution to impacts that would expose the public within the geographic area to substantial cumulative pollutant concentrations. Therefore, no cumulative impact would occur.

Objectionable Odors

Odors are a localized impact. The type of facilities that are considered to result in emissions leading to objectionable odors generally include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food processing facilities. No such uses are present in the vicinity of the proposed project site and the proposed project is limited to residential uses, which are not odor generators. Therefore, there is no significant cumulative impact related to odor.

Level of Cumulative Significance

Less than significant impact with mitigation incorporated (with respect to TACs only).

Cumulative Mitigation Measures

Implement MM AIR-1.

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3.2 - Biological Resources

3.2.1 - Introduction

This section describes the existing biological setting and potential effects from project implementation of the project site and the surrounding area. This section also identifies mitigation measures to reduce these potential effects to less than significant levels where applicable. Descriptions and analysis in this section are based, in part, on a Biological Resources Assessment Memorandum prepared by FirstCarbon Solutions (FCS); and a Tree Inventory, Assessment, and Protection Report prepared by Monarch Consulting Arborists. These supporting biological resource documents are contained in Appendix C for reference.

3.2.2 - Environmental Setting

The project site consists of approximately 6.67 acres of a 10.7-acre parcel identified as Assessor's Parcel Number (APN) 567-28-001. This parcel is currently occupied by Beacon School, Delight Montessori School San José, and sports fields utilized by the City for youth activities (Figure 2-2). Mana Camden Fund, LLC (applicant) proposes to remove the existing sports fields and associated structures and improvements (i.e., dugouts, fences, and other recreational structures) and develop 108 townhouse units.

Soils, Typography, and Hydrology

The project site is relatively flat with elevations ranging from 275 feet above mean sea level (AMSL) to 280 feet AMSL. No drainages or watercourses were identified within the project site. Soil survey information for the project site was obtained from the National Resources Conservation Service (NRCS) Web Soil Survey (WSS). The NRCS WSS depicts one soil type within the project site: Urban land-Flaskan complex.

Vegetation Communities and Land Cover Types

Vegetation communities are assemblages of plant species growing in an area of similar biological and environmental factors. There is a single vegetation community type present on the project site. The location and extent of the one vegetation community is depicted on Figure 3.2-1 and is described below.

Urban/Developed

Urban/developed land is characterized by permanent or semi-permanent structures, pavement, or hardscape and landscaped areas that often require irrigation. The urban/developed vegetation community includes land that has been developed or otherwise covered with a permanent manufactured surface. Areas where no natural land is evident, or where large amounts of debris or other materials have been placed, may also be included. The project site currently contains two concrete-lined batting cages, several baseball fields, and ornamental trees.

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Source: Bing Aerial Imagery. Hanna-Brunetti, January 2024.

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Figure 3.2-1
Vegetation Communities and Land Cover Types

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Vegetation observed on-site include common sow thistle (*Sonchus oleraceus L*.), burr clover (*Medicago polymorpha*), sweetgum trees (*Liquidambar sp*.), ginkgo (*Ginkgo biloba*), grey-field speedwell (*Veronica polita*), coastal redwoods (*Sequoia sempervirens*), musk stork's bill (*Erodium moschatum*), wax-leaf ligustrum (*Ligustrum japonicum*), mallow (*Malva spp*.), common cottonwood (*Populus deltoides*), Mexican fan palm (*Washingtonia robusta*), blackberry bush (*Rubus fruticosus*), coast live oak (*Quercus agrifolia*), geranium, holm oak (*Quercus ilex*), celery pear (*Pyrus calleryana*), and others.

Sensitive Natural Communities

The California Department of Fish and Wildlife (CDFW) maintains a list of natural communities that classifies vegetation types found within the State of California and ranks them based on rarity. Communities ranked S1–S3 are considered sensitive natural communities. Wetlands and riparian habitats are also typically considered sensitive natural communities and are addressed below. No sensitive natural communities exist at the project site.

Common Wildlife

The vegetation community and land cover type discussed above provide habitat for numerous wildlife species adapted to urbanized environments. Wildlife observed on-site consisted primarily of avian species, including mourning dove (*Zenaida macroura*), American crow (*Corvus brachyrhyncos*), house finch (*Haemorphous mexicanus*), black phoebe (*Sayornis nigricans)*, lesser goldfinch (*Spinus psaltira*), yellow-rumped warbler (S*etophaga coronate*), northern mockingbird (*Mimis polyglottos*), and Anna's hummingbird (*Calypte anna*).

Special-status Species

Special-status species include those species listed by the federal and state governments as endangered, threatened, or rare or candidate species for these lists. Endangered or threatened species are protected by the federal Endangered Species Act of 1973 as amended, the California Native Plant Protection Act of 1977, and the California Endangered Species Act of 1970. The California Environmental Quality Act (CEQA) provides additional protection for unlisted species that meet the "rare" or "endangered" criteria defined in Title 14, California Code of Regulations Section 15380. Special-status species also include those species listed by the CDFW as Species of Concern which face extirpation in California if current population and habitat trends continue, those identified as Fully Protected in the California Fish and Game Code (a designation that provides additional protection to those animals that are rare or face possible extinction), and bird species designated as Bird Species of Conservation Concern by the United States Fish and Wildlife Service (USFWS). These State and federal Species of Concern must be evaluated under CEQA. Under Title 14, California Code of Regulations Section 15380, mentioned above, many Biologists and the lead agencies for whom they work evaluate impacts to plant species on California Native Plant Society (CNPS) Lists 1 and 2. Special-status species included in CEQA review also include bat species that have been designated with conservation priority by the Western Bat Working Group.

The CDFW maintains records for the distribution and known occurrences of special-status species and sensitive habitats in the California Natural Diversity Database (CNDDB). The CNDDB is organized into map areas based on 7.5-minute topographic quadrangle maps produced by the United States

Geologic Survey (USGS). All known occurrences of special-status species are mapped onto quadrangle maps maintained by the CNDDB. The database gives further detailed information on each occurrence, including specific location of the individual, population, or habitat (if possible) and the presumed current state of the population or habitat.

Special-status Plant Species

The CNDDB and CNPS list 57 special-status or sensitive plant species that have been recorded within the *Los Gatos, California* USGS Topographic Quadrangle Map, on which the project site is located, and the eight surrounding quadrangles (Appendix C).[1,2,3] No rare or special-status plant species were observed during the 2024 general biological survey of the project site.

All 57 recorded species require specific habitats or conditions, including valley grasslands, meadows, riparian areas, cismontane woodlands, coastal sage scrub, chaparral, or swamps and salt marshes. None of these habitat types are present on-site. Therefore, no special-status plants are expected to occur on the project site. The developed state of the project site does not provide suitable habitat for any special-status plant species recorded in the CNDDB or CNPS Inventory due to the lack of natural vegetation and the lack of suitable substrate.

Special-Status Wildlife Species

The CNDDB identifies 53 federal and State-listed threatened and/or endangered wildlife species and State Species of Special Concern that have been recorded within the *Los Gatos, California* USGS 7.5 minute Topographic Quadrangle Map, on which the project site is located, and the eight surrounding quadrangles (Appendix C).

The project site does not contain any aquatic or aestivation habitats. The project site is developed with baseball fields and related facilities and is located approximately 400 feet north of the Guadalupe River; however, the project site is separated from the river by an active electrical plant and Singletree Way, a busy roadway. Additionally, a chain-link fence encloses the entirety of the project site. Because of the high level of ongoing disturbance on-site, the barriers separating the site from the Guadalupe River, and a lack of vegetative coverage for species to disperse to or through, it is unlikely any amphibian species would occur on-site. No reptilian species are expected to occur on-site due to the lack of suitable microhabitats such as beach dunes, chaparral, desert scrub, sandy washes, or stream terraces, ponds, marshes, or rivers. There are several storage crates on-site; however, these crates are continually in use and no evidence of bat activity was observed on-site during the field survey. Therefore, the site does not offer adequate roosting habitat for bat activity. The lack of habitat value and high levels of disturbance likely preclude the likelihood of presence of any special-status species on-site. However, the project site does contain some mature trees, which

[1] United States Geological Survey (USGS). 2024. National Geospatial Program. Website: https://www.usgs.gov/core-science-systems/national-geospatial-program/us-topo-maps-america?qt-science_support_page_related_con=4#qt-science_support_page_related_con. Accessed August 26, 2024.

[2] California Department of Fish and Wildlife (CDFW). 2024. CNDDB RareFind 5 California Natural Diversity Database Query for Special-status Species. Website: https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed August 26, 2024.

[3] California Native Plant Society (CNPS). 2024. California Native Plant Society Rare and Endangered Plant Inventory. Website: http://www.rareplants.cnps.org/. Accessed August 26th, 2024.

could provide suitable nesting habitat for resident and migratory bird species protected under federal and State regulations.

Protected Nesting Birds

The active nests of most resident and migratory (game and non-game) birds are protected by the Migratory Bird Treaty Act (MBTA) and/or Fish and Game Code and are, therefore, categorized as "special-status" wildlife functional group.

The project site provides nesting opportunities for different taxa of birds. Mature trees present within the project site could provide opportunities to support successful nesting and rearing habitat. Therefore, it is likely that protected bird nests are present on-site during the nesting season (typically considered to last from February 1 to August 31 for most species).

State or Federally Protected Waters and Wetlands

An FCS Biologist reviewed the United States Environmental Protection Agency (EPA) Watershed Assessment, Tracking and Environmental Results System (WATERS) and aerial photography to identify potential natural drainage features and water bodies. In general, all surface drainage features identified as blue-line streams on USGS maps and linear water or wetland features that exhibit evidence of concentrated flow are considered potentially subject to State and federal regulatory authority as waters of the United States and/or State. A preliminary assessment in the field was conducted to determine the location of any existing drainages and the limits of project-related grading activities to aid in determining whether a formal delineation of waters of the United States or State is necessary. No State or federally protected waters or wetlands were observed during the field survey.

Wildlife Movement Corridors and Nursery Sites

A wildlife corridor is an area of habitat connecting wildlife populations separated by human activities or structures (such as roads, development, or logging). This allows an exchange of individuals between populations, which may help prevent the negative effects of inbreeding and reduced genetic diversity (via genetic drift) that often occur within isolated populations.

An FCS Biologist evaluated the CDFW's BIOS 6 information on wildlife linkages within the study area and concluded that the proposed project does not have the potential to interfere with the movement of native wildlife.

Wildlife nursery sites include nesting birds and maternity bat roosts, aquatic breeding habitats, and special-status and non-special-status wildlife breeding or nesting colonies. No significant breeding/nesting colonies were observed during the wildlife surveys. However, individual nesting birds have the potential of being present on-site and within disturbance distance seasonally. For example, songbird species adapted to urban environments likely nest in on-site trees throughout the site.

3.2.3- Regulatory Framework

Federal

Endangered Species Act

The United States Congress passed the Endangered Species Act in 1973 to protect those species that are endangered or threatened with extinction. The Endangered Species Act is intended to operate in conjunction with the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend.

The Endangered Species Act prohibits the "take" of endangered or threatened wildlife species. "Take" is defined to include harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting wildlife species or any attempt to engage in such conduct (16 United States Code [USC] § 1531 *et seq*.). "Harm" is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns (50 Code of Federal Regulations [CFR] § 17.3). "Harass" is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns (50 CFR § 17.3). Actions that result in take can result in civil or criminal penalties.

The Endangered Species Act and the Clean Water Act (CWA) Section 404 guidelines prohibit the issuance of wetland permits for projects that jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species. The United States Army Corps of Engineers (USACE) must consult with the USFWS and/or the National Marine Fisheries Service (NOAA Fisheries) when threatened or endangered species under their jurisdiction may be affected by a proposed project. In the context of the proposed project, Endangered Species Act consultation would be initiated if development resulted in take of a threatened or endangered species or if issuance of a Section 404 permit or other federal agency action could result in take of an endangered species or adversely modify critical habitat of such a species.

Migratory Bird Treaty Act

Raptors (birds of prey), migratory birds, and other avian species are protected by a number of State and federal laws. The federal MBTA prohibits the killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior.

Clean Water Act

Section 404

The agencies are in receipt of the U.S. Supreme Court's May 25, 2023, decision in the case of *Sackett v. Environmental Protection Agency*. In light of this decision, the agencies will interpret the phrase "waters of the United States" consistent with the Supreme Court's decision in the *Sackett* case. In *Sackett*, the Supreme Court adopted the Rapanos plurality's test for adjacent wetlands: only those wetlands with a continuous surface connection to other regulated waters, such that the two are indistinguishable.

The USACE administers Section 404 of the federal CWA, which regulates the discharge of dredge and fill material into waters of the United States of the CWA. The term "waters of the United States" is defined in USACE regulations at 33 Code of Federal Regulations Part 328.3(a) as:

1. Waters which are:
    a. Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
    b. The territorial seas; or
    c. Interstate waters;
2. Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;
3. Tributaries of waters identified in paragraphs (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;
4. Wetlands adjacent to the following waters:
    a. Waters identified in paragraph (a)(1) of this section; or
    b. Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;
5. Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section.

The following are not "waters of the United States":

1. Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act;
2. Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA;
3. Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;
4. Artificially irrigated areas that would revert to dry land if the irrigation ceased;
5. Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;
6. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;

7. Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and
8. Swales and erosional features (e.g., gullies, small washes) characterized by low volume, infrequent, or short duration flow.

Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the EPA and/or USACE.

"Wetland" refers to areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and seasonal wetlands. Wetlands are considered jurisdictional if they fall under one of the categories of waters of the United States defined above. The USACE jurisdiction typically extends up to the ordinary high-water mark (OHWM).

In general, a USACE permit must be obtained before placing fill in wetlands or other waters of the United States. The type of permit depends on the impacted acreage, the purpose of the proposed fill, and other factors.

Section 401

Section 401 of the CWA states that "any applicant for a federal permit for activities that involve a discharge to waters of the State, shall provide the federal permitting agency a certification from the State in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the federal Clean Water Act." Therefore, before the USACE will issue a Section 404 permit, applicants must apply for and receive a Section 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB).

State

California Endangered Species Act

The State of California enacted the California Endangered Species Act (CESA) in 1984. CESA pertains to State-listed endangered and threatened species. CESA requires State agencies to consult with the CDFW when preparing CEQA documents. The purpose of CESA is to ensure that lead agency actions do not jeopardize the continued existence of a listed species, or result in the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available (FGC § 2080). CESA directs agencies to consult with CDFW on projects or actions that could affect listed species, directs CDFW to determine whether jeopardy would occur, and allows CDFW to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. CESA allows CDFW to authorize exceptions to the State's prohibition against take of a listed species if the take is incidental to carrying out an otherwise lawful project that has been approved under CEQA (FGC § 2081).

California Fish and Game Code

Under CESA, the CDFW has responsibility for maintaining a list of endangered and threatened species (FGC § 2070). Fish and Game Code Sections 2050 through 2098 outline the protection provided to California's rare, endangered, and threatened species. Fish and Game Code Section 2080 prohibits the taking of plants and animals listed under the CESA. Fish and Game Code Section 2081 established an incidental take permit program for State-listed species. The CDFW maintains a list of "candidate species," which it formally notices as being under review for addition to the list of endangered or threatened species.

In addition, the Native Plant Protection Act of 1977 (NPPA) (FGC § 1900, *et seq*.) prohibits the taking, possessing, or sale within the State of any plants with a State designation of rare, threatened, or endangered (as defined by the CDFW). An exception to this prohibition in the NPPA allows landowners, under specified circumstances, to take listed plant species, provided that the owners first notify the CDFW and give the agency at least 10 days to come and retrieve (and presumably replant) the plants before they are plowed under or otherwise destroyed. Fish and Game Code Section 1913 exempts from "take" prohibition "the removal of endangered or rare native plants from a canal, lateral ditch, building site, or road, or other right-of-way." Project impacts to these species are not considered significant unless the species are known to have a high potential to occur within the area of disturbance associated with construction of the proposed project.

In addition to formal listing under the Endangered Species Act and CESA, some species receive additional consideration by the CDFW and local lead agencies during the CEQA process. Species that may be considered for review are those listed as a "Species of Special Concern." The CDFW maintains lists of Species of Special Concern that serve as species "watch lists." Species with this status may have limited distributions or limited populations and/or the extent of their habitats has been reduced substantially, such that their populations may be threatened. Thus, their populations are monitored and they may receive special attention during environmental review. While they do not have statutory protection, they may be considered rare under CEQA and specific protection measures may be warranted. In addition to Species of Special Concern, the CDFW Special Animals List identifies animals that are tracked by the California Natural Diversity Database (CNDDB) and may be potentially vulnerable but that warrant no federal interest and no legal protection.

Sensitive species that would qualify for listing but are not currently listed are afforded protection under CEQA. CEQA Guidelines Section 15065 (Mandatory Findings of Significance) requires that a substantial reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines Section 15380 (Rare or Endangered Species) provides for the assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Unlisted plant species on the CNPS List ranked 1 and 2 would typically require evaluation under CEQA.

Fish and Game Code Sections 3500 to 5500 outline protection for fully protected species of mammals, birds, reptiles, amphibians, and fish. Species that are fully protected by these sections may not be taken or possessed at any time. The CDFW cannot issue permits or licenses that authorize the take of any fully protected species except under certain circumstances such as

scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock.

Under Fish and Game Code Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders of *Falconiformes* or *Strigiformes* (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto. To comply with the requirements of CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any State-listed endangered or threatened species may be present in the project study area and determine whether the proposed project would have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any proposed project that may impact a candidate species.

Project-related impacts to species on the CESA endangered or threatened list would be considered significant. State-listed species are fully protected under the mandates of CESA. "Take" of protected species incidental to otherwise lawful management activities may be authorized under Fish and Game Code Section 206.591. Authorization from the CDFW would be in the form of an Incidental Take Permit.

Fish and Game Code Section 1602 requires any entity to notify the CDFW before beginning any activity that "may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake" or "deposit debris, waste, or other materials that could pass into any river, stream, or lake." "River, stream, or lake" includes waters that are episodic and perennial and ephemeral streams, desert washes, and watercourses with a subsurface flow. A Lake or Streambed Alteration Agreement would be required if the CDFW determines that project activities may substantially adversely affect fish or wildlife resources through alterations to a covered body of water. CDFW jurisdiction typically extends to the edge or "drip line" of the riparian habitat or top of bank.

California Department of Fish and Wildlife Species of Concern

Certain species receive additional consideration by CDFW and local lead agencies under CEQA process. Species that may be considered for review are included on a list of Species of Special Concern that tracks species in California whose numbers, reproductive success, or habitats may be threatened. In addition to Species of Special Concern, the CDFW identifies animals that are tracked by the CNDDB but warrant no federal interest and no legal protection. These species are identified as "California Special Animals."

Porter-Cologne Water Quality Control Act

The CDFW is a trustee agency that has jurisdiction under Fish and Game Code Section 1600, *et seq*. Under Fish and Game Code Sections 1602 and 1603, a private party must notify the CDFW if a proposed project would "substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds . . . except when the department has been notified pursuant to Section 1601." Additionally, the CDFW may assert jurisdiction over native riparian habitat adjacent to aquatic features, including native trees over 4 inches in diameter at breast height (DBH). If an existing fish or wildlife resource may be substantially adversely affected by the activity, CDFW may propose

reasonable measures that will allow protection of those resources. If these measures are acceptable to the parties involved, they may enter into an agreement with CDFW identifying the approved activities and associated mitigation measures.

Section 13260(a) of the Porter-Cologne Water Quality Control Act (contained in the California Water Code) requires any person discharging waste or proposing to discharge waste, other than to a community sewer system, within any region that could affect the quality of the waters of the State (all surface and subsurface waters), to file a report of waste discharge. The discharge of dredged or fill material may constitute a discharge of waste that could affect the quality of waters of the State.

Historically, California relied on its authority under Section 401 of the CWA to regulate discharges of dredged or fill material to California waters, which requires an applicant to obtain "water quality certification" from the State Water Resources Control Board (State Water Board) through one of its nine RWQCBs to ensure compliance with State water quality standards before certain federal licenses or permits may be issued. The permits subject to Section 401 include permits for the discharge of dredged or fill material (CWA Section 404 permits) issued by the USACE. Waste discharge requirements under the Porter-Cologne Water Quality Control Act were typically waived for projects requiring certification. With the recent changes that limited the jurisdiction of wetlands under the CWA, the State Water Board has needed to rely on the report of the waste discharge process.

California Native Plant Society

CDFW, in collaboration with CNPS and other technical experts, maintains a rank of plant species that are native to California and that have low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. The California Rare Plant Rank (CRPR) system includes six rarity and endangerment ranks that are defined as follows:

- **Rank 1A:** Plants presumed extirpated in California and either rare or extinct elsewhere
- **Rank 1B:** Plants rare, threatened, or endangered in California and elsewhere
- **Rank 2A:** Plants presumed extirpated in California but common elsewhere
- **Rank 2B:** Plants rare, threatened, or endangered in California but more common elsewhere
- **Rank 3:** Plants about which more information is needed
- **Rank 4:** Watch List: Plants of limited distribution

Potential impacts to populations of CRPR-ranked plants receive consideration under CEQA review. All plants appearing on the CNPS List ranked 1 or 2 are considered to meet the CEQA Guidelines Section 15380 criteria. Rank 3 and 4 plants do not automatically meet this definition. Rank 4 plants do not clearly meet CEQA standards and thresholds for impact considerations. Nevertheless, some level of CEQA review is justified for CRPR 4 taxa, and under some circumstances, a full impact analysis is warranted. Taxa that can be shown to meet the criteria for endangered, rare, or threatened status under CEQA Section 15380(d) or that can be shown to be regionally rare or unique as defined in CEQA Section 15125(c) must be fully analyzed in a CEQA document. Some circumstances, such as local rarity, having occurrences peripheral to the taxon's distribution, or having occurrences on unusual substrates or rare and declining habitats, provide justification for treating some CRPR 4 taxa

occurrences as regionally rare or unique. One limitation to fully analyzing impacts on CRPR 4 taxa is the difficulty in obtaining current data on the number and condition of the occurrences.[4]

Regional

Santa Clara Valley Habitat Conservation Plan

The Santa Clara Valley Habitat Conservation Plan (SCVHCP) provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities. The purpose the SCVHCP is to protect, enhance, and restore natural resources in specific areas of Santa Clara County and contribute to the recovery of endangered species. The SCVHCP evaluates natural-resource impacts and mitigation requirements comprehensively in a way that is more efficient and effective for at-risk species and their essential habitats. The SCVHCP was adopted by the City of San José on January 29, 2013.

Local

City of San José 2040 General Plan

Goal ER-4 Special-status Plants and Animals: Preserve, manage, and restore habitat suitable for special-status species, including threatened and endangered species**.**

Special-Status Plants and Animals

Policy ER-4.1 Preserve and restore, to the greatest extent feasible, habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.

Policy ER-4.3 Prohibit planting of invasive non-native plant species in natural habitats that support special-status species.

Policy ER-4.4 Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.

Action ER-4.5 Where implementation of the Envision General Plan would result in impacts to burrowing owl habitat occupied by breeding owls in 2008 or later, providing mitigation of equivalent value shall consist of securing, protecting and managing nesting and foraging habitat in perpetuity for burrowing owls within the South Bay area such that there is no reduction in the local burrowing owl population. Mitigation shall be required for the largest number of breeding burrowing owls that have been identified nesting or foraging on a site in burrowing owl surveys since 2008. These measures are required to be implemented by individual projects unless the City develops an independent plan or participates in a regional conservation strategy (such as the Santa Clara Valley HCP) that would maintain or increase South Bay area burrowing owl populations.

[4] California Native Plant Society (CNPS). 2024. https://www.cnps.org/rare-plants/california-rare-plant-ranks Considerations for Including CRPR 4 Plant Taxa in CEQA Biological Resource Impact Analysis. Sacramento, CA. Accessed August 26, 2024.

Goal ER-5 Migratory Birds Protect: migratory birds from injury or mortality.

Policy ER-5.1 Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2 Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

City of San José Municipal Code

Chapter 13.28.220–Heritage Trees

Any tree which, because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the City Council to have a special significance to the community shall be designated a heritage tree. Such trees shall be placed on a heritage tree list which shall be adopted by the City Council by resolution, which resolution may be amended from time to time to add to or delete certain trees therefrom.

Chapter 13.32–Tree Removal Controls

The City defines an ordinance-sized tree as either a single trunk or stem with a circumference of at least 38 inches measured at a height 54 inches above the natural grade slope, or multiple trunks where the combined circumferences of each trunk at 54 inches above natural grade slope add up to at least 38 inches.

3.2.3 - Methodology

Literature Review

A literature review was conducted to analyze existing documentation regarding biological resources and habitat conditions within the project site and vicinity and is summarized below.

Existing Documentation

As part of the literature review, an FCS Biologist compiled and analyzed existing environmental documentation for the study area and relevant areas in its vicinity. This documentation included literature pertaining to the habitat requirements of special-status species with the potential to occur in the project vicinity and federal register listings, protocols, and species data provided by the USFWS, CDFW, and CNPS. Additionally, FCS reviewed and evaluated all available supporting documentation, including species-specific studies and habitat assessments. These documents include a Biological Resources Assessment Memorandum prepared by FCS, and a Tree Inventory, Assessment, and Protection Report[5] (Appendix C).

[5] Monarch Consulting Arborists. 2023. Tree Inventory, Assessment, And Protection Report, 5670 Camden Avenue San José, CA 95124. September 28. Revised February 2, 2024.

Topographic Maps and Aerial Photographs

An FCS Biologist reviewed current USGS 7.5-minute topographic quadrangle map(s) and aerial photographs as a preliminary analysis of the existing conditions within the project site and immediate vicinity.[6] Information obtained from the topographic maps included elevation, general watershed information, and potential drainage feature locations using Google Earth in conjunction with EPA WATERS.[7] Aerial photographs provided a perspective of the current site conditions relative to on-site and off-site land use, vegetation community locations, and potential locations of wildlife movement corridors.

Soil Surveys

The United States Department of Agriculture (USDA) has published soil surveys that describe the soil series (i.e., group of soils with similar profiles) occurring within a particular area.[8] These profiles include major horizons with similar thickness, arrangement, and other important characteristics. These series are further subdivided into soil mapping units that provide specific information regarding soil characteristics. Many special-status plant species have a limited distribution based exclusively on soil type. Therefore, pertinent USDA soil survey maps were reviewed to determine the existing soil mapping units within the project site and to inform whether the soil conditions on-site are potentially suitable for any special-status plant species. However, NRCS soil maps utilize an approximately 1.4-acre minimum mapping unit, and line placement may not be accurate on a large (i.e., parcel-level) scale.

Special-status Species Database Search

An FCS Biologist compiled a list of threatened, endangered, and otherwise special-status species previously recorded within the project vicinity based on a search of the USFWS Information for Planning and Consultation (IPaC) database,[9] the CNDDB, and the CNPS Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California for the *Los Gatos, California* USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles.[10,11] The CNDDB Biogeographic Information and Observation System (BIOS 6) was used to determine the distance between the known occurrences of special-status species and the project site.[12]

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6 United States Geological Survey (USGS). 2024. National Geospatial Program. Website: https://www.usgs.gov/core-science-systems/national-geospatial-program/us-topo-maps-america?qt-science_support_page_related_con=4#qt-science_support_page_related_con. Accessed August 27, 2024.

7 United States Environmental Protection Agency (EPA). 2024. Watershed Assessment, Tracking and Environmental Results System (WATERS). Website: https://www.epa.gov/waterdata/waters-watershed-assessment-tracking-environmental-results-system. Accessed August 28, 2024.

8 Natural Resources Conservation Service (NRCS). 2024. Web Soil Survey (WSS). United States Department of Agriculture (USDA). Website: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed August 27, 2024.

9 United States Fish and Wildlife Service (USFWS). 2024. Information for Planning and Consultation (IPaC). Website: https://ecos.fws.gov/ipac/. Accessed August 26, 2024.

10 California Department of Fish and Wildlife (CDFW). 2024. California Natural Diversity Database (CNDDB) RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed August 26, 2024.

11 California Native Plant Society (CNPS). 2024. California Native Plant Society Rare and Endangered Plant Inventory. Website: http://www.rareplants.cnps.org/. August 26, 2024.

12 California Department of Fish and Wildlife (CDFW). 2024. Biogeographic Information and Observation System (BIOS 6). Website: https://wildlife.ca.gov/Data/BIOS. Accessed August 26, 2024.

Field Surveys

Biological Resources Assessment Memorandum

FCS Biologists familiar with the biological resources of the region conducted field surveys on January 11, 2024, in support of the Biological Resources Assessment Memorandum (Biological Memorandum). The objective of the Biological Memorandum field survey was to ascertain general site conditions and wildlife use and identify whether existing vegetation communities provide suitable habitat for special-status plant or wildlife species. Potentially sensitive areas identified during the literature review were ground-truthed during the field survey for mapping accuracy. Special attention was paid to the potential for sensitive habitats and areas potentially supporting special-status floral and faunal species.

Wildlife species detected during the reconnaissance-level surveys by sight, calls, tracks, scat, or other signs were recorded. Notations were made regarding suitable habitat for those special-status species determined to have the potential to occur within the project site.[13] Appropriate field guides were used to assist in species identification during surveys, such as Peterson, Reid, and Stebbins.[14,15,16] Online resources such as eBird and California Herps were also consulted, as necessary. [17,18]

Tree Inventory Report

A Tree Inventory, Assessment, and Protection Report was conducted by Monarch Consulting Arborist Richard Gessner on February 2, 2024 (Appendix C). The survey boundaries covered the entirety of the project site and consisted of an assessment of the trees within the project site and on the adjacent sites where necessary. This assessment included species, size, condition, and suitability for preservation. Tree protection specifications, guidelines, and expected impact rating for those affected by the proposed project were also included.

Wildlife Movement Corridors and Nursery Sites

Wildlife movement corridors link areas of suitable wildlife habitat that are otherwise separated by natural and anthropogenic dispersal barriers, including rugged terrain, changes in vegetation, development, or human disturbance. Urbanization and the resulting fragmentation of open space areas create isolated “islands” of wildlife habitat, forming separated populations. Corridors act as an effective link between populations.

The project site was evaluated for evidence of wildlife movement corridors and nursey sites during the reconnaissance-level survey and review of aerial photographs. The focus of this study was to determine whether a change in land use at the project site could have significant impacts on the regional movement of wildlife. Conclusions are based on the information compiled during the literature review, aerial photographs, USGS topographic maps and resource maps for the vicinity; the

[13] California Department of Fish and Wildlife (CDFW). 2024. CNDDB RareFind 5 California Natural Diversity Database Query for Special-Status Species. Website: https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed August 26th, 2024.
[14] Peterson, T.R. 2010. A Field Guide to Birds of Western North America, 4th Edition. Boston: Houghton Mifflin Harcourt.
[15] Reid, F. 2006. A Field Guide to Mammals of North America, 4th Edition. Boston: Houghton Mifflin Harcourt.
[16] Stebbins, R.C. 2003. A Field Guide to Western Reptiles and Amphibians. Third Edition. Boston: Houghton Mifflin Harcourt.
[17] eBird. 2024. Online bird occurrence database. Website: http://ebird.org/content/ebird/. Accessed August 28, 2024.
[18] California Herps. 2024. A Guide to the Amphibians and Reptiles of California. Website: http://www.californiaherps.com/. Accessed August 29, 2024.

field survey; and professional experience with the desired topography, habitat, and resource requirements of the special-status species potentially utilizing the project site and vicinity.

3.2.4 - Thresholds of Significance

Significance Criteria

The Lead Agency derives its significance criteria based on the questions in the CEQA Guidelines Appendix G Environmental Checklist. Accordingly, impacts resulting from the implementation of the proposed project would be considered significant if the project would:

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 or United States Fish and Wildlife Service.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.

c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

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

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.

Approach to Analysis

Impacts on biological resources were evaluated based on the likelihood that special-status species, sensitive habitats, wildlife corridors, and protected trees are present in the study area and the likely effects of project construction or operation on these resources. For the purposes of this Draft Environmental Impact Report (Draft EIR), the word “substantial” as used in the significance thresholds above is defined by the following three principal components:

- Magnitude and duration of the impact (e.g., substantial/not substantial),
- Uniqueness of the affected resource (rarity), and
- Susceptibility of the affected resource to disturbance.

For purposes of this analysis, the following criteria are used to evaluate the significance of biological resources impacts resulting from implementation of the proposed project. Specifically, whether the project would:

- Conflict with the provisions of an applicable Habitat Conservation Plan.

3.2.5 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Special-status Species

Impact BIO-1:	**The proposed project could 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 or United States Fish and Wildlife Service.**

The proposed project could result in a potentially significant impact under this threshold if the proposed project would result in the direct take or habitat removal or alteration for candidate, sensitive, or special-status species.

Impact Analysis

Special-status Plant Species

A review of the CNDDB, CNPS, and IPaC Inventories determined that 57 special-status plant species have been recorded within the regional vicinity of the project site (Attachment C). The parameters of these search queries included an area consisting of the *Los Gatos, California* USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles (regional vicinity). The likelihood and rationale for these species to occur are discussed in the paragraphs below. No special-status plants were observed during the field survey.

The recorded species require specific habitats or conditions, including valley grasslands, meadows, riparian areas, cismontane woodlands, coastal sage scrub, chaparral, or swamps and salt marshes. None of these habitat types are present on-site. Therefore, no special-status plants are expected to occur on the project site. The developed state of the project site does not provide suitable habitat for any special-status plant species recorded in the CNDDB or CNPS Inventory due to the lack of natural vegetation and the lack of suitable substrates. Accordingly, impacts to special-status plant species would be less than significant.

Special-status Wildlife Species

A review of the CNDDB and IPaC Inventories determined that 53 special-status wildlife species have been recorded within the regional vicinity of the project site (Attachment C). The parameters of these search queries included an area consisting of the *Los Gatos, California* USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangles (regional vicinity). The

likelihood and rationale for these species to occur are discussed in the paragraphs below. No special-status wildlife were observed during the field survey

It is unlikely that these species would occur within the project site due to a lack of general habitat from previous development within the project site and the immediate surrounding areas. The project site does not contain any aquatic or suitable aestivation habitats. The project site is located approximately 400 feet north of the Guadalupe River; however, the project site is separated from the river by an active electrical plant and Singletree Way, a busy roadway. Additionally, a chain-link fence encloses the entirety of the property. Because of the high level of ongoing disturbance on-site, the barriers separating the site from the Guadalupe River, and lack of vegetative coverage for species to disperse to or through, it is unlikely any amphibian species would occur on-site. No special-status reptiles are expected to occur on-site due to the lack of suitable microhabitats, such as beach dunes, chaparral, desert scrub, sandy washes, or stream terraces, ponds, marshes, or rivers. There are several storage crates on-site; however, these crates are continually in use, and no evidence of bat activity was observed on-site during the field survey. Therefore, the site does not offer adequate roosting habitat for bat activity. The lack of habitat value and high levels of disturbance preclude the likelihood of presence of any special-status species on-site. While the project site is highly disturbed, the site does contain some mature trees, which could provide suitable nesting habitat for resident and migratory bird species protected under federal and State regulations but that are not considered special-status species. Therefore, impacts related to special-status wildlife species would be less than significant.

Protected Nesting Birds

The vegetated habitats within the project site provide suitable nesting habitat for a variety of species of nesting birds adapted to urbanized environments. Construction activities that occur during the avian nesting season (generally February 1 to August 31) could disturb protected nesting sites within the construction footprint and within disturbance distance. Grading and the removal of vegetation during the nesting season could result in direct harm to nesting birds, while noise, light, and other construction-related disturbances may cause nesting birds adjacent to the vegetation removal areas to abandon their nests. With implementation of MM BIO-1, which requires pre-construction nesting bird surveys and avoidance of direct and indirect impacts on nests, potential project-related impacts on protected bird nests would be reduced to less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measure

MM BIO-1 **Impacts to Nesting Birds:** The project applicant would implement the following measures to avoid impacts to nesting migratory birds:

- **Avoidance**: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall schedule demolition and construction activities, including ground disturbance and vegetation removal activities, to avoid the nesting season. The nesting season for

most birds, including raptors in the San Francisco Bay Area, extends from February 1 through August 31, inclusive.

- **Nesting Surveys**: If demolition and construction activities cannot be scheduled between September 1 and January 31 (inclusive), general pre-construction nesting bird surveys shall be conducted by a qualified Biologist not more than 7 days prior to construction activities involving ground clearing, vegetation removal/trimming, or building demolition. The surveys shall include the disturbance area plus a 200-foot buffer around the site and a 500-foot buffer for raptors.
- **Buffer Zones**: If active nests (i.e., nests containing eggs and/or juveniles) are located, an appropriate avoidance buffer shall be established within which no work activity would be allowed that would impact these nests. The avoidance buffer shall be established by the qualified Biologist on a case-by-case basis based on the species and site conditions. In no case shall the buffer be smaller than 50 feet for non-raptor bird species or smaller than 200 feet for raptor species. Larger buffers may be required depending on the status of the nest and the construction activities occurring near the nest. The buffer area(s) shall be closed to all construction personnel and equipment until juveniles have fledged and the nest is inactive. The qualified Biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. If there are delays in on-site activities for more than 14 days during the breeding season, an additional survey shall be required within 7 days prior to the start of work.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Sensitive Natural Communities or Riparian Habitat

Impact BIO-2:	**The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.**

Impact Analysis

The proposed project could have a potential impact if it would remove vegetation or damage water quality related to riparian habitat or other sensitive natural community. The project site does not contain riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW or USFWS. Therefore, the proposed project would not directly or indirectly adversely impact any riparian habitat or sensitive natural community, and there would be no direct, indirect, or cumulative impacts from project construction or operation.

Level of Significance

No impact.

Wetlands and Jurisdictional Features

Impact BIO-3: **The proposed project would not 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.**

Impact Analysis

The proposed project could have a potentially significant impact if activities removed, filled, or damaged a federally protected wetland. The project site is developed and, as indicated by the Biological Resources Assessment Memorandum, does not contain jurisdictional drainages, wetlands, hydrophytic vegetation, or soils. As such, the proposed project would not directly or indirectly remove, fill, or hydrologically interrupt State or federally protected wetlands. No direct, indirect, or cumulative impacts would result from project construction or operation.

Level of Significance

No impact.

Fish and Wildlife Movement Corridors

Impact BIO-4: **The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.**

Impact Analysis

The proposed project could have a potential impact if it would interrupt fish movement in an aquatic channel or impede terrestrial movement via a land corridor.

The proposed project would not interfere with the movement of migratory fish, migratory wildlife corridors, or the use of wildlife nursery sites. The project site is in a built-out urban area and does not contain any habitat features such as riparian corridors or waterways that could function as wildlife corridors. Moreover, there are multiple barriers to wildlife migration that include multiple dense residential and commercial developments, which further precludes wildlife movement. As such, the impact on migratory fish and wildlife would be less than significant.

Level of Significance

Less than significant impact without mitigation.

Local Policies or Ordinances

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

Impact Analysis

The proposed project could have an impact if it would remove, damage, or replace trees designated by the City of San José Tree Ordinance. Appendix C contains the Tree Inventory, Assessment, and Protection Report prepared by Monarch Consulting Arborists on February 2, 2024. The proposed

project would remove 41 trees, 23 of which are ordinance sized and 5 of which are native, as part of project implementation, and would plant either 109 15-gallon replacements trees or 54 24-inch and 1 15-gallon replacements trees as part of compliance with the City's Tree Ordinance and Standard Permit Condition Tree Removal, the species of and size of which would be in accordance with City requirements.

The proposed project would be required to comply with the City's Standard Permit Condition for Tree Removal. Per the City's Standard Permit Conditions, any requested tree removal would be evaluated under the proposed Site Development Permit. As such, the applicant would be required to adhere to City's Standard Permit Condition Tree Replacement to ensure impacts related to consistency with local policies or ordinances that protect biological resources would be less than significant. With adherence to this Standard Permit Condition, impacts would be less than significant.

City of San José Standard Permit Condition

Tree Removal

Trees removed for the project shall be replaced at ratios required by the City, as stated in Table 3.2-1 below:

Table 3.2-1: Tree Replacement Ratios

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

Notes:
Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a permit is required for removal of trees of any size.

A 38-inch tree equals 12.1 inches in diameter.

*x:x = tree replacement to tree loss ratio
** A 24-inch box replacement tree = two 15-gallon replacement trees
Single-family and two-dwelling properties may replace trees at a ratio of 1:1.

- 41 trees on-site would be removed. The proposed project would be required to comply with the City's Standard Permit Condition for Tree Removal. Per the City's Standard Permit Conditions, any requested tree removals would be evaluated under the proposed Site Development Permit. Of the 41 trees to be removed, five are native and 36 are non-native. Additionally, 23 of the 41 trees are ordinance sized. As such, the applicant would be required to plant 109 15-gallon replacements or 54 24-inch and 1 15-gallon replacements, or a combination that would result in the equivalence of the required number of replacement

trees. The species of trees to be planted would be determined in consultation with the City Arborist and staff from the Department of Planning, Building and Code Enforcement.

- Prior to the issuance of building permit(s), the permittee shall pay Off-site Tree Replacement Fee(s) to the City for any off-site replacement trees in accordance with the City Council approved Fee Resolution in effect at the time of payment.
- If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment.
  - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site.
  - Pay the Off-site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will use the Off-site Tree Replacement fee(s) to plant trees at alternative sites.

Level of Significance

Less than significant impact without mitigation.

Habitat Conservation Plan

Impact BIO-6:	**The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.**

Impact Analysis

The proposed project would have a potential impact if it conflicted with the provisions of the SCVHCP. The proposed project lies within the boundaries of the SCVHCP Permit Area. The project site is located within "Area 4: Urban Development Equal to or Greater Than 2 Acres Covered" and designated "Fee Zone B: Agricultural and Valley Floor Lands" within the SCVHCP. The applicant is therefore responsible for any permit applications and permit processing fees required under Fee Zone B. The parcel is not subject to any other Land Cover or sensitive habitat (such as serpentine area) development fees. The project site does not lie within an SCVHCP-defined plant or wildlife survey area.

The proposed project may be subject to applicable SCVHCP conditions and fees outlined above prior to the issuance of any grading permits. Adherence to the City's Standard Permit Condition SCVHCP would ensure the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan. As such, impacts would be less than significant.

City of San José Standard Permit Condition

Santa Clara Valley Habitat Conservation Plan

Prior to the issuance of a grading permit, the project applicant would be required to submit the SCVHCP Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees, thereby ensuring consistency.

Level of Significance

Less than significant impact without mitigation.

3.2.6 - Cumulative Impacts

This cumulative impact analysis for Biological Resources uses the "summary of projections" approach set forth in Title 14 CCR Section 15130(b)(1)(B), using the City's 2040 General Plan. The geographic context for cumulative land use and planning impacts is the North San José Planning Area, as defined in the 2040 General Plan.

Special-status Species

The geographic study area is within the project site vicinity. Cumulative projects within the cumulative geographic context within the project vicinity would be required to comply with applicable federal, State, and local laws, regulations, and policies and all applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts on biological resources. Cumulative projects would be required to adhere to standard pre-construction surveys and to implement, if necessary, avoidance procedures that would be required for projects with the potential to impact special-status wildlife species (see, e.g., MM BIO-1). Given the already urbanized nature of the project vicinity, and because cumulative development would be required to comply with the above requirements and with applicable General Plan and Municipal Code requirements (as described in Section 3.2.3, Regulatory Framework), cumulative biological impacts related to special-status species would be less than significant.

Similarly, the proposed project would implement applicant regulations and permitting as well as MM BIO-1. As such, the proposed project's incremental contribution to the less than significant cumulative impacts would not be cumulatively considerable and cumulative impacts would be less than significant.

Sensitive Natural Communities or Riparian Habitat

The geographic study area is the project site vicinity. Within the potential cumulative project areas located within the geographic context of the project site vicinity, development would not likely directly and significantly impact riparian habitat or other sensitive natural communities because of the highly urbanized nature of the geographic study area. Development projects would likely be designed to address future growth problems, prevent urban sprawl, and minimize developmental impacts to sensitive natural communities. Moreover, cumulative projects within the cumulative geographic context would be required to comply with applicable federal, State, and local laws, regulations, and policies relating to riparian habitat or other sensitive natural communities.

Therefore, cumulative impacts on sensitive natural communities or riparian habitat would be less than significant.

The proposed project would not impact any sensitive natural communities or riparian habitat and, therefore, would not have a significantly cumulative contribution to less than significant cumulative impacts to riparian habitat or other sensitive natural communities.

Wetlands and Jurisdictional Features

The geographic study area is the project site vicinity. Within the potential cumulative project areas within the geographic context of the project site vicinity, development would not likely directly and significantly impact sensitive natural communities and/or the aquatic resources because of the highly urbanized nature of the geographic study area. Furthermore, cumulative projects with the potential to impact wetlands or other waters would be required to adhere to any applicable laws and regulations, including, for example, consultation that may be required with the applicable regulatory agencies, the quantification of their potential impacts in a formal Jurisdictional Delineation, and implementation of any required mitigation pursuant to applicable laws and regulations. As such, there is a less than significant cumulative impact.

Additionally, the proposed project would not have a cumulatively considerable contribution to less than significant impacts related to wetlands or jurisdictional features because these resources are absent from the project site. Therefore, the development of the proposed project would not have a cumulatively considerable contribution to this already less than significant cumulative impact on State or federally protected waters and wetlands.

Wildlife Movement Corridors and Nursery Sites

The geographic study area is the project site vicinity. Within the potential cumulative project areas within the geographic context of the project site vicinity, development would not likely directly and significantly impact wildlife movement corridors or nursery sites due to the highly urbanized nature of the geographic study area. Cumulative projects within the cumulative geographic context would be required to comply with applicable General Plan Policies, Municipal Code requirements, and other applicable regulations (as described in Section 3.2.3, Regulatory Framework) that protect wildlife movement corridors and nursey sites. With implementation of these policies, cumulative projects would result in less than significant cumulative impacts to wildlife movement corridors and nursery sites.

Nesting birds, including groups of species that are protected under federal and State law and are considered sensitive and protected under certain conditions (e.g., when nesting, breeding), are known to use the sites within the geographic context of the City of San José for nesting. Removal of mature trees that are critical for species reliant on mature trees may contribute to significant cumulative impacts on loss of suitable nesting habitat if similar trees nearby are also removed and not replaced in kind.

Potential project-related impacts on active bird nests are analyzed and discussed under Impact BIO-1 and are considered potentially significant. However, implementation of MM BIO-1 would avoid

impacts on active bird nests by establishing protection zones if nests are found and would reduce this impact to less than significant. Therefore, the implementation of the proposed project would not cause or contribute to any significant cumulative impacts in this regard.

Local Policies or Ordinances

The geographic study area is the project site vicinity. Within the potential cumulative project areas within the geographic context of the project site vicinity, all development would be required to abide by applicable local policies and ordinances, such as the City's Tree Protection Ordinance. Consistency with the General Plan and Municipal Code would also be required. Compulsory adherence to these regulations related to biological resources would ensure that impacts would be less than significant in this regard.

As discussed under Impact BIO-4, the proposed project would remove and mitigate for City-protected trees and would therefore be consistent with the General Plan and Zoning Ordinance designations. Thus, the proposed project's contribution to the less than significant cumulative impact related to local policies and ordinances would not be cumulatively considerable.

Habitat and Natural Community Conservation Plan Consistency

The geographic study area is the project site vicinity. The project site and potential cumulative project areas within the geographic context of the project site vicinity are all located within the SCVHCP boundaries. The SCVHCP provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities. The purpose of the SCVHCP is to protect, enhance, and restore natural resources in specific areas of Santa Clara County and contribute to the recovery of endangered species. The SCVHCP evaluates natural-resource impacts and mitigation requirements comprehensively in a way that is more efficient and effective for at-risk species and their essential habitats.

The proposed project and any future projects within the boundaries of the SCVHCP will be required to adhere to their regulations and guidelines. This may include additional surveys for listed species, developments fees, and various other directives. As such, there will be a less than significant cumulative impact to biological resources relating to developments occurring in the SCVHCP, and the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

Level of Cumulative Significance

Less than significant cumulative impact.

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3.3 - Cultural Resources

3.3.1 - Introduction

This section describes the existing cultural resources setting and potential effects from project implementation on the site and its surrounding area. The descriptions and analysis in this section are based, in part, on a records search conducted at the Northwest Information Center (NWIC), archival research, and a pedestrian survey as presented in the Phase I Cultural Resources Assessment (Phase I CRA) prepared for the proposed project, which is included in the confidential Appendix D. The applicable regulatory framework is also discussed below. In addition, recommendations provided in the Phase I CRA pertaining to feasible mitigation of identified potential significant impacts to cultural resources are also addressed in this section. For an analysis of the potential effects related to Tribal Cultural Resources, refer to Section 3.11, Tribal Cultural Resources.

3.3.2 - Environmental Setting

Overview

The term "cultural resources" encompasses historic resources, archaeological resources, and burial sites, which are generally defined as follows:

- **Historic Resources:** Historic resources are associated with the recent past. In California, historic resources are typically associated with the Spanish, Mexican, and American periods in the State's history and are generally less than 200 years old. Historic resources often take the form of buildings, structures, and other elements of the built environment.
- **Archaeological Resources: :** Archaeology is the study of artifacts and material culture with the aim of understanding human activities and cultures in the past. Archaeological resources may be associated with pre-contact indigenous cultures as well as later historic periods.
- **Burial Sites and Cemeteries:** Burial sites are formal or informal locations where human remains, usually associated with indigenous cultures, are interred.

More specifically, cultural resources may be understood as resources that have been formally recognized by a lead agency and/or are listed or determined eligible for listing on the California Register of Historical Resources (CRHR) (Public Resources Code [PRC] § 5024.1, Title 14 California Code of Regulations [CCR] § 4852). However, the fact that a resource is not yet identified as a historical resource or found eligible for the CRHR does not preclude a lead agency from determining that said resource is a historical resource pursuant to Public Resources Code Sections 5020.1(j) or 5024.1. Under the California Environmental Quality Act (CEQA), a substantial adverse change in the significance of a historical resource would constitute a significant effect on the environment.

Overall Cultural Setting

Following is a brief overview of the relevant historic background, providing context in which to understand the background and relevance of sites found in the general project vicinity. This section is not intended to be a comprehensive review of the current academic resources available; rather, it

serves as a general overview. Unless otherwise stated, information contained in this section is drawn directly from the Phase I CRA conducted by FirstCarbon Solutions (FCS).[1]

Further details of the Bay Area can be found in the ethnographic studies, mission records, and major published sources, including Beardsley, Bennyhoff, Fredrickson, Kroeber, Moratto, Chartkoff and Chartkoff, Heizer, and Jones and Klar.

Regional Historic Background

Spanish and Mexican Exploration and Settlement

The first European to enter the area was Captain José Francisco de Ortega, who was a scout for the Portola Expedition; however, it was not officially explored until the De Anza Expedition, where Father Junípero Serra consecrated the Mission Santa Clara de Asís. Named after Italian Saint Chiara di Assisi, the mission was founded on January 12, 1777, and was the eighth mission in the chain of 21 Franciscan missions established by Padre Junípero Serra. The mission would eventually be moved or rebuilt five times due to architectural faults or natural disasters. The final location is adjacent to where the current chapel now stands.

The pueblo of San José de Guadalupe was established on November 29, 1777, in an effort by the Spanish government to provide a permanent and secure settlement to the religious and military personnel passing through the area; it was the first town to be established in California. On June 11, 1797, Mission San José was consecrated, making it the fourteenth of the 21 Franciscan Missions. Santa Clara Valley grew and expanded rapidly, chiefly due to fertile land surrounding Mission San José, excellent water supply, large numbers of Native American laborers, and proximity to the San Francisco Bay. However, Spanish mission records indicate that local Native American inhabitants were being taken to Mission San José until secularization of the missions in 1833. Many Native Americans were not willing converts; there are numerous accounts of neophytes fleeing the missions, and a series of “Indian Wars” broke out when the Spanish tried to return them to the missions. During this period, Native American populations were declining rapidly from an influx of Euro-American diseases. In 1832, a party of trappers from the Hudson’s Bay Company, led by John Work, traveled down the Sacramento River unintentionally spreading a malaria epidemic to Native Californians. Four years later, a smallpox epidemic decimated the local population, and it is estimated that up to 75 percent of the Native population died.

The Mexican Period (1821-1848)

With the declaration of Mexican independence in 1821, Spanish control of Alta California ended, although little change occurred. Political change did not take place until mission secularization in 1834, when Native Americans were released from missionary control and the mission lands were granted to private individuals. Shoup and Milliken state that mission secularization removed the social protection and support on which Native Americans had come to rely. It exposed them to further exploitation by outside interests, often forcing them into a marginal existence as laborers for large ranchos. Following mission secularization, the Mexican population grew as the native population continued to decline. Anglo-American settlers began to arrive in Alta California during this period and often married into Mexican families, becoming Mexican citizens, which made them

[1] FirstCarbon Solutions (FCS). 2024. 5670 Camden Avenue Residential Project Phase I Cultural Resource Assessment.

eligible to receive land grants. In 1846, on the eve of the U.S.-Mexican War (1846 to 1848), the estimated population of Alta California was 8,000 non-Natives and 10,000 Natives. However, these estimates have been debated. Cook suggests the Native American population was 100,000 in 1850; the U.S. Census of 1880 reports the Native American population as 20,385 during the Gold Rush and American Expansion. After the upheaval of the Bear Flag Revolt in 1846, and because of the Treaty of Guadalupe Hidalgo in 1848, California became a United States territory.

Euro-American Expansion

In 1848, James W. Marshall discovered gold at Coloma in modern-day El Dorado County, which started the Gold Rush into the region that forever altered the course of California's history. The arrival of thousands of gold seekers in the territory contributed to the exploration and settlement of the entire State. By late 1848, approximately four out of five men in California were gold miners. The Gold Rush originated along the reaches of the American River and other tributaries to the Sacramento River, and Hangtown, present-day Placerville, became the closest town offering mining supplies and other necessities for the miners in El Dorado County. Gold subsequently was found in the tributaries to the San Joaquin River, which flowed north to join the Sacramento River in the Great Delta east of San Francisco Bay.

By 1864, the California Gold Rush had essentially ended. The rich surface and river placers were largely exhausted and the miners either returned to their homelands or stayed to start new lives in California. After the Gold Rush, people in towns such as Jackson, Placerville, and Sonora turned to other means of commerce, such as ranching, agriculture, and timber production. With the decline of gold mining, agriculture and ranching came to the forefront in the State's economy. California's natural resources and moderate climate proved well suited for cultivation of a variety of fruits, nuts, vegetables, and grains.

Local History

County of Santa Clara

The County of Santa Clara derives its name from Mission Santa Clara de Asís, and it is one of the original counties created at statehood, sharing its name with the City of Santa Clara. The County of Santa Clara was founded on February 18, 1850, originally having been named San José County a month prior; the California legislature decided to change the name after recommendations from General Mariana Guadalupe Vallejo's committee. Santa Clara County is made up of 15 cities, with San José serving as the county seat and encompassing 1,312 square miles.

As more settlers came to the area, they found the climate and soil in the County of Santa Clara pristine for farming and agricultural use, compounded with the underground aquifers underlying the entire valley, making the land particularly valuable. When gold was discovered in California in 1848, it brought an influx of settlers to the region, prompting several cities and towns to be established in the county, thus expanding its borders. Some of the prominent individuals who helped in the growth of the valley were Martin Murphy Jr., who by 1849 controlled six of the county's largest ranchos, planted the valley's first orchards, and helped institute Santa Clara University; Senator Leland Stanford, who established Leland Stanford Junior University in Palo Alto; and Rafael Soto, who helped layout Palo Alto's original townsite in 1888. The addition of several rail lines was pivotal in

facilitating the growth of the agricultural business. After World War II, the communities in the County of Santa Clara experienced a population boom, with thousands of veterans settling in the area seeking suburban living.

Today, the County of Santa Clara is nicknamed Silicon Valley and is home to Apple, Facebook, Google, and Tesla, etc. Its population of nearly 1.9 million is one of the largest in the State and the largest of the nine Bay Area Counties. Aside from being a leader in technology, the County of Santa Clara is also home to Stanford University, San José State University, and Santa Clara University, as well as several sports teams, including the San José Sharks. The County of Santa Clara is continuously listed as one of the best places to live in the United States and is celebrated for its high standards of living and natural diversity.

The City of San José

The City of San José can trace its roots back to 1777 with the founding of The Pueblo of San José de Guadalupe by the Spanish government. The town, a small farming community founded by 68 colonists, was the first of three established in Alta California to help administer and coordinate the missions and presidios in the province. The original pueblo, established along the Guadalupe River near what is today Taylor Street, had to be abandoned in 1785 due to severe winter flooding. By 1791, it had been reestablished on higher ground approximately 1 mile to the south, centering on what is today César Chávez Plaza.

In 1821, Mexico won independence from Spain, and lands held in common, such as pueblo and mission lands, were granted to private individuals. In 1824, Mexico passed a law that allowed both foreign and native citizens to petition the governor for ownership of unoccupied tracts of land in an effort to stimulate further colonization. Drawn by opportunities to establish farms and small-scale commercial operations under Mexican rule, Anglo-American settlers increasingly came to San José, and by the 1840s, the Native Californians found themselves in the minority. In 1846, the United States declared war on Mexico and acquired the Mexican province of California in the Treaty of Guadalupe Hidalgo 2 years later. The discovery of gold in the Sierra foothills precipitated a sudden influx of population to the State, and as a central supply station for prospectors during the Gold Rush, San José underwent a population explosion. This event accelerated California's path to statehood, and in 1850, California became the thirty-first state in the United States with San José serving as the first State Capitol. A railroad line between San Francisco and San José was completed in 1864, followed a few years later by the Central Pacific line connecting San José with the transcontinental railroad in 1869. With the City now linked to national and international markets where the agricultural and manufactured goods of the valley could be sold, San José increasingly became a major center for farming, industrial, and commercial activity and exhibited steady growth over the following two decades.

Prior to World War II, San José, with its 18 canneries and 13 packinghouses, was the world's largest canning and dried-fruit packing center. It also pioneered the manufacture of specialized mechanical farm equipment in California. The war years had a major effect on the region, with the construction of the naval air station at Moffett Field and San Francisco acting as the gateway to the Pacific from 1941 to 1945.

Following World War II, San José shifted its focus away from agriculture in an attempt to attract new industries to the City. IBM had already established its West Coast headquarters in San José in 1943 and opened a new research and development facility in 1952. Both would prove to be forerunners of the City's future economy, as Reynold Johnson and his team would later invent RAMAC, the first commercial computer, as well as the hard disk drive.

During the 1950s and 1960s, San José entered a period of unprecedented growth, skyrocketing from a city of 95,000 people and 17 square miles in 1950, to the fourth largest city in California with more than 450,000 people and 137 square miles by 1969. This growth can be directly related to the appointment of City Manager A.P. "Dutch" Hamann, who annexed over 1,389 parcels into San José during his 19-year tenure. As orchards were replaced with subdivisions and shopping centers and rural roads widened into freeways lined with restaurants and showrooms, an anti-growth reaction to the effects of rapid development emerged in the 1970s, championed by Mayors Norman Mineta and Janet Gray Hayes.

This did not limit the growth of the City's fledgling computer industry. The 1970s saw a series of major innovations as San José electronics companies abandoned traditional vacuum tubes in favor of integrated circuits and silicon chips in the manufacture of computers and small electronics. The boom in production and consequent birth of the personal computer industry led Don C. Hoefler, then editor of Microelectronics News, to begin referring to the Santa Clara Valley as "Silicon Valley" for the first time in 1971. By 1980, over 3,000 electronics firms, including IBM, Intel, and Hewlett-Packard, had taken up residence in the area, and the region became the capital of a lucrative booming technological industry that attracted new residents to San José and neighboring towns by the thousands. The City of San José became synonymous with economic opportunity, jobs, and a high standard of living, attracting top engineers worldwide into the area. Boasting a population of over 1 million people as of 2023, San José is the largest city in Northern California by population and area. It serves as the urban political center of Silicon Valley and attracts both large transnational corporations and small entrepreneurial companies alike to its environs.

3.3.3 - Methodology

Records Searches and Pedestrian Survey to Identify Existing Cultural Resources

The information in this section is based, in part, on the Phase I CRA prepared for the proposed project by FCS in May 2024 (confidential Appendix D). The Phase I CRA used the methods below to analyze the potential impacts of project implementation.

Northwest Information Center

On January 24, 2024, a records search for the project area and a 0.5-mile radius beyond the project site boundary was conducted at the NWIC located at Sonoma State University in Rohnert Park, California. The current inventories of the National Register of Historic Places (NRHP), the CRHR, the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California Built Environment Resource Directory (BERD) for the County of Santa Clara were also reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicate that seven pre-contact cultural resources have been recorded within the 0.5-mile search radius, one of which (P-43-000190) is located within the project boundaries (Table 3.3-1). Additionally, 34 survey reports are on file within the 0.5-mile radius; none address the project site (Table 3.3-2).

Table 3.3-1: Cultural Resources Within 0.5-mile Radius of the Project Site

Resource No.	Resource Description	Date Recorded
P-43-000140	WVC-7; AP16 Other	1973
P-43-000148	WVC-12; AP02 Lithic scatter, AP15 Habitation debris	1974, 1984
P-43-000190	**Los Gatos-1; AP02 Lithic scatter**	**1974, 1984**
P-43-000191	LG-2; AP02 Lithic scatter	1974, 1984
P-43-000212	No name; AP02 Lithic scatter, AP15 Habitation debris	1975, 1984
P-43-000368	No name; AP02 Lithic scatter	1979
P-43-001498	Capitancillos/Guadalupe Site; AP15 Habitation debris	2002

Source: Northwest Information Center (NWIC) Records Search. January 24, 2024.
Resources highlighted **BOLD** address the project site

Table 3.3-2: Previous Investigations Within 0.5-mile Radius of the Project Site

Report No.	Report Title/Project Focus	Author	Date
S-004160	Archaeological Evaluation of the Almaden Area Park, Guadalupe Creek Near Coleman/Camden Avenue Junction, San José, California	Rob Edwards	1975
S-004185	Archaeological Reconnaissance of Proposed Condominium Plan Site Bounded by Camden Avenue, Rivulet Road, Hosta Lane, and a Line Parallel to, but Approximately Eighty Yards West of Hicks Road	Rob Edwards	1973
S-004380	An Archaeological Reconnaissance of the proposed development of the Lands of Tuma and Guttormsen in San José, Santa Clara County, California (letter report)	Miley Paul Holman	1976
S-004417	An Archaeological Reconnaissance of a Lot (#567-30-13) in Santa Clara County, California	Charles R. Smith	1977
S-004605	Archaeological Reconnaissance of a Proposed Apartment House Project, Blossom Hill Road East of Camden, San José, California	Rob Edwards	1979
S-004623	Archaeological Assessments of Five Sewer Line/Outfalls and Various Street Improvement Projects, City of San José, California	James C. Bard and Colin I. Busby	1979
S-004667	Archaeological reconnaissance of two lots located between Camden Road and the Guadalupe Creek in San José, California (letter report)	Miley Paul Holman	1979

Report No.	Report Title/Project Focus	Author	Date
S-004729	The Athenour property: a program of archaeological testing	Miley Holman and David Chavez	1977
S-004798	Archaeological Impact Evaluation: Rezoning of a Parcel Near the Corner of Camden Avenue and Hicks Road, City of San José, California	Thomas F. King	1974
S-004798a	Trenching Activities at The Parcel Near the Corner of Camden Avenue and Hicks Road, City of San José, California	William Roop	1976
S-005251	The Archaeological Reconnaissance and Subsurface Testing of Three Pipeline Components of the District's In-County Water Distribution System: Anderson Force Main, Cross Valley Pipeline, and Almaden Valley Pipeline Unit II	Robert Carier, Jan Whitlow, Charlene Detlefs, and Barbara Bocek	1979
S-005251a	The Archaeological Reconnaissance and Subsurface Testing of Three Pipeline Components of the District's In-County Water Distribution System: Anderson Force Main, Cross Valley Pipeline, and Almaden Valley Pipeline Unit II [Version 2]	Robert Cartier, Jan Whitlow, Charlene Detlefs, and Barbara Bocek	1980
S-006653	Almaden Valley Athletic Club Archaeological Survey	William R. Hildebrandt	1984
S-006801	Cultural Resource Evaluation of the Almaden Valley Pipeline, Unit 1/Calero Telemetry Cable Installation Project in the City of San José, County of Santa Clara	N/A	1984
S-008438	Cultural Resource Evaluation of the Vista Loop and Camden Ave. Project	Robert Cartier	1980
S-008505	Archaeological reconnaissance of City of San José project area, Camden Avenue, Donna to Blossom Hill Road (letter report)	Katherine Flynn	1979
S-008539	Archaeological survey of proposed Camden Avenue Bridge widening at Guadalupe River (letter report)	Katherine Flynn	1980
S-008584	A Cultural Resources Assessment–Blossom Hill Road at Camden Avenue and Arbor Dell Way, City of San José	Robert M. Harmon	1981
S-009049	Cultural Resource Evaluation of a Parcel at 16180-82 Camden Avenue in the City of San José, County of Santa Clara	Robert Cartier	1987
S-009445	Cultural Resource Evaluation of the Groundwater Recharge Test Facility Site on Singletree Way in the City of San José, County of Santa Clara	Robert Cartier	1987
S-011368	Cultural Resource Evaluation for Guadalupe Creek Between the Almaden Expressway and Camden Avenue in the City of San José, County of Santa Clara	N/A	1989
S-011670	Testing Report for CA-SCL-362 in the City of San José, Count of Santa Clara	Laurie Crane	1990
S-016355	Historic Architectural Survey Report for the Guadalupe Flood Control Project	Glory Anne Laffey	1990

Report No.	Report Title/Project Focus	Author	Date
S-016355a	Archaeological Resource Evaluation of the Guadalupe Flood Control Project	Robert Cartier, James Welch, Glory Anne Laffey, Laurie Crane, Cynthia James, Victoria Spillman, and John Reddington	1990
S-016355b	Guadalupe Flood Control EIR/EIS, Version 5: Archaeological and Historical Resources	Robert Cartier and Lynne Eckert	1996
S-022725	Archaeological Survey and Record Search Results for the Fourteen Broadwing Bay Area Fiber Optic Segments, California: Final Report	Hannah Ballard, John Holson, and Stephanie Pau	2000
S-023090	Archaeological Evaluation Report, Swim Center Addition, Alamaden Valley Athletic Club, 5400 Camden Avenue, City of San José, Santa Clara County	Stuart A. Guedon, Colin I. Busby, and Donna M. Garaventa	1999
S-027070	Cultural Resources Evaluation of the Guadalupe Creek Trail Project in the City of San José	Robert Cartier	2003
S-037461	Cultural Resources Records Search and Site Visit for T-Mobile West Corporations, a Delaware Corporation, Candidate SF15901-F (PG&E Pole Cap Vista Loop), Vista Loop and Camden Avenue, San José, Santa Clara County, California	Carrie Willis	2010
S-053401	Cultural Resource Records Search and Site Visit Results for AT&T Mobility, LLC Candidate CCL00589 (Camden Singletree), 1552 Singletree Way, San José, Santa Clara County, California, CASPR # 3701AOE8KT	Katherine D. Thomas and Carrie D. Willis	2019
S-053401a	New Tower ("NT") Submission Packet, FCC Form 620, CCL00589 (Camden-Singletree), 1552 Singletree Way, San José, California 95101	Carrie D. Willis	2019
S-053401b	FCC_2019_0506_006, CCL00589 (Camden Singletree), 1552 Singletree Way, San José, Santa Clara County, New Tower	Julliane Polanco	2019
S-053401c	Cultural Resources Letter Report for the Camden-Singletree (CNU0589) Cell Facility (letter report)	John Gust	2020
S-056016	Cultural Resources Investigation Report, Camden Avenue and Canna Lane, San José, California	Molly Fierer-Donaldson	2022
Source: Northwest Information Center (NWIC) Records Search. February 24, 2024.			

Historic Aerials

A review of 19 historic aerials from 1948 to 2020 indicate that from the earliest aerial in 1948 until 1968, the project site was undeveloped and used as an agricultural field. Between 1968 to 1993, development of the sports fields was constructed, in addition to residential and commercial

buildings in the surrounding vicinity of the project site. From 1993 to the present, the project site has remained relatively unchanged.

Cultural Resources Pedestrian Survey

On February 9, 2024, FCS conducted a pedestrian survey for unrecorded cultural resources in the project site. The survey began in the central southern portion of the project site and moved east and north, using east–west transects spaced at 10-meter intervals, wherever possible. All traversable areas of the project site were closely inspected for culturally modified soils or other indicators of potential historic or prehistoric resources. Survey conditions were documented using digital photographs and field notes.

During the survey, Mr. Ngo examined all areas of the exposed ground surface for prehistoric artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, toolmaking debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics).

The entirety of the project site consists of four baseball diamonds and associated structures such as benches and dugouts. Visibility of native soils was non-existent as the soil and grass across the project site has been imported to facilitate the usage of the space as baseball fields. No archaeological or historical resources were found during the survey. A review of historic aerials indicates that the baseball diamonds were established after 1987 and are less than 45 years old. Pedestrian survey photos can be found in Appendix D.

Buried Site Potential

In addition to the pedestrian survey, the potential for yet identified cultural resources in the vicinity was reviewed against geologic and topographic geographic information system data for the general area and information from other nearby projects. The proposed project was evaluated against a set of criteria identified by a geoarchaeological overview of the Central Valley that was prepared for the California Department of Transportation (Caltrans) Districts 6 and 9. This study mapped the "archaeological sensitivity," or potential to support the presence of buried prehistoric archaeological deposits, throughout the Central Valley based on geology and environmental parameters including distance to water and landform slope. The methodology used in the study is applicable to other parts of California and concluded that sites consisting of flat, Holocene-era deposits in close proximity to water resources had a moderate to high probability of containing subsurface archaeological deposits when compared to earlier Pleistocene deposits situated on slopes or further away from drainages, lakes, and rivers.

The project site is situated on developed land. According to the geological map of the Los Gatos Quadrangle, the project site rests entirely on younger stream alluvium Holocene deposits. Applying the criteria set forth in Meyer et al., all Holocene-era deposits have the potential to contain archaeological deposits, which increases with the ease of the slope and proximity to water resources. This, coupled with the presence of a known prehistoric resource within the project

boundaries and the proximity to Los Gatos Creek, indicates a low to moderate potential for unanticipated buried cultural resources to be impacted by project construction.

Summary of Existing Cultural Resources at the Project Site

Historic Architectural Resources

NWIC record search results, the pedestrian survey, and archival research indicate that no known historic architectural resources are located within the project site boundaries.

Archaeological Resources

NWIC records search results indicate that one pre-contact resource has been recorded within the project boundaries, and six pre-contact resources are recorded within the 0.5-mile radius of the project site.

3.3.4 - Regulatory Framework

Federal

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA), as amended, established the NRHP, which contains an inventory of the nation's significant prehistoric and historic properties. Under Title 36 Code of Federal Regulations Part 60, a property is recommended for possible inclusion on the NRHP if it is at least 50 years old, has integrity, and meets one of the following criteria:

- It is associated with significant events in history, or broad patterns of events.
- It is associated with significant people in the past.
- It embodies the distinctive characteristics of an architectural type, period, or method of construction; or it is the work of a master or possesses high artistic value; or it represents a significant and distinguishable entity whose components may lack individual distinction.
- It has yielded, or may yield, information important in history or prehistory.

Certain types of properties are usually excluded from consideration for listing in the NRHP, but they can be considered if they meet special requirements in addition to meeting the criteria listed above. Such properties include religious sites, relocated properties, graves and cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) amended the Antiquities Act of 1906 (16 United States Code [USC] 431–433) and set a broad policy that archaeological resources are important to the nation and should be protected and required special permits before the excavation or removal of archaeological resources from public or Indian lands. The purpose of ARPA was to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and

private individuals having collections of archaeological resources and data that were obtained before October 31, 1979.

State

CEQA Guidelines Section 15064.5(a)—CEQA Definition of Historical Resources

CEQA Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, defines a "historical resource" as:

(1) A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.

(2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

Therefore, under CEQA, even if a resource is not included on any local, State, or federal register or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource for the purposes of CEQA if there is substantial evidence supporting such a determination. A lead agency must consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the CRHR.

Archaeological and historical sites are protected pursuant to a wide variety of State policies, laws and regulations, as enumerated in the Public Resources Code Section 5024.1. Cultural resources are recognized as nonrenewable resources and receive additional protection under the Public Resources Code and CEQA.

Public Resources Code Section 5024.1 and CEQA Guidelines Section15064.5(a)—Definition of a Historic Resource

Public Resources Code Section 5024.1 and CEQA Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, define a "historical resource" as a resource that:

(1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

(2) Is associated with the lives of persons important in our past.

(3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

(4) Has yielded, or may be likely to yield, information important in prehistory or history.

CEQA Guidelines Section 15064.5(a)(3)—California Register of Historical Resources Criteria

As defined by CEQA Guidelines, Section 15064.5(a)(3) (A-D), a resource shall be considered historically significant if the resource meets the criteria for listing on the CRHR. The CRHR and many local preservation ordinances have employed the criteria for eligibility to the NRHP as a model (see criteria described above under the description of the NHPA), since the NHPA provides the highest standard for evaluating the significance of historic resources. A resource that meets NRHP criteria is clearly significant. In addition, a resource that does not meet NRHP standards may still be considered historically significant at a local or State level.

CEQA Guidelines 15064.5(c)—Effects on Archaeological Resources

CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. CEQA Guidelines direct lead agencies to evaluate archaeological sites to determine whether they meet the criteria for listing in the CRHR. If an archaeological site is a historical resource, in that it is listed or eligible for listing in the CRHR, potential adverse impacts to it must be considered. If an archaeological site is considered not to be a historical resource but meets the definition of a "unique archaeological resource" as defined in Public Resources Code Section 21083.2, then it would be treated in accordance with the provisions of that section.

CEQA Guidelines Section 15064.5(d)—Effects on Human Remains

- Native American human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. Human remains may also be important to the scientific community, such as prehistorians, epidemiologists, and physical anthropologists. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (CEQA Guidelines § 15064.5(d); PRC § 5097.98). CEQA and other State laws and regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community.

- When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American representatives identified through the NAHC [Native American Heritage Commission] to develop an agreement for the treatment and disposal of the human remains and any associated burial items (CEQA Guidelines § 15064.5(d); PRC § 5097.98).
- If human remains are accidentally discovered, the County Coroner must be contacted. If the County Coroner determines that the human remains are Native American, the Coroner must contact the NAHC within 24 hours. The NAHC must identify the Most Likely Descendant (MLD) to provide for the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items (CEQA Guidelines § 15064.5(e)).
- If the NAHC is unable to identify an MLD, the MLD fails to make recommendations within 24 hours of notification, or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance on the property (CEQA Guidelines § 15064.5(e)).
- If potentially affected human remains or a burial site may have scientific significance, whether or not it has significance to Native Americans or other descendant communities, then under CEQA, the appropriate mitigation of effect may require the recovery of the scientific information of the remains/burial through identification, evaluation, data recovery, analysis, and interpretation (CEQA Guidelines § 15064.5(c)).

Health and Safety Code Section 7050.5 (Treatment of Human Remains)

Section 7050.5 of the Health and Safety Code sets forth provisions related to the treatment of human remains. As the code states, “every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor” except under circumstances as provided in Section 5097.99 of the Public Resource Code. The regulations also provide guidelines for the treatment of human remains found in locations other than a dedicated cemetery including responsibilities of the Coroner.

Public Resources Code Section 5097.98 (Discovery of Human Remains)

Section 5097.98 provides protocol for the discovery of human remains. It states that “whenever the commission receives notification of a discovery of Native American human remains from a County Coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify persons believed to be most likely descended from the deceased Native American.” It also sets forth provisions for descendants’ preferences for treatment of the human remains and what should be done if the commission is unable to identify a descendant.

Local

Envision San José 2040 General Plan

Environmental Resources

San José boasts a plethora of environmental resources across its diverse landscape. San José celebrates its natural setting, including its hillsides, riparian corridors, lakes, the San Francisco Bay,

and adjacent baylands. The goals and policies in this section protect the City's terrestrial and aquatic assets, as well as the flora and fauna these natural resources support. They also recognize the importance of the City's archaeological and extractive resources.

Archaeology and Paleontology

San José's long and colorful human and natural history provides a significant contribution to a sense of community identity. Native Americans represent a large part of that history, and artifacts from the Native American era and fossils of plants and animals have been discovered in various locations throughout the City. These artifacts provide an irreplaceable record of another civilization and the history of life on Earth, so their protection is important.

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

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

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

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

Action–Archaeology and Paleontology

ER-10.4 The City will maintain a file of archaeological and paleontological survey reports by location to make such information retrievable for research purposes over time.

3.3.5 - Approach to Analysis

This evaluation focuses on whether implementation of the proposed project would have potentially significant impacts on historic resources, architectural resources, archaeological resources, or human remains.

A project could have a significant impact on a historical resource if construction of the project would significantly impair a resource's eligibility for inclusion in the CRHR; thus, this information has been considered, as appropriate, as part of the methodology used in this evaluation. Analysis is based, in part, on information collected from record searches at the NWIC, additional archival research,

pedestrian surveys, and information from the historic architectural assessment of existing properties more than 45 years in age (if any) located within the project site boundaries. If a project would leave an identified cultural resource no longer able to convey its significance, meaning that the resource would no longer be eligible for listing in the CRHR, then the proposed project's impact would be considered a significant adverse change. Pursuant to CEQA Guidelines Section15126.4(b)(1), if a project adheres to the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, then the project's impact "shall generally be considered mitigated below a level of significance and thus is not significant."

A project may have an impact on an archaeological resource or human remains if construction of the project would physically damage or destroy archaeological data or human remains (including those interred outside of formal cemeteries). Analysis is based, in part, on information collected from record searches at the NWIC, the additional archival research, and pedestrian surveys.

Both direct and indirect effects of project implementation were considered for this analysis. Direct impacts are typically associated with construction and/or ground-disturbing activities, and have the potential to immediately alter, diminish, or destroy all or part of the character and quality of archaeological resources and/or historic architecture, or human remains. Indirect impacts are typically associated with post-project implementation conditions that have the potential to alter or diminish the historical setting of a cultural resource (generally historic architecture) by introducing visual intrusions on existing historical structures that are considered undesirable.

3.3.6 - Thresholds of Significance

The Lead Agency utilizes the criteria in the CEQA Guidelines Appendix G Environmental Checklist to determine whether cultural resources impacts resulting from the implementation of the proposed project would be considered significant if the project would:

a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

c) Disturb any human remains, including those interred outside of formal cemeteries.

3.3.7 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Historic Resources

Impact CUL-1:	**The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.**

Impact Analysis

Construction

Historic resources in this context refer to the built environment, mainly buildings and structures over 45 years in age that may be eligible for inclusion on the CRHR or NRHP. Records search results conducted at the NWIC failed to identify any historical resources located within the project site or within the 0.5-mile search radius. Additionally, no historic resources were encountered during the pedestrian field survey. Therefore, construction of the proposed project would not have an adverse direct, indirect, or cumulative impact on historic era built environment resources.

Operation

No operational impacts would occur that could cause a substantial adverse change in the significance of a historical resource.

Level of Significance

No Impact.

Archaeological Resources

Impact CUL-2:	**The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.**

Impact Analysis

Construction

Records search from the NWIC identified seven pre-contact archaeological resources, one of which (P-43-000190) was recorded within the project boundaries. However, the pedestrian survey conducted for the project site failed to locate or identify the previously recorded archaeological resource, nor were any additional archaeological resources encountered during the pedestrian survey. There is always the possibility that earthmoving activities associated with project construction could encounter previously undiscovered archaeological resources. Archaeological resources can include, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths and structural elements. Damage or destruction of these resources would be a potentially significant impact. However, the proposed project would be required to adhere to City Standard Permit Conditions Subsurface Cultural Resources and Human Remains. Furthermore, implementation of Mitigation Measure (MM) TCR-1 (see Section 3.11 Tribal Cultural Resources would reduce potential impacts to archaeological resources that may be discovered during project construction. As such, impacts would be less than significant after the implementation of mitigation.

Operation

Impacts related to the proposed project's potential to cause a substantial adverse change in the significance of an archaeological resource are limited to construction impacts. No respective direct, indirect, or cumulative operational impacts related to archaeological resources would occur.

City of San José Standard Permit Conditions

Subsurface Cultural Resources

If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified Archaeologist in consultation with a Native American representative registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The Archaeologist shall (1) evaluate the find(s) to determine whether they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the NWIC (if applicable). Project personnel shall not collect or move any cultural materials.

Human Remains

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

i. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site;

ii. The MLD identified fails to make a recommendation; or

iii. The landowner or their authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Implementation of the project conditions of approval and Standard Permit Conditions would ensure impacts to archaeological resources would remain less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM TCR-1.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Human Remains

Impact CUL-3:	**The proposed project could disturb human remains, including those interred outside of formal cemeteries.**

Impact Analysis

Construction

While no formal cemeteries or areas containing human remains are known to be in the project vicinity, the possibility always exists that construction-related ground disturbance may uncover previously undiscovered human remains. In the unlikely event such a discovery is made, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 must be followed. Adherence to City of San José Standard Permit Conditions Subsurface Cultural Resources and Standard Permit Condition Human Remains, which details inadvertent discovery procedures, would ensure impacts to previously undiscovered human remains are less than significant.

Operation

Impacts related to the proposed project's potential to disturb human remains are limited to construction. No respective direct or indirect operational impacts related to human remains would occur.

City of San José Standard Permit Conditions

Implement Standard Permit Condition Subsurface Cultural Resources and Standard Permit Condition Human Remains.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implementation of MM TCR-1.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

3.3.8 - Cumulative Impacts

Cumulative Analysis

The geographic scope of the cumulative cultural resources analysis is the project vicinity. Cultural resource impacts tend to be localized, because the integrity of any given resource depends on what

occurs only in the immediate vicinity around that resource, such as disruption of soils; therefore, in addition to the project site itself, the area near the project site would be the area most affected by project activities (generally within a 0.5-mile radius). There are no development projects within this geographic scope. The results of the cultural resources assessment indicate that the proposed project would not have a direct impact on any known historic resources, archaeological resources, or human remains.

Potential cumulative impacts are limited to construction. There are no known construction projects within 2 miles of the proposed project, well outside the 0.5-mile geographic scope for analyzing potential impacts to cultural resources. Future projects would be required to implement the City's standard conditions to ensure that undiscovered cultural resources are not adversely affected by cumulative project-related construction activities, which would prevent the destruction or degradation of potentially significant cultural resources. The implementation of Standard Permit Conditions and project-specific mitigation measures would result in a less than significant cumulative impact related to cultural resources.

Similarly, the proposed project would be required to implement Standard Permit Conditions and mitigation measures outlined herein. Such implementation would ensure that that proposed project would not result in a cumulatively considerable contribution to the less than significant cumulative impacts related to cultural resources.

City of San José Standard Permit Conditions

Implement Standard Permit Condition Subsurface Cultural Resources and Standard Permit Condition Human Remains.

Level of Cumulative Significance

Less than significant cumulative impact without mitigation.

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3.4 - Greenhouse Gas Emissions

3.4.1 - Introduction

This section describes the existing greenhouse gas (GHG) emissions setting and potential effects from project implementation on the project site and its surrounding area. Descriptions and analysis in this section are based, in part, on information provided by the Air Quality, Greenhouse Gas Emissions, and Energy Impacts Analysis technical memorandum prepared by FirstCarbon Solutions on June 27, 2024. The technical memorandum is included in this Draft Environmental Impact Report (Draft EIR) as Appendix B.

3.4.2 - Environmental Setting

Earth's temperature is rising,[1] and although the global climate has varied over the long-range time scale, there is strong scientific consensus that the rapid heating in recent decades is both unusual and caused by emissions of GHGs from human activities such as the burning of fossil fuels including coal and oil.[2] Gases that trap heat in the atmosphere are referred to as GHGs. The effect is analogous to the way a greenhouse retains heat. Prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons, chlorofluorocarbons, and sulfur hexafluoride. Atmospheric concentrations of CO_2, the most prominent GHG, have been increasing rapidly in recent decades, from approximately 280 parts per million (ppm) before the start of the Industrial Revolution in the 1760s, to more than 400 ppm as of 2013.[3] According to the Intergovernmental Panel on Climate Change (IPCC), it is *extremely unlikely* that global climate change of the past 50 years can be explained without the contribution from human activities.

As the concentration of these gases continues to increase in the atmosphere, Earth's temperature has increased by about 1.2 to 1.4 degrees Fahrenheit (°F) since 1900.[4] Even if GHG emissions could be reduced to zero overnight, global temperatures would continue to rise in future years due to the buildup of GHGs that has already accumulated in the atmosphere and the oceans. As future emissions increase the atmospheric concentrations of CO_2 and other GHGs, the impacts of the warming greenhouse effect are projected to steadily worsen.

Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. Therefore, this section discusses the proposed project's contribution to the cumulative GHG impact.

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1 National Centers for Environmental Information, National Oceanic and Atmospheric Administration. 2024. Website: https://www.ncei.noaa.gov/access/monitoring/climate-at-a-glance/global/time-series. Accessed July 29, 2024.

2 K. Myers, et al., "Consensus revisited: quantifying scientific agreement on climate change and climate expertise among Earth scientists 10 years later," Environmental Research Letters Vol.16 No. 10, 104030 (20 October 2021); DOI:10.1088/1748-9326/ac2774.

3 Global Monitoring Library, National Oceanic and Atmospheric Administration. 2024. Website: https://gml.noaa.gov/ccgg/trends/. Accessed July 29, 2024.

4 National Aeronautics and Space Administration (NASA). 2024. World of Change: Global Temperatures. Website: https://earthobservatory.nasa.gov/world-of-change/global-temperatures. Accessed July 29, 2024.

Greenhouse Gases

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of GHGs that contribute to global warming or global climate change have a broader global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of Earth's atmosphere. The principal GHGs contributing to global warming are CO_2, CH_4, N_2O, and fluorinated gases. The primary GHGs of concern are summarized in Table 3.4-1. These gases allow visible and ultraviolet light from the sun to pass through the atmosphere, but they prevent heat from escaping back out into space.

Table 3.4-1: Description of Greenhouse Gases of Concern

Greenhouse Gas	Description and Sources
Carbon Dioxide (CO_2)	Carbon dioxide enters the atmosphere through burning fossil fuels (coal, natural gas, and oil), solid waste, trees, and other biological materials and also as a result of certain chemical reactions (e.g., cement production). Carbon dioxide is removed from the atmosphere (or "sequestered") when it is absorbed by plants as part of the biological carbon cycle. Carbon dioxide accounts for nearly 80 percent of GHG emissions in the United States.
Methane (CH_4)	Methane is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices land use and by the decay of organic waste in municipal solid waste landfills.
Nitrous Oxide (N_2O)	Nitrous oxide is emitted during agricultural land use and industrial activities; combustion of fossil fuels and solid waste; as well as during treatment of wastewater.
Fluorinated Gases	Hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride are synthetic, powerful greenhouse gas (GHG) emissions that are emitted from a variety of household, commercial, and industrial applications and processes. Fluorinated gases (especially hydrofluorocarbons) are sometimes used as substitutes for stratospheric ozone-depleting substances (e.g., chlorofluorocarbons, hydrofluorocarbons, and halons). Fluorinated gases are typically emitted in smaller quantities than GHGs, but they are potent GHGs. With global warming potentials (GWPs) that typically range from thousands to tens of thousands, they are sometimes referred to as high GWP gases because, for a given amount of mass, they trap substantially more heat than CO_2.
Source: United States Environmental Protection Agency (EPA). April 11, 2024. Website: https://www.epa.gov/ghgemissions/overview-greenhouse-gases. Accessed June 12, 2024.	

California Greenhouse Gas Emissions Inventory

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors. Emissions of CO_2 are byproducts of fossil fuel combustion. Methane, a highly potent GHG, results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices and landfills. N_2O is also largely attributable to agricultural practices and soil management.

CO_2 sinks, or reservoirs, include vegetation and the ocean, which absorb CO_2 through sequestration and dissolution, respectively.

As the second largest emitter of GHG emissions in the United States, California contributes a large quantity (381.3 million metric tons of carbon dioxide equivalent [MMT CO_2e] in 2021) of GHG emissions to the atmosphere.[5] Anthropogenic CO_2 is largely the byproduct of fossil fuel combustion and attributable to transportation, industry/ manufacturing, electricity generation, natural gas consumption, and agriculture processes. As shown in IImage 3.4-1, in California, the transportation sector is the largest emitter at approximately 39 percent of GHG emissions, followed by industrial at approximately 22 percent of GHG emissions.

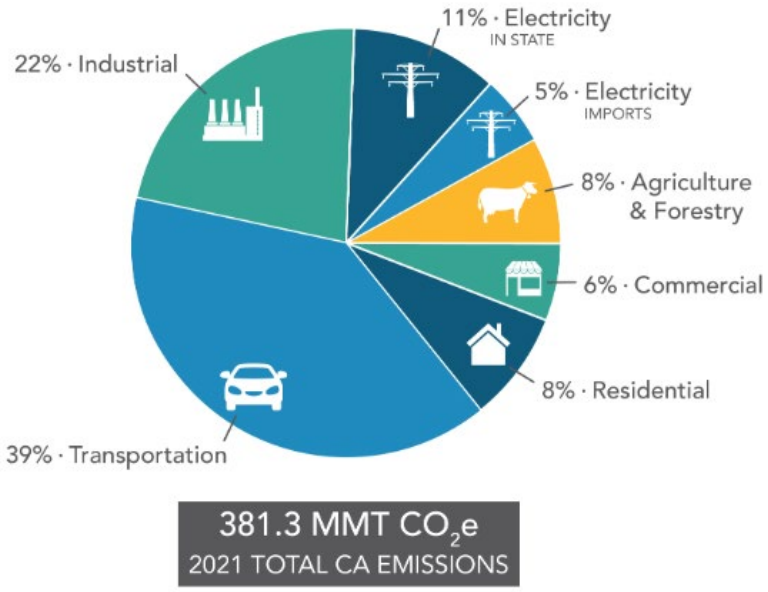


Image 3.4-1: California 2021 GHG Inventory

Source: California Air Resources Board (ARB). California Greenhouse Gas Emissions Inventory 2000–2021 (2023 Edition)

Climate Change

Statewide Climate Impacts

Climate change impacts–including substantially higher temperatures, more extreme weather, increased wildfire events, and sea level rise–are already being experienced in California today. As reported by the California Natural Resources Agency in 2009, despite annual variations in weather patterns, California has seen a trend of increased average temperatures, more extreme hot days, fewer cold nights, longer growing seasons, less winter snow, and earlier snowmelt and rainwater runoff. Furthermore, Statewide annual mean temperatures have increased by about 2.5°F from 1895

[5] California Air Resources Board (ARB). 2023. Current California GHG Emission Inventory Data. Website: https://ww2.arb.ca.gov/ghg-inventory-data. Accessed June 13, 2024.

to 2023,[6] and a larger proportion of total precipitation is falling as rain instead of snow.[7] Sea level rose by as much as 7 inches along the California coast over the last century, leading to increased erosion and adding pressure to the State's infrastructure, water supplies, and natural resources. Within the past decade, California has experienced some of the most extreme climate events in its recorded history–a severe 4-year drought, a dramatic reduction in Sierra Nevada winter snowpack, five of the State's 20 largest forest fires since 1932, and 2 years back-to-back of the hottest recorded average temperatures.

Local and Regional Climate Impacts

The San Francisco Bay Area has experienced similar trends as California. Averaged across the region, mean annual temperature has increased nearly 1°F in the last 30 years over the previous 30-year period.

These observed trends in the San Francisco Bay Area are anticipated to continue in the future:

- **Temperatures are projected to rise substantially, and more extreme hot days will occur.** By 2050, Bay Area annual average temperatures are projected to increase by an additional 2.7°F in the absence of actions to reduce GHG emissions. The number of very hot days and severe heat waves are projected to more than double across the region by midcentury.
- **More precipitation extremes, more rain, and less snow.** The Sierra Nevada region has experienced some of the wettest and driest years in more than 100 years of record keeping. The Sierra Nevada is also the source of much of the Bay Area's water supply, which is typically stored as snow melt rather than water, posing challenges to water storage and distribution, particularly during the longer fire seasons.
- **Sea level rise**. Sea level at the Golden Gate Bridge has risen 8 inches over the last 100 years, creating implications on coastal flooding, erosion, and related damages.
- **Increased frequency of wildfires.** Higher temperatures, higher winds, and drought are fueling wildfires across the Bay Area and California, while also lengthening the wildfire season. Wildfires can cause dramatic short-term spikes in air pollution levels and emit massive quantities of CO_2 and black carbon (a short-lived GHG), along with other pollutants.
- **Exacerbation of air quality problems and impacts on public health.** The number of days with high ozone levels correlates closely with the years when the Bay Area experiences more extreme-heat days. Higher ozone levels due may increase negative health impacts such as acute respiratory symptoms, lost school days, and even premature death. In addition, heat-related deaths and illnesses are anticipated to rise, and urban heat island impacts will grow. Higher temperatures will increase vector-borne diseases and produce more plant pollen and lengthen allergy seasons.

[6] California Office of Environmental Health Hazard Assessment. Air Temperatures. Website: https://oehha.ca.gov/climate-change/epic-2022/changes-climate/air-temperatures#:~:text=Annual%20mean%20temperatures%20have%20increased,over%20the%20past%2050%20years.&text=Statewide%20annual%20mean%20temperatures%20have,(%C2%B0F)%20since%201895. Accessed September 3, 2024.

[7] California Office of Planning and Research. 2019. California's Fourth Climate Change Assessment. California's Changing Climate 2018. Website: https://www.energy.ca.gov/sites/default/files/2019-11/20180827_Summary_Brochure_ADA.pdf. Accessed September 3, 2024.

- **Higher temperatures exacerbate pollution from cars and industry.** Higher temperatures increase the use of air conditioners in buildings and cars, which in turn requires more combustion of fossil fuels, which results in increased levels of ozone precursors, particulates, toxic air contaminants (TACs), and GHGs.

While the impacts are felt locally, climate change is a global issue because GHGs are global pollutants. Pollutants with localized air quality effects, including criteria air pollutants and TACs, have relatively short atmospheric lifetimes (approximately 1 day) and generally do not travel greatly beyond their point of emission. By contrast, GHGs have long atmospheric lifetimes, ranging from several years to several thousand years. GHGs persist in the atmosphere for a long enough time to be dispersed around the globe, cumulatively combining to cause a global climate effect.

Proposed Project Area

Image 3.4-2 displays a chart of measured historical and projected annual average temperatures estimated for the project site. As shown in the image, temperatures are expected to rise in the low and high GHG emissions scenarios. The results indicate that temperatures by the end of the century are predicted to increase by 2.9°F under the medium emissions scenario and 3.7°F under the high emissions scenario in the midcentury period (2035–2064).[8]

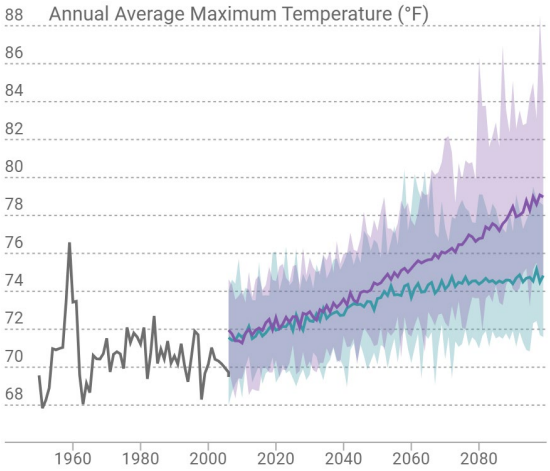


Image 3.4-2: Observed and Projected Temperatures for Climate Change in the Project Area

Source: Cal-Adapt. 2023. Local Climate Snapshots. Website: https://cal-adapt.org/tools/local-climate-change-snapshot/. Accessed September 3, 2024.

3.4.3 - Regulatory Framework

Regulations relevant to the analysis are discussed below.

[8] Cal-Adapt. 2023. Local Climate Snapshots. Website: https://cal-adapt.org/tools/local-climate-change-snapshot/. Accessed August 18, 2024.

Federal

Safer Affordable Fuel-Efficient Vehicles Rule

On September 27, 2019, the United States Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) published the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program. The SAFE Rule Part One revokes California's authority to set its own GHG emissions standards and to adopt its own Zero-Emission Vehicle (ZEV) mandates. On April 30, 2020, the EPA and the NHTSA published Part Two of the SAFE Vehicles Rule, which revised corporate average fuel economy and CO_2 emissions standards for passenger cars and trucks of model years 2021–2026, such that the standards increase by approximately 1.5 percent each year through model year 2026, as compared to the approximately 5 percent annual increase required under the 2012 standards.[9]

State

Executive Order S-3-05

Executive Order S-3-05 passed in 2005 and set forth the following target dates by which Statewide GHG emissions would be progressively reduced: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels.

Assembly Bill 32, Senate Bill 32, and State Climate Change Scoping Plan

In 2006, California passed AB 32, the Global Warming Solutions Act. AB 32 put into law mid-term GHG reduction targets and identified ARB as the State agency responsible for the development and implementation of GHG emission reduction regulations, policies, and measures needed to meet the target.

In 2008, the ARB adopted the Climate Change Scoping Plan (Scoping Plan) which contains the main strategies that California will implement to achieve the required GHG reductions codified in AB 32. ARB is required to update the Scoping Plan at least once every 5 years to evaluate progress and develop future GHG inventories that may guide this process.

The Governor signed Senate Bill (SB) 32 in September 2016, giving the ARB the statutory responsibility to include the 2030 target previously contained in Executive Order B-30-15 in the 2017 Scoping Plan Update. SB 32 states that "In adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by this division, the State [air resources] board shall ensure that Statewide greenhouse gas emissions are reduced to at least 40 percent below the Statewide greenhouse gas emissions limit no later than December 31, 2030." The current Scoping Plan was adopted in 2022[10] and establishes a scenario by

[9] National Highway Traffic Safety Administration (NHTSA). 2020. The Safer Affordable Fuel-Efficient 'SAFE' Vehicles Rule. March. Website: https://www.nhtsa.gov/corporate-average-fuel-economy/safe#:~:text=The%20Safer%20Affordable%20Fuel%2DEfficient%20(SAFE)%20Vehicles%20Rule%2C,model%20years%202021%20through%202026. Accessed September 3, 2024.

[10] California Air Resources Board (ARB). 2022 Scoping Plan. Website: https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents. Accessed July 22, 2024.

which the State may achieve carbon neutrality by 2045 or earlier. It outlines a technologically feasible, cost-effective, and equity-focused path for achieving this climate target.

The 2022 Scoping Plan addresses the latest climate-related legislation and direction from current Governor Gavin Newsom, who, by his signing of AB 1279, required the State to reduce Statewide anthropogenic GHG emissions to at least 85 percent below 1990 levels by 2045 and to maintain net negative GHG emissions thereafter. The 2022 Scoping Plan relies on the aggressive reduction of fossil fuels in all Statewide sectors and accelerating existing carbon reduction programs. Aspects of the 2022 Scoping Plan's scenario include:

- Rapidly moving to zero-emission transportation by electrifying cars, buses, trains, and trucks.
- Phasing out the use of fossil gas used for heating homes and buildings.
- Clamping down on chemicals, refrigerants, and other high GWP gases.
- Providing communities with sustainable options for walking, biking, and public transit to reduce reliance on cars.
- Continuing to develop solar arrays, wind turbine capacity, and other resources that provide clean, renewable energy.
- Scale up options such as renewable hydrogen and biomethane for end uses that are hard to electrify.

The ARB estimates that successfully achieving the outcomes called for by the 2022 Scoping Plan will reduce demand for liquid petroleum by 94 percent and total fossil fuel by 86 percent in 2045, relative to 2022. The 2022 Scoping Plan also emphasizes the role of natural and working lands and carbon capturing technologies to address residual emissions and achieve net negative emissions.

Assembly Bill 1279

AB 1279 codified Executive Order B-55-18, which established a Statewide goal of achieving carbon neutrality as soon as possible but no later than 2045 and achieving and maintaining net negative emissions thereafter. It requires that 2045 Statewide anthropogenic GHG emissions are reduced to at least 85 percent below 1990 levels.

Senate Bill 1078–California Renewable Portfolio Standard

SB 1078, California's Renewable Portfolio Standard (RPS) requires electricity providers to provide a specified minimum portion of their electricity supply from eligible renewable resources by milestone target years. Currently, the RPS requires utility providers to serve 60 percent of their electricity load with renewable energy by 2030 (with phased interim targets of 44 percent by 2024 and 52 percent by 2027). SB 1078 requires that all of the State's electricity come from carbon-free resources by 2045.

Statewide Efficiency Standards for Appliances and Buildings

California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California's energy consumption relatively flat, even with rapid population growth. These include but are not limited to:

- California Code of Regulations Title 20: Appliance Efficiency Regulations,
- California Code of Regulations Title 24, Part 6: Energy Efficiency Standards (Buildings), and
- California Code of Regulations Title 24, Part 11: California Green Building Standards Code.

GHG Emissions Reductions from Mobile Sources

California adopts and implements a variety of regulations and initiatives aimed at reducing GHG's from the mobile sector, including fuel efficiency standards and promoting reductions in Vehicle Miles Traveled (VMT). These include but are not limited to:

- Assembly Bill 1493 Pavley Regulations and Fuel Efficiency Standards (for cars and light-duty trucks),
- Executive Order N-79-20–Zero-Emission Vehicles by 2035,
- Executive Order S-01-07–Low Carbon Fuel Standard,
- ARB Advanced Clean Truck and Advanced Clean Fleet Regulations (accelerates transition to zero-emission medium- and heavy-duty vehicles),
- ARB Advanced Clean Cars II Rule (requires all new passenger vehicles sold in California to be zero-emission by 2035),
- Small Off-Road Engine Regulations (requires equipment such as leaf blowers, lawn mowers, etc. to be zero-emission by 2024),
- Large Spark Ignition Regulation (commonly referred to as the "Forklift Rule," this regulation sets average emission level requirements that decrease annually to encourage the use of electric vehicle (EV) and low-emissions engines in equipment such as forklifts, sweeper/scrubbers, industrial tow tractors and airport ground support equipment), and
- SB 375–the Sustainable Communities Strategy (SCS)–aimed at reducing VMT through community and transportation planning efforts.

Title 20 Appliance Efficiency Regulations

California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4, Sections 1601–1608: Appliance Efficiency Regulations regulates the sale of appliances in California. The Appliance Efficiency Regulations include standards for both federally regulated appliances and non-federally regulated appliances. Twenty-three categories of appliances are included in the scope of these regulations. The standards within these regulations apply to appliances that are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the State and those designed and sold exclusively for use in recreational vehicles or other mobile equipment.

Title 24 Energy Efficiency Standards

California Code of Regulations Title 24 Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy-efficient technologies and methods. Energy-efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The current version of Title 24 adopted by the California Energy Commission (CEC) went into effect on January 1, 2023.[11]

Title 24 California Green Building Standards Code

California Code of Regulations Title 24 Part 11 is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect January 1, 2011. The code is updated on a regular basis, with the current version of the 2022 California Green Building Standards Code (CALGreen) that became effective January 1, 2023.[12] The CALGreen standards consist of a set of mandatory standards required for new development, as well as two more voluntary standards known as Tier 1 and Tier 2. For one- and two-family homes and townhomes with private garages, Tier 1 and Tier 2 standards are the same. For each townhome unit, CALGreen Tier 1 standards require a dedicated 208/240-volt branch circuit installed in raceway required by Section 4.106.4.1 of CALGreen.

The 2024 Interim Green Building Standards update increased the EV charging requirements for most projects classified as "residential." These include multi-family dwellings, hotels, motels, and multi-family parking facilities. In general, the 2024 CALGreen residential EV charging updates apply to new construction only. The single exception is for additions and alterations to existing parking facilities serving existing multi-family buildings. The revised sections of the CALGreen Code went into effect as of July 1, 2024.[13]

Local jurisdictions are permitted to adopt more stringent requirements, as State law provides methods for local enhancements. The State building code provides the minimum standard that buildings need to meet in order to be certified for occupancy, which is generally enforced by the local building official.

Model Water Efficient Landscape Ordinance

The Model Water Efficient Landscape Ordinance (Ordinance) was required by AB 1881 Water Conservation Act. The bill required local agencies to adopt a local landscape ordinance at least as effective in conserving water as the Ordinance by January 1, 2010. Reductions in water use of 20 percent consistent with (SBX-7-7) 2020 mandate are expected for Ordinance. Governor Brown's Drought Executive Order of April 1, 2015 (Executive Order B-29-15) directed the California Department of Water Resources to update the Ordinance through expedited regulation. The California Water

[11] California Energy Commission (CEC). 2023. 2022 Building Energy Efficiency Standards. Website: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency. Accessed July 22, 2024.

[12] State of California. 2020. California Green Building Standards Code (CALGreen).

[13] California Building Standards Code Supplement. Website: https://www.iccsafe.org/wp-content/uploads/errata_central/2022-CA_Green_July24-Supp_COMPLETE.pdf. Accessed August 3, 2024.

Commission approved the revised Ordinance on July 15, 2015, and it became effective on December 15, 2015. New development projects that include landscaped areas of 500 square feet or more are subject to the Ordinance. The update requires:

- More efficient irrigation systems,
- Incentives for graywater usage,
- Improvements in on-site stormwater capture,
- Limits on the portion of landscapes that can be planted with high water use plants, and
- Reporting requirements for local agencies.

Senate Bill 97 and the CEQA Guidelines Revisions

Passed in August 2007, SB 97 added Section 21083.05 to the Public Resources Code. SB 97 states "(a) On or before July 1, 2009, the Office of Planning and Research shall prepare, develop, and transmit to the Resources Agency guidelines for the mitigation of GHG emissions or the effects of GHG emissions as required by this division, including, but not limited to, effects associated with transportation or energy consumption. (b) On or before January 1, 2010, the Resources Agency shall certify and adopt guidelines prepared and developed by the Office of Planning and Research pursuant to subdivision (a)."

The 2010 California Environmental Quality Act (CEQA) Amendments first guided public agencies regarding the analysis and mitigation of the effects of GHG emissions in CEQA documents. The 2010 CEQA Amendments fit within the existing CEQA framework by amending existing CEQA Guidelines to reference climate change. The 2010 CEQA Amendments also revised Appendix F of the CEQA Guidelines, which focuses on energy conservation, and the sample environmental checklist in Appendix G was amended to include GHG questions.

The 2018 CEQA Amendments expanded upon the previous guidance by specifying that:

- The lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to Statewide, national, or global emissions. The agency's analysis should consider a timeframe that is appropriate for the project. The agency's analysis also must reasonably reflect evolving scientific knowledge and State regulatory schemes.
- In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.
- A lead agency may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision-makers to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.

California Supreme Court GHG Ruling

In a November 30, 2015, ruling, the California Supreme Court, in *Center for Biological Diversity v. California Department of Fish and Wildlife,* regarding the Newhall Ranch project, concluded that whether the project was consistent with meeting Statewide emission reduction goals is a legally permissible criterion of significance, but the significance finding for the project was not supported by a reasoned explanation based on substantial evidence. The Court offered potential solutions on pages 25–27 of the ruling to address this issue summarized below:

Specifically, the Court advised that:

- **Substantiation of Project Reductions from BAU**. A lead agency may use a business-as-usual (BAU) comparison based on the Scoping Plan's methodology if it also substantiates the reduction a particular project must achieve to comply with Statewide goals (page 25).
- **Compliance with Regulatory Programs or Performance Based Standards**. A lead agency "might assess consistency with AB 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities" (page 26).
- **Compliance with GHG Reduction Plans or Climate Action Plans**. A lead agency may utilize "geographically specific GHG emission reduction plans" such as Climate Action Plans (CAPs) or GHG emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis (page 26).
- **Compliance with Local Air District Thresholds**. A lead agency may rely on "existing numerical thresholds of significance for greenhouse gas emissions" adopted by, for example, local air districts (page 27).

The Supreme Court was concerned that new development may need to do more than existing development to reduce GHGs to demonstrate that it is doing its fair share of reductions.

Regional

The Bay Area Air Quality Management District (BAAQMD) is one of 35 local air pollution control districts created by the California legislature with authority to regulate air pollutant emissions from businesses and stationary facilities, ranging from oil refineries to auto body shops and dry cleaners. The BAAQMD is the primary agency responsible for ensuring that the national and California ambient air quality standards are attained and maintained in their jurisdiction, which includes the San Francisco Bay Area Air Basin (SFBAAB), encompassing all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties as well as southwestern Solano and southern Sonoma counties. BAAQMD's Board of Directors adopted the CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans (BAAQMD CEQA Thresholds) in 2022. The BAAQMD CEQA Thresholds (and associated guidance) are intended to assist lead agencies in evaluating air quality and climate impacts from proposed land use projects in the SFBAAB during the environmental review process.

Local

City of San José General Plan

Multiple chapters of the City of San José's General Plan contain policies pertaining to improving air quality and transportation strategies, many of which would also result in co-benefits with reducing GHG emissions. Specifically, the Open Space and Conservation and Land Use Elements of the City's General Plan include goals and policies designed to improve air quality within the City. The Transportation and Utilities sections include policies to encourage the use of alternative forms of transportation and strategies including promoting bicycling, walking, and transit use. Many of these air quality and transportation policies would also result in co-benefits with reducing GHG emissions.

The following policies are specific to energy and are relevant to the proposed project.

Policy MS-1.1 Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.

Policy MS-2.4 Promote energy-efficient construction industry practices.

Policy MS-2.2 Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.

Policy MS-2.3 Utilize solar orientation, (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.

Policy MS-2.11 Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

Policy MS-3.1 Require water efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.

Policy MS-5.5 Maximize recycling and composting from all residents, businesses, and institutions in the City.

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

Policy MS-14.3 Consistent with the California Public Utilities Commission's California Long-Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero-ne- energy use.

Policy TR-1.4 Through the entitlement process for new development fund needed transportation improvements for all modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

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

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

City of San José Climate Action Plan

The City of San José adopted a CAP in 2018.[14] The CAP establishes an emissions reductions target for 2030. The CAP includes a community-wide inventory, emissions reductions targets, and actions/measures that will allow the City to exceed the 2030 target and put the City on the trajectory to meet the 2050 goal. The actions to meet these targets include:

- GHG-free electricity
- Electrification of all passenger vehicles
- Electrification of all transit buses
- Continued fuel efficiency improvements in the commercial vehicle fleet and some electrification of medium- and heavy-duty trucks
- Elimination of all organic waste from the landfill
- Continued reductions in natural gas consumption in residential and commercial buildings
- Electrification of all lawn and garden equipment

The CAP relies on both State and local actions to achieve the reduction targets. Many of the actions are voluntary in nature, which means the assumed reductions cannot be assured.

[14] City of San José Climate Action Plan 2030. Feburary, 2018. Website: https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/climate-smart-san-jose. Accessed August 14, 2024.

City of San José Reach Codes

The City of San José voted to limit the use of gas in new construction in September 2019. Known as "reach codes," this ordinance requires that newly constructed homes within the City use electricity for space heating, water heating, and clothes drying and meet electric readiness requirements for any interior gas cooking appliance.

City of San José Municipal Code

The City of San José Municipal Code (Municipal Code) includes the following regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood-Burning Ordinance (Chapter 9.10)
- All-Electric Ordinance (Chapter 17.845)

City of San José Private Sector Green Building Policy

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for implementing these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council-adopted standards.

3.4.4 - Methodology

The California Emissions Estimator Model (CalEEMod) is used to calculate and assess GHG emissions, which consist of those on-site and off-site construction and operational emissions generated from all facets of the proposed project. CalEEMod provides a uniform platform for government agencies, land use planners, and environmental professionals to gauge emissions from land use development and linear projects in California.

GHG emissions are estimated by using emission factors and a level of activity. Emission factors represent the emission rate of a pollutant over a given time or activity. The activity factor is a measure of how active a piece of equipment is and can be represented as the amount of material processed, elapsed time that a piece of equipment is in operation, horsepower of a piece of equipment used, the fuel consumption rate, or VMT per day. The anlaysis uses ARB's published emission factors for on-road mobile vehicles/trucks in the Emission Factor (EMFAC) mobile source emissions model and emission factors for off-road equipment and vehicles in the OFF-ROAD emissions model. The air emissions model (or calculator) combines the emission factors and the levels of activity and outputs the emissions for the various pieces of equipment.

Construction emissions reported in this analysis were modeled using CalEEMod Version 2022.1. As explained in Section 3.1, Air Quality, the proposed project is below the BAAQMD operational criteria pollutant emission screening thresholds. Therefore, operational emissions are not quantified.

This analysis is restricted to GHGs identified by AB 32, which include carbon dioxide, methane, N_2O, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Certain GHGs defined by AB 32 would not be emitted by the proposed project. Perfluorocarbons and sulfur hexafluoride are typically used in industrial applications, none of which would be used by the proposed project.

3.4.5 - Thresholds of Significance

The lead agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether greenhouse emissions impacts are significant environmental effects. Would the project:

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

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

The BAAQMD's 2022 CEQA Air Quality Guidelines provide recommended significance thresholds for GHGs for land use development projects and plans. The new thresholds state that, if a project would contribute its "fair share" of what will be required to achieve California's long-term climate goal of carbon neutrality by 2045, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change. The thresholds for new land use projects require projects to meet either one of two enumerated Criteria A or B as shown below in Table 3.4-2 If a land use development project cannot demonstrate consistency with Criteria A or Criteria B, then that project would result in a potentially significant impact related to the generation of direct and indirect GHG emissions.

Table 3.4-2: BAAQMD GHG Thresholds for Land Use Projects

BAAQMD Thresholds for Land Use Projects (Must Include A or B)
A. Projects must include, at a minimum, the following project design elements: 1. Buildings a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development). b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under California Environmental Quality Act (CEQA) Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines. 2. Transportation a. Achieve a reduction in project-generated Vehicle Miles Traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill (SB) 743 VMT target, reflecting the

BAAQMD Thresholds for Land Use Projects (Must Include A or B)
recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA: i. Residential projects: 15 percent below the existing VMT per capita ii. Office projects: 15 percent below the existing VMT per employee iii. Retail projects: no net increase in existing VMT b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).
Source: Bay Area Air Quality Management District (BAAQMD). 2022. CEQA Guidelines. April 20.

Project consistency with Criteria A is based on incorporating project design criteria centered on key attributes consistent with the 2022 Scoping Plan and the State's long-term carbon neutrality goals. Projects incorporating these elements would be contributing their "fair share" of what will be required to achieve California's long-term climate goal of carbon neutrality by 2045. These include criteria for building energy design (elimination of natural gas) as well as criteria related to reduction in transportation emissions via VMT reductions and installation of EV charging infrastructure.

Project consistency with Criterion B involves demonstrating compliance with a local "qualified" GHG plan. CEQA Guidelines Section 15183.5(b) allows projects and plans to be analyzed through a streamlined or tiered approach utilizing an adopted Greenhouse Gas Reduction Plan. A "qualified" reduction strategy capable of being utilized for a streamlined or tiered analysis under CEQA must meet the following requirements:

- Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;
- Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;
- Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
- Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendments if the plan is not achieving specified levels; and
- Be adopted in a public process following environmental review.

3.4.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Greenhouse Gas Emissions

Impact GHG-1: The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Impact Analysis

Significant and Unavoidable. Both construction and operational activities have the potential to generate GHG emissions. The proposed project would generate GHG emissions during temporary (short-term) construction activities, such as site grading, operation of construction equipment, operation of on-site heavy-duty construction vehicles, hauling of materials to and from the project site, asphalt paving, and construction worker vehicle trips. Construction activities would vary over the duration of project construction.

Long-term operational GHG emissions would result from project-generated vehicular traffic, operation of any landscaping equipment, and off-site generation of electrical power over the life of the proposed project, the energy required to convey water to and wastewater from the project site, the emissions associated with the hauling and disposal of solid waste from the project site, and any fugitive refrigerants from air conditioning or refrigerators.

Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough GHG emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact. Therefore, this section measures the proposed project's incremental contribution to the cumulative environmental impact. The following is a discussion of the proposed project's contribution to GHG emissions during both the construction and operation phases. The proposed project is analyzed against BAAQMD's qualitative thresholds; therefore, the proposed project's GHG emissions quantified below are for informational purposes only.

Construction

At the time of this analysis, the construction of the proposed project was anticipated to begin in January 2025 and end in November 2027. The proposed project's construction emissions are presented in Table 3.4-3. As vehicle and equipment fuel efficiencies and emission control standards continue to incrementally improve with each year, project construction emissions are likely to decrease nominally from what is shown in Table 3.4-3 should the construction schedule move to later years. Therefore, the construction GHG emissions contained in Table 3.4-3 represent a conservative assessment of project construction emissions. CalEEMod outputs which detail the GHG emissions during each construction phase are provided in Appendix B. The proposed project would generate approximately 886 metric tons of carbon dioxide equivalents (MT CO_2e) during construction.

Table 3.4-3: Proposed Project Construction GHG Emissions

Construction Year	Total MT CO_2e per year (approx.)
2025	338
2026	302

Construction Year	Total MT CO_2e per year (approx.)
2027	246
Entire Construction Duration (2025–2027)	
Total	**886**
Amortized over 30 years	***29.5***

Notes:
Because of rounding, total MT CO_2e may be marginally different from California Emissions Estimator Model (CalEEMod) output.
MT CO_2e = metric tons of carbon dioxide equivalents
Source: Appendix B.

Attachment A includes detailed construction assumptions used in estimating the construction GHG emissions.

Construction-generated GHGs consist of emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. The BAAQMD does not presently provide a construction-related GHG emissions threshold. Considering GHG emissions from construction would be temporary and not represent recurring annual emissions, the proposed project would not conflict with reduction goals contained in SB 32 and AB 1279. Therefore, the proposed project would not present a potentially significant impact from construction-related GHG emissions.

Operation

Long-term, operational GHG emissions would result from project-generated vehicular traffic, operation of any landscaping equipment, off-site generation of electrical power over the life of the project, the energy required to convey water to and wastewater from the project site, and the emissions associated with the hauling and disposal of solid waste from the project site.

As with all residential projects within the City, the proposed project is subject to the GHG reduction strategies identified in the City's 2030 Greenhouse Gas Reduction Stratagy (GHGRS) Compliance Checklist. The proposed project would implement and comply with all relevant GHG reduction measures as determined by the City. A complete project comparison is included in the technical memorandum proided in Appendix E of this Draft EIR. In summary, GHG reduction strategies to be incorporated into the proposed project include the following:

- **Zero-Net-Carbon Residential Construction:** The proposed project would comply with the City's reach code, would be designed to be all-electric, and would not include natural gas infrastructure or appliances. The proposed project would include rooftop solar panels which would provide renewable energy on-site. Therefore, the proposed project would be compliant with this checklist item.
- **Renewable Energy Development:** The proposed project would include rooftop solar panels. As a residential development, the proposed project would be required to comply with the standards contained in the 2022 California Building Standards Code, Title 24, Part 6,

Subchapter 8, which includes rooftop solar panels. Therefore, the proposed project would be compliant with this checklist item.

- **Zero Waste Goal:** The proposed project would be served by Republic Services, which provides organic, non-organic garbage, and recycling services, and GreenWaste Recovery would collect yard trimmings and provide street sweeping services. The proposed project would be required to divert at least 65 percent of waste generated during construction and demolition activities, in compliance with SB 1374 and California Green Building Standards Code (CALGreen) Sections 4.408, 5.408, 301.1.1, and 301.3. Therefore, the proposed project would be compliant with this checklist item.
- **Water Conservation:** The proposed project would include the installation of stormwater treatment chambers for the capture and treatment of stormwater. The treatment chambers would provide for improved on-site irrigation of the landscaping, thereby reducing water consumption. Therefore, the proposed project would be compliant with this checklist item.

The City of San José's qualified GHG reduction strategy meets the CEQA Guidelines Section 15183.5(b) guidelines. However, because the proposed land use and its associated emissions were not envisioned in the GHGRS, and the proposed project would result in higher emissions than the existing land use, the proposed project is not consistent with the GHG emission projections in the GHGRS. Therefore, the proposed project cannot rely on the City's qualified GHG reduction strategy for streamlining under CEQA.

As a result, the BAAQMD qualitative Criterion A is used in this analysis.

As previously discussed, the BAAQMD's proposed 2022 GHG significance thresholds represent a method for determining whether the proposed project would be cumulatively considerable or whether the proposed project contributes to solving the cumulative problem of climate change, taking into consideration the State's long-term climate goal of carbon neutrality by 2045.

The proposed project is evaluated against the design elements in Criterion A of BAAQMD's 2022 GHG Significance thresholds:

All-electric design: The proposed project would be an all-electric design and would therefore comply with this requirement.

Energy efficiency: As demonstrated in the energy analysis below, the proposed project would not result in any wasteful, inefficient, or unnecessary energy usage; therefore, the proposed project is consistent with this design element.

VMT impact: As detailed in Section 3.9, Transportation, residents of the proposed project would generate 13.51 VMT per capita daily as estimated by the City's VMT Evaluation Tool, which exceeds the residential threshold of 11.39 daily VMT per capita. The proposed project would implement a Transportation Demand Management (TDM) Plan as per MM TRANS-2, which would include a comprehensive list of TDM measures, including the following Tier 2 multimodal infrastructure improvements and Tier 4 programmatic TDM strategies aimed at reducing the project VMT impact to the extent possible:

- Pedestrian network improvements
- Traffic calming measures
- Transit access improvements
- School pool program
- Voluntary travel behavior change program

With the implementation of the TDM mitigation measures above, the City's VMT Evaluation Tool estimates that impacts to VMT would be reduced to 12.7 VMT per capita. Because project VMT would remain above the City's threshold with mitigation, VMT impacts are considered significant and unavoidable. Therefore, the proposed project is **not** consistent with the third design element.

Tier 2 EV Charging Infrastructure: The last design element relates to implementation of CALGreen Tier 2 level of EV charging infrastructure, which is beyond the mandatory CALGreen requirement of EV charging spaces. Tier 2 level of EV charging infrastructure for single-family and duplex units calls for a 40-amp, dedicated 208/240-volt branch circuit (Level 2 EVSE) to be installed in the raceway for each dwelling unit as required by CALGreen Section 4.106.4.1. The City's Reach Code also requires an EV-ready space provided for each dwelling unit with conduit sized for a 40-amp, 208/240-volt dedicated branch circuit for EV supply equipment that is terminated at a receptacle.[15] Therefore, compliance with the City's Reach Code would satisfy CALGreen's Tier 2 EV charging requirement. The proposed project is consistent with this design element.

In summary, the proposed project would satisfy three of the four design elements as outlined in the BAAQMD GHG threshold Criterion A. Because the proposed project is inconsistent with the VMT design element, the proposed project would have a significant and unavoidable impact per BAAQMD GHG threshold Criterion A.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM TRANS-2.

Level of Significance After Mitigation

Significant and unavoidable impact.

Conflict with Plan, Policy, or Regulation that Reduces Emissions

Impact GHG-2:	**The proposed project would conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.**

[15] City of San José. Ordinance No. 30311. Website: https://www.sanjoseca.gov/home/showpublisheddocument/44078/637082139871830000. Accessed July 23, 2024.

Impact Analysis

Significant and Unavoidable. The consistency of the proposed project with respect to ARB's 2022 Scoping Plan, Plan Bay Area 2050, the City's GHGRS, and Climate Smart San José are discussed below.

2022 Scoping Plan

As described in Section 3.4.3, Regulatory Framework, the 2022 Scoping Plan is a document that sets forth the path for how the State will achieve carbon neutrality by 2045 and reduce anthropogenic emissions to 85 percent below 1990 levels by 2045. The BAAQMD qualitative thresholds were designed to ensure future projects complete their "fair share" of implementing carbon reduction design features to help achieve the State's carbon neutrality goal. A project that can meet the energy and transportation design elements outlined in the BAAQMD thresholds or is consistent with a qualified GHG reduction strategy then is consistent with the goals outlined in the 2022 Scoping Plan and would not hinder the State from achieving carbon neutrality. As described above, the proposed project would be consistent with the all-electric, EV charging, and energy efficiency design elements outlined in the BAAQMD thresholds. However, the proposed project would have a significant and unavoidable VMT impact. Therefore, the proposed project would not be consistent with the State's goal to achieve carbon neutrality. Impacts would be significant and unavoidable.

Plan Bay Area 2050

Plan Bay Area 2050 is the Bay Area's regional plan that aims to improve housing, the economy, transportation, and the environment by making the Bay Area more equitable and resilient for all residents. Plan Bay Area 2050 identifies opportunities to reduce regional GHG emissions in housing, economic, and transportation sectors. The proposed project would be developed in an area with existing infrastructure on a developed project site. It would replace the older, less energy-efficient buildings with state-of-the-art structures, produce renewable energy, and improve solid waste removal and recycling services for the community, consistent with the Plan Bay Area's aim of reducing regional GHG emissions. Plan Bay Area 2050 was prepared in coordination with Bay Area cities, and the goals, policies, and programs within Plan Bay Area incorporate the existing land uses of those cities. However, the proposed project is inconsistent with the existing land use designation, therefore the proposed project is inconsistent with the Plan's land use concept plan.

Furthermore, the Plan's core strategy is "focused growth" in existing communities along the existing transportation network to achieve key regional equity, economic, and environmental goals, including reducing VMT and contributing to climate goals. As discussed above, the proposed project would not meet the City's VMT significance threshold. As such, the proposed project is inconsistent with Plan Bay Area 2050 for VMT and GHG emissions reductions. Impacts would be significant and unavoidable.

2030 Greenhouse Gas Reduction Strategy

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. As mentioned in Impact GHG-2, the proposed project would implement and comply with all relevant GHG reduction measures as determined by

the City. The proposed project would be consistent with the zero-net-carbon residential development, renewable energy development, zero waste, and water conservation meaures.

The first criterion in the City's GHGRS checklist is consistency with the Land Use Designation and Density. The project site's General Plan land use designation is Public/Quasi-Public (PQP), which does not allow residential development. The proposed land use and its associated emissions were not envisioned in the GHGRS, and the proposed project would result in higher emissions than the existing land use. Therefore, the proposed project would not be consistent with the GHG emission projections in the GHGRS.

However, as clarified in the February 7, 2025, letter from the California Department of Housing and Community Development, the Housing Accountability Act (HAA) specifies that:

> Government Code 65589.5 (j)(2)(A). If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:
>
> > (i) **Within 30 days** of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.

Further, Section 65589.5(j)(2)(B) specifically states that:

> If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing project shall be deemed consistent, compliant and in conformity with the applicable plan, program, policy ordinance, standard, requirement or other similar provision.

The City did not identify an inconsistency between the proposed project and the GHGRS within 30 days of the application. Therefore, it cannot now consider the proposed project as inconsistent with the GHGRS, and the proposed project is "deemed consistent" as a matter of law. Therefore, the proposed project would be "deemed consistent" and would be aligned with the goals of the City's GHGRS checklist and requirements.

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. As discussed in Chapter 4, Effects Found not to be Significant–Energy, the project would be designed and constructed in compliance with the City of San José Council Policy 6-32, the City's reach code, and the City's Green Building Ordinance. In addition, Action MS-2.11 of the

General Plan requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques.

The proposed project would comply with the Standard Permit Condition on GHG which requires enrollment of either the San José Community Energy (SJCE) GreenSource program (approximately 95 percent carbon-free power) or TotalGreen program (approximately 100 percent carbon-free power). Enrollment into this SJCE program would further reduce reliance on fossil fuel and increase use of renewable energy sources. Furthermore, the proposed project would include solar panels on roofs, which would produce solar energy for the development and would reduce the proposed project's and the City's reliance on fossil fuel, partially aligned with the goals of the City's GHGRS checklist and requirements.

For these reasons, the proposed project is consistent with the City's climate action goals as set forth in Climate Smart San José. Impacts would be less than significant.

In summary, the proposed project would be consistent with Climate Smart San José and the City's GHGRS checklist. The proposed project's significant VMT impacts would conflict with the State's Scoping Plan and BAAQMD's Plan Bay Area, which are applicable State and regional plans adopted for the purpose of reducing the emissions of GHGs. Impacts would be singificant and unavoidable.

City of San José Standard Permit Condition

Proof of Enrollment in San José Clean Energy

Prior to issuance of any Certificate of Occupancy for the project, the occupant shall provide to the Director of the Department of Planning, Building, and Code Enforcement (PBCE), or Director's designee, proof of enrollment in the [San José Clean Energy (SJCE) GreenSource program (approximately 95 percent carbon-free power) or TotalGreen program (approximately 100 percent carbon-free power)] assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act (CEQA). If it is determined the project's environmental clearance requires enrollment in the TotalGreen program, neither the occupant, nor any future occupant, may opt out of the TotalGreen program.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM TRANS-2.

Level of Significance After Mitigation

Significant and unavoidable impact.

3.4.7 - Cumulative Impacts

The geographic scope of the cumulative GHG emissions analysis is the SFBAAB, which covers all or portions of the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma. In a larger

sense, however, the relevant geographic area is the entire Earth, as explained by the California Supreme Court in C*enter for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal.4th 204, 219, "because of the global scale of climate change, any one project's contribution is unlikely to be significant by itself."

"'With respect to climate change, an individual project's emissions will most likely not have any appreciable impact on the global problem by themselves, but they will contribute to the significant cumulative impact caused by greenhouse gas emissions from other sources around the globe. The question therefore becomes whether the project's incremental addition of greenhouse gases is "cumulatively considerable" in light of the global problem, and thus significant.'" (*Ibid*., quoting Crockett, Addressing the Significance of Greenhouse Gas Emissions Under CEQA: California's Search for Regulatory Certainty in an Uncertain World (July 2011) 4 Golden Gate U. Envtl. L.J. 203, 207–208)).

The proposed project would emit new GHG emissions, as would other past, present, and reasonably foreseeable projects within the SFBAAB.

The geographic scope of this cumulative impact is on a global scale, because such emissions contribute, on a cumulative basis, to global climate change. The GHG emissions impact analysis above constitutes a cumulative analysis, in that it considers global, Statewide, and regional GHG emissions, as well as the contribution of the proposed project to GHG emission impacts. Therefore, the significance conclusions reached above for the project-level GHG Impact GHG-1 and GHG-2 also constitutes the significance conclusions in this EIR with respect to cumulative GHG emissions impacts. Therefore, because GHG emissions generated by the proposed project, in conjunction with other past, present, and reasonably foreseeable projects in the SFBAAB and around the world, would exceed established thresholds, impacts would be potentially significant and cumulatively considerable.

Although the proposed project would comply with relevant elements of the City's Reach Code, including all-electric design and EV charging standards, the proposed project's significant VMT impacts would not be consistent with the State and regional climate goals. No additional mitigation measures were identified to reduce the impact. Therefore, the proposed project's incremental contribution to GHG emissions would be cumulatively considerable.

Level of Cumulative Significance Before Mitigation

Significant and unavoidable impact.

Mitigation Measures

Implement MM TRANS-2.

Level of Cumulative Significance After Mitigation

Significant and unavoidable cumulative impact.

3.5 - Hazards and Hazardous Materials

3.5.1 - Introduction

This section describes the existing hazards and hazardous materials setting and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based, in part, on a review of the State Water Resources Control Board (State Water Board) GeoTracker database, the California Department of Toxic Substances Control (DTSC) EnviroStor database, and the Phase 1 Environmental Site Assessment (Phase I ESA) conducted by AEI Consultants (AEI)[1] included in this Draft Environmental Impact Report (Draft EIR) as Appendix F.

3.5.2 - Environmental Setting

Hazards

This description of existing conditions focuses on hazards from fire and overhead power lines, as well as hazardous materials and wastes. A hazard is a situation that poses a level of threat to life, health, property, or the environment. Hazards can be dormant or potential, with only a theoretical risk of harm. However, once a hazard becomes active, it can create an emergency. A hazardous situation that has already occurred is called an incident. Emergency response is action taken in response to an unexpected and dangerous occurrence in an attempt to mitigate its impact on people, structures, or the environment. Emergency situations can range from natural disasters to hazardous materials problems and transportation incidents.

Hazards Materials and Wastes

Hazardous materials include but are not limited to hazardous materials, hazardous substances, and hazardous wastes, as defined in Section 25501 and Section 25117, respectively, of the California Health and Safety Code. A hazardous material is any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released; and any material that a handler or an administering regulatory agency under Section 25501 has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment. Various properties may cause a substance to be considered hazardous, including:

- Toxicity—causes human health effects;
- Ignitability—has the ability to burn;
- Corrosivity—causes severe burns or damage to materials; and
- Reactivity—causes explosions or generates toxic gases.

Hazardous waste is any hazardous material that is to be discarded, abandoned, or recycled. The criteria that define a material as hazardous also define a waste as hazardous. Specifically, materials and waste may be considered hazardous if they are poisonous (toxic); can be ignited by open flame (ignitable); corrode other materials (corrosive); or react violently, explode, or generate vapors when

[1] AEI Consultants. 2023. Phase I Environmental Site Assessment, 5670 Camden Avenue, San José, Santa Clara County, California 95124. February 3.

mixed with water (reactive). Soil or groundwater contaminated with hazardous materials above specified regulatory State or federal thresholds is considered hazardous waste if it is removed from a site for disposal. If handled, disposed, or otherwise managed improperly, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, Sections 66261.20-24 contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Hazardous Building Materials

Many older buildings contain building materials that consist of hazardous materials. These materials include lead-based paint, asbestos-containing material, and polychlorinated biphenyls (PCBs).

Prior to the United States Environmental Protection Agency (EPA) ban in 1978, lead-based paint was commonly used on interior and exterior surfaces of buildings. Disturbances such as sanding and scraping activities, renovation work, gradual wear and tear, old peeling paint, and paint dust particulates have been found to contaminate surface soils or cause lead dust to migrate and affect indoor air quality. Exposure to residual lead can cause severe health effects, especially in children.

Asbestos is a naturally occurring fibrous material that was extensively used as a fireproofing and insulating agent in building construction materials before such uses were banned by the EPA in the 1970s. In addition, many types of electrical equipment contained PCBs as an insulator, including transformers and capacitors. After PCBs were determined to be a carcinogen in the mid to late 1970s, the EPA banned PCB use in new equipment and began a program to phase out certain existing PCB-containing equipment. For example, fluorescent lighting ballasts manufactured after January 1, 1978, do not contain PCBs and are required to have a label clearly stating that PCBs are not present in the unit.

Hazardous Substances

A hazardous substance can be any biological, natural, or chemical substance, whether solid, liquid, or gas, that may cause harm to human health. Hazardous substances are classified on the basis of their potential health effects, whether acute (immediate) or chronic (long-term). Dangerous goods are classified on the basis of immediate physical or chemical effects, such as fire, explosion, corrosion, and poisoning. An accident involving dangerous goods could seriously harm human health or damage property or the environment. Harm to human health may happen suddenly (acute), such as dizziness, nausea, and itchy eyes or skin; or it may happen gradually over years (chronic), such as dermatitis or cancer. Some people can be more susceptible than others. Hazardous substances and dangerous goods can include antiseptic used for a cut, paint for walls, a cleaning product for the bathroom, chlorine in a pool, carbon monoxide from a motor vehicle, fumes from welding, vapors from adhesives, or dust from cement, stone, or rubber operations. Such hazardous substances can make humans very sick if they are not used properly.

Hazardous Wastes

Hazardous waste is any hazardous material that is to be discarded, abandoned, or recycled. The criteria that define a material as hazardous also define a waste as hazardous. Specifically, materials and waste may be considered hazardous if they are poisonous (toxic); can be ignited by open flame (ignitable); corrode other materials (corrosive); or react violently, explode, or generate vapors when mixed with water (reactive). Soil or groundwater contaminated with hazardous materials above specified regulatory State or federal thresholds is considered hazardous waste if it is removed from a site for disposal. If handled, disposed, or otherwise handled improperly, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, Sections 66261.20-24 contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Hazardous Materials Listing

The Cortese List is a list of known hazardous materials or hazardous waste facilities that meet one or more of the provisions of Government Code Section 65962.5, including:

- The list of hazardous waste and substances sites from the DTSC EnviroStor database.[2]
- The list of Leaking Underground Storage Tank (LUST) sites by county and fiscal year from the State Water Board GeoTracker database.[3]
- The list of solid waste disposal sites identified by the State Water Board with waste constituents exceeding hazardous waste levels outside the waste management unit.[4]
- The list of active cease-and-desist orders and cleanup and abatement orders from the State Water Board.[5]

The list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, as identified by the DTSC.[6]

Presence of Hazardous Materials

A recognized environmental condition (REC) is defined as the presence of either:

- Hazardous substances or petroleum products in, on, or at the project site to a release to the environment.
- The likely presence of hazardous substances or petroleum products in, on, or at the project site due to a release or likely release to the environment, or

[2] California Environmental Protection Agency (Cal/EPA). 2024. Cortese List Data Resources. Website: https://calepa.ca.gov/sitecleanup/corteselist/. Accessed September 27, 2024.
[3] Ibid.
[4] Ibid.
[5] Ibid.
[6] Ibid.

- The presence of hazardous substances or petroleum products in, on, or at the project site under conditions that pose a material threat of a future release to the environment.

City of San José

Leaking Underground Storage Tank Sites

The GeoTracker database indicates that there are 1,238 LUST sites within the City of San José. Of those, 231 are open cases where site assessment, remediation, and/or monitoring are in progress. The remaining 1,007 sites have been closed by the overseeing regulatory agency.

San Francisco Bay Regional Water Quality Control Board Cases

The GeoTracker database indicates that there are 157 spill incidents within the City of San José that are being overseen by the Regional Water Quality Control Board's (RWQCB's) Site Cleanup Program (SCP). Of the 157 cases, 126 are open cases where site assessment, remediation, and/or monitoring are in progress. The LUST cases noted above typically involve releases of petroleum fuels (gasoline or diesel) or waste oil from underground storage tanks (USTs). The listed SCP cases typically involve releases of volatile organic compounds (VOCs), such as solvents. Spills of petroleum products that were not contained in USTs and other contaminants such as metals and pesticides may also be involved.

DTSC State Response Sites

The EnviroStor database indicates that there are 12 facilities listed as State Response sites in San José. The State Response list identifies confirmed release sites where DTSC is involved in remediation, either in a lead or oversight capacity. Of the 12 listed facilities, one is listed as Active. The remaining facilities are listed as Certified or No Further Action; land use restrictions are noted to be in place for four of these facilities. A Certified status identifies completed sites with a previously confirmed release that are subsequently certified by DTSC as having been remediated satisfactorily under DTSC oversight. A No Further Action status identifies completed sites where DTSC determined after investigation that the property does not pose a threat to public health or the environment. A Land Use Restricted site is a property where DTSC has placed limits or requirements on future use of the property, usually because contaminants remain in soil or groundwater at the site.

DTSC Schools Sites

DTSC's School Property Evaluation and Cleanup Division is responsible for assessing, investigating and cleaning up proposed school sites (including new construction at existing school sites). The Division helps establish that selected properties are free of contamination or, if the properties were previously contaminated, that they have been cleaned up to a level that protects the students and staff who will occupy the new school. The EnviroStor database includes four DTSC School sites in San José, of which two are listed as Active and the others are listed as Certified.

DTSC Voluntary Cleanup Sites

DTSC's Voluntary Cleanup Program allows motivated parties who are able to fund the investigation and cleanup and DTSC's oversight to move ahead at their own pace to investigate and remediate their sites. The EnviroStor database identifies sites with either confirmed or unconfirmed releases, where the project proponents have requested that DTSC oversee evaluation, investigation, and/or

cleanup activities and have agreed to provide coverage for DTSC's costs. Nineteen voluntary cleanup sites are listed in San José. Seven of these are listed as Certified or No Further Action; land use restrictions are noted to be in place for some of the facilities.

Project Site

In 2023, a Phase I ESA was prepared by AEI (Appendix F) in accordance with American Society for Testing and Materials (ASTM) Standard Practice E1527-13 and E1527-21 and the EPA Standards and Practices for All Appropriate Inquiries. AEI reviewed prior site investigation documents, aerial photographs, topographic maps, Sanborn fire insurance maps, and agency files and utilized records available at local and regional public agencies through website research, office visits, telephone or written contacts, and environmental database searches. AEI interviewed knowledgeable persons about the project site and conducted a site reconnaissance on February 3, 2023, to observe existing conditions at the project site, including the presence of hazardous materials and/or wastes.

The findings of these reviews and interviews lead AEI to identify one REC at the project site. The Phase I ESA did not identify any Controlled RECs, Historical RECs, or Other Environmental Considerations (OEC) associated with the project site.

The identified REC is associated with the historical use of agricultural chemicals (i.e., pesticides, herbicides, and fertilizers) at the project site related to its previous use as an orchard. Because of this potential contamination at the project site, the Phase I ESA recommended a Limited Phase II Subsurface Investigation be conducted to determine the exact nature of the contamination at the project site.

A regulatory agency records review was performed as part of the Phase I ESA, which revealed no records on file associated with the project site. Additionally, according to the Phase I ESA, the project site did not appear in any regulatory database records.

AEI reviewed information on the project site and surrounding properties (including regulatory databases, files for nearby release sites, and historical documentation) to determine whether potential vapor-phase migration concerns may be present at the project site. The Phase I ESA did not identify vapor-phase migration concerns at the project site.

During the site reconnaissance, AEI did not observe any features associated with spills or releases or other impacts associated with hazardous materials contamination.

According to the Phase I ESA, no building components containing suspect asbestos-containing materials (ACM) were identified during the inspection of the project site. Additionally, due to the age of the structures on the project site, the Phase I ESA determined that lead-based paint (LBP) is unlikely to be present and is not considered a significant environmental concern.

Existing Fire Related Conditions and Presence of Hazardous Materials

The hazards in the City of San José (City) and the project site discussed in this section are related primarily to fire hazards and hazardous materials. Fire hazards and hazards from hazardous materials

are typically site-specific, so existing conditions related to fire hazards and the transport, use, and disposal of hazardous materials are discussed below, under "Project Site."

City of San José

The City occupies the northern end of the Santa Clara Valley and a majority of the land is within densely developed areas. However, areas in the City to the southwest (Almaden Valley) and southeast (East Foothills neighborhood) are wildland urban interface (WUI) areas, and the threat of serious fire is high in these areas—namely in the Santa Cruz Mountains and Diablo Range.[7] Homes and neighborhoods that reside in or alongside these wildland areas are vulnerable to such wildfires given their proximity to vegetative fuels. This transitional area, where structures and other human development meet or intermingle with undeveloped wildland, is defined as the WUI.[8]

Within the city limits, Very High Fire Hazard Severity Zones (FHSZs) identified by the California Department of Forestry and Fire Hazard Protection (CAL FIRE) are located in Alum Rock Park, east of The Villages Golf and Country Club in the Evergreen Planning Area and on both sides of Casa Loma Road in the Calero Planning Area. According to the CAL FIRE FHSZ map for State Responsibility Areas (SRAs), the City is not within an established FHSZ.[9]

Project Site

As stated above, the project site is not located within an established FHSZ. The nearest FHSZ is a High FHSZ approximately 0.92 mile southwest of the project site[10] (see Figure 4-1).

3.5.3 - Regulatory Framework

Federal

Federal Aviation Regulations Part 77

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

[7] Santa Clara County. 2016. Santa Clara County Community Wildfire Protection Plan, Annex 10 – City of San José. Website: https://www.sccfd.org/wp-content/uploads/documents/fire_prevention/CWPP/Annex_10_City_of_San_Jose_2017.pdf. August. Accessed August 23, 2024.

[8] City of San José. Wildland-Urban Interface. Website: https://www.sanjoseca.gov/your-government/departments-offices/fire-department/public-education/wildfire-preparedness/wildland-urban-interface. Accessed September 27, 2024.

[9] California Department of Forestry and Fire Protection (CAL FIRE). 2024. Fire Hazard Severity Zones in State Responsibility Area web viewer. Website: https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed September 27, 2024.

[10] Ibid.

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 5 years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites.

Government Code Section 65962.5

Section 65962.5 of the Government Code requires the California Environmental Protection Agency (Cal/EPA) 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 California Environmental Quality Act (CEQA) requirements. The Cortese List includes hazardous substance release sites identified by the DTSC and the State Water Board.

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, recordkeeping 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 PCBs, asbestos, radon, and LBP.

Asbestos-containing Materials

Friable asbestos is any ACM that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustic ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of nonfriable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA began phasing out use of friable asbestos products in 1973 and issued a ban in 1978 on manufacture, import, processing, and distribution of some asbestos-containing products and new uses of asbestos products. The EPA is currently considering a proposed ban on ongoing use of asbestos. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

Occupational Health and Safety Act

The Occupational Safety and Health Administration (OSHA) of the United States Department of Labor is responsible for implementing and enforcing federal laws and regulations that address worker health and safety. OSHA requires specific training for hazardous materials users and handlers, provision of information (procedures for personal safety, hazardous materials storage and handling, and emergency response) to employees who may be exposed to hazardous materials, and acquisition of material safety data sheets from materials manufacturers. Material safety data sheets describe the risks, as well as proper handling and procedures, related to particular hazardous materials. Employee training must include response and remediation procedures for hazardous

materials releases and exposures. Construction workers and operational employees at the project site would be subject to these requirements.

Code of Federal Regulations, Titles 29 and 40

Regulations in Code of Federal Regulations Title 29 include requirements to manage and control exposure to LBP and ACM. In California, these requirements are implemented by Cal/OSHA under California Code of Regulations Title 8 (see further discussion of California Code of Regulations Title 8 below). The removal and handling of ACM is governed primarily by EPA regulations under Code of Federal Regulations Title 40. The regulations require that the appropriate State agency be notified before any demolition, or before any renovations, of buildings that could contain asbestos or ACM above a specified threshold.

Resource Conservation and Recovery Act and Comprehensive Environmental Response, Compensation, and Liability Act

The EPA is responsible for implementing and enforcing federal laws and regulations pertaining to hazardous materials. The primary legislation includes the Resource Conservation and Recovery Act of 1976 (RCRA) and CERCLA, as amended by the Superfund Amendments and Reauthorization Act (SARA) and the Emergency Planning and Community Right-to-Know Act (known as SARA Title III). RCRA and the 1984 RCRA Amendments regulate the treatment, storage, and disposal of hazardous and nonhazardous wastes and mandate that hazardous wastes be tracked from the point of generation to their ultimate fate in the environment, including detailed tracking of hazardous materials during transport and permitting of hazardous material handling facilities. As permitted by RCRA, in 1992, the EPA approved California's program called the Hazardous Waste Control Law (HWCL), administered by DTSC, to regulate hazardous wastes in California, as discussed further below. The purpose of CERCLA is to identify and clean up chemically contaminated sites that pose a significant environmental health threat, and the Hazard Ranking System is used to determine whether a site should be placed on the National Priorities List for cleanup activities. SARA relates primarily to emergency management of accidental releases and requires annual reporting of continuous emissions and accidental releases of specified compounds that are compiled into a nationwide Toxics Release Inventory. Finally, SARA Title III requires formation of State and local emergency planning committees that are responsible for collecting material handling and transportation data for use as a basis for planning and provision of chemical inventory data to the community at large under the "right-to-know" provision of the law.

Hazardous Materials Transportation Act

Under the Hazardous Materials Transportation Act of 1975, the United States Department of Transportation (USDOT), Office of Hazardous Materials Safety regulates the transportation of hazardous materials on water, rail, highways, through air, or in pipelines and enforces guidelines created to protect human health and the environment and reduce potential impacts by creating hazardous material packaging and transportation requirements. It also includes provisions for material classification, packaging, marking, labeling, placecarding, and shipping documentation. The USDOT provides hazardous materials safety training programs and supervises activities involving hazardous materials. In addition, the USDOT develops and recommends regulations governing the multimodal transportation of hazardous materials.

Aboveground Petroleum Storage Act, and Spill Prevention, Control, and Countermeasure Rule

The Aboveground Petroleum Storage Act of 1990, and the Spill Prevention, Control, and Countermeasure (SPCC) Rule (amended 2010) of the Oil Pollution Prevention regulation (40 Code of Federal Regulations [CFR] 112) require the owner or operator of a tank facility with an aggregate storage capacity greater than 1,320 gallons to notify the local Certified Unified Program Agency (CUPA) and prepare an SPCC plan. The SPCC plan must identify appropriate spill containment measures and equipment for diverting spills from sensitive areas and must discuss facility-specific requirements for the storage system, inspections, recordkeeping, security, and training.

Clean Water Act

The Clean Water Act (CWA) (Title 33 § 1251 *et seq.* of the United States Code [33 USC 1251, *et seq*.]) is the major federal legislation governing water quality. The CWA established the basic structure for regulating discharges of pollutants into waters of the United States (not including groundwater). The objective of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the nation's waters." The CWA establishes the basic structure for regulating the discharge of pollutants into waters of the United States. Responsibility for administering the CWA resides with the State Water Board and nine RWQCBs; the San Francisco Bay RWQCB administers the CWA for Santa Clara County. Section 404 of the CWA regulates temporary and permanent fill and disturbance of waters of the United States, including wetlands. The United States Army Corps of Engineers (USACE) requires that a permit be obtained if a project proposes to place fill in navigable waters and/or to alter waters of the United States below the ordinary high-water mark in non-tidal waters. Section 401 of the CWA requires compliance with State water quality standards for actions within State waters. Compliance with the water quality standards required under Section 401 is a condition for issuance of a Section 404 permit. Under Section 401 of the CWA, every applicant for a permit or license for any activity that may result in a discharge to a water body must obtain a State water quality certification from the RWQCB to demonstrate that the proposed activity would comply with State water quality standards.

State

California Hazardous Waste Control Law

The HWCL is the primary hazardous waste statute in the State of California and implements RCRA as a "cradle-to-grave" waste management system for handling hazardous wastes in a manner that protects human health and the environment and would reduce potential resulting impacts. The law specifies that generators have the primary duty to determine whether their waste is hazardous and to ensure proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous waste used or reused as raw materials. The law exceeds federal requirements by mandating source reduction planning and a much broader requirement for permitting facilities that treat hazardous waste. It also regulates a number of types of waste and waste management activities that are not covered by federal law.

California Health and Safety Code

The California Health and Safety Code (HSC § 25141) defines hazardous waste as a waste or combination of waste that may:

> . . . because of its quantity, concentration, or physical, chemical, or infection characteristics:
>
> (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitation-reversible illness.
>
> (2) Pose a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment, when improperly treated, stored, transported, or disposed of or otherwise managed.

These regulations establish criteria for identifying, packaging, and labeling hazardous wastes; prescribe management practices for hazardous wastes; establish permit requirements for hazardous waste treatment, storage, disposal, and transportation; and identify hazardous waste that commonly would be disposed of in landfills.

Under both the RCRA and the HWCL, hazardous waste manifests must be retained by the generator for a minimum of 3 years. The generator must match copies of the manifests with copies of manifest receipts from the treatment, disposal, or recycling facility.

In accordance with Chapter 6.11 of the California Health and Safety Code (HSC § 25404, *et seq*.), local regulatory agencies enforce many federal and State regulatory programs through the CUPA program, including:

- Hazardous materials business plans (HMBPs) (HSC § 25501, *et seq*.).
- State Uniform Fire Code (UFC) requirements (UFC § 80.103, as adopted by the State Fire Marshal pursuant to HSC § 13143.9).
- Underground storage tanks (HSC § 25280, *et seq*.).
- Aboveground storage tanks (HSC § 25270.5(c)).
- Hazardous waste-generator requirements (HSC § 25100, *et seq*.).

The Santa Clara County Department of Environmental Health, Hazardous Materials Compliance Division is the CUPA for the County. As the CUPA, they enforce State statutes and regulations through the Hazardous Materials Unified Program Agency, which oversees aboveground petroleum tanks; generation of hazardous materials, storage, and treatment; USTs; generation of medical waste; the accidental release prevention program; and Local Oversight Program. If a facility ever handles any individual hazardous material in an aggregate amount equal to or greater than 55 gallons (liquids), 500 pounds (solids), or 200 cubic feet (gases), an HMBP must be submitted. The HMBP must include:

- Details that include facility floor plans and identify the business conducted at the site.
- An inventory of hazardous materials handled or stored on the site.
- An emergency response plan.

- A training program in safety procedures and emergency response for new employees who may handle hazardous materials, with an annual refresher course in the same topics for those same employees.

California Code of Regulations, Title 8

Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations. These regulations concern the use of hazardous materials in the workplace, including requirements for employee safety training; availability of safety equipment; accident and illness prevention programs; hazardous substance exposure warnings; and preparation of emergency action and fire prevention plans.

Cal/OSHA also enforces hazard communication program regulations, including procedures for identifying and labeling hazardous substances, and requires that safety data sheets (formerly known as material safety data sheets) be available for employee information and training programs. Cal/OSHA standards are generally more stringent than federal regulations. Construction workers and operational employees at the project site would be subject to these requirements.

California Code of Regulations, Title 8, Section 1529 authorizes Cal/OSHA to implement the survey requirements of Code of Federal Regulations Title 29 relating to asbestos. These federal and State regulations require facilities to take all necessary precautions to protect employees and the public from exposure to asbestos. Workers who conduct asbestos abatement must be trained in accordance with federal and State OSHA requirements. The Bay Area Air Quality Management District (BAAQMD) oversees the removal of regulated ACM (see "Asbestos Demolition, Renovation, and Manufacturing Rule" below).

California Code of Regulations, Title 8, Section 1532.1 includes requirements to manage and control exposure to LBP. These regulations cover the demolition, removal, cleanup, transportation, storage, and disposal of lead-containing material. The regulations outline the permissible exposure limit, protective measures, monitoring, and compliance to ensure the safety of construction workers exposed to lead-based material. Loose and peeling LBP must be disposed of as a State and/or federal hazardous waste if the concentration of lead equals or exceeds applicable hazardous waste thresholds. Federal and State OSHA regulations require a supervisor who is certified with respect to identifying existing and predictable lead hazards to oversee air monitoring and other protective measures during demolition activities in areas where LBP may be present. Special protective measures and notification of Cal/OSHA are required for highly hazardous construction tasks related to lead, such as manual demolition, abrasive blasting, welding, cutting, or torch burning of structures where LBP is present.

California Code of Regulations Title 22, Division 4.5

California Code of Regulations, Title 22, Division 4.5, contains the Environmental Health Standards for the Management of Hazardous Waste, which includes California waste identification and classification regulations. California Code of Regulations, Title 22, Chapter 11, Article 3, Soluble Threshold Limits Concentrations/Total Threshold Limits Concentration Regulatory Limits, identifies the concentrations at which soil is determined to be a California hazardous waste. California's Universal Waste Rule (22

California Code of Regulations [CCR] § 66273) provides an alternative set of management standards in lieu of regulation as hazardous wastes for certain common hazardous wastes, as defined in California Code of Regulations, Title 22, Section 66261.9. Universal wastes include fluorescent lamps, mercury thermostats, and other mercury-containing equipment. Existing structures may contain fluorescent light ballasts that could contain mercury or lead. The Alternative Management Standards for Treated Wood Waste (22 CCR § 67386) were developed by the DTSC to allow for disposal of treated wood as a nonhazardous waste in order to simplify and facilitate the safe and economical disposal of such waste. Chemically treated wood can contain elevated levels of hazardous chemicals (e.g., arsenic, chromium, copper, pentachlorophenol, or creosote) that equal or exceed applicable hazardous waste thresholds. The Alternative Management Standards provide for less stringent storage requirements and extended accumulation periods, allow shipments without a hazardous waste manifest and a hazardous waste hauler, and allow disposal at specific nonhazardous waste landfills.

Porter-Cologne Act

The Porter-Cologne Water Quality Control Act of 1969 (Porter-Cologne Act) is California's statutory authority for the protection of water quality. Under the Porter-Cologne Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. Regional authority for planning, permitting, and enforcement is delegated to the nine RWQCBs. The RWQCBs are required to formulate and adopt water quality control plans (also known as basin plans) for all areas of the region and to establish water quality objectives in the plans. The Porter-Cologne Act sets forth the obligations of the State Water Board and RWQCBs to adopt and periodically update water quality control plans that recognize and reflect the differences in existing water quality, the beneficial uses of the region's groundwater and surface water, and local water quality conditions and problems. It also authorizes the State Water Board and RWQCBs to issue and enforce waste discharge requirements and to implement programs for controlling pollution in State waters. Finally, the Porter-Cologne Act also authorizes the State Water Board and RWQCBs to oversee site investigation and cleanup for unauthorized releases of pollutants to soils and groundwater and in some cases to surface waters or sediments. The San Francisco Bay RWQCB is responsible for the project site.

Basin plans are the regional water quality control plans required by both the CWA and the Porter-Cologne Act that establish beneficial uses, water quality objectives, and implementation programs for each of the nine regions in California. The Act also requires waste dischargers to notify the RWQCBs of their activities by filing reports of waste discharge and authorizes the State Water Board and RWQCBs to issue and enforce Waste Discharge Requirements (WDRs), National Pollutant Discharge Elimination System (NPDES) permits, or other approvals. The RWQCBs are also authorized to issue waivers to reports of waste discharge and WDRs for broad categories of "low threat" discharge activities that have minimal potential to cause adverse water quality effects when implemented according to prescribed terms and conditions.

California Emergency Response Plan

California has developed an emergency response plan to coordinate emergency services provided by federal, State, and local governments and private agencies. Responding to hazardous materials incidents is one part of this plan. The plan is administered by the California Governor's Office of

Emergency Services, which coordinates the responses of other agencies. Emergency response team members respond and work with local fire and police agencies, emergency medical providers, the California Highway Patrol (CHP), CAL FIRE, California Department of Fish and Wildlife (CDFW), and California Department of Transportation (Caltrans).

California Department of Forestry and Fire Protection

CAL FIRE has mapped fire threat potential throughout California. CAL FIRE maps fire threats based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The threat levels include no fire threat, moderate, high, and very high fire threat. Additionally, CAL FIRE produced a 2010 Strategic Fire Plan for California, which contains goals, objectives, and policies to prepare for and mitigate the effects of fire on California's natural and built environments. CAL FIRE's Office of the State Fire Marshal provides oversight of enforcement of the California Fire Code as well as overseeing hazardous liquid pipeline safety.

California Building Standards Code

The State of California provided a minimum standard for building design through the 2022 California Building Standards Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations. The 2022 CBC is based on the 2021 International Building Code but has been modified for California conditions. It is generally adopted on a jurisdiction by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local City and County building officials for compliance. Typical fire safety requirements of the CBC include the installation of sprinklers in all new high-rise buildings and residential buildings; the establishment of fire resistance standards for fire doors, building material; and the use of particular types of construction.

California Public Resources Code

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[11] on construction equipment that use an internal combustion engine; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on-site 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 arrester to reduce the potential for igniting a wildland fire (PRC § 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period—from April 1 to December 1 (PRC § 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

[11] A spark arrester is a device that prohibits exhaust gases from an internal combustion engine from passing through the impeller blades, where they could cause a spark. A carbon trap is commonly used to retain carbon particles from the exhaust.

construction contractor would maintain the appropriate fire suppression equipment (PRC § 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 (PRC § 4431).

National Pollutant Discharge Elimination System

The NPDES permits all involve similar processes, which include submitting notices of intent for discharging to water in areas under the San Francisco Bay RWQCB's jurisdiction and implementing Best Management Practices (BMPs) to minimize those discharges. The San Francisco Bay RWQCB may also issue site-specific WDRs, or waivers to WDRs, for certain waste discharges to land or waters of the State.

Construction Activity

The State Water Board NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (General Permit) (Order WQ 2022-0057-DWQ, NPDES No. CAS000002) applies to all construction activities that would disturb 1 acre of land or more. Construction activities subject to the general construction activity permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters.

To comply with the requirements of the construction general permit, the project applicant must file a notice of intent with the State Water Board to obtain coverage under the permit; prepare a Storm Water Pollution Prevention Plan (SWPPP); and implement inspection, monitoring, and reporting requirements appropriate to the project's risk level, as specified in the SWPPP. The SWPPP includes a site map, describes construction activities, and lists potential hazardous materials that would be used and/or stored on-site (i.e., petroleum products, solvents, paints, etc.). All NPDES permits also have inspection, monitoring, and reporting requirements.

Regional

Santa Clara County Department of Environmental Health

The Santa Clara County Department of Environmental Health acts as the local oversight agency for investigation and cleanup of petroleum releases from USTs through implementation of the local oversight program by contract with the State and Regional Water Resources Control Board.

San Francisco Bay Regional Water Quality Control Board

There are nine RWQCBs throughout the State. The San Francisco Bay RWQCB has jurisdiction over projects in the City of San José. Individual RWQCBs function as the lead agencies responsible for identifying, monitoring, and cleaning up LUST sites. Storage of hazardous materials in USTs is regulated by the California State Water Resources Control Board (State Water Board), which oversees the nine RWQCBs.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan (General Plan) establishes the following guiding and implementing policies associated with hazards and hazardous materials that are relevant to the proposed project:

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

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

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

Policy EC-6.4 Require all proposals for new or expanded facilities that handle hazardous materials that could impact sensitive uses off-site to include adequate mitigation to reduce identified hazardous materials impacts to less than significant levels.

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

Action EC-6.8 The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility development could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.

Action EC-6.9 Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials by June 2011. The City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects.

Action EC-6.10 Promote source reduction and recycling as alternatives to hazardous materials land disposal whenever feasible.

Action EC-6.11 Promote the provision of used oil recycling and/or hazardous waste recycling facilities and drop-off locations for residents.

Action EC-6.12 Regulate new development on or in proximity to high pressure natural gas pipelines to promote public safety and reduce risks from land use incompatibility.

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

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

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

Policy EC-7.3 Where a property is located in near proximity of known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, State and federal agencies prior to approval of a development or redevelopment project.

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

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

Action EC-7.8 Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.

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

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

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

Goal EC-8 **Wildland and Urban Fire Hazards:** Protect lives and property from risks associated with fire related emergencies at the urban/wildland interface.

Policy EC-8.1 Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce expose to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.

Policy EC-8.2 Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.

City of San José Code of Ordinances

Chapter 11.90, Transportation Permits, requires the issuance of a transportation permit to operate a vehicle of extralegal size, weight, or load. Insurance must be obtained for any permittee that plans to transport hazardous materials.

Chapter 17.04, Building Code, states that, for projects that will import or export 10,000 cubic yards of earth material (or more), the director of traffic operations will designate routes which will be allowable for trucks or other equipment to travel between the construction site and/or excavation, landfill, or quarry sites. Additionally, check dams, sedimentation basins, cribbing, riprap or other devices or methods to control erosion and sediments shall be employed when necessary to provide safety and protect water quality.

Chapter 17.12, City of San José Fire Code, contains construction-related fire safety and fire protection requirements. This chapter also includes provisions related to the storage, handling, and use of regulated materials, which requires spill control and secondary containment for stored hazardous materials.

Chapter 17.68, Hazardous Materials Storage Permit, contains regulations that are designed to protect health, life, resources, and property through prevention and control of unauthorized discharges of hazardous materials. This ordinance applies to any person, firm, or corporation which stores any hazardous materials and requires a hazardous materials storage permit and shall be in conformance with an approved hazardous materials management plan.[12]

3.5.4 - Methodology

The analysis in this section relies upon the information contained in the Phase I ESA prepared by AEI Consultants to evaluate the potential presence of hazards and hazardous materials on the project site. This report is provided in its entirety in Appendix F.

3.5.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether hazards and hazardous materials impacts resulting from the implementation of the proposed project would be considered significant if the project would:

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

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

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

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

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

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

3.5.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

[12] City of San José. 2024. City of San José Code of Ordinances, Title 17 – Buildings and Construction, Chapter 17.68–Hazardous Materials Storage Permit. Website: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT17BUCO_CH17.68HAMASTPE. Accessed on September 27, 2024.

Routine Transport, Use, or Disposal of Hazardous Materials

Impact HAZ-1: **The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.**

Impact Analysis

The proposed project would remove the existing sports fields (and associated structures and improvements) at the project site and would develop 108 townhouse units spread over 32 buildings totaling approximately 6.67 acres. This would require some routine transport, use, and/or disposal of hazardous materials.

Potential hazardous materials transported, used, or disposed of during project construction would be limited to commonly used substances such as gasoline, diesel, oil, grease, mechanical fluids, paints, and cleaning solvents.

The Phase I ESA identified potential contamination at the project site related to the historical use of agricultural chemicals (i.e., pesticides, herbicides, and fertilizers) and considers this potential contamination as a REC. No Controlled Recognized Environmental Conditions (CRECs) or Historical Recognized Environmental Conditions (HRECs) were identified in the Phase I ESA. Based on these findings, the Phase I ESA recommends that a Phase II Subsurface Investigation be performed to determine the level of potential contamination at the project site and to recommend remediation procedures.

According to the Phase I ESA, no building components containing suspect ACM were identified during the inspection of the project site. Additionally, because the existing sports field and associated structures were constructed after 1978, the Phase I ESA determined that LBP is unlikely to be present and is not considered a significant environmental concern.

According to the GeoTracker and EnviroStor databases, there is an open Cleanup Program Site 0.16 mile southwest of the project site. This site is listed as open and is being assessed as of March 3, 2024, for potential groundwater and soil vapor impacts.[13][14] A Phase I ESA was performed at this location in June of 2020 and indicated potetnial groundwater and soil vapor impacts due to previous agricultural uses at this site and contamination from a nearby dry cleaning business.[15] A Site Mangement Plan was approved by County of Santa Clara Department of Environmental Health (DEH) in April 2024; it was determined that the extent of the soil vapor and groundwater contamination could not be defined and additional testing was needed. In July 2024, a Work Plan for additional soil vapor and groundwater assessments was approved.[16] On September 17, 2024, Santa Clara County

[13] California State Water Resources Control Board (State Water Board). 2024. GeoTracker database. Website: https://geotracker.waterboards.ca.gov/. Accessed on September 18, 2024.

[14] California Department of Toxic Substances Control (DTSC). 2024. EnviroStor database. Website: https://www.envirostor.dtsc.ca.gov/public/. Accessed on September 18, 2024.

[15] Cornerstone Earth Group (Cornerstone). 2020. Phase I Environmental Site Assessment, Camden Avenue and Malpas Drive (APN 567-26-014), San José, California. June 5. Website: https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/3250919997/T10000021675.PDF. Accessed September 27, 2024.

[16] County of Santa Clara Department of Environmental Health (DEH). 2024. Camden Estates Residential Development, Camden Avenue

DEH approved the Vapor Intrusion Mitigation System and Construcaion Quality Plan for this cleanup site.[17] Both of these approval letters stated that the results are due to the County by November 21, 2024. On November 21, 2024, a Soil Vapor and Groundwater Assessemnt was prepared for this cleanup site. The report found elevated levels of tetrachloroethene (PCE) and its breakdown product trichloroethene (TCE) in soil vapor and groundwater samples on-site, which were found to originate from the aforementioned dry cleaner business.[18] Santa Clara DEH acknowledged receipt of the Novmeber 21, 2024, report.[19] In its letter, the Santa Clara DEH agreed with its conclusion that the lateral and vertical extent of the PCE contaminant plume is adequately assessed at this site and appears to be originating from an off-site source and stated that additional soil vapor assessment on-site is not required at this time.

As the limits of the groundwater contamination cannot be defined at the time of this analysis, it is unknown whether or not the soil/groundwater beneth the project site is contaminated. The Phase I ESA reported that the groundwater level underlying the project site is approximately 18 to 49 feet below ground surface (bgs). The Geotechnical Investigation indicated that groundwater was not encountered during borings extending to approximately 20 feet bgs. The groundwater flow direction is inferred to be northeast at the Cleanup Program Site and at the project site, which suggests that the groundwater underlying the project site may be contaminated as well. Further, groundwater contamination can lead to soil vapor intrusion impacts to the overlying soil. While excavation associated with the proposed project is not expected to encounter groundwater during construction, there could potentially be a contaminated soil and/or soil vapor intrusion risks at the project site from this nearby site.

Exposure to hazardous materials during the construction of the proposed project (either through the use, transport, or disposal of such materials) may result from the improper handling or use of hazardous substances during construction. Additionally, if not addressed properly, construction personnel maybe exposed to hazardous materials in the soil or groundwater at the project site to do the potential contamination from the previous agricultural uses of the project site and the neighboring Cleanup Program Site. The severity of any such exposure is dependent upon the type and amount of the hazardous material involved; the timing, location, and nature of the event; and the sensitivity of the individual or environment affected.

Because the proposed project will involve the routine use, transportation, and disposal of construction-related hazardous materials (i.e., gasoline, diesel, oil, grease, mechanical fluids, paints,

and Canna Lane, Site Cleanup Program Case No. 2024-03s, GeoTracker ID No. T10000021675. July 24. Website: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/6177274405/20240724_WP_Approval_2024-03s.pdf. Accessed September 18, 2024.

[17] County of Santa Clara Department of Environmental Health (DEH). 2024. Camden Estates Residential Development, Camden Avenue and Canna Lane, Site Cleanup Program Case No. 2024-03s, GeoTracker ID No. T10000021675. September 17. Website: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/4685331046/20240917_VIMS_Plan_Approval%202024-03s.pdf. Accessed September 17.

[18] Cornerstone Earth Group. 2024. Soil Vapor and Groundwater Assessment, Camden Estates Residential Development, Camden Avenue, and Malpas Drive, San José, CA. Project No. 1493-1-2. Website: https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/8514037966/T10000021675.PDF. Accessed January 8, 2025.

[19] County of Santa Clara Department of Environmental Health. 2025. Camden Estates Residential Development, Camden Avenue and Canna Lane, Site Cleanup Program Case No. 2024-03s. GeoTracker ID No. T10000021675. January 8. Website: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5685322403/20250108_DEH%20Response%20to%20Offsite%20Ass%202024-03s.pdf. Accessed: January 20, 2025.

and cleaning solvents), and because of the potential contamination of the neighboring Cleanup Program Site, there is the potential for a significant hazard to the public or the environment. Accordingly, the project's impacts with respect to the routine use, transportation, and disposal of hazardous material would be potentially significant.

As stated above, the Phase I ESA concluded that a Limited Phase II Subsurface Investigation would be required at the project site. Mitigation Measure (MM) HAZ-1 would require that a Limited Phase II Subsurface Investigation is performed prior to issuance of a grading permit to identify whether any soil or groundwater contamination is present at the project site, whether there is soil vapor intrusion risks at the project site, and to facilitate the removal of any identified contaminants.

Furthermore, as discussed in Section 3.5.3, Regulatory Framework, hazardous materials are extensively regulated at the local, State, and federal level. The proposed project would be required to comply with all applicable standards, ordinances, regulations, and laws governing the transportation, use, and disposal of hazardous materials. These regulations are designed to ensure that hazardous materials are transported, used, stored, and disposed of in a safe manner to protect worker safety and to reduce the potential for a release of construction-related fuels or other hazardous materials into the environment, including stormwater and downstream receiving waters. Consistent with Chapter 17.68 of the City Code of Ordinances (Hazardous Materials Storage Permit), contractors would be required to obtain a hazardous materials storage permit and to be in conformance with an approved hazardous materials management plan, which would require that hazardous materials used for construction would be used properly and stored in appropriate containers with secondary containment (as needed) to contain a potential release. The California Fire Code would also require measures for safe storage and handling of hazardous materials.

Construction contractors would be required to prepare a SWPPP for construction activities in accordance with the NPDES General Permit requirements. The SWPPP would list the hazardous materials (including petroleum products) proposed for use during construction; describe spill prevention measures, equipment inspections, equipment and fuel storage; detail protocols for responding immediately to spills; and include BMPs from controlling site runoff.

In addition, the USDOT Office of Hazardous Materials Safety has established strict safety regulations for the transportation of hazardous materials. Appropriate documentation for all hazardous waste that is transported in connection with project site activities would be provided as required for compliance with existing hazardous materials regulations. Hazardous wastes produced on-site are subject to requirements associated with accumulation time limits, proper storage locations and containers, and proper labeling. Additionally, for removal of hazardous waste from the site, hazardous waste generators are required to use a certified hazardous waste transportation company, which must ship hazardous waste to a permitted facility for treatment, storage, recycling, or disposal. Chapter 11.90 of the City Code of Ordinances requires the issuance of a transportation permit to operate a vehicle of extralegal size, weight, or load. Insurance must be obtained for any permittee that plans to transport hazardous materials. The transportation of hazardous materials would be regulated by the USDOT, Caltrans, and the CHP. Together, federal and State agencies determine driver-training requirements, load labeling procedures, and container specifications designed to minimize the risk of accidental release.

In the event of a spill that releases hazardous materials, a coordinated response would occur at the federal, State, and local levels, including the City. The San José Fire Department is the local hazardous materials response team. In the event of a hazardous materials spill, the City Police and Fire Departments would be simultaneously notified and sent to the scene to respond to and assess the situation.

Compliance with existing regulations and implementation of MM HAZ-1 would reduce the potentially significant impact to less than significant with mitigation incorporated.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM HAZ-1 Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall contract a qualified environmental professional to conduct a Limited Phase II Subsurface Investigation at the project site, following the recommendations provided in the Phase I Environmental Site Assessment (Phase I ESA) performed by AEI Consultants and dated February 10, 2023. The Limited Phase II Subsurface Investigation shall be prepared in accordance with the State and regional guidelines and applicable American Society for Testing and Materials (ASTM) International standards to determine the presence and/or extent of the potential contamination at the project site and to inform potential remediation actions. If the Limited Phase II Subsurface Investigation identifies contamination at the project site, recommendations provided in the Limited Phase II Subsurface Investigation shall be implemented. If remediation is required at the project site, a soil and groundwater management plan (or similar) shall be prepared to provide remediation actions to be performed at the project site and contamination shall be remediated to satisfactory levels appropriate for residential uses prior to ground disturbance at the project site. The Limited Phase II Subsurface Investigation and any subsequent report shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE). If pesticide concentrations are found above regulatory residential Environmental Screening Levels (ESLs), the applicant shall obtain regulatory oversight from County of Santa Clara Department of Environmental Health (DEH), Regional Water Quality Control Board (RWQCB) or the California Department of Toxic Substances Control (DTSC). A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified hazardous materials consultant. The SMP shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The SMP and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the PBCE and the Environmental Compliance Officer in the City of San José Environmental Services Department (ESD).

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Risk of Upset

Impact HAZ-2:	**The proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.**

Impact Analysis

Because the proposed project will involve the use, transportation, and disposal of hazardous materials commonly used during construction activties (i.e., gasoline, diesel, oil, grease, mechanical fluids, paints, and cleaning solvents), it has the potential to create a significant hazard to the public or the environment through upset and accident conditions involving the release of hazardous materials into the environment, either through a transportation accident or an unforeseen event (e.g., fire, flood, or earthquake). Accordingly, the proposed project's impacts with respect to upset or accident conditions could be potentially significant.

However, as discussed in Section 3.5.3, Regulatory Framework, hazardous materials are extensively regulated at the local, State, and federal level. The proposed project will be required to comply with all applicable standards, ordinances, regulations, and laws governing the transportation, use, and disposal of hazardous materials, as discussed above in the Regulatory Setting. Compliance with these laws will reduce the proposed project's potential impacts related to hazardous materials to a less than significant level.

In particular, the applicable regulations include standards and procedures for containing, reporting, and remediating any accidental spill or release of hazardous materials, such as Chapter 17.68 of the City Code of Ordinances (Hazardous Materials Storage Permit), the California Fire Code, and the NPDES General Permit requirements.

In addition, the transportation of hazardous materials would be regulated by the USDOT, Caltrans, and the CHP. Together, federal and State agencies determine driver-training requirements, load labeling procedures, and container specifications designed to minimize the risk of accidental release.

In the event of a spill that releases hazardous materials, a coordinated response would occur at the federal, State, and local levels, including the City. The San José Fire Department is the local hazardous materials response team. In the event of a hazardous materials spill, the City Police and Fire Departments would be simultaneously notified and sent to the scene to respond to and assess the situation.

As discussed above, the Phase I ESA identified potential contamination at the project site related to the historical use of agricultural chemicals (i.e., pesticides, herbicides, and fertilizers) and soil vapor intrusion risks from a nearby site. MM HAZ-1 would require that a Limited Phase II Subsurface Investigation is performed prior to issuance of any demoliiton or grading permits to identify whether organochlorine pesticides and pesticide-bases metals, arsenic and lead from previous agricultural operations are present on-site at concentrations above established residential Environmental

Screening Levels (ESLs) for construction workers and future site occupants and, if pesticide concentrations are found above regulatory ESLs, to obtain regulatory oversight and to prepare a Site Management Plan (SMP). Compliance with existing regulations and implementation of MM HAZ-1 would reduce the potentially significant impact to less than significant with mitigation incorporated.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM HAZ-1.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Hazardous Emissions Proximate to a School

Impact HAZ-3:	**The proposed project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.**

Impact Analysis

There are five schools within 0.25 mile of the project site. The nearest schools are Beacon School and Delight Montessori School, which are immediately adjacent to the project site to the west. Other schools within 0.25 mile of the project site are the Watch Me Grow Daycare, approximately 0.13 mile southwest of the project site; Escuelita Preschool, approximately 0.17 mile northwest of the project site; and Dartmouth Middle School, approximately 0.25 mile northeast of the project site. No schools are proposed within 0.25 miles of the project site.

Construction

The emission of potential air pollutants is discussed in Section 3.1, Air Quality. As discussed above, construction activity would be expected to involve the transport, use, and disposal of hazardous materials, such as diesel fuels, aerosols, and paints. The proposed project would be subject to Chapter 17.12 (City of San José Fire Code) of the City Code of Ordinances, which includes requirements related to the storage, handling, and use of regulated materials, requiring spill control and secondary containment for stored hazardous materials. Additionally, the handling, transport, use, and disposal of hazardous materials must comply with the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations, which further limits the risk of emissions or accidental release of hazardous materials during construction. With compliance with all applicable regulations, construction-related impacts would be less than significant.

Operations

The proposed project would be limited to residential uses that are not expected to utilize acutely hazardous materials; however, the possibility exists that such materials could be stored or transported to and from the project site. However, the handling of hazardous materials or emission of hazardous substances, if present, would be regulated by applicable local, State, and federal

standards, ordinances, and regulations. Compliance with existing regulations would ensure that impacts associated with environmental and health hazards related to emission of a hazardous substance or accidental release of hazardous materials near existing or proposed schools are less than significant and no mitigation is required.

To ensure that handling hazardous materials within 0.25 mile of a school would not result in impacts to schools near the project site, the proposed project would ensure compliance with applicable laws and regulations that would reduce the potentially significant impact to a less than significant impact.

Level of Significance Before Mitigation

Less than significant impact without mitigation.

Government Code Section 65962.5 Sites

Impact HAZ-4:	**The proposed project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, that as a result, would create a significant hazard to the public or the environment.**

Impact Analysis

The Phase I ESA indicated that the project site is not listed on any federal hazardous materials databases compiled pursuant to Government Code Section 65962.5 (Cortese List). FCS's review of the GeoTracker and EnviroStor databases confirms that there are no hazaredous materials site recorded at the project site.

According to the GeoTracker and EnviroStor databases, there is an open Cleanup Program Site 0.16 mile southwest of the project site. This site is listed as open and is being assessed as of March 3, 2024, for potential groundwater and soil vapor impacts.[20,21] A Phase I ESA was performed at this location in June of 2020 and indicated potential groundwater and soil vapor impacts due to previous agricultural uses at this site and contamination from a nearby dry cleaning business.[22] A Site Mangement Plan was approved by Santa Clara County DEH in April 2024; it was determined that the extent of the soil vapor and groundwater contamination could not be defined and additional testing was needed. In July 2024, a Work Plan for additional soil vapor and groundwater assessments was approved and the results are due to the County DEH by November 21, 2024. On September 17, 2024, Santa Clara County DEH approved the Vapor Intrusion Mitigation System and Construcaion Quality Plan for this cleanup site and reiterated the requierment for submittal of a Soil Vapor and Groundwater Assessment Report by November 21, 2024.[23]

[20] California State Water Resources Control Board (State Water Board). 2024. GeoTracker database. Website: https://geotracker.waterboards.ca.gov/. Accessed on September 18, 2024.

[21] California Department of Toxic Substances Control (DTSC). 2024. EnviroStor database. Website: https://www.envirostor.dtsc.ca.gov/public/. Accessed on September 18, 2024.

[22] Cornerstone Earth Group (Cornerstone). 2020. Phase I Environmental Site Assessment, Camden Avenue and Malpas Drive (APN 567-26-014), San José, California. June 5. Website: https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/3250919997/T10000021675.PDF. Accessed September 27, 2024.

[23] County of Santa Clara Department of Environmental Health (DEH). 2024. Camden Estates Residential Development, Camden Avenue

As the limits of the groundwater contamination cannot be defined at the time of this analysis, it is unknown whether or not the soil/groundwater beneth the project site is contaminated. The Phase I ESA reported that the groundwater level underlying the project site is approximately 18 to 49 feet bgs. The Geotechnical Investigation indicated that groundwater was not encountered during borings extending to approximately 20 feet bgs. While excavation associated with the proposed project is not expected to encounter groundwater during construction, there could potentially be a contaminated soil and/or soil vapor intrusion risks at the project site.

MM HAZ-1 would require that a Limited Phase II Subsurface Investigation is performed prior to issuance of a grading permit to identify whether any contamination is present at the project site and to facilitate the removal of any identified contaminants. Compliance with existing regulations and implementation of MM HAZ-1 would reduce the potentially significant impact to less than significant with mitigation incorporated.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement MM HAZ-1.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Proximity to Public Airport Safety Hazard

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

Impact Analysis

There are no airports located within 2 miles of a public airport or public use airport. The nearest airport is the José Mineta International Airport, which is approximately 8 miles northwest of the project site. There would be no impact.

Level of Significance Before Mitigation

No impact.

Emergency Response and Evacuation

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

and Canna Lane, Site Cleanup Program Case No. 2024-03s, GeoTracker ID No. T10000021675. September 17. Website: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/4685331046/20240917_VIMS_Plan_Approval%202024-03s.pdf. Accessed September 17.

Impact Analysis

The California Fire Code requires buildings that 30 feet or higher to be served with two points of emergency access. Vehicular and truck site access would be provided via Camden Avenue in the northwestern corner of the project site and Singletree Way in the southeastern corner. Internal roads would be provided thoughout the project site to support emergency ingress and egress. Accordingly, the proposed project comply with the California Fire Code requirements. The impact would be less than significant.

Level of Significance Before Mitigation

Less than significant impact without mitigation.

Wildland Fires

Impact HAZ-7:	**The proposed project would not expose people or structures, either directly or indirectly to a significant risk of loss, injury, or death involving wildland fires.**

Impact Analysis

The project site is not within an established FHSZ or WUI area and does not have a history of wildland fires. The nearest FHSZ is a High FHSZ approximately 0.92 mile southwest of the project site.

While the project site is within an area where the fire hazard severity is considered low, the proposed project would still be subject to Chapter 17.12 (City of San José Fire Code) of the City Code of Ordinances. The City Fire Code contains construction-related fire safety and fire protection requirements. This chapter also includes provisions related to the storage, handling, and use of regulated materials, requiring spill control and secondary containment for stored hazardous materials—which help to prevent fires.

Compliance with Chapter 17.12 (City of San José Fire Code) of the City Code of Ordinances would address the potential fire related impacts from the proposed project. The impact would be less than significant.

Level of Significance Before Mitigation

Less than significant impact without mitigation.

3.5.7 - Cumulative Impacts

Unless otherwise noted based on the impacts limited geographic scope, this cumulative impact analysis uses the "summary of projections" approach set forth in California Code of Regulations Title 14, Section 15130(b)(1)(B). The projections used were described and evaluated in the Envision San José 2040 General Plan Final Environmental Impact Report, certified by City of San José in 2011. Therefore, the cumulative impact analysis for this Draft EIR will incorporate the analysis contained in the Envision San José 2040 General Plan EIR as summarized below. The cumulative impacts analysis considers impacts related to general growth projected for the area as well as policies and programs that are in place (i.e., adopted General Plan policies and existing State and federal regulations) to protect and conserve environmental resources and minimize resulting impacts on human health.

Cumulative impacts must be evaluated where the proposed project would have a "less than significant" or greater impact. If there is no impact associated with the proposed project, be it overall or with respect to a particular CEQA threshold, further discussion of cumulative impacts is not required. The proposed project will have no impact related to airport land use plans or air traffic patterns (see Impact HAZ-5, above); therefore, the proposed project will not contribute to a cumulatively considerable impact related to those thresholds.

This analysis evaluates whether impacts of the proposed project, together with impacts of cumulative development, would result in a cumulatively significant impact with respect to hazards and hazardous materials. This analysis then considers whether incremental contribution of the impacts associated with implementation of the General Plan would be significant. Both conditions must apply for cumulative effects to rise to the level of significance.

Hazardous Materials Exposure Risk–Routine Transport, Use, or Disposal of Hazardous Materials and Reasonably Foreseeable Upset and Accident Conditions

The geographic context for evaluting hazardous materials exposure risk is limited to the project vicinity. There are no proposed projects within 2 miles of the proposed project. Moreover, in certifying the EIR for the Envision San José 2040 General Plan, the City found that while cumulative development would result in additional residential and institutional development that could increase the potential for exposure of sensitive populations to hazardous materials or hazards, it would not result in a significant impact with adherance to General Plan policies and local, State and federal regulations requiring appropriate handling of hazardous materials and/or setbacks between uses to provide for public safety. Cumulative hazardous materials impacts associated with contaminated soils and groundwater would be reduced through implementation of local policies and State and federal regulations for characterizing and remediation of known accidental releases. The City determined that, like hazardous materials use, hazards from contamination are generally localized and cumulative development consistent with the General Plan would not result in a cumulative hazardous materials and hazards impact associated with groundwater or soil contamination.

Cumulative development is expected to involve typical construction-related hazardous materials, such as fuels, aerosols, and paints. However, cumulative projects may include demolition of existing structures that have the potential to contain hazardous building materials. Building materials may contain ACM and LBP. To address potential release of hazardous materials, the City would require the applicants of cumulative developments to assess structures and comply with standard conditions of approval/ mitigation measures and comply with the General Plan. Moreover, during construction and operation, cumulative projects would be subject to the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local laws and regulations that would reduce and limit the associated risks. General Plan policies and local, State, and federal regulations call for or require appropriate handling of hazardous materials and/or setbacks between uses to provide for public safety. Additionally, in additional to compliance with the General Plan, a comprehensive regulatory framework involving regional, State, and federal laws and regulations would apply to these cumulative projects, which would further ensure a less than significant cumulative impact related to exposure to hazardous materials due to reasonably foreseeable upset or accident conditions. Any handling, transporting, use, or disposal would be required to comply with applicable

laws, regulations, policies, and programs set forth by various federal, State, and local agencies, including the EPA and Caltrans. Moreover, hazards and hazardous materials exposure is generally localized and the City has not identified any development activities within 2 miles of the propsed project. There are no land uses in the project vicinity that are known to utilize large quantities of hazardous materials or involve hazardous activities, nor are there any reasonably foreseeable future proposed projects within 2 miles of the proposed project.

Accordingly, because there is no development in the immediate vicinity of the proposed project and because other past, present, and reasonably foreseeable projects have been and would continue to be required to comply with the growth projections evaluated in the General Plan as well as applicable federal, State, and local regulatory requirements regarding the transport of hazardous materials, cleanup of hazardous materials, and the use and storage of hazardous materials during construction and operation, cumulative impacts would be less than significant.

As discussed in Impact HAZ-1 and Impact HAZ-2, the proposed project is a residential development and would not result in any significant impacts associated with the routine transport, use, or disposal of hazardous materials because any use or storage of hazardous materials during construction or operations would be subject to compliance with regulatory requirements and project-specific mitigation designed to reduce impacts to below a level of significance. Similarly, project-specific mitigation is incorporated to ensure the proposed project would not create a significant hazard through reasonably forseeable upset or accident conditions. Implementation of MM~~s~~ HAZ-1 would ensure compliance with applicable laws and regulations. Accordingly, the proposed project as mitigated would not have a cumulatively considerable contribution to the less than significant cumulative impacts.

Hazards Within 0.25 Mile of a School

The geographic context for evaluating potential impacts to nearby schools includes cumulative projects within 0.25 mile of the proposed project. There are no cumulative projects within 2 miles of the proposed project, and the General Plan did not identify any potential cumulative impacts related to hazards within 0.25 of a school. Nor are there any past, present, or reasonably foreseeable cumulative projects within 0.25 mile of the project vicinity that are known to utilize large quantities of hazardous materials or involve hazardous activities.

As discussed above, cumulative development must comply with the General Plan as well as the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations, which limits the potential for impacts. Accordingly, cumulative impacts would be less than significant.

Moreover, the proposed project would have a less than significant contribution to the less than significant cumulative impacts. As discussed above, the proposed project would comply with all applicable local, State, and federal standards, ordinances, regulations, and laws together with regulations, policies, and programs set forth by various federal, State, and local agencies, including the EPA and Caltrans. Additionally, the proposed project would implement MM HAZ-1 to ensure

compliance. Accordingly, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impacts.

Hazards and Emergency Response

Consistent with the General Plan, all development must comply with emergency access requirements as a project condition. Furthermore, the development in the City would not result in permanent road closures, nor impede an established emergency access route, or interfere with emergency response requirements. Additionally, there are no reasonably forseeable future projects within 2 miles of the proposed project site that would involve road closures or other features that would impede an emergency response. Finally, as discussed in further detail in Section 4.2.8, Effects Found not to be Significant, Public Services, fire protection services in the region are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. Police protection services in San José are provided by the City of San José Police Department (SJPD). Any road closures proposed under the cumulative projects would require coordination and approval from appropriate agencies and departments within the City and County. Development consistent with the growth projections in the General Plan would be adequately served by the SJFD and SJPD and would not interfer with emergency response. As such, there would be a less than significant cumulative impact associated with hazards and emergency response.

Similarly, the proposed project would be consistent with the General Plan and would not contribute to less than significant cumulative imapctws. Moreover, the proposed project would not involve any road closures that would impede emergency access or evacuation routes. Additionally, the proposed project would comply with the California Fire Code with respect to project access, ensuring that the project's incremental contribution to the less than significant impacts would not be cumulatively considerable.

Level of Cumulative Significance Before Mitigation

Less than significant cumulative impacts without mitigation.

3.6 - Land Use and Planning

3.6.1 - Introduction

This section describes the existing land use and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based, in part, on the Envision San José 2040 General Plan and San José Municipal Code.

3.6.2 - Environmental Setting

Land Use

Project Site

The project site consists of 6.67 acres of a 10.7-acres parcel identified as APN 567-28-001. This parcel is currently occupied by Beacon School, Delight Montessori School San José, and sports fields utilized by the City for youth activities (Figure 2-2).

Surrounding Area

West

To the west, the project site is bound by Beacon School and Delight Montessori School San José along Camden Avenue, with single-family residential uses across Camden Avenue.

North

To the north, the project site is bound by multi-family residential uses located between the project site and Blossom Hill Road, with additional residential uses beyond Blossom Hill Road.

East

To the east, the project site is bound by single-family residential development along Blossom Park Lane. A utilities easement is located east of Blossom Park Lane with additional residential uses beyond it.

South

To the south, the project site is bound by Singletree Way. An electricity production and distribution substation is located south of Singletree Way, and single and multi-family residential uses are located to the southwest. Guadalupe Creek is located south of the substation, approximately 400 feet south of the project site.

Land Use and Zoning Designations

Project Site

The project site's land use designation pursuant to the Envision San José 2040 General Plan (General Plan) is Public/Quasi-Public (PQP) (Figure 2-3). According to the General Plan, the PQP category is used to designate public land uses, including schools, colleges, corporation yards, homeless shelters, permanent supportive housing, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices, and airports.

Residential uses are not permitted under the PQP land use However, the Builder's Remedy prohibits the City from disapproving the proposed project for inconsistency with the City's zoning ordinance or General Plan land use designation.

The project is zoned as Multiple Residence District (R-M) (Figure 2-4). The purpose of the R-M district is to reserve land for the construction, use and occupancy of higher density residential development and higher density residential-commercial mixed-use development. Pursuant to the Municipal Code Chapter 20.30.010, the following residential uses are permitted in the R-M Zoning District:

1. One-family dwelling
2. Accessory dwelling unit (ADU)
3. Two-family dwelling unit
4. Multiple dwelling
5. Permanent supportive housing
6. Residential care facility, six or fewer persons
7. Residential service facility, six or fewer persons

Development standards of the R-M Zoning District[1] are listed in Table 3.6-1 below.

Table 3.6-1: R-M Zoning District Development Standards

Development Feature	Requirements
Minimum Lot Area	6,000 square feet
Minimum Setback Front	10 feet
Minimum Setback Side, interior	5 feet
Minimum Setback Side, corner	7.5 feet
Minimum Setback Rear, interior	25 feet
Minimum Setback Rear, corner	15 feet
Maximum Height	45 feet
Maximum Number of Stories	Not applicable
Source: San José Municipal Code R-M Development Standard.	

Surrounding Land Use Designations

Surrounding land use designations and zoning are shown in Table 3.6-2 below.

[1] City of San José Municipal Code. Title 20 Zoning, Chapter 20.30 Residential Zoning Districts, Section 20.30. 200 Development Standards. Website: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.30REZODI_PT3DERE_20.30.200DEST. Accessed January 20, 2025.

Table 3.6-2: Surrounding Land Use Designations and Zoning

Relationship to Project Site	General Plan Land Use Designation	Zoning
East	Mixed Use Neighborhood (MUN)	Multiple Residence District (R-M)
North	Mixed Use Neighborhood (MUN)	Multiple Residence District (R-M)
West	Public/Quasi-Public (PQP)	Commercial Office District and Single-Family Residence District (CO(PD) and R-1-8)
South	Public/Quasi-Public (PQP)	Planned Development (A (PD))
Source: City of San José. 2024.		

3.6.3 - Regulatory Framework

Federal

No federal plans, policies, regulations, or laws related to land use and planning are applicable to the proposed project.

State

Government Code Section 65589.5 (Housing Accountability Act)

The Housing Accountability Act (HAA), Government Code Section 65589.5, limits the bases upon which a city or county can deny a housing development project that includes a certain percentage of affordable units. Commonly referred to as "Builder's Remedy," the Government Code establishes a process that provides limited cases where a lead agency can deny a housing project if the project has a certain percentage of affordable housing. SB 330, the Housing Crisis Act, added a provision to this Government Code, prohibiting lead agencies from enacting new regulations that would restrict or reduce the ability of a project to move forward. On September 16, 2021, SB 8 was signed into law which made some clarifications and updated SB 330, extending the provisions of SB 330 from January 1, 2025, to January 1, 2030.

Under Section 65589.5(j)(2)(A-B), a local agency has 30 days from the date an application for a housing project of 150 or fewer housing units is determined to be complete to identify inconsistencies with plans, programs, ordinances, standards, or similar provisions. If an agency does not provide the required documentation identifying inconsistencies, "the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance standard, requirement, or other similar provision."

Assembly Bill 1893

On September 19, 2024, Governor Gavin Newsom signed Assembly Bill (AB) 1893, which explicitly adds the term "Builder's Remedy" to the HAA and revises the requirements to apply the Builder's Remedy to reduce the affordability required to qualify and set parameters around the density and objective standards that apply to a housing development project, among other changes. AB 1893 became effective January 1, 2025. Builder's Remedy projects that submitted SB 330 applications

prior to January 1, 2025, also have the option to take advantage of AB 1893's revisions. Projects that do not convert to AB 1893 are still eligible for the protections of the HAA pre-AB 1893 and may be processed in accordance with the terms of the HAA as it existed on the date of the project's vesting. (Gov. Code § 65589.5(f)(7)(A) [as amended by AB 1893]; AB 1893 (2024), § 1, subd. (i).)

Regional

Plan Bay Area

Plan Bay Area, published by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), is a long-range integrated transportation and land use/housing strategy through 2040 for the Bay Area. Plan Bay Area functions as the sustainable communities' strategy mandated by SB 375. As a regional land use plan, Plan Bay Area aims to reduce per-capita greenhouse gas (GHG) emissions through the promotion of more compact, mixed-use residential and commercial neighborhoods located near transit. Plan Bay Area is built on Priority Development Areas selected and approved by city and county governments with planning grants, technical assistance, and prioritization for regional and State transportation and affordable housing funds. Plan Bay Area is a limited and focused update that builds upon a growth pattern and strategies developed in the original Plan Bay Area (adopted by MTC in 2013) but with updated planning assumptions that incorporate key economic, demographic, and financial trends from the last 4 years.

Plan Bay Area 2050 is currently in process by the MTC and ABAG. Plan Bay Area 2050 focuses on four key issues: the economy, the environment, housing, and transportation. This new regional plan outlines strategies for growth and investment through the year 2050, while simultaneously striving to meet and exceed federal and State requirements.[2]

Regional Housing Need Plan

In February 2021, ABAG projected regional housing needs in its Regional Housing Needs Plan for the San Francisco Bay Area: 2023-2031.[3] According to this plan, San José's projected housing need from 2023–2031 is 62,200 residential units, consisting of:

- 15,088 units within the very-low-income level (0–50 percent of area median income);
- 8,687 units within the low-income level (51–80 percent of area median income);
- 10,711 units within the moderate-income level (81–120 percent of area median income); and
- 27,714 units within the above-moderate-income level (more than 120 percent of area median income).

[2] Plan Bay Area 2050. 2021. Website: https://www.planbayarea.org/plan-bay-area-2050-1. Accessed July 25, 2024.

[3] Association of Bay Area Governments (ABAG). 2021. Regional Housing Needs Allocation (RHNA) Draft Methodology: San Francisco Bay Area, 2023-2031. Website: https:// abag.ca.gov/sites/default/files/documents/2021-02/ABAG_Draft_RHNA_Methodology_Report_2023-2031.pdf. Accessed July 25, 2024.

Local

City of San José

Envision San José 2040 General Plan

Goal LU-9 High Quality Living Environments

Policy LU-9.1 Create a pedestrian-friendly environment by connecting new residential development with safe, convenient, accessible, and pleasant pedestrian facilities. Provide such connections between new development, its adjoining neighborhood, transit access points, schools, parks, and nearby commercial areas. Consistent with Transportation Policy TR-2.11, prohibit the development of new cul-de-sacs, unless it is the only feasible means of providing access to a property or properties, or gated communities, that do not provide through- and publicly-accessible bicycle and pedestrian connections.

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

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

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

Policy LU-9.6 Require residential developments to include adequate open spaces in either private or common areas to partially provide for residents' open space and recreation needs.

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

Policy LU-9.8 When changes in residential densities in established neighborhoods are proposed, the City shall consider such factors as neighborhood character and identity; historic preservation; compatibility of land uses and impacts on livability; impacts on services and facilities, including schools, to the extent permitted by law; accessibility to transit facilities; and impacts on traffic levels on both neighborhood streets and major thoroughfares.

Goal LU-10 Meet the housing needs of existing and future residents by fully and efficiently utilizing lands planned for residential and mixed-use and by maximizing housing opportunities in locations within a half mile of transit, with good access to employment areas, neighborhood services, and public facilities.

Policy LU-10.1 Develop land use plans and implementation tools that result in the construction of mixed-use development in appropriate places throughout the City as a means to establish walkable, complete communities

Policy LU-10.3 Develop residentially- and mixed-use-designated lands adjacent to major transit facilities at high densities to reduce motor vehicle travel by encouraging the use of public transit.

3.6.4 - Methodology

Analysis in this section focuses on whether project implementation would physically divide an established community and whether the proposed project would conflict with land use plans, policies, or regulations adopted to avoid or mitigate an environmental effect. Conflicts and inconsistencies with a policy, in and of themselves, do not constitute significant environmental impacts, unless such conflicts or inconsistencies result in direct physical environmental impacts. Physical project impacts are discussed throughout Chapter 3, Environmental Impact Analysis, of this Draft Environmental Impact Report (Draft EIR). The potential for land use impacts was assessed through review of applicable land use policy documents.

3.6.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether land use and planning impacts are significant environmental effects. Would the proposed 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.

3.6.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Divide an Established Community

Impact LAND-1: The proposed project would not physically divide an established community.

Impact Analysis

Construction

The proposed project would not block any roads during project construction. Any construction impacts would be temporary and would not impair access to any established community or impede travel. No respective construction impacts would occur.

Operation

The physical division of an already established community typically refers to construction of a linear feature, such as an interstate, railroad tracks, or the removal of a means of access that would impact mobility within an established community and an outlying area.

The proposed project would remove existing sports fields and develop 108 townhouse units in 32 buildings. The development of the proposed townhouse buildings would not impair access to any established community, impede travel, or otherwise constitute division of an established community. Thus, no impact would occur.

Level of Significance

Less than significant without mitigation.

Conflict with Applicable Plans, Policies, or Regulations

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

Impact Analysis

Development of the proposed project would result in a significant impact if it would conflict with applicable land use plans and policies of the General Plan, the Municipal Code, or the Santa Clara Valley Habitat Conservation Plan (SCVHCP) that were adopted for the purpose of avoiding or mitigating an environmental effect.[4] A policy inconsistency is considered a significant adverse impact only if the inconsistency would result in a significant adverse physical impact based on the established significance criterion. Consistency of the proposed project with applicable land use plans and policies is evaluated below. Note that the proposed project is being processed pursuant to CA Code 65589.5, which prohibits the application or enforcement of new non-objective design standards established after January 1, 2020. Additionally, under Section 65589.5, if the lead agency does not provide written feedback concerning a housing development application within specified timelines, a qualifying project is “deemed consistent" with local government plans, programs, policies, ordinances, standards, requirements, and other similar provisions, as a matter of law.

Construction

Impacts related to consistency with applicable land use plans and policies are limited to operational impacts. No respective construction impacts would occur.

Operation

San José General Plan Consistency

The General Plan designates the project site as PQP. The proposed project is being processed pursuant to Government Code Section 85589.5, which prohibits the application or enforcement of new non-objective design standards established after January 1, 2020.

[4] Potential impacts related to conflicts with the Santa Clara Valley Habitat Conservation Plan (SCVHCP) are addressed in Section 3.2 Biological Resources.

Table 3.6-3 summarizes the proposed project's consistency with the applicable policies of the General Plan adopted for various land use planning reasons, including the purpose of avoiding or mitigating an environmental impact. The proposed project would be consistent with all of the policies evaluated in the table.

Table 3.6-3: General Plan Consistency Analysis

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
Chapter 6 Land Use and Transportation	**Policy LU-9.1**	Create a pedestrian-friendly environment by connecting new residential development with safe, convenient, accessible, and pleasant pedestrian facilities. Provide such connections between new development, its adjoining neighborhood, transit access points, schools, parks, and nearby commercial areas. Consistent with Transportation Policy TR-2.11, prohibit the development of new cul-de-sacs, unless it is the only feasible means of providing access to a property or properties, or gated communities that do not provide through and publicly accessible bicycle and pedestrian connections.	**Consistent.** The proposed project would connect to existing pedestrian facilities along Camden Avenue and Singletree Way. Additionally, the proposed project is approximately 320 feet from the Blossom Hill and Camden Avenue bus stop**.** Furthermore, the proposed project would remove and replace the existing sidewalk to the east of the project site. The proposed project would also implement roadway improvements at the intersection of Camden Avenue and Singletree Way.
	Policy LU-9.3	Integrate housing development with our City's transportation system, including transit, roads, and bicycle and pedestrian facilities.	**Consistent.** The proposed project would remove and replace an existing sidewalk east of the project site and construct access points for cars and pedestrians along Camden Avenue and Singletree Way.
	Policy LU-9.4	Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.	**Consistent.** The Phase I Environmental Site Assessment evaluated the hazards associated with the proposed project. As described in Section 3.5, Hazards and Hazardous Materials, of the Phase I Environmental Site Assessment prepared for the proposed project, the proposed project would mitigate impacts from previous uses of agricultural chemicals to a less than significant level with implementation of mitigation, including construction worker training, consultation with

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			the California Emergency Management Agency for a potential Risk Management Plan, proper disposal of hazardous materials, and a Limited Phase II Subsurface Investigation, followed by implementation of recommendations, based on the findings.
	Policy LU-9.5	Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.	**Consistent.** Pursuant to Government Code section 65589.5(j)(2)(B), the proposed project was not identified as conflicting with adjacent residential and school land uses and is "deemed consistent."
	Policy LU-9.6	Require residential developments to include adequate open spaces in either private or common areas to partially provide for residents' open space and recreation needs.	**Consistent.** The proposed project would include amenities in the common open space, to include community mailboxes, bicycle racks, bicycle lockers, a bicycle repair station, picnic tables, benches, and trash receptacles.
	Policy LU-9.7	Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the Envision General Plan Land Use/Transportation Diagram.	**Consistent.** The proposed residential development could improve demand for nearby businesses by adding more residents.
	Policy LU-9.8	When changes in residential densities in established neighborhoods are proposed, the City shall consider such factors as neighborhood character and identity; historic preservation; compatibility of land uses and impacts on livability; impacts on services and facilities, including schools, to the extent permitted by law; accessibility to transit facilities; and impacts on traffic levels on both neighborhood streets and major thoroughfares.	**Consistent.** Pursuant to Government Code section 65589.5(j)(2)(B), the proposed project was not identified as conflicting with adjacent residential and school land uses and is "deemed consistent." As explained in Chapter 4, Effects Found not to be Significant, Section 4.2.1, Aesthetics, the proposed project would not conflict with the neighborhood character and identity. As explained in Chapter 4, Section 4.2.8, the proposed project would be adequately serviced by public services and facilities and would not result in substantial adverse physical impacts to public

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			service facilities. As explained in Section 3.3 Cultural Resources, the proposed project would not have an impact on historical resources. Additionally, as explained in Section 3.10, Transportation, the proposed project would be accessible to nearby transit services and would implement traffic calming measures that would reduce drive-alone commute trips and reduce Vehicle Miles Traveled (VMT).
	Goal LU-10	Meet the housing needs of existing and future residents by fully and efficiently utilizing lands planned for residential and mixed-use and by maximizing housing opportunities in locations within a half mile of transit, with good access to employment areas, neighborhood services, and public facilities.	**Consistent.** While the General Plan does not designate the project site for residential development, the project site is located approximately 320 feet away from the Blossom Hill Road and Camden Avenue bus stop. Additionally, the proposed project is in an urbanized area with access to employment areas, neighborhood services, and public facilities.
	Policy LU-10.3	Develop residentially and mixed-use designated lands adjacent to major transit facilities at high densities to reduce motor vehicle travel by encouraging the use of public transit.	**Inconsistent.** There are no major transit facilities adjacent to the proposed project. However, the proposed project would meet density requirements per Government Code section 65589.5(h)(11) and would implement MM TRANS-2 to reduce impacts on motor vehicle travel, including through implementation of transit improvements. Additional details are discussed in Section 3.10, Transportation.
	Policy MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.	**Consistent.** As described in Section 3.4, Greenhouse Gas Emissions, the proposed project would be designed and constructed in compliance with the City's Green Building Ordinance.

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	Policy MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.	**Consistent.** The proposed project would include rooftop solar panels which would provide renewable energy on-site.
	Policy MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.	**Consistent.** The proposed project would incorporate elements from CALGreen, which would include water-efficient landscaping, heat-reflecting roof membranes, and roofing structures to support the installation of solar panels.
	Policy MS-2.4	Promote energy efficient construction industry practices.	**Consistent.** As described in Chapter 4, Effects Found not to be Significant, Section 4.2.3, Energy, the overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. Further, construction practices would comply with all local and State regulatory requirements related to equipment age, operation, and design. Adherence with Bay Area Air Quality Management District (BAAQMD) Basic Construction Mitigation Measures would ensure that idling times of trucks are limited to 5 minutes. Construction equipment would be maintained and tuned according to manufacturer specifications, which would promote fuel efficiency. Compliance with the California Air Resources Board (ARB) Regulation for In-use Off-road Diesel-fueled Fleets (Off-road Diesel Regulation) addresses unnecessary idling for off-road construction equipment, preventing the unnecessary or wasteful use of energy.
	Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to	**Consistent.** As described in Chapter 4, Effects Found not to be Significant, Section 4.2.3, Energy, the overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. Further, construction practices would

Element	Goal/Objective/Policy		Consistency Determination
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		maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight), and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).	comply with all local and State regulatory requirements related to equipment age, operation, and design. Adherence with BAAQMD Basic Construction Mitigation Measures would ensure that idling time of trucks are limited to 5 minutes. Construction equipment would be maintained and tuned according to manufacturer specifications, which would promote fuel efficiency. Compliance with the ARB Regulation for In-use Off-road Diesel-fueled Fleets (Off-road Diesel Regulation) addresses unnecessary idling for off-road construction equipment, preventing the unnecessary or wasteful use of energy. As described in Section 3.4, Greenhouse Gas Emissions, the proposed project would be designed and constructed in compliance with the City's Green Building Ordinance. The proposed project would incorporate elements from CALGreen, which would include water efficient landscaping, heat reflecting roof membranes, and roofing structures to support the installation of solar panels.
	Policy MS-3.1	Require water efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.	**Consistent.** The proposed landscaping for the project is consistent with the City's Water Efficient Landscape Ordinance
	Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.	**Consistent.** The proposed project would adhere to Chapter 9.10 of the City's Municipal Code, which sets forth regulations regarding solid waste management.
	Policy MS-10.1	Assess projected air emissions from new development in	**Consistent.** The proposed project assesses projected air emissions in

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		conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to State and federal standards. Identify and implement air emissions reduction measures.	conformance with BAAQMD guidelines. Additional details are provided in Section 3.1, Air Quality.
	Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.	**Consistent.** The proposed project considers cumulative air quality impacts and concludes that they are less than significant with mitigation incorporated. Additional details are provided in Section 3.1, Air Quality.
	Policy MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.	**Consistent.** This Draft EIR includes California Emissions Estimator Model (CalEEMod) modeling of toxic air contaminants (TAC) and evaluates their impacts to the potential future residents of the proposed project and other sensitive receptors. Additional details are provided in Section 3.1, Air Quality.
	Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.	**Consistent**. As described in Section 3.1, Air Quality, a Health Risk Assessment (HRA) was performed that examined the cumulative impacts of the proposed project's construction emissions and existing sources of TAC emissions within 1,000 feet of the proposed project and impacts were determined to be less than significant with implementation of MM AIR-1.

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	Policy MS-11.3	Review projects generating significant heavy-duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.	**Consistent.** The proposed project will not result in significant health risks to nearby sensitive receptors. Additional details are provided in Section 3.1, Air Quality.
	Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.	**Consistent.** The proposed project would implement the City's Standard Permit Conditions. As such, the proposed project would be required to replant vegetation in disturbed areas as quickly as possible. Additional details are provided in Section 3.1, Air Quality.
	Policy MS-12.2	Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separate distance will be determined based upon the type, size, and operations of the facility.	**Consistent.** As described in Section 3.1, Air Quality, the proposed project would not create or be located near sources of odor that would create a significant impact related to odors.
	Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.	**Consistent.** As described in Section 3.1, Air Quality, the proposed project would implement Standard Permit Condition Construction-Related Air Quality, which incorporates BAAQMD's Best Management Practices (BMPs) to reduce potential impacts of fugitive dust emissions during project construction. Furthermore, MM AIR-1 requires use of Tier 4 construction equipment to reduce construction equipment exhaust.
	Policy MS-14.3	Consistent with the California Public Utilities Commission's California Long-Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero-ne- energy use.	**Consistent.** The proposed project would implement and comply with all relevant GHG reduction measures as determined by the City. The proposed project would be consistent with the zero-net-carbon residential development

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	Goal ER-4	Special-status Plants and Animals: Preserve, manage, and restore habitat suitable for special-status species, including threatened and endangered species.	**Consistent.** The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species with the implementation of MM-BIO-1. Additional details are provided in Section 3.2, Biological Resources.
	Policy ER-4.1	Preserve and restore, to the greatest extent feasible, habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.	**Consistent.** The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species with the implementation of MM-BIO-1. Additional details are provided in Section 3.2, Biological Resources.
	Policy ER-4.3	Prohibit planting of invasive non-native plant species in natural habitats that support special-status species.	**Consistent.** The proposed project would not plant invasive non-native plant species.
	Policy ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.	**Consistent.** As described in Section 3.2, Biological Resources, the proposed project would implement MM BIO-1 to avoid impacts on nesting birds.
	Action ER-4.5	Where implementation of the Envision General Plan would result in impacts to burrowing owl habitat occupied by breeding owls in 2008 or later, providing mitigation of equivalent value shall consist of securing, protecting and managing nesting and foraging habitat in perpetuity for burrowing owls within the South Bay area such that there is no reduction in the local burrowing owl population. Mitigation shall be required for the largest number of breeding burrowing owls that have been identified nesting or foraging on a site in burrowing owl surveys since	**Consistent.** The proposed project would not result in impacts to burrowing owl habitats occupied by breeding owls. Additional details are provided in Section 3.2, Biological Resources.

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		2008. These measures are required to be implemented by individual projects unless the City develops an independent plan or participates in a regional conservation strategy (such as the Santa Clara Valley HCP) that would maintain or increase South Bay area burrowing owl populations.	
	Goal ER-5	Migratory Birds: Protect migratory birds from injury or mortality.	**Consistent.** As described in Section 3.2, Biological Resources, the proposed project would implement MM BIO-1 to avoid impacts on nesting migratory birds. MM BIO-1 includes avoidance, nesting surveys, and potentially buffer zones.
	Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.	**Consistent.** As described in Section 3.2, Biological Resources, the proposed project would implement MM BIO-1 to avoid impacts on nesting migratory birds. MM BIO-1 includes avoidance, nesting surveys, and potentially buffer zones.
	Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.	**Consistent.** As described in Section 3.2, Biological Resources, the proposed project would implement MM BIO-1 to avoid impacts on nesting migratory birds. MM BIO-1 includes avoidance, nesting surveys, and potentially buffer zones.
	Goal ER-10	Preserve and conserve archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity.	**Consistent.** One archaeological resource was identified on the project site in a record search of the Northwest Information Center (NWIC), but it was determined that this resources and any potential archaeological resources on the site would be protected with implementation of MM CUL-2a and MM CUL-2b. Additional details are provided in Section 3.3, Cultural Resources and Section 3.11, Tribal Cultural Resources.

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	Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.	**Consistent.** One archaeological resource was identified on the project site in a record search of the Northwest Information Center (NWIC), but it was determined that this resources and any potential archaeological resources on the site would be protected with implementation of MM CUL-2a and MM CUL-2b. Additional details are provided in Section 3.3, Cultural Resources and Section 3.11, Tribal Cultural Resources. As described in Chapter 4, Effects Found not to be Significant, Section 4.2.4, Geology and Soils, geologic mapping does not indicate that the project site contains any unique paleontological resources. Additionally, the proposed projects would be required to adhere to the City's Standard Condition Paleontological Resources.
	Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable State laws shall be enforced.	**Consistent.** There are no known human remains at the project site. If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill (AB) 2641, shall be followed. Additional details are provided in Section 3.3, Cultural Resources and Section 3.11, Tribal Cultural Resources.
	Policy ER-10.3	Ensure that City, State, and federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and prehistoric resources.	**Consistent.** No historic resources have been identified at the project site. One archaeological resource was identified on the project site in a record search of the Northwest Information Center (NWIC), but it was determined that this resources and any potential archaeological resources on the site would be protected with implementation of

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			MM CUL-2a and MM CUL-2b. All inadvertent discovery procedures for historic and archaeological resources are required in the case that historic or archaeological resources are discovered during project construction. Additional details are provided in Section 3.3, Cultural Resources and Section 3.11, Tribal Cultural Resources. As described in Chapter 4, Effects Found not to be Significant, Section 4.2.4, Geology and Soils, geologic mapping does not indicate that the project site contains any unique paleontological resources. Additionally, the proposed projects would be required to adhere to the City's Standard Condition Paleontological Resources.
	Goal TR-1	Balanced Transportation System: Complete and maintain a multimodal transportation system that gives priority to the mobility needs of bicyclists, pedestrians, and public transit users while also providing for the safe and efficient movement of automobiles, buses, and trucks.	**Consistent.** The proposed project would connect to existing roadways and pedestrian facilities along Camden Avenue and Singletree Way. MM TRANS-1b would require the proposed project to provide a fair-share monetary contribution toward the future Class IV protected bikeway that is planned along Camden Avenue as identified in the San José Better Bike Plan 2025.
	Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects	**Consistent.** The proposed project considers impacts on pedestrian, bicycle, and transit facilities. Additional details are provided in Section 3.10, Transportation.
	Policy TR-1.4	Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.	**Consistent.** The project proposes to reconstruct sidewalks and curbs along the project frontages on Camden Avenue and Singletree Way. There would be a 12-foot-wide attached sidewalk with tree wells along Camden Avenue and a 10-foot-wide attached sidewalk with tree wells along Singletree Way. MM TRANS-1b would require the proposed project to provide a

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			fair-share monetary contribution toward the future Class IV protected bikeway that is planned along Camden Avenue as identified in the San José Better Bike Plan 2025.
	Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.	**Consistent.** The proposed project would provide twenty-eight bicycle parking spaces, along with 7 bicycle lockers, and a bicycle repair station. The TIA determined that there are adequate bike and pedestrian facilities that already exist at the project site. Additional details are provided in Section 3.10, Transportation.
	Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.	**Consistent.** As described in Section 3.10, Transportation, existing transit service in the project vicinity is provided by the Santa Clara Valley Transportation Authority (VTA). The project area is served directly by local bus route 27. Since the project site is served by a local bus route (Route 27), it is reasonable to assume that some residents would utilize transit service. Additional details are provided in Section 3.10, Transportation.
	Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, State and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: **Interior Noise Levels** • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new	**Consistent.** The proposed project is a residential project which would be surrounded by a school and residential uses. The proposed project would not exceed interior or exterior noise level thresholds. See Section 3.7, Noise, for more information.

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		development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision San José 2040 General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. **Exterior Noise Levels** • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study). Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.	
	Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City	**Consistent.** As described in Section 3.7, Noise, the proposed project would not generate 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.

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		considers significant noise impacts to occur if a project would: • Cause the DNL at noise-sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable." • Cause the DNL at noise-sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.	
	Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.	**Consistent.** The closest noise-sensitive receptors to the proposed project site are multi-family residences located directly east of the project site. The closest residence would be located approximately 25 feet from the acoustic center of construction activity where multiple pieces of heavy construction equipment would potentially operate at the project site. At this distance, and assuming minimal shielding from existing fencing, worst-case construction noise levels could range up to approximately 88 dBA Lmax, intermittently, and could have an hourly average of up to 87 dBA Leq at the façade of the nearest multi-family residential home. Although there could be a relatively high single-event noise exposure potential causing an intermittent noise nuisance, the effect of construction activities on longer-term (hourly or daily) ambient noise levels would be small. However, construction activities could result in a temporary increase in ambient noise levels in the project vicinity that could result in annoyance or sleep disturbance of nearby sensitive receptors. Therefore, limiting construction activities to

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			the daytime hours would reduce the effects of noise levels produced by these activities on longer-term (hourly or daily) ambient noise levels and would reduce the potential for noise-related annoyance or sleep disturbances at nearby sensitive receptors. Additional details are provided in Section 3.7, Noise.
	Policy EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.	**Consistent.** There are no sensitive historic structures within the vicinity of the project site. As described in Section 3.7, Noise, both construction and operational ground vibration would result in a less than significant impact
	Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.	**Consistent.** The proposed project conducted a Phase I Environmental Site Assessment, which identified one recognized environmental condition (REC) associated with the historical use of agricultural chemicals (i.e., pesticides, herbicides, and fertilizers) at the project site, related to its previous use as an orchard. As such, MM HAZ-1 would require a Limited Phase II Subsurface Investigation as well as any identified potential remedial actions.
	Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects.	**Consistent.** The Phase I ESA reviewed information on the project site and surrounding properties (including regulatory databases, files for nearby release sites, and historical documentation) to determine in potential vapor-phase migration concerns may be present at the project site. The

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		Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulation, guidelines and standards.	Phase I ESA did not identify vapor-phase migration concerns at the project site.
	Policy EC-7.3	Where a property is located in near proximity of known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.	**Consistent.** The proposed project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. It is not located within 1,000 feet of a landfill.
	Policy EC-7.5	On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.	**Consistent.** The proposed project conducted a Phase I Environmental Site Assessment, which identified one recognized environmental condition (REC) associated with the historical use of agricultural chemicals (i.e., pesticides, herbicides, and fertilizers) at the project site, related to its previous use as an orchard. As such, MM HAZ-1 would require a Limited Phase II Subsurface Investigation as well as any identified potential remedial actions.
	Action EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous	**Consistent.** The proposed project conducted a Phase I Environmental Site Assessment, which identified one recognized environmental condition (REC) associated with the historical use of agricultural chemicals (i.e., pesticides, herbicides, and fertilizers) at the project site, related to its previous use as an orchard. As such, MM HAZ-1 would require a Limited

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		materials found in the soil, groundwater, soil vapor, or in existing structures.	Phase II Subsurface Investigation as well as any identified potential remedial actions.
	Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.	**Consistent.** As described in Section 3.1, Air Quality, the proposed project would implement BMPs recommended by the BAAQMD to reduce potential impacts related to fugitive dust emissions from use of construction equipment. Additionally, the proposed project would be subject to compliance with the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009DWQ, and all subsequent amendments) (Construction General Permit)). The Construction General Permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and monitoring plan, which must include erosion-control and sediment-control BMPs that would meet or exceed measures required by the Construction General Permit to control potential construction-related pollutants.
	Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use, such as residential or commercial/industrial, shall be provided	**Consistent.** The proposed project would implement Mitigation Measure (MM) HAZ-1a, which requires a Limited Phase II Subsurface Investigation to determine the presence and/or extent of the potential contamination at the project site and inform potential remediation actions. Additional details are provided in Section 3.5, Hazards and Hazardous Materials.
	Policy EC-8.1	Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce expose to fire hazards and to	**Consistent.** The proposed project is not located in a Very High Fire Hazard Severity Zone in a State Responsibility Area (SRA).

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		facilitate fire suppression efforts in the event of a wildfire.	
	Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public.	**Consistent.** The current park ratio is approximately 3.63-acres of parkland per 1,000 people, exceeding the City's park ratio goal and that set by the Quimby Act. The park impact fee would be collected from the project proponent to fund the acquisition and development of parks in the City to serve residents in lieu of providing the required acreage on the project site. Additional details are provided in Section 3.9, Recreation, and Chapter 4, Effects Found not to be Significant, Section 4.2.8, Public Services.
	Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.	**Consistent.** The park impact fee would be collected from the project proponent to fund the acquisition and development of parks in the City to serve residents, in lieu of providing the required acreage on the project site. Additional details are provided in Section 3.9, Recreation, and Chapter 4, Effects Found not to be Significant, Section 4.2.8, Public Services.
	Policy PR-1.3	Provide 500 square feet per 1,000 population of community center space.	**Consistent.** The park impact fee would be collected from the project proponent to fund the acquisition and development of parks in the City to serve residents, in lieu of providing the required acreage on the project site. Additional details are provided in Section 3.9, Recreation, and Chapter 4, Effects Found not to be Significant, Section 4.2.8, Public Services.
	Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements	**Consistent.** The park impact fee would be collected from the project proponent to fund the acquisition and development of parks in the City to serve residents, in lieu of providing the required acreage on the project site.

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		(such as playgrounds/tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds.	
	Policy PR-3.2	Provide access to an existing or future neighborhood park, a community park, recreational school grounds, a regional park, open space lands, and/or a major City trail within a 1/3 mile radius of all San José residents by either acquiring lands within 1/3 mile or providing safe connections to existing recreation facilities outside of the 1/3 mile radius. This is consistent with the United Nation's Urban Environmental Accords, as adopted by the City for recreation open space.	**Consistent.** The project site is 400 feet from Guadalupe Creek. The area surrounding the creek is designated as Open Space Parklands Habitat. Furthermore, Dartmouth Middle School, which has recreational area, is within a 1/3 mile radius of the project site.
	Policy PR-6.6	Encourage environmentally sustainable connections (such as pedestrian/bike trails, bike lanes and routes, transit, etc.) between community elements like schools, parks, recreation centers, libraries, and other public nodes.	**Consistent.** The proposed project would connect to existing pedestrian facilities along Camden Avenue and Singletree Way. MM TRANS-1b would require the proposed project to provide a fair-share monetary contribution toward the future Class IV protected bikeway that is planned along Camden Avenue as identified in the San José Better Bike Plan 2025.
	Policy PR-6.7	In design and construction, consider the role of parks, trails, and open space in preserving, enhancing, or restoring existing ecosystems/wildlife habitat, where appropriate.	**Consistent.** The proposed project would include approximately 48,031 square feet of common open space and approximately 35,316 square feet of private open space (for a total of 83,347 square feet).
	Policy PR-7.1	Encourage non-vehicular transportation to and from parks, trails, and open spaces by developing trail and other pleasant walking and bicycle connections to existing and planned urban and suburban parks facilities.	**Consistent.** The proposed project would connect to existing pedestrian facilities along Camden Avenue and Singletree Way.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
	Policy PR-8.5	Encourage all developers to install and maintain trails when new development occurs adjacent to a designated trail location. Use the City's Parkland Dedication Ordinance and Park Impact Ordinance to have residential developers build trails when new residential development occurs adjacent to a designated trail location, consistent with other parkland priorities. Encourage developers or property owners to enter into formal agreements with the City to maintain trails adjacent to their properties.	**Consistent.** The park impact fee would be collected from the project proponent to fund the acquisition and development of parks in the City to serve residents, in lieu of providing the required acreage on the project site.
	Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.	**Consistent.** The project proposes to reconstruct sidewalks and curbs along the project frontages on Camden Avenue and Singletree Way. There would be a 12-foot-wide attached sidewalk with tree wells along Camden Avenue and a 10-foot-wide attached sidewalk with tree wells along Singletree Way. The northeast and southeast corners of the Camden Avenue and Singletree Way intersection would be reconstructed to include standard ADA-compliant curb ramps, as well as a new crosswalk on Singletree Way.

City of San José Municipal Code Consistency

The project is currently zoned R-M. The intent of the R-M Zoning District is to reserve land for the higher density residential development and higher density residential-commercial mixed-use development. This zoning district allows for single-family residential, accessory dwelling units (ADUs), two-family dwelling units, multiple dwelling uses, permanent supportive housing, residential care facilities with six or fewer persons, and residential service facilities with six of fewer persons. The proposed project would be consistent with the permitted uses for the R-M Zoning District, which include multi-family housing.

The R-M zoning district requires a minimum 10-foot front setback, 5-foot side setback, and 25-foot rear setback. The proposed project would have a front setback of 10 feet, a rear setback of 11.9 feet and side setbacks of 30.8 feet. The proposed rear setback would not be consistent with the

minimum rear setback of 25 feet. However, the proposed project would include 8 units (7 percent) that would be deed-restricted to extremely low-income households. In accordance with Government Code Section 65915, the proposed project qualifies for up to two incentives or concessions. The proposed project is requesting the waiver pursuant to Government Code Section 65915 for rear setback. The proposed project, with the inclusion of the waivers pursuant to Government Code Section 65915, would not conflict with City of San José's Municipal Code.

The R-M zoning district allows for a height of 45 feet. The proposed project would be consistent with this standard at a height of 35 feet, 6 inches.

Overall, the proposed project would not conflict with applicable land use plans, policies, or regulations of the General Plan or the Municipal Code that were adopted for the purpose of avoiding or mitigating an environmental effect. The project site's General Plan land use designation is Public/Quasi-Public (PQP), which does not allow residential development. However, the City received a letter from the California Department of Housing and Community Dvelopment clarifying that, according to the Housing Accountability Act (HAA):

> Government Code 65589.5 (j)(2)(A). If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:
>
> (i) **Within 30 days** of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.

Further, Section 65589.5(j)(2)(B) specifically states that:

> If the local agency fails to provide the required documentation pursuant to subparagraph (A), ***the housing project shall be deemed consistent***, compliant and in conformity with the applicable plan, program, policy ordinance, standard, requirement or other similar provision. (emphasis added)

The City did not identify an inconsistency between the proposed project and the GHGRS within 30 days of the application and, thus, it cannot now consider the proposed project as inconsistent with the General Plan. Therefore, as a matter of law, the project is "deemed consistent" and impacts would be less than significant.

Level of Significance

Less than significant without mitigation.

3.6.7 - Cumulative Impacts

This cumulative impact analysis for Land Use uses the "summary of projections" approach set forth in Title 14 CCR Section 15130(b)(1)(B), using the City's 2040 General Plan. The geographic context for cumulative land use and planning impacts is the North San José Planning Area, as defined in the 2040 General Plan.

Divide an Established Community

The geographic context for this impact is the project vicinity. Under CEQA, physical division of an established community typically applies to projects, such as highway construction, that would create a barrier that would physically sever two or more connected parts of a community. Implementation of General Plan Policies and Actions for planning and implementation and conformance with mandatory ordinances and policies, would substantially limit or preclude land use conflicts because incorporation of standards in City design guidelines and the Municipal Code are designed to limit land use conflicts between uses. There is no planned development in the project vicinity, past and existing development within the geographic context is urbanized, and there are no land use conflicts that divide an established community. Potential future planned development would consist of infill and no major expansions of roadways or similar facilities that could divide neighborhoods are proposed or envisioned. Accordingly, as projected in the City's General Plan, there are no cumulative impacts related to land uses that could divide an established community.

Moreover, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impacts. As discussed above, in Impact LAND-1, the proposed project is urban infill in nature and, while increasing density, would be constructed to be consistent within the existing framework of land use and circulation in the existing community and would not create physical barriers that would physically divide the established community.

Conflict with Applicable Plans, Policies, and Regulations

The geographic study area is the City. Projected growth and the cumulative development projects that are consistent with the City's General Plan would likely increase density in the area. This type and location of development is consistent with statewide, regional, and local plans that seek to accommodate increased population growth while achieving goals, such as reducing GHG emissions and Vehicle Miles Traveled (VMT). Impacts related to conflicts with applicable land use plans, policies, or regulations of an agency with jurisdiction over the related projects generally are specific to individual related projects and do not combine to create cumulative impacts. However, the proposed project, together with projected cumulative projects anticipated in the City's General Plan, would be consistent with adopted regional and local plans, including the General Plan, the Santa Clara Valley Habitat Plan, and Plan Bay Area. Current and reasonably foreseeable future projects would also be consistent with regulations and requirements in the zoning code accordingly, the combined development of these projects would have a less than significant cumulative land use impact.

As discussed above in Impact LAND-2, the proposed project would be consistent with the existing General Plan. The General Plan designates the project site as R-M. The R-M Zoning District allows for

single-family residential, ADUs, two-family dwelling units, multiple dwelling uses, permanent supportive housing, residential care facilities with six or fewer persons, and residential service facilities with six of fewer persons. The proposed project would develop 108 townhouse condominiums, resulting in a total of 215,904 square feet of net new habitable construction on 5.94 acres or a net density of 16.2 dwelling unit per acre. Therefore, the density would be consistent with existing zoning. Furthermore, given the proposed project's status as a Builder's Remedy project according to Government Code Section 65589.5(h)(11), and consistent with the requirements of Government Code Section 65589.5(j)(2)(B), the proposed project would be "deemed consistent" as a matter of law with all applicable plans, policies, and regulations regardless of General Plan land use designation. Because the proposed project would be consistent with all applicable plans, policies, and regulations, it would not have a cumulatively considerable contribution to the less than significant cumulative land use impacts.

Level of Cumulative Significance

Less than significant cumulative impact.

3.7 - Noise

3.7.1 - Introduction

This section describes the existing noise setting and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based, in part, on noise modeling performed by FirstCarbon Solutions (FCS). This analysis is based, in part, on the Noise Impact Analysis study, dated June 25, 2024, that is included in this Draft Environmental Impact Report (Draft EIR) as Appendix G.

3.7.2 - Environmental Setting

Characteristics of Noise

Noise is generally defined as unwanted or objectionable sound. Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm, or when it has adverse effects on health. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment. Noise effects can be caused by pitch or loudness. *Pitch* is the number of complete vibrations or cycles per second of a wave that result in the range of tone from high to low; higher-pitched sounds are louder to humans than lower-pitched sounds. *Loudness* is the intensity or amplitude of sound.

Sound is produced by the vibration of sound pressure waves in the air. Sound pressure levels are used to measure the intensity of sound and are described in terms of decibels. The decibel (dB) is a logarithmic unit, which expresses the ratio of the sound pressure level being measured to a standard reference level. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3 dB or more as this level has been found to be barely perceptible to the human ear in outdoor environments. Only audible changes in existing ambient or background noise levels are considered potentially significant.

The human ear is not equally sensitive to all frequencies within the audible sound spectrum, so sound pressure level measurements can be weighted to better represent frequency-based sensitivity of average healthy human hearing. One such specific “filtering” of sound is called “A-weighting.” A-weighted decibels (dBA) approximate the subjective response of the human ear to a broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies that are audible to the human ear. Because decibels are logarithmic units, they cannot be added or subtracted by ordinary arithmetic means. For example, if one noise source produces a noise level of 70 dB, the addition of another noise source with the same noise level would not produce 140 dB; rather, they would combine to produce a noise level of 73 dB.

Noise Descriptors

There are many ways to rate noise for various intervals, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level (L_{eq}) is the total sound energy of time-varying noise over a sample period. However, the predominant

rating scales for human communities in the State of California are the L_{eq} and Community Noise Equivalent Level (CNEL) or the day-night average level (L_{dn}) based on dBA. CNEL is the time-varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). L_{dn} is similar to the CNEL scale but without the adjustment for events occurring during the evening hours. CNEL and L_{dn} are within one dBA of each other and are normally exchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

Other noise rating scales of importance when assessing the annoyance factor include the maximum noise level (L_{max}), which is the highest exponential time-averaged sound level that occurs during a stated time period. The noise environments discussed in this analysis are specified in terms of maximum levels denoted by L_{max} for short-term noise impacts. L_{max} reflects peak operating conditions and addresses the annoying aspects of intermittent noise.

Noise Propagation

From the noise source to the receiver, noise changes both in level and frequency spectrum. The most obvious is the decrease in noise as the distance from the source increases. The manner in which noise reduces with distance depends on whether the source is a point or line source, as well as ground absorption, atmospheric conditions (wind, temperature gradients, and humidity) and refraction, and shielding by natural and manufactured features. Sound from point sources, such as an air conditioning condenser, a piece of construction equipment, or an idling truck, radiates uniformly outward as it travels away from the source in a spherical pattern.

The attenuation or sound drop-off rate is dependent on the conditions of the land between the noise source and receiver. To account for this ground-effect attenuation (absorption), two types of site conditions are commonly used in noise models: soft-site and hard-site conditions. Soft-site conditions account for the sound propagation loss over natural surfaces such as normal earth and ground vegetation. For point sources, a drop-off rate of 7.5 dBA per each doubling of the distance (dBA/DD) is typically observed over soft ground with landscaping, as compared with a 6 dBA/DD drop-off rate over hard ground such as asphalt, concrete, stone and very hard packed earth. For line sources, such as traffic noise on a roadway, a 4.5 dBA/DD is typically observed for soft-site conditions compared to the 3 dBA/DD drop-off rate for hard-site conditions. Table 3.7-1 briefly defines these measurement descriptors and other sound terminology used in this section.

Table 3.7-1: Sound Terminology

Term	Definition
Sound	A vibratory disturbance created by a vibrating object which, when transmitted by pressure waves through a medium such as air, can be detected by a receiving mechanism such as the human ear or a microphone.
Noise	Sound that is loud, unpleasant, unexpected, or otherwise undesirable.

Term	Definition
Ambient Noise	The composite of noise from all sources near and far in a given environment.
Decibel (dB)	A unitless measure of sound on a logarithmic scale, which represents the squared ratio of sound pressure amplitude to a reference sound pressure. The reference pressure is 20 micropascals, representing the threshold of human hearing (0 dB).
A-weighted Decibel (dBA)	An overall frequency-weighted sound level that approximates the frequency response of the human ear.
Equivalent Noise Level (L_{eq})	The average sound energy occurring over a specified time period. In effect, L_{eq} is the steady-state sound level that in a stated period would contain the same acoustical energy as the time-varying sound that actually occurs during the same period.
Maximum and Minimum Noise Levels (L_{max} and L_{min})	The maximum or minimum instantaneous sound level measured during a measurement period.
Day-Night Level (DNL or L_{dn})	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels occurring between 10 p.m. and 7 a.m. (nighttime).
Community Noise Equivalent Level (CNEL)	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added to the A-weighted sound levels occurring between 7 p.m. and 10 p.m. and 10 dB added to the A-weighted sound levels occurring between 10 p.m. and 7 a.m.
Source: Data compiled by FirstCarbon Solutions (FCS). 2024.	

Traffic Noise

The level of traffic noise depends on the three primary factors: (1) the volume of the traffic, (2) the speed of the traffic, and (3) the number of trucks in the flow of traffic. Generally, the loudness of traffic noise is increased by heavier traffic volumes, higher speeds, and greater number of trucks. Vehicle noise is a combination of the noise produced by the engine, exhaust, and tires. Because of the logarithmic nature of noise levels, a doubling of the traffic volume (assuming that the speed and truck mix do not change) results in a noise level increase of 3 dBA. Based on the Federal Highway Administration (FHWA) community noise assessment criteria, this change is “barely perceptible”; for reference, a doubling of perceived noise levels would require an increase of approximately 10 dBA. The truck mix on a given roadway also has an effect on community noise levels. As the number of heavy trucks increases and becomes a larger percentage of the vehicle mix, adjacent noise levels increase.

Stationary Noise

A stationary noise producer is any entity in a fixed location that emits noise. Examples of stationary noise sources include machinery, engines, energy production, and other mechanical or powered

equipment and activities such as loading and unloading or public assembly that may occur at commercial, industrial, manufacturing, or institutional facilities. Furthermore, while noise generated by the use of motor vehicles over public roads is preempted from local regulation, the use of these vehicles is considered a stationary noise source when operated on private property such as at a construction site, a truck terminal, or warehousing facility. The emitted noise from the producer can be mitigated to acceptable levels either at the source or on the adjacent property through the use of proper planning, setbacks, block walls, acoustic-rated windows, dense landscaping, or changing the location of the noise producer.

The effects of stationary noise depend on factors such as characteristics of the equipment and operations, distance and pathway between the generator and receptor, and weather. Stationary noise sources may be regulated at the point of manufacture (e.g., equipment or engines), with limitations on the hours of operation, or with provision of intervening structures, barriers, or topography.

Construction activities are a common source of stationary noise. Construction-period noise levels are higher than background ambient noise levels but eventually cease once construction is complete. Construction is performed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on each construction site and, therefore, would change the noise levels as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Table 3.7-2 shows typical noise levels of construction equipment as measured at a distance of 50 feet from the operating equipment.

Table 3.7-2: Typical Construction Equipment Maximum Noise Levels

Type of Equipment	Impact Device? (Yes/No)	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Impact Pile Driver	Yes	95
Auger Drill Rig	No	85
Vibratory Pile Driver	No	95
Jackhammers	Yes	85
Pneumatic Tools	No	85
Pumps	No	77
Scrapers	No	85
Cranes	No	85
Portable Generators	No	82
Rollers	No	85
Bulldozers	No	85
Tractors	No	84
Front-end Loaders	No	80

Type of Equipment	Impact Device? (Yes/No)	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Backhoe	No	80
Excavators	No	85
Graders	No	85
Air Compressors	No	80
Dump Truck	No	84
Concrete Mixer Truck	No	85
Pickup Truck	No	55

Notes:
dBA = A-weighted decibel
Source: Federal Highway Administration (FHWA). 2006. Highway Construction Noise Handbook. August.

Noise from Multiple Sources

Because sound pressure levels in decibels are based on a logarithmic scale, they cannot be added or subtracted in the usual arithmetical way. Therefore, sound pressure levels in decibels are logarithmically added on an energy summation basis. In other words, adding a new noise source to an existing noise source, both producing noise at the same level, will not double the noise level. Instead, if the difference between two noise sources is 10 dBA or more, the louder noise source will dominate, and the resultant noise level will be equal to the noise level of the louder source. In general, if the difference between two noise sources is 0–1 dBA, the resultant noise level will be 3 dBA higher than the louder noise source, or both sources if they are equal. If the difference between two noise sources is 2–3 dBA, the resultant noise level will be 2 dBA above the louder noise source. If the difference between two noise sources is 4–10 dBA, the resultant noise level will be 1 dBA higher than the louder noise source.

Characteristics of Vibration

Groundborne vibration consists of rapidly fluctuating motion through a solid medium, specifically the ground, which has an average motion of zero and in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. The effects of groundborne vibration typically only cause a nuisance to people, but in extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors, where the associated effects of the shaking of a building can be notable. Groundborne noise is an effect of groundborne vibration and only exists indoors, since it is produced from noise radiated from the motion of the walls and floors of a room and may also consist of the rattling of windows or dishes on shelves.

Several different methods are used to quantify vibration amplitude, such as the maximum instantaneous peak in the vibrations velocity, which is known as the peak particle velocity (PPV) or the root mean square (rms) amplitude of the vibration velocity. Because of the typically small amplitudes of vibrations, vibration velocity is often expressed in decibels—denoted as LV—and is based on the reference quantity of 1 microinch per second. To distinguish vibration levels from noise

levels, the unit is written as "VdB." Typically, developed areas are continuously affected by vibration velocities of 50 VdB or lower. Human perception to vibration starts at levels as low as 67 VdB. Annoyance due to vibration in residential settings starts at approximately 70 VdB.

Off-site sources that may produce perceptible vibrations are usually caused by construction equipment, steel-wheeled trains, and traffic on rough roads, while smooth roads rarely produce perceptible groundborne noise or vibration. Construction activities, such as blasting, pile driving, and operating heavy earthmoving equipment, are common sources of groundborne vibration. Construction vibration impacts on building structures are generally assessed in terms of PPV. Typical vibration source levels from construction equipment are shown in Table 3.7-3.[1]

Table 3.7-3: Vibration Levels of Construction Equipment

Construction Equipment	PPV at 25 Feet (inches/second)	rms Velocity in Decibels (VdB) at 25 Feet
Water Trucks	0.001	57
Scraper	0.002	58
Bulldozer—Small	0.003	58
Jackhammer	0.035	79
Concrete Mixer	0.046	81
Concrete Pump	0.046	81
Paver	0.046	81
Pickup Truck	0.046	81
Auger Drill Rig	0.051	82
Backhoe	0.051	82
Crane (Mobile)	0.051	82
Excavator	0.051	82
Grader	0.051	82
Loader	0.051	82
Loaded Trucks	0.076	86
Bulldozer—Large	0.089	87
Caisson Drilling	0.089	87
Vibratory Roller—Small	0.101	88
Compactor	0.138	90
Clam Shovel Drop	0.202	94
Vibratory Roller—Large	0.210	94
Pile Driver (impact-typical)	0.644	104

[1] Federal Highway Administration (FHWA). 2006. Highway Construction Noise Handbook. August.

Construction Equipment	PPV at 25 Feet (inches/second)	rms Velocity in Decibels (VdB) at 25 Feet
Pile Driver (impact-upper range)	1.518	112

Notes:
PPV = peak particle velocity
rms = root mean square
VdB = velocity in decibels
Sources: Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.
Federal Highway Administration (FHWA). 2006. Highway Construction Noise Handbook. August.

The propagation of groundborne vibration is not as simple to model as airborne noise. This is because noise in the air travels through a relatively uniform medium while groundborne vibrations travel through the earth, which may contain significant geological differences. Factors that influence groundborne vibration include:

- **Vibration source:** Type of activity or equipment, such as impact or mobile, and depth of vibration source;
- **Vibration path:** Soil type, rock layers, soil layering, depth to water table, and frost depth; and
- **Vibration receiver:** Foundation type, building construction, and acoustical absorption.

Among these factors that influence groundborne vibration, there are significant differences in the vibration characteristics when the source is underground compared to at the ground surface. In addition, soil conditions are known to have a strong influence on the levels of groundborne vibration. Among the most important factors are the stiffness and internal damping of the soil and the depth to bedrock. Vibration propagation is more efficient in stiff clay soils than in loose sandy soils, and shallow rock seems to concentrate the vibration energy close to the surface and can result in groundborne vibration problems at large distance from the source. Factors such as layering of the soil and depth to the water table can have significant effects on the propagation of groundborne vibration. Soft, loose, sandy soils tend to attenuate more vibration energy than hard, rocky materials. Vibration propagation through groundwater is more efficient than through sandy soils.

There are three main types of vibration propagation: surface, compression, and shear waves. Surface waves, or Rayleigh waves, travel along the ground's surface. These waves carry most of their energy along an expanding circular wave front, similar to ripples produced by throwing a rock into a pool of water. P-waves, or compression waves, are body waves that carry their energy along an expanding spherical wave front. The particle motion in these waves is longitudinal (i.e., in a "push-pull" fashion). P-waves are analogous to airborne sound waves. S-waves, or shear waves, are also body waves that carry energy along an expanding spherical wave front. However, unlike P-waves, the particle motion is transverse, or side-to-side and perpendicular to the direction of propagation.

As vibration waves propagate from a source, the vibration energy decreases in a logarithmic nature and the vibration levels typically decrease by 6 VdB per doubling of the distance from the vibration source. As stated above, this drop-off rate can vary greatly depending on the soil type, but it has been shown to be effective enough for screening purposes in order to identify potential vibration impacts that may

need to be studied through actual field tests. The vibration level (calculated below as PPV) at a distance from a point source can generally be calculated using the vibration reference equation:

$$PPV = PPV_{ref} * (25/D)^n \text{ (in/sec)}$$

Where:

PPV_{ref} = reference measurement at 25 feet from vibration source
D = distance from equipment to the receptor
n = vibration attenuation rate through ground

According to Section 7 of the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment manual, an "n" value of 1.5 is recommended to calculate vibration propagation through typical soil conditions.[2]

Existing Noise Levels

Ambient Noise

The project site is located within the City of San José in Santa Clara County, California. Surrounding the project site are Beacon School and Delight Montessori School San José along Camden Avenue to the west; residential uses and a utilities easement to the east and north; an electricity production and distribution substation south on Singletree Way; and more residential uses to the southwest. The primary noise sources audible on the project site are vehicles on adjacent roadways, as well as an electrical substation.

The existing noise environment in the project vicinity was documented through ambient noise monitoring. Three short-term noise measurements (15 minutes each) were taken on Thursday, March 21, 2024. The short-term noise measurements were taken between approximately 12:35 p.m. and 2:20 p.m. The noise measurement data sheets are provided in the noise report provided in Appendix G.

On January 11, 2024, noise measurements were obtained at multiple locations near the project site to further aid in the characterization of daytime ambient noise conditions surrounding the proposed project and nearby sensitive receptors. The measurements ranged between 52.6 and 70.2 dBA L_{eq}, as shown in Table 3.7-4. Noise sources were primarily vehicle traffic along Camden Avenue and Blossom Hill Road, as well as continuous noise from an electric substation adjacent to the project site. These ambient noise measurements correlate well with the General Plan's 75 dBA Day-Night Level (DNL) estimate for the project site. Noise measurement data sheets are included in the noise report provided in Appendix G.

Table 3.7-4: Existing Ambient Noise Levels in the Project Vicinity

Site Location	Location Description	dBA	Primary Noise Sources
ST-1	10 feet off Singletree Way, 40 feet east of SW corner of project site.	52.6 L_{eq}	Singletree Way traffic, continuous noise from adjacent electric substation, school parking traffic.

[2] Federal Transit Administration (FTA). 2006. Transit Noise and Vibration Impact Assessment. May.

ST-2	10 feet off Singletree Way, 50 feet west of SE corner of project site.	55.9 L_{eq}	Adjacent electrical substation (continuous), Singletree Way traffic.
ST-3	15 feet off Camden Avenue, adjacent to NW corner of project site.	70.2 L_{eq}	Camden Avenue and Blossom Hill Road traffic.

Notes:
dBA = A-weighted decibel
L_{eq} = equivalent sound level
NW = northwest
SE = southeast
SW = southwest
Source: FirstCarbon Solutions (FCS). 2024.

3.7.3 - Regulatory Framework

Federal

Noise Control Act

The adverse impact of noise was officially recognized by the federal government in the Noise Control Act of 1972, which serves three purposes:

- Promulgating noise emission standards for interstate commerce
- Assisting state and local abatement efforts
- Promoting noise education and research

The federal Office of Noise Abatement and Control (ONAC) was initially tasked with implementing the Noise Control Act. However, the ONAC has since been eliminated, leaving the development of federal noise policies and programs to other federal agencies and interagency committees.

Among the agencies now regulating noise are the Occupational Safety and Health Administration (OSHA), which limits noise exposure of workers to 90 dB L_{eq} or less for 8 continuous hours or 105 dB L_{eq} or less for 1 continuous hour; the United States Department of Transportation (USDOT), which assumed a significant role in noise control through its various operating agencies; and the Federal Aviation Administration (FAA), which regulates noise of aircraft and airports. Surface transportation system noise is regulated by a host of agencies, including the FTA. Transit noise is regulated by the federal Urban Mass Transit Administration, while freeways that are part of the interstate highway system are regulated by the FHWA. Finally, the federal government actively advocates that local jurisdictions use their land use regulatory authority to arrange new development in such a way that “noise-sensitive” uses are either prohibited from being sited adjacent to a highway or, alternatively, that developments are planned and constructed in such a manner that minimize potential noise impacts.

Since the federal government has preempted the setting of standards for noise levels that can be emitted by transportation sources, local jurisdictions are limited to regulating the noise generated by the transportation system through nuisance abatement ordinances and land use planning.

Federal Transit Administration Standards and Guidelines

FTA has established industry-accepted standards for vibration impact criteria and impact assessment. These guidelines are published in its Transit Noise and Vibration Impact Assessment document(FTA 2006).[3] The FTA guidelines include thresholds for construction vibration impacts for various structural categories, as shown in Table 3.7-5.

Table 3.7-5: Federal Transit Administration Construction Vibration Impact Criteria

Building Category	PPV (in/sec)	Approximate VdB
I. Reinforced-Concrete, Steel or Timber (no plaster)	0.5	102
II. Engineered Concrete and Masonry (no plaster)	0.3	98
III. Nonengineered Timber and Masonry Buildings	0.2	94
IV. Buildings Extremely Susceptible to Vibration Damage	0.12	90

Notes:
In/sec = inches per second
PPV = peak particle velocity
VdB = velocity in decibels
Source: Federal Aviation Administration (FAA) 2006. Transit Noise and Vibration Impact Assessment.

State

California General Plan Guidelines

Established in 1973, the California Department of Health Services Office of Noise Control was instrumental in developing regularity tools to control and abate noise for use by local agencies. One significant model is the Land Use Compatibility for Community Noise Environments Matrix, which allows the local jurisdiction to delineate compatibility of sensitive uses with various incremental levels of noise.[4]

Government Code Section 65302 mandates that the legislative body of each county and city in California adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines published by the State Department of Health Services. The guidelines rank noise/land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable. The project is also subject to review under the State of California Environmental Quality Act (CEQA). Appendix G of the CEQA Guidelines provides impact thresholds for potential noise and vibration impacts. The City of Santa Rosa had developed its own CEQA thresholds, which are listed in the Thresholds of Significance section below.

California Building Standards Code

California has established noise insulation standards for new hotels, motels, apartment houses, and dwellings (other than single-family detached housing). These requirements are provided in the

[3] Federal Highway Administration (FHWA). 2006. Highway Construction Noise Handbook. August.
[4] California Department of Health Services Office of Noise Control. Land Use Compatibility for Community Noise Environments Matrix. 1976.

California Building Standards Code (CBC) (California Code of Regulations [CCR] Title 24).[5] The 2022 CBC was published on July 1, 2022, with an effective date of January 1, 2023. As provided in the CBC, the noise insulation standards set forth an interior standard of 45 dBA CNEL as measured from within a structure's interior. When such structures are located within a 65 dBA CNEL (or greater) exterior noise contour associated with a traffic noise along a roadway, an acoustical analysis is required to ensure that interior levels do not exceed the 45 dBA CNEL threshold. Title 24 standards are typically enforced by local jurisdictions through the building permit application process.

Assembly Bill No. 1307

Assembly Bill No. 1307 went into effect January 1, 2024. This bill clarifies that "for residential projects, the effects of noise generated by project occupants and their guests on human beings is not a significant effect on the environment."[6] Therefore, this analysis does not address potential noise impacts from future occupants and their guests on sensitive receptors in the project vicinity.

Local

Envision San José 2040 General Plan

The project site is located within the City of San José and this analysis was performed using the City's noise regulations. The City of San José addresses noise in the Noise Element of the Envision San José 2040 General Plan (General Plan) and in the City of San José Municipal Code (Municipal Code).

Envision San José 2040 Relevant Noise and Vibration Policies

Policies	Description
Policy ES-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, State and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: **Interior Noise Levels** • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction, and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision San José 2040 General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. **Exterior Noise Levels** • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study). Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.

[5] California Building Standards Commission. 2019. California Building Standards Code (CCR Title 24), January 1.
[6] California Legislative Information. Assembly Bill No. 1307. Website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1307. Accessed: September 23, 2024.

Envision San José 2040 Relevant Noise and Vibration Policies	
Policies	**Description**
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3, and 6 in Table EC-1 in the General Plan or Table 4.12-1 in this Initial Study) by limiting noise generation and requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise-sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable." • Cause the DNL at noise-sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
Policy EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inch per second (in/sec) peak particle velocity (PPV) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

City of San José Municipal Code

The Municipal Code Section 20.100.450 restricts construction hours within 500 feet of a residential unit to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

The Zoning Ordinance limits noise levels to 55 dBA maximum (L_{max}) at any residential property line and 60 dBA L_{max} at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval. The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 dBA at the property line of residential properties. The testing of generators is limited to between 7:00 a.m. and 7:00 p.m., Monday through Friday.

3.7.4 - Methodology

Construction Noise Analysis Methodology

A worst-case scenario was analyzed assuming each piece of modeled equipment would operate simultaneously at the nearest reasonable locations to the closest noise-sensitive receptor for the loudest phase of construction. Noise emission levels recommended by FHWA's Highway Construction Noise Handbook were used to ascertain the noise generated by specific types of construction equipment. The calculation spreadsheet with the detailed modeling assumptions is included in the noise report provided in Appendix G.

Traffic Noise Modeling Methodology

For the purposes of this analysis, traffic noise levels along selected roadway segments in the project vicinity would result in a significant impact if the proposed project would cause the DNL at noise-sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain "normally acceptable"; or where it would cause the DNL at noise-sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the "normally acceptable" level. Typically, a doubling of the average daily traffic (ADT) hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels. Therefore, for the purposes of this analysis, a doubling of the existing ADT volumes would result in a substantial permanent increase in traffic noise levels.

The ADT volumes used in this analysis were obtained from the traffic analysis prepared for the proposed project by Hexagon Transportation Consultants, Inc.[7]

Stationary Noise Source Analysis Methodology

The proposed project would generate noise from new mechanical equipment sources. To provide a conservative analysis, the highest end of the range of reference noise levels for these stationary noise sources, the usage factors of these activities, and the distance to the nearest sensitive receptor land uses were used to calculate the reasonable worst-case hourly average noise levels from each noise source as measured at the nearest sensitive receptor land uses. The calculation spreadsheet with the detailed modeling assumptions is included in the noise report provided in Appendix G.

Vibration Impact Analysis Methodology

Reasonable worst-case construction vibration levels are identified based on reference vibration levels for construction equipment identified in Table 3.11-3. The City of San José Policy EC-2.3 requires new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inch per second (in/sec) PPV is used as the threshold for potential cosmetic damage. A vibration limit of 0.20 in/sec PPV is used as the threshold for potential cosmetic damage at buildings of normal conventional construction.

[7] Hexagon Transportation Consultants, Inc.2024. 5670 Camden Avenue Residential Draft Transportation Analysis. May 14.

3.7.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether noise impacts resulting from the implementation of the proposed project would be considered significant if the project would cause:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

b) Generation of excessive groundborne vibration or groundborne noise levels.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

3.7.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Substantial Noise Increase in Excess of Standards

Impact NOI-1:	**The proposed project would not generate 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.**

Impact Analysis

Construction

A significant impact would occur if construction activities would result in a substantial temporary increase in ambient noise levels outside of the City's permissible hours for construction that would result in annoyance or sleep disturbance of nearby sensitive receptors. The City's permissible hours for construction activity are between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday. No construction is permitted on Saturdays, Sundays, or federal holidays. The City enforces the regulations through Section 20.100.450, Hours of Construction Within 500 Feet of A Residential Unit, of the Municipal Code, as described in the regulatory discussion above.

The purpose is to limit loud construction noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness sleeping or residing in the area.

Noise impacts from construction activities associated with the proposed project would be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities.

Construction is completed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on the site and, therefore, the noise levels surrounding the site as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full-power operation followed by 3 or 4 minutes at lower power settings. Impact equipment, such as impact pile drivers, are not expected to be used during construction of this proposed project.

The loudest phase of construction is typically the site preparation and grading phase, as that is when the loudest pieces of heavy construction equipment would operate. For example, the maximum noise level generated by each grader is assumed to be 85 dBA L_{max} at 50 feet from this equipment. Each front-end loader would also generate 80 dBA L_{max} at 50 feet. The maximum noise level generated by each backhoe is approximately 80 dBA L_{max} at 50 feet.

A conservative but reasonable assumption is that this equipment would operate simultaneously and continuously over at least a 1-hour period in the vicinity of the closest existing residential receptors but would move linearly over the project site to perform earthmoving operations, spending a relatively short amount of time adjacent to any one receptor. A characteristic of sound is that each doubling of sound sources with equal strength increases a sound level by 3 dBA. Assuming that each piece of construction equipment operates at some distance from the other equipment, a reasonable worst-case combined noise level during this phase of construction would be 91 dBA L_{max} at a distance of 50 feet from the acoustic center of a construction area. The acoustical center reference is used because construction equipment must operate at some distance from one another on a project site, and the combined noise level as measured at a point equidistant from the sources (acoustic center) would be the worst-case maximum noise level. These operations would be expected to result in a reasonable worst-case hourly average of 90 dBA L_{eq} at a distance of 50 feet from the acoustic center of a construction area. These worst-case construction noise levels would only occur during the site preparation phase of development.

The closest noise-sensitive receptors to the proposed project site are multi-family residences located directly east of the project site. The closest residence would be located approximately 25 feet from the acoustic center of construction activity where multiple pieces of heavy construction equipment would potentially operate at the project site. At this distance, and assuming minimal shielding from existing fencing, worst-case construction noise levels could range up to approximately 88 dBA L_{max}, intermittently, and could have an hourly average of up to 87 dBA L_{eq} at the façade of the nearest multi-family residential home.

The proposed project would be required to comply with the Municipal Code, which limits noise generating construction activities to daytime hours.

Although there could be a relatively high single-event noise exposure potential causing an intermittent noise nuisance, the effect of construction activities on longer-term (hourly or daily) ambient noise levels would be small. However, construction activities could result in a temporary increase in ambient

noise levels in the project vicinity that could result in annoyance or sleep disturbance of nearby sensitive receptors. Therefore, limiting construction activities to the daytime hours would reduce the effects of noise levels produced by these activities on longer-term (hourly or daily) ambient noise levels and would reduce the potential for noise-related annoyance or sleep disturbances at nearby sensitive receptors. The Municipal Code limits construction activities to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. Furthermore, the proposed project would be required to adhere to Standard Permit Condition Construction-Related Noise. With implementation of the Municipal Code and adherence to Standard Permit Condition Construction-Related Noise, the proposed project would not result in substantial temporary increases at the off-site sensitive receptors above standards established in the General Plan, and construction noise impacts on sensitive receptors in the project vicinity would be less than significant.

Operation

Mobile Source Operational Noise Impacts

A significant impact would occur if project-generated traffic would result in a substantial increase in ambient noise levels compared with those that would exist without the proposed project. The City considers a significant noise impact to occur if a project would cause the DNL at noise-sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain "normally acceptable"; or where it would cause the DNL at noise-sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the "normally acceptable" level.

Typically, a doubling of the ADT hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels, which, as discussed in the characteristics of noise discussion above, is the lowest change that can be perceptible to the human ear in outdoor environments. Therefore, for the purposes of this analysis, a doubling of the existing ADT volumes would result in a substantial permanent increase in traffic noise levels.

Based on the traffic analysis prepared for the project by Hexagon Transportation Consultants, Inc.,[8] existing traffic conditions on Camden Ave and Singletree Way is 306 AM peak-hour trips and 2,169 PM peak-hour trips. The proposed project is calculated to generate 704 new daily vehicle trips, with 47 new trips (14 inbound and 33 outbound) occurring during the AM peak-hour and 56 new trips (32 inbound and 24 outbound) occurring during the PM peak-hour. These net new trips would not double existing traffic trips on any roadway segment in the project vicinity. Furthermore, this increase in trips would result in a less than 1 dBA increase in traffic noise levels along any roadway segment in the project vicinity. This increase is below a level that would be a perceptible increase and well below a level that would be considered a substantial increase in traffic noise levels. Therefore, the proposed project would not double average daily trips on Camden Avenue and Singletree Way adjacent to the project site and would not generate 3 dBA increase in traffic noise levels. Thus, the proposed project would not result in a substantial permanent increase in ambient noise levels from project-generated traffic trips, and mobile source operational noise impacts would be less than significant.

[8] Hexagon Transportation Consultants, Inc. 2024. 5670 Camden Avenue Residential Draft Transportation Analysis. May 14.

Operational Stationary Source Noise Impacts

A significant impact would occur if operational noise levels generated by stationary noise sources at the proposed project site would result in a substantial permanent increase in ambient noise levels in excess of any of the noise performance thresholds established by the City. The Zoning Ordinance limits operational noise levels to 55 dBA L_{max} as measured at any receiving residential property.

Implementation of the proposed project would include operation of new mechanical ventilation equipment. Noise levels for residential-grade mechanical ventilation equipment systems range up to approximately 70 dBA L_{eq} at a distance of 3 feet.

The proposed project would have residential-grade mechanical ventilation equipment for each proposed residential unit. Proposed mechanical ventilation equipment could be located as close as 35 feet from the project boundary. At this distance, and assuming minimal shielding, noise generated by mechanical ventilation equipment would attenuate to below 37 dBA L_{max} at the nearest off-site residential receptors. The noise calculation sheet is included in the noise report provided in Appendix G.

These operational noise levels would not exceed the City's noise performance thresholds of 55 dBA L_{max} as measured at the nearest receiving residential property. In addition, these noise levels would not be audible above existing ambient noise levels as measured at the nearest sensitive receptor. Therefore, mechanical ventilation system operational noise levels would not result in a substantial permanent increase in noise levels in excess of established standards. The impact of mechanical ventilation equipment operational noise levels on sensitive off-site receptors would be less than significant.

City of San José Standard Permit Conditions

Construction-related Noise

Noise minimization measures include, but are not limited to, the following:

i. Pile driving is prohibited.

ii. Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a Development Permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.

iii. Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

iv. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

v. Prohibit unnecessary idling of internal combustion engines.

vi. Locate stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to

screen stationary noise generating equipment when located near adjoining sensitive land uses.

vii. Utilize "quiet" air compressors and other stationary noise sources where technology exists.

viii. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

ix. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.

x. If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building façades that face the construction sites.

xi. Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Operations-related Noise

Interior Noise Standard for Residential Development. The project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential unit. The project applicant shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

Level of Significance

Less than significant impact without mitigation.

Groundborne Vibration/Noise Levels

Impact NOI-2:	**The proposed project would not result in generation of excessive groundborne vibration or groundborne noise levels.**

Impact Analysis

This section analyzes both construction and operational groundborne vibration and noise impacts. Groundborne vibrations consist of rapidly fluctuating motions within the ground that have an average motion of zero. Vibrating objects in contact with the ground radiate vibration waves through various soil and rock strata to the foundations of nearby buildings. Groundborne noise is generated when vibrating building components radiate sound, or noise, generated by groundborne vibration. In general, if groundborne vibration levels do not exceed levels considered to be perceptible, then

groundborne noise levels would not be perceptible in most interior environments. Therefore, this analysis focuses on determining exceedances of groundborne vibration levels.

Short-term Construction Vibration Impacts to Off-site Receptors

A significant impact would occur if the proposed project would generate excessive groundborne vibration or groundborne noise levels. According to Policy EC-2.3 of the General Plan, a vibration limit of 0.08 in/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historical structures, and a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction.

Of the variety of equipment used during construction, the small vibratory rollers anticipated to be used in the site preparation phase of construction would produce the greatest groundborne vibration levels. Small vibratory rollers produce groundborne vibration levels ranging up to 0.101 in/sec PPV at 25 feet from the operating equipment.

The nearest off-site structure is a multi-family residential building located east of the project site, approximately 25 feet from the nearest construction footprint where small vibratory rollers would potentially operate. At this distance, groundborne vibration levels could reach up to 0.101 PPV from operation of a small vibratory roller. This is well below the City's threshold of 0.2 in/sec PPV for this type of structure, a building of typical construction.

At 30 feet, these reasonable worst-case construction vibration levels would attenuate to 0.077 in/sec PPV, which is below the City's vibration limit of 0.08 in/sec PPV that would cause cosmetic damage to sensitive historic structures. There are no sensitive historic structures located within 30 feet of the construction footprint, and therefore there would be no potential vibration impacts to sensitive historic structures in the project vicinity.

Thus, construction-related groundborne vibration would not continually disturb adjacent properties or impact the general public's health, comfort, and convenience, nor would these vibration levels exceed the City's vibration thresholds as measured at the nearest receiving structures in the project vicinity. Project construction-related groundborne vibration impacts would be less than significant.

Operational Vibration Impacts

Implementation of the proposed project would not include any permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any existing sensitive land use in the project vicinity. In addition, there are no existing significant permanent sources of groundborne vibration in the project vicinity to which the proposed project would be exposed. Therefore, project operational groundborne vibration level impacts would be considered less than significant.

City of San José Standard Permit Conditions

Implement Standard Permit Condition Construction-related Noise and Standard Permit Condition Operations-related Noise.

Level of Significance

Less than significant impact without mitigation.

Excessive Noise Levels from Airport Activity

Impact NOI-3:	**The proposed project would not expose people residing or working in the project area to excessive noise levels 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.**

Impact Analysis

A significant impact would occur if the proposed project would expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an Airport Land Use Compatibility Plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

The nearest airports to the project site are the Reid-Hillview County Airport, located approximately 8 miles northeast of the project site, and the San José Mineta International Airport, located approximately 8 miles north of the project site. Because of the distance from and orientation of the airport runways, the project site is located well outside of the 65 dBA CNEL airport noise contours. While aircraft noise is occasionally audible on the project site from aircraft flyovers, aircraft noise associated with nearby airport activity would not expose people residing or working near the project site to excessive noise levels. Therefore, implementation of the proposed project would not expose persons residing or working in the project vicinity to noise levels from airport activity that would be in excess of normally acceptable standards for residential land use development, and the proposed project would result in no impact associated with airport noise.

City of San José Standard Permit Conditions

Implement Standard Permit Condition Construction-related Noise and Standard Permit Condition Operations-related Noise.

Level of Significance

No impact.

3.7.7 - Cumulative Impacts

Construction Noise

The geographic scope of the cumulative noise analysis is limited by the range of potential noise impacts. Noise impacts tend to be localized; therefore, noise impacts for construction-related noise sources are limited to approximately 500 feet from the source. No cumulative projects are located within 0.25 miles of the project site that would contribute to a cumulative construction noise impact with the project. Accordingly, the cumulative impact would be less than significant. In addition, as shown in the construction Noise Impact Analysis, with implementation of Standard Permit Conditions Construction-related Noise and Operations-related Noise, project-related construction noise impacts would not result in a substantial temporary increase in ambient noise levels as measured at the nearest sensitive receptors in the project vicinity. Therefore, the proposed project

would not result in a potentially significant cumulatively considerable contribution to the less than significant temporary construction noise levels in the project vicinity. This impact would be less than significant.

Operational Traffic Noise Impacts

The geographic scope for evaluating potential impacts related to operational traffic noise is limited to the roadway segments in the vicinity of the proposed project. There are no planned cumulative projects identified in this area. The significance threshold for a cumulative traffic noise impact would be a substantial permanent increase in traffic noise levels in the vicinity of the project site along any roadway segment that already experiences noise levels in excess of normally acceptable standards for adjacent land uses.

Based on the existing ambient noise monitoring effort, the existing daytime ambient noise levels range from 52.6 dBA to 70.2 dBA L_{eq} adjacent to nearby residential land uses and roadways in the project vicinity. These noise levels are considered normally acceptable for nearby land uses and do not exceed any standards. As shown in the mobile source noise impact discussion, project traffic would result in a less than 1 percent increase in traffic volumes on the roadway segment adjacent to the project site. This increase in average daily trips would result in a less than 1 dBA increase in the ADT noise levels. This would be a less than audible increase in traffic noise levels as measured at receiving residential units. Therefore, implementation of the proposed project in conjunction with other development would not result in a potentially significant cumulative impact. Moreover, as discussed above, because the proposed project would result in less than 1 dBA increase, it would not have a cumulatively considerable contribution to less than significant cumulative traffic noise impacts in the project vicinity. This impact would be less than significant.

Operational Stationary Noise Impacts

The geographic scope of the cumulative noise analysis is limited by the range of potential noise impacts. Noise impacts tend to be localized; therefore, noise impacts for stationary noise sources are limited to approximately 500 feet from the source. There are no cumulative projects identified that are within this scope.

The significance threshold for a cumulative stationary source operational noise impact would be a substantial temporary noise increase at any location that is already exposed to excessive noise levels from stationary source operational noise. Based on the existing ambient noise monitoring effort, the existing daytime ambient noise levels in the project vicinity range from 52.6 dBA to 70.2 dBA L_{eq} adjacent to nearby residential land uses and roadways in the project vicinity. These noise levels are considered normally acceptable for nearby land uses and do not constitute an existing cumulative noise impact. In addition, as shown in the analysis above, noise generated by mechanical ventilation equipment would attenuate to below 37 dBA L_{max} at the nearest off-site residential receptors. These noise levels would not be audible above existing ambient noise levels as measured at the nearest sensitive receptor. Therefore, implementation of the proposed project in conjunction with other development would not result in a potentially significant cumulative impact. Moreover, as explained above, the proposed project's incremental contribution to stationary source noise impacts in the project vicinity would not be cumulatively considerable. This impact would be less than significant.

Construction Vibration Impacts

Construction-related groundborne vibration impacts are very localized; therefore, only areas within approximately 50 feet of a construction site could potentially be affected by groundborne vibration resulting from construction activities. There are no long-term development projects undergoing construction in the project vicinity that would constitute an existing cumulative groundborne vibration impact. Therefore, since there is not an existing cumulative groundborne vibration impact in the project vicinity, implementation of the Specific Plan would result in a less than significant cumulative impact related to construction groundborne vibration. Therefore, implementation of the project would not result in a potentially significant cumulatively considerable contribution to construction vibration impacts in the project vicinity. This impact would be less than significant.

Operational Groundborne Vibration Impacts

The only cumulatively considerable contribution to groundborne vibration conditions in the project vicinity would result from introduction of new permanent sources of groundborne vibration to an existing impacted environment. Implementation of the proposed project would not include any permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any existing sensitive land use in the project vicinity. In addition, there are no existing significant permanent sources of groundborne vibration in the project vicinity to which the proposed project would be exposed. Therefore, implementation of the proposed project would not result in a potentially significant cumulatively considerable contribution to ongoing operational groundborne vibration conditions in the project vicinity. This impact would be less than significant.

Level of Cumulative Significance

Less than significant cumulative impact.

3.8 - Population and Housing

3.8.1 - Introduction

This section of the Draft Environmental Impact Report (Draft EIR) describes existing population and housing in the region, City of San José (City), and project area, as well as the relevant regulatory framework. This section also evaluates the potential environmental effects related to population and housing that could result from implementation of the 5670 Camden Avenue Residential Project (proposed project). Information included in this section is based, in part, on the Envision San José 2040 General Plan (General Plan), City of San José Municipal Code (Municipal Code), databases and reports maintained by the California Department of Finance (CDF), and the Association of Bay Area Governments (ABAG).

3.8.2 - Environmental Setting

Population

San Francisco Bay Area

ABAG conducts long-term forecasts of population, households, and employment for the nine-county San Francisco Bay Area (Bay Area) to project growth in the region. The Bay Area has experienced population growth over the past several decades, and that growth is expected to continue. CDF estimated that there were 7,588,780 residents living in the nine counties that make up the Bay Area in 2015.[1,2] ABAG and the Metropolitan Transportation Commission (MTC) project that the Bay Area's population will grow by 2.7 million people to approximately 10.3 million people by 2050.[3]

City of San José

The population of San José was estimated to be approximately 969,491 in January 2024, with an average of 2.86 persons per household.[4] The City currently has approximately 347,148 housing units.[5] Full buildout 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.

Housing

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of dwelling units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck

[1] California Department of Finance (CDF). 2024. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021–2024 with 2020 with Benchmark. Website: https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5_2024_InternetVersion.xlsx. Accessed February 5, 2025.

[2] Note: There were a total of 7,765,640 residents living in the Bay Area in 2020. In 2024, that number fell to 7,588,780. KRON4. 2024. Bay Area population: This is the most populated county in 2024. Website: https://www.kron4.com/news/bay-area/bay-area-population-this-is-the-most-populated-county-in-2024/#:~:text=See%20list%20below.,that%20number%20fell%20to%207%2C588%2C780. May 13, 2024. Accessed February 7, 2025.

[3] California Department of Finance (CDF). 2024. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021–2024 with 2020 with Benchmark. Website: https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5_2024_InternetVersion.xlsx. Accessed February 5, 2025.

[4] Ibid.

[5] Ibid.

between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents who can be housed in local housing. According to the Downtown Strategy 2040 Final EIR, the current ratio of jobs to employed residents in the City of San José is estimated to be 0.8, making the City "housing rich." However, the General Plan establishes achievement of a jobs/employed resident ratio of 1.1 to 1 by the year 2040 as a core objective of the General Plan. In the near term, the General Plan strives to achieve a jobs/employed resident ratio of 1.0 by the year 2025.[6]

Affordable Housing

San Francisco Bay Area

The California Department of Housing and Community Development (HCD) estimated the San Francisco Bay Area's projected housing need from 2023–2031 at 441,176 residential units. Of these 180,334 need to be affordable to very-low-income and low-income residents, as listed below:

- 114,442 units (25.9 percent) within the very-low-income level (0–50 percent of Area Median Income [AMI]);
- 65,892 units (14.9 percent) within the low-income level (51–80 percent of AMI);
- 72,715 units (16.5 percent) within the moderate-income level (81–120 percent of AMI); and
- 188,130 units (42.6 percent) within the above-moderate-income level (more than 120 percent of AMI).

City of San José

According to ABAG forecasts, the City's share of the projected housing need from 2023–2031 is 62,200 residential units, including 23,775 of which are affordable to very-low-income and low-income residents, as listed below:[7]

- 15,088 units (24.3 percent) within the very-low-income level (Less than 50 percent of AMI);
- 8,687 units (14 percent) within the low-income level (50–80 percent of AMI);
- 10,711 units (17.2 percent) within the moderate-income level (80–120 percent of AMI); and
- 27,714 units (44.6 percent) within the above-moderate-income level (More than 120 percent of AMI).

Employment

San Francisco Bay Area

The Bay Area region's employment is projected to grow by 1.4 million jobs to just over 5.1 million jobs by 2050. Table 3.8-1 provides ABAG's projections for employment for the Bay Area region between 2025 and 2050.

[6] City of San José. 2024. Envision San José 2040 General Plan.

[7] Association of Bay Area Governments (ABAG). 2021. Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023–2031. Website: https://abag.ca.gov/sites/default/files/documents/2021-12/Final_RHNA_Allocation_Report_2023-2031-approved_0.pdf. Accessed February 6, 2025.

Table 3.8-1: San Francisco Bay Area Employment Projections

Year	Employment Projection
2025	4,050,000
2030	4,530,000
2035	4,680,000
2040	4,850,000
2045	4,980,000
2050	5,110,000

Source: Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). 2021. Plan Bay Area 2050: Forecasting and Modeling Report, Table 8: Plan Bay Area 2050 Baseline Forecast and Final Regional Growth Forecast. Website: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_Forecasting_Modeling_Report_October_2021.pdf. Accessed February 5, 2025.

City of San José

In January 2024, the Employment Development Department (EDD) estimated an unemployment rate of 3.9 within the San José-Sunnyvale-Santa Clara Metropolitan Statistical Area. This compares with an unadjusted unemployment rate of 5.2 percent for California and 3.8 percent for the nation during the same period.[8]

3.8.3 - Regulatory Framework

State

California Housing Element Law

The State Housing Element Law (Government Code Chapter 1143, Article 10.6, §§ 65580 and 65589) requires each city and county to adopt a general plan for future growth. This plan must include a housing element that identifies housing needs for all economic segments and provides opportunities for housing development to meet that need. The amount of housing that must be accounted for in a local housing element is determined through a process called the Regional Housing Needs Allocation (RHNA). In the RHNA process, the State gives each region a number representing the amount of housing needed, based on existing need and expected population growth.

At the State level, HCD estimates the relative share of the State's anticipated population growth that would occur in each county in the State, based on CDF population projections and historic growth trends. Where there is a regional council of governments, as in the San Francisco Bay Area (in this case, ABAG), the HCD provides the regional housing need to the council. The council then assigns a share of the regional housing need to each of its cities and counties. The process of assigning shares provides cities and counties the opportunity to comment on the proposed allocations. The HCD

[8] State of California Employment Development Department (EDD). 2025. San Jose-Sunnyvale-Santa Clara Metropolitan Statistical Area (MSA) (San Benito and Santa Clara Counties). Website: https://labormarketinfo.edd.ca.gov/file/lfmonth/sjos$pds.pdf. Accessed February 5, 2025.

oversees the process to ensure that the council of governments distributes its share of the State's projected housing need.

Each city and county must update its general plan housing element on a regular basis pursuant to the requirements of Government Code Section 65580, *et seq.* Among other things, the housing element must incorporate policies and identify potential sites that would accommodate a city's share of the regional housing need. Before adopting an update to its housing element, a city or county must submit the draft to the HCD for review. The HCD will advise the local jurisdiction whether its housing element complies with the provisions of California Housing Element Law. The regional councils of governments are required to assign regional housing shares to the cities and counties within their region on a similar schedule. At the beginning of each cycle, the HCD provides population projections to the regional councils of governments, who then allocate shares to their cities and counties. The shares of the regional need are allocated before the end of the cycle so that the cities and counties can amend their housing elements by the deadline.

The City of San José Housing Element and related land use policies were last updated in June 2023.

Government Code Section 65589.5 (Housing Accountability Act)

The Housing Accountability Act (HAA), Government Code Section 65589.5, limits the bases upon which a city or county can deny a housing development project that includes a certain percentage of affordable units. Commonly referred to as "Builder's Remedy," the Government Code establishes a process that provides limited cases where a lead agency can deny a housing project if the project has a certain percentage of affordable housing. Senate Bill (SB) 330, the Housing Crisis Act, added a provision to this Government Code prohibiting lead agencies from enacting new regulations that would restrict or reduce the ability of a project to move forward. On September 16, 2021, SB 8 was signed into law which made some clarifications and updated SB 330, extending the provisions of SB 330 from January 1, 2025, to January 1, 2030.

Assembly Bill 1893

On September 19, 2024, Governor Gavin Newsom signed Assembly Bill (AB) 1893, which explicitly adds the term "Builder's Remedy" to the HAA and revises the requirements to apply the Builder's Remedy to reduce the affordability required to qualify and set parameters around the density and objective standards that apply to a housing development project, among other changes. AB 1893 became effective January 1, 2025. Builder's Remedy projects that submitted SB 330 applications prior to January 1, 2025, also have the option to take advantage of AB 1893's revisions. Projects that do not convert to AB 1893 are still eligible for the protections of the HAA pre-AB 1893 and may be processed in accordance with the terms of the HAA as it existed on the date of the project's vesting (Government Code § 65589.5(f)(7)(A) [as amended by AB 1893]; AB 1893 [2024], § 1, subd. (i)).

Senate Bill 375

SB 375, adopted in October 2008, calls upon each of California's Metropolitan Planning Organizations (MPOs) to develop an integrated transportation, land use, and housing plan known as a Sustainable Communities Strategy (SCS). The SCS must demonstrate how the region will reduce greenhouse gas (GHG) emissions through long-range planning. SB 375 also requires the RHNA, which

anticipates housing need for local jurisdictions, to conform to the SCS, which is an opportunity to advocate for increased access to and distribution of affordable housing across the region. Plan Bay Area 2050 is the SCS for the Bay Area.

Assembly Bill 2345

Assembly Bill (AB) 2345 (Increase Maximum Allowable Density), signed in 2020, revised the requirements for developers of affordable and senior housing components receiving concessions and incentives and increased the maximum density bonus available to developers.

Assembly Bill 1397

AB 1397 of 2017 amended the Government Code to strengthen the obligation for local agencies to identify and make available an adequate number of RHNA sites for all income levels in their housing elements. AB 1397 tightened requirements for the adequacy of sites, including nonvacant sites and sites included in a previous housing element, and requirements that identified sites have adequate infrastructure.

Housing Bills

Governor Gavin Newsom has signed several bills to address the Statewide housing crisis. The bills incentivize affordable housing, encourage accessory dwelling unit (ADU) construction, and streamline permitting and approvals for residential development projects to address the California housing crisis. The Governor signed the following bills, which are applicable to the proposed project, to remove barriers and boost housing production:

- SB 330, signed in 2019, establishes the Housing Crisis Act of 2019, which will accelerate housing production in California by streamlining permitting and approval processes, ensuring "no net loss" in zoning capacity and limiting fees after projects are approved.

- SB 8, signed in 2021, extends the provisions of SB 330, the Housing Crisis Act of 2019, from 2025 until 2030. It allows applicants who submit qualifying preliminary applications for housing developments prior to January 1, 2030, to utilize the protections of the Housing Crisis Act through January 1, 2034, with those applications subject only to the ordinances and policies in effect when the preliminary application is deemed complete, with limited exceptions. SB 8 clarifies that for purposes of the Housing Crisis Act, a "housing development project" may involve discretionary and/or ministerial approvals or construction of a single dwelling unit and adds demolition, relocation, and return rights.

Regional

Plan Bay Area 2050: A Vision for the Future

ABAG is the official comprehensive planning agency for the San Francisco Bay region, which is composed of the nine counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma and contains 101 jurisdictions. On October 21, 2021, ABAG and the MTC, which is the region's MPO, adopted Plan Bay Area 2050, the official regional long-range plan, charting a course for a Bay Area that is affordable, connected, diverse, healthy, and vibrant for all residents through 2050 and beyond. Plan Bay Area 2050 provides strategies that increase the

availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience.

Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[9]

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

Local

Municipal Code

Municipal Code Chapter 29.190 provides affordable housing and density bonuses and incentives specific to projects within the City. Chapter 29.190 provides all requirements and timing necessary for an applicant to provide a request for a regulatory agreement for a housing density bonus. Chapter 29.190 also provides requirements for parking, building height, setbacks, and other considerations for affordable housing projects.

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating population and housing impacts from development projects. The General Plan supports a significant amount of new housing growth capacity, providing near-term capacity for development of approximately 50,000 new dwelling units, with the ability to ultimately build up to a total of 120,000 additional dwelling units.[10] The following General Plan Goals and Policies are applicable to the proposed project.

Housing Element

Goal 4 Healthy, thriving neighborhoods with access to good jobs, schools, transportation, and other resources

Policy N-9 **Affordable Transit-oriented Development.** Facilitate development of transit-oriented affordable homes within 0.5 mile of future BART [Bay Area Rapid Transit], light rail, and Bus Rapid Transit (BRT) stations, including identification of opportunities to develop publicly owned parcels with affordable housing.

[9] Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). 2021. Plan Bay Area 2050. Page 20. Website: https://planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. Accessed February 2, 2025.

[10] City of San José. 2024. Envision San José 2040 General Plan.

Land Use Element

Goal LU-10 Meet the housing needs of existing and future residents by fully and efficiently utilizing lands planned for residential and mixed-use and by maximizing housing opportunities in locations within a half mile of transit, with good access to employment areas, neighborhood services, and public facilities.

3.8.4 - Methodology

Impacts related to population, housing, and employment were determined by analyzing existing and projected population, housing, and employment estimates provided by the CDF, ABAG, and the General Plan. The proposed project's impacts were evaluated by determining their consistency with these projections, estimates, and the General Plan.

3.8.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether impacts to population and housing are significant environmental effects. 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.

3.8.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Population Growth

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

Impact Analysis

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

Construction

During construction, the proposed project would not induce unplanned population growth. Impacts related to population growth are limited to operational impacts; no construction-related impacts would occur.

Operation

The proposed project would result in the development of 108 townhouse units in 32 buildings. The project site is currently occupied by Beacon School, Delight Montessori School San José, and sports fields utilized for youth activities. There are no existing residential units at the project site.

According to the CDF, the average household size in the City is 2.86 people.[11] As such, development of 108 housing units could increase the City's population by approximately 309 people.[12] According to the CDF, the estimated population in the City as of January 1, 2024, is approximately 969,491.[13] Therefore, the population growth from the proposed project would represent approximately 0.03 percent of the City's existing population, which is nominal. Furthermore, the 2023–2031 Housing Element projects that the population of the City will grow by about 15 percent (or about 230,404 people) to 1,189,660 by 2030, at the end of the Sixth Cycle Housing Element.[14] Also, according to the General Plan, the 2023–2031 RHNA for the City is 62,200 units, including 15,775 units to serve extremely-low, very-low, and low-income households. Therefore, the proposed project is within the population growth projections as planned for in the Housing Element and would be considered consistent with planned growth.

The proposed project would provide 108 residential units, including 8 extremely low-income dwelling units, which would help the City satisfy its regional RHNA allocation for market-rate and below-market-rate housing units and would support the City's commitment to meeting regional housing obligations. Therefore, the proposed project would not induce substantial population growth within the City beyond current projections. Furthermore, the project site is surrounded by existing development and would not indirectly induce growth by extending a road or other infrastructure or by removing obstacles to population growth. Accordingly, direct, indirect, and cumulative impacts would be less than significant.

Level of Significance

Less than significant impact without mitigation.

Housing Displacement/Replacement Housing

Impact POP-2:	**The proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.**

Impact Analysis

A project would have a significant impact if it would displace substantial numbers of people or existing housing which would require the construction of replacement housing elsewhere.

[11] California Department of Finance (CDF). 2024. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021–2024 with 2020 with Benchmark. Website: https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5_2024_InternetVersion.xlsx. Accessed February 5, 2025.

[12] 108 units x 2.86 persons per household = 308.88 people.

[13] California Department of Finance (CDF). 2024. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021–2024 with 2020 with Benchmark. Website: https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5_2024_InternetVersion.xlsx. Accessed February 5, 2025.

[14] City of San José. 2023. 2023–2031 Housing Element Update, Appendix A: Housing Needs Data: San José. May. Website: https://www.sanjoseca.gov/home/showpublisheddocument/107428/638370206470200000. Accessed September 18, 2024.

Construction

The project site is currently occupied by baseball diamonds and associated structures, such as bleachers and dugouts that were originally associated with a former school. Additionally, there is a 645-square-foot snack shack and a 205-square-foot storage room, a batting cage, and fencing. There are no existing residences or houses on the project site, which precludes the possibility that development of the proposed project would displace people or housing. As such, no impact would occur.

Operation

Impacts related to housing displacement and replacement housing are limited to construction impacts. There would be no operational impacts related to housing displacement or replacement housing.

Level of Significance

No impact.

3.8.7 - Cumulative Impacts

This cumulative analysis for population and housing uses the "summary of projections" approach set forth in Title 14 California Code of Regulations Section 15130(b)(1)(B), using the City's 2040 General Plan. The geographic context for cumulative population and housing impacts is the City of San José.

This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, would result in a cumulatively significant impact related to population and housing. This analysis then considers whether the incremental contribution to cumulative impacts associated with the implementation of the proposed project would be cumulatively considerable. Both conditions must apply for a project's cumulative effects to rise to a level of significance.

Population Growth

The geographic scope of the cumulative population and housing analysis is the City of San José. As of January 1, 2024, the City was estimated to have a population of 969,491.[15] The proposed project would add an estimated 309 people to the City's population, which would represent growth of approximately 0.03 percent of the City's population and would be considered planned growth. As such, the proposed project would not induce substantial population growth either directly or indirectly, and its contribution to cumulative impacts would be less than significant. Because the proposed project would be considered planned growth, cumulative impacts would be less than significant.

Moreover, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impacts. The proposed project would help the City meet its housing needs, as discussed in Impact POP-1 above. As such, the proposed project would not result in any direct, indirect, or cumulative impacts related to unplanned growth in the City.

[15] California Department of Finance (CDF). 2024. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021–2024 with 2020 with Benchmark. Website: https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5_2024_InternetVersion.xlsx. Accessed February 5, 2025.

Population/Housing Displacement

There are no existing housing units on the project site and implementation of the proposed project would not result in population or housing displacement. As such the proposed project would have no impact related to housing displacement and, therefore, would have no contribution to cumulative impacts. The proposed project would help the City meet its housing needs as discussed in Impact POP-2 above. As such, the proposed project would not result in substantial displacement of people or the need to construct additional housing to accommodate displaced persons and would have no cumulative impact.

Level of Cumulative Significance

No cumulative impact.

3.9 - Recreation

3.9.1 - Introduction

This section describes existing parks and recreational facilities in the region and project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to parks and recreational facilities that could result from the implementation of the proposed project. Information in this section is based, in part, on information obtained from the Envision San José 2040 General Plan.

3.9.2 - Environmental Setting

Existing Parks and Recreational Facilities

The California Department of Parks and Recreation (DPR) offers State parklands and trails throughout California. The DPR manages and preserves 1,650,779 acres within 280 parks, over 340 miles of coastline, 970 miles of lake and river frontage, 15,000 campsites, and 5,200 miles of trails.[1,2] One State Park, Castle Rock State Park, is located within 12.24 miles of the project site.

State Parks

Castle Rock State Park

The nearest State Park to the project site is Castle Rock State Park, located approximately 12.24 miles west of the project site. Located in the Santa Cruz Mountains, Castle Rock State encompasses more than 5,150 acres of wilderness and 34 miles of trails and is popular with rock climbers, hikers, and equestrians. Trails connect to nearby State parks and open space preserves, expanding visitor travel from the skyline to the sea.[3]

Project Site

There are no existing State parks, recreational facilities, or designated open spaces on the project site.

Regional County Parks

The County of Santa Clara operates a regional park system comprised of 28 regional parks encompassing over 52,000 acres.[4] Six major regional parks exist within, or partially within, San José's Planning Area and are accessible to its residents. These include the Almaden Quicksilver County Park, Calero Reservoir County Park, Santa Teresa County Park, Joseph D. Grant County Park, Hellyer County Park, and Martial Cottle Park. These parks total over 10,000 acres. Additional parks near City boundaries include Lexington Reservoir County Park and Los Gatos Creek County Park.

1 California Department of Parks and Recreation (DPR). 2018. California State Park System Statistical Report 2017/18 Fiscal Year. Website: http://www.parks.ca.gov/?page_id=23308. Accessed July 29, 2024.
2 California Department of Parks and Recreation (DPR). 2024. About Us. Website: https:// www.parks.ca.gov/?page_id=91. Accessed August 9, 2024.
3 California Department of Parks and Recreation (DPR). 2017. Castle Rock State Park. Website: https:// www.parks.ca.gov/pages/538/files/CastleRockSPFinalWebLayout082117.pdf. Accessed July 29, 2024.
4 County of Santa Clara. Santa Clara County Parks. Website: https://parks.sccgov.org/about-parks. Accessed August 7, 2024.

Almaden Quicksilver County Park

Almaden Quicksilver County Park is located approximately 3.92 miles southeast of the project site. It is the site of over 135 years of former mining activities and the former home to more than 1,800 miners and their families. The park encompasses 4,163 acres, occupying a majority of Capitancillos Ridge. During early spring, the park offers wildflower displays in the region. Remnants of the mining era also offer an exciting look into the mining operations of the latter part of the nineteenth century.[5]

Calero Reservoir County Park

Calero Reservoir County Park is one of Santa Clara County's most diverse regional park and recreation areas. It is located approximately 8.42 miles southeast of the project site. Once part of the Pueblo lands of San José and the Rancho San Vincente land grant, this approximately 4,471-acre park is nestled in the eastern foothills of the Santa Cruz Mountains. Two distinct areas define this park: the reservoir, which offers a host of water-oriented recreational activities, and the adjoining "back country," which reveals to the visitor California Oak woodland, chaparral, riparian plant communities, and associated wildlife habitats. During the months of March, April, and May, the "backcountry" offers a display of wildflowers. In addition, the park offers breathtaking views of southern Santa Clara County and the surrounding Santa Cruz Mountain Range.[6]

Santa Teresa County Park

Santa Teresa County Park located in the Santa Teresa Hills 10 miles south of downtown San José. Santa Teresa County Park is located approximately 6.45 miles southeast of the project site. This 1,673-acre park, rich in history, offers views from its trails above the Almaden and Santa Clara Valleys. The secluded upland valleys of the park provide a quiet interlude for exploring the natural environment minutes away from the surrounding developed areas.[7]

Joseph D. Grant County Park

Joseph D. Grant County Park is the largest of Santa Clara County's regional park and recreation areas. It is located approximately 12.35 miles northeast of the project site. This 10,882-acre park includes some of the County's finest open space resources, as well as rich environmental, cultural, and recreational assets. The landscape is characteristic of the east foothills of the Santa Clara Valley with grasslands and majestic oak trees. As part of the park's tradition and history, cattle grazing currently takes place in some areas and is monitored under a resource management plan.[8]

Hellyer County Park

Hellyer County Park is located approximately 5.84 miles northeast of the project site. This 178-acre urban park is located in the heart of Santa Clara County's regional park system. The Coyote Creek, which meanders through the center of the park, is the focus of the park's natural environment. A

[5] County of Santa Clara. Santa Clara County Parks. Website: https://parks.sccgov.org/santa-clara-county-parks/almaden-quicksilver-county-park. Accessed August 7, 2024.

[6] County of Santa Clara. Calero County Park. Website: https://parks.sccgov.org/santa-clara-county-parks/calero-county-park. Accessed August 7, 2024.

[7] County of Santa Clara. Santa Teresa County Park. Website: https://parks.sccgov.org/santa-clara-county-parks/santa-teresa-county-park. Accessed July 29, 2024.

[8] County of Santa Clara. Joseph. D Grant County Park. 2024. Website: https:// parks.sccgov.org/santa-clara-county-parks/joseph-d-grant-county-park. Accessed August 7, 2024.

thick undergrowth and tall trees characterize the well-defined creek channel, which is home to many different species of wildlife.[9] This park is located in a pocket of unincorporated Santa Clara County but is surrounded by the City.

Martial Cottle Park

Martial Cottle Park is located approximately 4.14 miles northeast of the project site. The approximately 287-acre park contains open space where visitors can enjoy aspects of a traditional urban park, such as trails, green space, and picnic areas. Activities include walking, biking, and picnicking, with paved trails and areas to accommodate equestrians, dogs on leash, and group picnics by reservation.[10]

Lexington Reservoir County Park

Lexington Reservoir County Park is located approximately 4.65 miles southwest of the project site. This 950-acre park and reservoir is just minutes from the urban centers of Santa Clara County. The park includes a 338-acre reservoir available for shoreline fishing. It is also part of a chain of parks and open spaces connected by the Bay Area Ridge Trail, which, when completed, will connect Sanborn with Almaden Quicksilver County Parks as well as Sierra Azul Open Space Preserve and other parks in the greater San Francisco Bay region.[11]

Los Gatos Creek County Park

Los Gatos Creek County Park is located approximately 3.66 miles north of the project site. The Los Gatos Creek Trail offers recreational opportunities for walkers, jogger, bicyclists, skaters, non-motorized scooters, and nature lovers. The trails are operated by the County of Santa Clara Park Department, the City of Campbell, the Town of Los Gatos, and the City of San José. The trail passes through a number of jurisdictions. Visitors are responsible for all rules and regulations applicable to each jurisdiction. The Los Gatos Creek Dog Park is another great amenity to the trail. The artificial turf of the dog park is able to withstand the many dogs that love this park, which has shade, seating, and water. [12]

Project Site

There are no existing County parks, recreational facilities, or designated open spaces on the project site.

[9] County of Santa Clara. Hellyer County Park. Website: https://parks.sccgov.org/santa-clara-county-parks/hellyer-county-park. Accessed August 7, 2024.

[10] California Department of Parks and Recreation (DPR). 2024. Martial Cottle Park Website: https:// parks.sccgov.org/santa-clara-county-parks/martial-cottle-park. Accessed July 29, 2024.

[11] County of Santa Clara. 2024. Lexington Reservoir County Park. 2024. Website: https:// parks.sccgov.org/santa-clara-county-parks/lexington-reservoir-county-park. Accessed August 7, 2024.

[12] County of Santa Clara. Los Gatos Creek County Park. 2024. Website: https:// parks.sccgov.org/santa-clara-county-parks/los-gatos-creek-county-park. Accessed August 7, 2024.

Regional City Parks

The City's Parks, Recreation and Neighborhood Services Department (PRNS) oversees 9 regional parks, 207 neighborhood parks, 290 park playgrounds, 48 community centers, and almost 61 miles of trail.[13] The City's regional parks are listed below:[14]

- Almaden Lake Park
- Alum Rock Park
- Edenvale Garden Park
- Emma Prusch Farm Park
- Guadalupe Gardens
- Guadalupe River Park
- Kelly Park
- Lake Cunningham Park
- Overfelt Gardens
- Plaza de Cesar Chavez

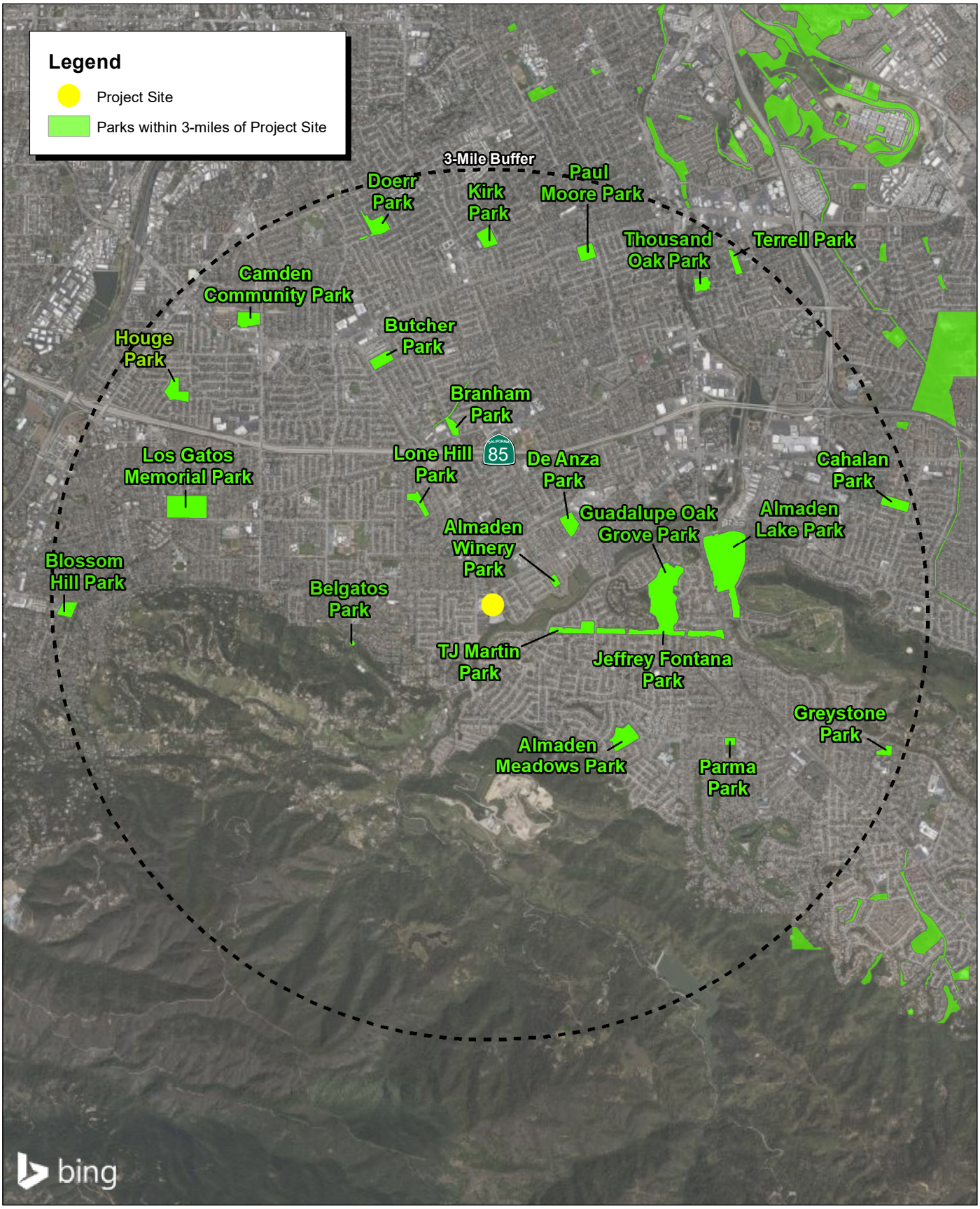
Local Community Parks

The City offers community parks and recreation facilities within its jurisdiction. Several parks and recreational facilities operated by the City of Los Gatos are also located in the vicinity of the project site.

Figure 3.9-1 and Table 3.9-1 and show existing recreational facilities within a 3-mile radius of the project site.

[13] City of San José. About Parks, Recreation and Neighborhood Services (PRNS). Website: https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/general-information/activatesj. Accessed January 20, 2025.

[14] City of San José. Search Parks and Playgrounds. Website: https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/parks-trails/search-parks-playgrounds. Accessed January 20, 2025.



Source: Bing Aerial Imagery.

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Figure 3.9-1
Parks in Project Site Vicinity

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Project Site

The project site is currently occupied by Union School District-owned sports fields that are used by Union Little League.

Table 3.9-1: City Recreational Facilities Within 3 Miles of the Project Site

Name	Acreage	Distance from Project Site (miles)	Jurisdiction and Park Department	Amenities
Almaden Community Center and Library	4.2	2.02	City of San José	• Community room • Library • Gymnasium • Dance Studio • Fitness Room • Teen Room • Computer Lab • Teaching Kitchen • Classrooms
Almaden Lake Regional Park	65	2.65	City of San José	• Tot Lot • Picnic Areas • Basketball • Bocce Ball • Horseshoes • Almaden Lake Trail • Volleyball • Youth Playground • Restrooms • Telephones • Fishing
Almaden Meadows Park	15.5	1.62	City of San José	• Picnic Areas • Youth Playground
Almaden Winery Park	4.7	0.47	City of San José	• Picnic Areas • Youth Playground
Belgatos Park	17	1.0	City of Los Gatos	• Trails • Playground • Restrooms • Picnic Tables • Lawn Area • Accessible Creeks
Blossom Hill Park	10	2.90	City of Los Gatos	• Six Lighted Tennis Courts • Baseball Field • Playground Area • BBQ Pits • Large Lawn Areas • Restroom Facilities
Branham Park	7	1.17	City of San José	• Picnic Sites • BBQ Pits

Name	Acreage	Distance from Project Site (miles)	Jurisdiction and Park Department	Amenities
				• Basketball Court • Sand Volleyball Court • Exercise Course • Youth Playground • Dog Park (small and large dog play areas)
Butcher Park	10	1.83	City of San José	• Picnic Areas • BBQ Pits • Unlighted Softball Field • Children's Water Play Feature • Hard Top Volleyball Court • Two Basketball Courts • Youth Playground • Restrooms
Cahalan Park	9.5	2.95	City of San José	• Picnic Areas • Basketball Court • Two Unlighted Softball Fields • Two Unlighted Tennis Courts • Soccer • Three half- size Basketball Courts • Youth Playground • Restrooms
Camden Park	10.3 6.0	2.50 2.61	City of San José	• Picnic Areas • BBQ Pits • Basketball Court • Unlighted Softball Field • Youth Playground • Adjacent to Camden Community Center
Carolyn Norris Park	1.3	2.22	City of San José	• Youth Playground
Chris Hotts Park	1.0	1.57	City of San José	• BBQ • Youth Playground • Restrooms
De Anza Park	8.3	0.75	City of San José	• Three Basketball Courts • Unlighted Softball Field • Youth Playground • Restrooms
Doerr Park	11.7	2.75	City of San José	• Picnic Areas • BBQ Pits • Basketball Court • Unlighted Softball Field • Four Unlighted Tennis Courts • Youth Playground

Name	Acreage	Distance from Project Site (miles)	Jurisdiction and Park Department	Amenities
				• Restrooms
Erikson Park (North)	1.0	2.70	City of San José	• BBQ Pits • Children's Water Play Feature • Youth Playground
Erikson Park (South)	0.8	2.69	City of San José	• BBQ Pits • Children's Water Play Feature • Youth Playground
Foothill Park	6.9	2.73	City of San José	• No Amenities
Greystone Park	4.7	2.95	City of San José	• Picnic Areas • BBQ Pits • Youth Playground • Restrooms
Guadalupe Oak Grove Park	62.7	1.17	City of San José	• Picnic Areas • Restrooms
Houge Park	12.5	2.59	City of San José	• Picnic Areas • BBQ • Horseshoe Pit • Basketball Court • Half-sized Basketball Court • Two Unlighted Tennis Courts • Exercise Course • Youth Playgrounds • Dog Park (small and large dog play areas)
Jeffrey Fontana Park	10	1.17	City of San José	• Exercise Course • Youth Playground
Kirk Park	4.5	2.54	City of San José	• Picnic Areas • BBQ Pits • Two Basketball Courts • Unlighted Softball Field • Two Horseshoe Pits • Youth Playground
Lone Hill Park	10.8	0.80	City of San José	• Picnic Areas • Exercise Court • Four Lighted Tennis Courts • Youth Playground • Restrooms
Parma Park	4.5	1.95	City of San José	• Picnic Areas • Two Children's Water Play Features • Youth Playground • Restrooms

Name	Acreage	Distance from Project Site (miles)	Jurisdiction and Park Department	Amenities
Paul Moore Park	8.6	2.51	City of San José	• Picnic Areas • BBQ Pits • Unlighted Softball Fields • Two Basketball Courts • Two Tetherball Poles • Four Unlighted Tennis Courts • Youth Playground • Restrooms
Pfeiffer Park	0.7	2.77	City of San José	• Youth Playground
Richard E. Huerta Park	0.5	2.13	City of San José	• Children's Water Feature • Youth Playground
Russo Park	0.4	1.69	City of San José	• Picnic Areas • Horseshoe Pit
Scottsdale Park	0.3	1.52	City of San José	• No Amenities
Terrell Park	5.4	2.91	City of San José	• Picnic Areas • BBQ Pits • Youth Playground
Thousand Oaks Park	9.14	2.61	City of San José	• Youth Playground • Picnic Areas • Woodland Area
TJ Martin Park	23.6	0.70	City of San José	• Picnic Areas • Children's Water Play Feature • Youth Playground
William H. Cilker Park	1.8	2.43	City of San José	• No Amenities
Total Acreage	**350.34**	**—**	**—**	**—**

Sources: City of San José Parks, Recreation and Neighborhood Services (PRNS).
City of Los Gatos Parks and Public Works Department.

3.9.3 - Regulatory Framework

Federal

No federal plans, policies, regulations, or laws related to recreation are applicable to the proposed project.

State

Quimby Act

The Quimby Act (California Government Code § 66477) was established by the California Legislature in 1965 to preserve open space and parkland in rapidly urbanizing areas of the State. The Quimby

Act allows cities and counties to establish requirements for new development to dedicate land for parks, pay an in lieu fee, or provide a combination of the two.

The Quimby Act provides two standards for the dedication of land for use as parkland. If the existing area of parkland in a community is greater than 3 acres per 1,000 residents, then the community may require dedication based on a standard of up to 5 acres per 1,000 persons residing in the subdivision based on the current ratio of parkland per 1,000 residents. If the existing amount of parkland in a community is less than 3 acres per 1,000 residents, then the community may require dedication based on a standard of only 3 acres per 1,000 persons residing in the subdivision.

The Quimby Act requires a city or county to adopt standards for recreational facilities in its general plan in order to adopt a parkland dedication or fee ordinance.

It should be noted that the Quimby Act applies only to the acquisition of new parkland; it does not apply to the physical development of new park facilities or associated operations and maintenance costs. Therefore, the Quimby Act effectively preserves open space needed to develop park and recreation facilities, but it does not ensure the development of the land or the provision of park and recreation services to residents. In addition, the Quimby Act applies only to residential subdivisions. Nonresidential projects could contribute to the demand for park and recreation facilities without providing land or funding for such facilities. Quimby Act fees are collected by the local agency (park district, city, or county) in which the new residential development is located.

Local

Envision San José *2040 General Plan*

Goal PR-1 High Quality Facilities and Programs Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant natural, historic, scenic and other open space resources; and meet the parks and recreation services needs of San José's residents, workers, and visitors.

PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José resident

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

PR-1.3 Provide 500 square feet per 1,000 population of community center space

PR-1.4 Provide access to high-quality recreation programs/services through a three- tiered multi-service hub, satellite, and neighborhood community center concept

PR-1.5 Use San José's recreation capital investment to implement the Greenprint, the Community Sports Field Study, Climate Smart San José, the Aquatics Master Plan,

the Community Center Reuse Strategy, the Urban Environmental Accords, and other adopted City Council policies.

PR-1.6 Where appropriate and feasible, develop parks and recreational facilities that are flexible and can adapt to the changing needs of their surrounding community.

PR-1.7 Design vibrant urban public spaces and parklands that function as community gathering and local focal points, providing opportunities for activities such as community events, festivals and/or farmers markets as well as opportunities for passive and, where possible, active recreation.

PR-1.8 Enhance existing parks and recreation facilities in built-out areas through new amenities and other improvements to ensure that residents' needs are being met.

PR-1.9 As Urban Village areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high quality, publicly accessible outdoor spaces provided as part of new development projects; privately or, in limited instances, publicly owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

PR-1.10 Given the limited land resources available in San José, focus on land banking for future park development and only build new parks when development and maintenance funding is identified. In the interim between acquisition and improvement, utilize and maintain lands for public open space as appropriate

PR-1.11 Develop an integrated parks system that connects new and existing large parks together through a network of interconnected trails and/or bike lanes/routes.

Goal PR-2 Contribute to a Healthful Community Build healthful communities through people, parks, and programs by providing accessible recreation opportunities that are responsive to the community's health and wellness needs.

PR-2.2 Provide quality recreation and neighborhood services that increase frequency of exercise, foster physical activity, and encourage healthful living

PR-2.3 Design and construct new parks, trails, and amenities in a manner that promotes their safe utilization and which allows access to each type of recreation experience for people of all abilities to the maximum extent possible.

PR-2.4 To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds.

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

Goal PR-3 Provide an Equitable Park System Create a balanced park system that provides all residents access to parks, trails, open space, community centers, dog parks, skate parks, aquatics facilities, sports fields, community gardens, and other amenities.

PR-3.1 Provide equitable access to parks, trails, open space, community centers, dog parks, skate parks, aquatics facilities, sports fields, community gardens, and other amenities to the greatest extent feasible in order to provide a high quality of life for our residents.

PR-3.2 Provide access to an existing or future neighborhood park, a community park, recreational school grounds, a regional park, open space lands, and/or a major City trail within a 1/3 mile radius of all San José residents by either acquiring lands within 1/3 mile or providing safe connections to existing recreation facilities outside of the 1/3 mile radius. This is consistent with the United Nation's Urban Environmental Accords, as adopted by the City for recreation open space.

PR-3.3 Apply resources to meet parks, recreation, and open space needs in underserved areas of the City, prioritizing lower income and higher density areas, which may have a demonstrably greater need for these amenities.

Goal PR-6 Sustainable Parks and Recreation Provide environmentally sustainable programs, facilities, and infrastructure assets, accompanied by a network of trails and pathways throughout the City to provide an alternate means of transportation.

PR-6.1 Partner with the community to promote environmental stewardship

PR-6.2 Develop trails, parks and recreation facilities in an environmentally sensitive and fiscally sustainable manner.

PR-6.3 Encourage public land agencies to accept dedications of open space lands of regional significance, including watersheds, wildlife habitats, wetlands, historic sites and scenic lands

PR-6.4 Consistent with the Green Vision, complete San José's trail network and, where feasible, develop interconnected trails with bike lanes to facilitate bicycle commuting and recreational uses.

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

PR-6.6 Encourage environmentally sustainable connections (such as pedestrian/bike trails, bike lanes and routes, transit, etc.) between community elements like schools, parks, recreation centers, libraries and other public nodes.

PR-6.7 In design and construction, consider the role of parks, trails, and open space in preserving, enhancing, or restoring existing ecosystems/wildlife habitat, where appropriate.

PR-6.8 Encourage development of public and private recreational uses in rural and hillside areas that is low intensity and sensitive to geologic hazards, water resources, natural habitats, and visual impacts.

Goal PR-7 Interconnected Parks System Provide an integrated system of parks connected by a citywide network of trails and pathways that provide opportunities for walking and biking for both recreation and transportation, thus fostering a healthful community

PR-7.1 Encourage non-vehicular transportation to and from parks, trails, and open spaces by developing trail and other pleasant walking and bicycle connections to existing and planned urban and suburban parks facilities.

PR-7.2 Condition land development and/or purchase property along designated Trails and Pathways Corridors in order to provide sufficient trail right-of-way and to ensure that new development adjacent to the trail and pathways corridors does not compromise safe trail access nor detract from the scenic and aesthetic qualities of the corridor. Locate trail right-of-ways consistent with the provisions of the City's Riparian Corridor Policy Study and any adopted Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP).

PR-7.3 Whenever possible, construct parks and recreation facilities, especially those that are youth serving, where they are accessible to public transit.

PR-7.4 Meet the parks' needs and expand recreational opportunities for residents in dense, urban areas partially by focusing on improving connections (particularly trail, bicycle, and pedestrian networks) to large parks and recreation facilities.

Parkland Dedication Ordinance (1988) and Park Impact Ordinance (1992)

In 1988, the City Council adopted the Parkland Dedication Ordinance (PDO) to help meet the demand for neighborhood and community parks generated by the development of new residential parcels. In 1992, the City Council adopted the Park Impact Ordinance (PIO), which applied parkland dedication requirements to new units in non-subdivided residential projects. Both the PDO and PIO require that new housing projects either dedicate land for public parks, pay a fee in lieu of dedication, or meet the requirement through a combination of the two. The PDO is consistent with

the requirements and procedures for the dedication of parkland by housing developers as set forth in the Quimby Act, Section 66477 of the California Government Code.[15]

3.9.4 - Methodology

Impacts related to parks and recreational facilities were determined by evaluating the proposed project's effect on existing park and recreational facility usage levels.

3.9.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether impacts to recreation are significant environmental effects. The proposed project would have a significant impact if it would:

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

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

3.9.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Increase Use of Parks

Impact REC-1:	**The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.**

Impact Analysis

Construction

Impacts related to increased use of existing parks and recreational facilities are limited to operational impacts. No respective construction impacts would occur.

Operation

The DPR, Santa Clara County, the City, and other cities in the proposed project vicinity maintain State, regional, and local community parks, trails, and recreational facilities for public use. General Plan Policy PR-1.1 seeks to achieve a level of park and open space facilities equal to 3.5 acres per 1,000 population or 0.0035 acre per person. With a City population of 969,491, and approximately 3,520-acres of parks (regional, Citywide and neighborhood/community), the current park ratio is

[15] City of San José. 2024. Envision San José 2040 General Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed August 7, 2024.

approximately 3.63 acres of parkland per 1,000 people, exceeding the park ratio goal of the City and the standards set by the Quimby Act.[16,17]

Per the City's PRNS, the proposed project's 108 residential units would result in approximately 357 residents and would require 1.072 parkland dedication.[18] The proposed project would not provide public open space areas or public parks. Thus, the proposed project would not contribute toward the General Plan Parkland standard of 3.5 acres per 1,000 people. In lieu of providing the required acreage on the project site, a park impact fee, consistent with the PIO, would be collected from the project proponent to fund the acquisition and development of parks in the City to serve residents.[19] The City has determined that the net Parkland Impact In-lieu Fee for the proposed project is $1,022,614.[20]

The proposed project would also include the demolition of existing on-site baseball fields. However, use of these sports fields is limited to Union Little League participants during games and the fields are not generally open to public use. As discussed above, there are multiple parks in the project site vicinity, with over 300 total acres of parkland. As such, there is a large amount of parkland available in the vicinity of the project site, and the removal of the existing facilities would not increase use of parks at other locations to the point it that it would result in substantial physical deterioration. Therefore, impacts would be less than significant.

Level of Significance

Less than significant impact without mitigation.

Recreational Facilities Physical Effect on Environment

Impact REC-2:	**The proposed project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.**

Impact Analysis

Construction

The proposed project would not include construction of any recreational facilities which might have an adverse physical effect on the environment. Therefore, there would be no construction-related impact.

[16] California Department of Finance. 2024. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2024. Website: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fdof.ca.gov%2Fwp-content%2Fuploads%2Fsites%2F352%2FForecasting%2FDemographics%2FDocuments%2FE-5_2024_InternetVersion.xlsx&wdOrigin=BROWSELINK. Accessed August 7, 2024.

[17] City of San José. 2024. Envision San José 2040 General Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed August 7, 2024.

[18] City of San José, Parks Recreation and Neighborhood Services (PRNS). 2023. H23-40 PRNS Fee Calculation. October 31.

[19] City of San José. 2024. Envision San José 2040 General Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed August 7, 2024.

[20] City of San José, Parks Recreation and Neighborhood Services (PRNS). 2023. Response to Plan Set dated 9/28/2023 for Site Development Permit File No.: H23-040. November 29.

Operation

The proposed project does not include on- or off-site recreation facilities nor does it require the construction or expansion of recreation facilities. Environmental impacts resulting from the on-site construction of private open space has been considered throughout this Draft EIR.

As previously indicated, the proposed project is subject to the City's Park Impact Ordinance (PIO). Both the PDO and the PIO require that new housing projects either dedicate land for public parks, pay a fee in lieu of dedication, or meet this requirement through a combination of the two. The proposed project would pay the fee required for the City's PIO. The park impact fee would be collected to fund the future acquisition and development of parks in the City to serve residents in lieu of providing the required acreage on the project site.[21] Potential environmental impacts of any future park would be addressed separately. Therefore, impacts associated with construction or expansion of recreational facilities would be less than significant.

Level of Significance Before Mitigation

Less than significant impact without mitigation.

3.9.7 - Cumulative Impacts

This cumulative analysis for Recreation uses the "summary of projections" approach set forth in Title 14 CCR Section 15130(b)(1)(B), using the City's 2040 General Plan. The geographic context for cumulative Recreation impacts is the North San José Planning Area, as defined in the 2040 General Plan.

Increase Use of Parks

The geographic scope of the cumulative parks and recreation analysis consists of the local community, regional, and State parks within the boundaries of the City and the adjacent City of Los Gatos. These include parks and recreational facilities managed by the Santa Clara County Parks Department, City of San José Parks, Recreation and Neighborhood Services Department, and the City of Los Gatos Parks and Public Works Department.

Compliance with the City's PDO and PIO, which requires that new housing projects either dedicate land for public parks, pay a fee in lieu of dedication, or meet this requirement through a combination of the two, would substantially limit or preclude Recreation impacts, because increased park uses would be provided or paid for. Thus, any future development would assist in meeting the General Plan Parkland standard of 3.5 acres per 1,000 people. Accordingly, as projected in the General Plan EIR, there are no cumulative impacts related to Recreation.

[21] City of San José. 2024. Envision San José 2040 General Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed August 7, 2024.

Moreover, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impacts. As discussed in Impact REC-2, the proposed project would pay the required park impact fee.

Recreational Facilities Physical Effect on Environment

No cumulative projects are located within 2 miles of the project site that would contribute to a cumulative impact with the proposed project. Accordingly, the cumulative impact of the proposed project would be less than significant.

The proposed project does not include on- or off-site recreation facilities nor does it require the construction or expansion of recreation facilities. As such, it would not contribute to cumulative impacts related to this topic.

Level of Cumulative Significance Before Mitigation

Less than significant cumulative impact without mitigation.

3.10 - Transportation

3.10.1 - Introduction

This section describes existing conditions related to transportation in the project vicinity as well as the relevant regulatory framework. This section also evaluates the possible impacts related to transportation that could result from implementation of the proposed project. Information in this section is based on the project-specific Transportation Analysis (TA) (included as Appendix H of this Draft Environmental Impact Report [Draft EIR]).

3.10.2 - Environmental Setting

Roadway Facilities

Regional

Regional access to the project site is provided via State Route (SR) 85. SR-85 is a predominantly north–south freeway that is oriented in an east–west direction in the vicinity of the project site. It extends from Mountain View to south San José, terminating at US 101. SR-85 is a six-lane freeway with four mixed-flow lanes and two high-occupancy vehicle (HOV) lanes. It connects to Interstate 280 (I-280), SR-17, SR-87, and US 101. SR-85 provides access to the project site via an interchange at Camden Avenue.

Local

Local access to the project site is provided via Camden Avenue, Blossom Hill Road, and Singletree Way:

- **Blossom Hill Road** is a four-lane divided City Connector Street that runs in an east–west direction in the vicinity of the project site. Blossom Hill Road extends westward to Los Gatos and eastward to US 101, where it transitions into Silver Creek Valley Road. Blossom Hill Road includes continuous sidewalks on both sides. It has a posted speed limit of 40 miles per hour (mph) east of Camden Avenue and 35 mph west of Camden Avenue. Blossom Hill Road provides access to the project site via its intersection with Camden Avenue.
- **Camden Avenue** is a City Connector Street with six lanes (divided roadway) north of the project site and four lanes (undivided roadway) south of the project site. Camden Avenue has a posted speed limit of 40 mph and has continuous sidewalks on both sides of the street. Striped bike lanes (Class II) are provided north of Branham Lane and south of Coleman Avenue, but not in the vicinity of the project site. Camden Avenue provides direct access to the project site.
- **Singletree Way** is a two-lane undivided residential street that extends from Camden Avenue eastward to where it terminates at Park Manor Drive. It serves as the southern boundary of the project site. A continuous sidewalk is present along the north side of the street. The sidewalk along the south side of Singletree Way extends from Camden Avenue to the western boundary of the Pacific Gas and Electric Company (PG&E) Hicks Substation and begins again at the eastern boundary of the substation where it extends to Park Manor Drive. Bicycle facilities are not provided. Singletree Way provides direct access to the project site.

- **Park Crest Drive** is a two-lane undivided residential street that serves the neighborhood east of the project site. It extends from Blossom Hill Road southward to where it terminates at Boone Drive. Park Crest Drive has sidewalks on both sides of the street. Bicycle facilities are not provided.

Existing Pedestrian Facilities

Blossom Hill Road, Camden Avenue, Singletree Way, and Park Crest Drive all include continuous sidewalks on both sides. Crosswalks with pedestrian signal heads and push buttons are located at the signalized study intersection of Camden Avenue and Blossom Hill Road. A high-visibility yellow crosswalk with rectangular rapid flashing beacons (RRFBs) is located at the unsignalized study intersection of Blossom Hill Road and Park Crest Drive. There are no crosswalks at the unsignalized intersection of Camden Avenue and Singletree Way. Standard curb ramps with truncated domes are provided at all corners of the signalized intersection of Camden Avenue and Blossom Hill Road. Truncated domes are the standard Americans with Disabilities Act (ADA) design requirement for detectable warnings which enable people with visual disabilities to determine the boundary between the sidewalk and the street. The unsignalized intersection of Blossom Hills Road and Park Crest Drive has standard curbs at three corners, two to the south and one to the northwest, and a non-standard curb ramp on the northeastern corner. The unsignalized intersection of Camden Avenue/Singletree Way has a non-standard curb ramp on the southeast corner and no curb ramp on the northeast corner. The existing network of sidewalks and crosswalks provides adequate connectivity for pedestrians between the project site and other surrounding land uses and transit stops.

Existing Bicycle Facilities

There are no on-street bicycle facilities in the project area. However, the western entrance to the Guadalupe Creek Trail is situated near the project site on Singletree Way, 0.24 mile southeast of the project site. The unpaved multiuse trail extends eastward from Singletree Way to Almaden Expressway, at which point the Guadalupe River/Los Alamitos Creek Trail System can be accessed. This paved multiuse trail system (Class I bikeway) runs through the City along the Guadalupe River and along the Los Alamitos Creek and separates bicyclists from motor vehicle traffic.

Existing Public Transit Service and Facilities

Study Area

Existing transit service in the project vicinity is provided by the Santa Clara Valley Transportation Authority (VTA). The project area is served by two local bus routes.

Bus Route 27 stops at the intersection of Camden Avenue and Blossom Hill Road within walking distance of the project site. Route 27 operates between Winchester and Santa Teresa Stations and provides service every 30 minutes during the weekday AM and PM peak commute periods of the day.

Bus Route 64B operates along Meridian Avenue approximately 1-mile east of the project site. Route 64B operates between the intersection of Almaden Expressway and Camden Avenue and the

intersection of McKee Road and White Road and provides service every 30 minutes during the weekday AM and PM peak commute periods of the day. Route 27 stops at the Meridian Avenue and Blossom Hill Road intersection and, thus, provides a connection to Route 64B.

3.10.3 - Regulatory Framework

Federal

No federal plans, policies, regulations, or laws related to transportation are applicable to the proposed project.

State

Senate Bill 743

In November 2017, the Governor's Office of Planning and Research (OPR) released a technical advisory containing recommendations regarding the assessment of Vehicle Miles Traveled (VMT), proposed thresholds of significance, and potential mitigation measures for lead agencies to use while implementing the required changes contained in Senate Bill (SB) 743. Also in November 2017, OPR released the proposed text for Section 15064.3, "Determining the Significance of Transportation Impacts," which summarized the criteria for analyzing transportation impacts for land use projects and transportation projects and directs lead agencies to "choose the most appropriate methodology to evaluate a project's VMT, including whether to express the change in absolute terms, per capita, per household or in any other measure." OPR recommends that for most instances a per service population threshold should be adopted, and that a 15 percent reduction below that of existing development would be a reasonable threshold.

As noted in the OPR Guidelines, agencies are directed to choose metrics that are appropriate for their jurisdiction to evaluate the potential impacts of a project in terms of VMT. The change to VMT was formally adopted as part of updates to the California Environmental Quality Act (CEQA) Guidelines in December 2018. In the City, Council Policy 5-1, approved on February 27, 2018, and revised on December 6, 2022, establishes VMT as the thresholds for transportation impacts under CEQA. The updated guidelines eliminate the use of automobile delay metrics, such as Level of Service (LOS), from determining significant environmental impacts from vehicle travel. VMT has been identified as the most appropriate metric to evaluate a project's transportation impacts, as projects that result in lower than average VMT support goals of reducing greenhouse gas emissions, while projects that result in higher than average levels of vehicle travel contribute to an increasing rate of greenhouse gas emissions.

Projects that are within 0.5 mile of an existing major transit stop, which is defined as a rail transit station, ferry terminal served by bus or rail transit, or at the intersection of two or more major bus routes with service frequencies of 15 minutes or less during the morning and afternoon peak commute periods, are presumed to be less than significant if the project has the following characteristics:

- Has a floor area ratio (FAR) greater than 0.75.
- Does not include more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking).

- Is consistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Planning Organization).
- Does not replace affordable residential units with a smaller number of moderate or high-income residential units.

If a project meets the screening requirements, it is presumed to have a less than significant impact related to VMT.

Since there are no standards in effect on VMT analysis, a preliminary assessment of the VMT generated by the project was prepared for informational and disclosure purposes only. No determination on the significance of VMT impacts is made in this document since none is legally required.

Regional Regulations

Santa Clara Valley Transportation Authority

VTA is an independent special district that provides sustainable, accessible, community-focused transportation options that are innovative, environmentally responsible, and promote the vitality of our region.

VTA provides bus, light rail, and paratransit services, as well as participates as a funding partner in regional rail service including Caltrain, Capitol Corridor, and the Altamont Corridor Express.

As the County's congestion management agency, VTA is responsible for Countywide transportation planning, including congestion management, design and construction of specific highway, pedestrian, and bicycle improvement projects, as well as promotion of transit oriented development.

VTA provides these services throughout the County, including Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San José, Santa Clara, Saratoga and Sunnyvale. VTA continually builds partnerships to deliver transportation solutions that meet the evolving mobility needs of Santa Clara County.[1]

Local Regulations

City Council Policy 5-1

City Council Policy 5-1 establishes VMT as the metric to measure transportation impacts in conformance with CEQA and requires that all proposed developments, or projects, perform Local Transportation Analyses (LTAs) to demonstrate conformance with multimodal transportation strategies, goals, and policies in the General Plan and to address adverse effects to the transportation system.

Projects are subject to screening criteria, which, if not met, are required to prepare a detailed VMT analysis. Thresholds of significance for the analysis are identified in Table 1 of the Transportation

[1] Santa Clara Valley Transportation Authority (VTA). 2024. About VTA. Website: https:// www.vta.org/about. Accessed July 29, 2024.

Analysis Policy.[2] Thresholds of significance for residential projects are determined upon being (1) 15 percent below the existing Citywide average VMT per capita; or (2) 15 percent below the existing regional average VMT per capita, whichever is lower. If the project is found to have a significant impact on VMT, the impact must be reduced to an acceptable level or, if a project cannot fully mitigate its impacts on VMT, the applicant may either (1) modify the project; (2) relocate the project to a low VMT site; or (3) request the City Council to adopt a Statement of Overriding Considerations.

All projects are required to submit an LTA regardless of VMT impact, subject to the approval of the City's Public Works Director. The purpose of an LTA is to evaluate environmental conditions specific to the project, such as intersection operations, site access and circulation, and pedestrian, bike, and transit operations in order to implement the multimodal vision of the City's General Plan. When feasible, new development is required to provide-on-site facilities to support multimodal travel operations or to share in the cost of infrastructural improvements.

City of San José General Plan

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

Policy TR-1.1 Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and Vehicle Miles Traveled (VMT).

Policy TR-1.2 Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

Policy TR-1.4 Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.

Policy TR-1.8 Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emissions standards are met.

Policy TR-1.9 Give priority to the funding of multimodal projects that provide the most benefit to all users. Evaluate new transportation projects to make the most efficient use of transportation resources and capacity.

Policy TR-2.1 Coordinate the planning and implementation of citywide bicycle and pedestrian facilities and supporting infrastructure. Give priority to bicycle and pedestrian safety

[2] City of San José. 2018. Council Policy 5-1 Transportation Analysis Policy. February 27, Revised December 6, 2022. Website: https://www.sanjoseca.gov/home/showpublisheddocument/96688/638176810753900000. Accessed January 7, 2025.

and access improvements at street crossings and near areas with higher pedestrian concentrations (school, transit, shopping, hospital, and mixed-use areas).

Policy 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.

Policy TR-2.5 Integrate the financing, design and construction of pedestrian and bicycle facilities with street projects. Build pedestrian and bicycle improvements at the same time as improvements for vehicular circulation.

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

Policy TR-2.10 Coordinate and collaborate with local school districts to provide enhanced, safer bicycle and pedestrian connections to school facilities throughout San José.

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

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

Policy TR-8.1 Promote transit oriented development with reduced parking requirements and promote amenities around transit hubs and stations to facilitate the use of transit services.

Policy TR-8.3 Support using parking supply limitations and pricing as strategies to encourage the use of non-automobile modes.

Policy TR-8.6 Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive Transportation Demand Management (TDM) program, or developments located near major transit hubs or within Urban Villages and other Growth Areas.

Goal TR-9 **Reduction of Vehicle Miles Traveled.** Reduce Vehicle Miles Traveled (VMT) per service population by 20 percent (2030 goal) and by 45 percent (2040 goal), from the 2017 levels.

Policy 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 particularly 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.

Policy CD-3.3 Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Policy LU-9.1 Create a pedestrian-friendly environment by connecting new residential development with safe, convenient, accessible, and pleasant pedestrian facilities. Provide such connections between new development, its adjoining neighborhood, transit access points, schools, parks, and nearby commercial areas.

Policy LU-10.5 Facilitate the development of housing close to jobs to provide residents with the opportunity to live and work in the same community.

Policy PR-8.5 Encourage all developers to install and maintain trails when new development occurs adjacent to a designated trail location. Use the City's Parkland Dedication Ordinance and Park Impact Ordinance to have residential developers build trails when new residential development occurs adjacent to a designated trail location, consistent with other parkland priorities. Encourage developers or property owners to enter into formal agreements with the City to maintain trails adjacent to their properties.

TDM Requirement

To be consistent with the goals of the Envision 2040 General Plan and the Climate Smart San José Plan, the project is required to provide Transportation Demand Management (TDM) measures to meet its "TDM Points Target" (minimum of 25 TDM points for Level 1 Home-End uses) as detailed in the City's new Parking and TDM Ordinance. A TDM points evaluation was prepared using the City's TDM Checklist. A comprehensive TDM Plan was also prepared for the project. Note that annual TDM Plan compliance documentation is required for Level 1 residential projects (residential projects of 16 to 299 DUs), but TDM monitoring reports are not.

Parking

The City of San José recently amended Title 20 of the Municipal Code to remove citywide minimum off-street vehicle parking requirements for developments, with the exception of single-family properties and areas where the City has defined contractual agreements regarding parking supply. The changes are intended to encourage the use of alternative modes of transportation, thereby

reducing VMT and greenhouse gas emissions. All projects requiring a development permit that are not exempt per Section 20.90.900.B of the San José Municipal Code are required to adhere to the new parking ordinance, which includes new mandatory TDM requirements.

The removal of vehicle parking requirements and addition of TDM requirements are intended to improve consistency with Climate Smart San José and the Envision San José 2040 General Plan transportation and land use goals. Developers have the flexibility to determine the appropriate number of vehicle parking spaces based on a project's specific needs and market conditions, rather than based on a minimum number of spaces determined by the City.

While Chapter 20.90 of the Municipal Code requires developments to provide two-wheeled motorized vehicle parking equal to 2.5 percent of the total vehicle parking provided, Section 20.90.350 states that this requirement does not apply to multi-family residential uses when the multi-family uses are located in buildings that have individual enclosed garages assigned to each multi-family dwelling unit. As such, the proposed project is exempt from providing motorcycle parking.

3.10.4 - Methodology

Hexagon Transportation Consultants, Inc., prepared the TA for the proposed project. The complete report is provided in Appendix H. The methodology of the analysis is described as follows.

Screening Criteria for VMT Analysis Exemption

The City of San José's Transportation Analysis Handbook, 2023 includes screening criteria for projects that are expected to result in a less than significant VMT impact based on the project description, characteristics and/or location. Projects that meet the screening criteria do not require a CEQA transportation analysis but are typically required to provide an LTA to identify potential operational issues that may arise due to the project.

Screening Criteria for Residential Projects

1. Planned Growth Areas: Located within a Planned Growth Area as defined in the Envision San José 2040 General Plan; and
2. High-Quality Transit: Located within 0.5 mile of an existing major transit stop or an existing stop along a high-quality transit corridor; and
3. Transit-Supporting Project Density:
   - Minimum of 35 units per acre for residential projects or components;
   - If located in a General Plan Land Use Designation with 35 units per acre, the maximum density allowed in the General Plan Land Use Designation must be met; and
4. Active Transportation: Not negatively impact transit, bike or pedestrian infrastructure.

The proposed project would not meet all of the above criteria as follows:

- Located within a Planned Growth Area (based on the VMT Evaluation Tool). The site is not located within a Planned Growth Area. Criterion 1 is not met.

- Located within 0.5 mile of high-quality transit (see Chapter 2 for details). Local Bus Route 27 bus stop is located 0.1 mile from the project site. However, this route does not qualify as high-quality transit. Criterion 2 is not met.
- Would have a residential density of at least 35 dwelling units per acre (DU/AC). The site would have a residential density of 16.19 DU/AC (108 DU/6.67 AC = 16.19 DU/AC). Criterion 3 is not met.
- Would not negatively impact transit, bike or pedestrian infrastructure. The site would not remove, or impact in any other way, transit, bike, or pedestrian infrastructure or facilities, and it would provide its fair share monetary contribution toward a future Class IV protected bikeway. Criterion 4 is met.

Since the proposed project would not meet the City's residential screening criteria described above, a CEQA-level Transportation Analysis (i.e., VMT analysis) is required.

VMT Analysis Methodology

To determine whether a project would result in CEQA transportation impacts related to VMT, the City has developed the San José VMT Evaluation Tool to streamline the analysis for residential, office, and industrial projects with local traffic. Because the proposed project is a residential development that would generate local traffic, the VMT Evaluation Tool was used to estimate the project VMT and determine whether the project would result in a significant VMT impact.

Based on the Assessor's Parcel Number (APN) of a project, the evaluation tool identifies the existing average VMT per capita for the area. Based on the project location, type of development, project description, and proposed trip reduction measures, the evaluation tool calculates the project VMT. Projects located in areas where the existing VMT is above the established threshold are referred to as being in "high-VMT areas." Projects in high-VMT areas (such as the proposed project) are required to include a set of VMT reduction measures that would reduce the project VMT to the extent possible.

The VMT Evaluation Tool evaluates a list of selected VMT reduction measures that can be applied to a project to reduce the project VMT. There are four strategy tiers whose effects on VMT can be calculated with the evaluation tool:

1. Project characteristics (e.g., density, diversity of uses, design, and affordability of housing) that encourage walking, biking and transit uses.
2. Multimodal network improvements that increase accessibility for transit users, bicyclists, and pedestrians.
3. Parking measures that discourage personal motorized vehicle trips.
4. TDM measures that provide incentives and services to encourage alternatives to personal motorized vehicle trips.

The first three strategies—land use characteristics, multimodal network improvements, and parking—are physical design strategies that can be incorporated into the project design. TDM includes programmatic measures that aim to reduce VMT by decreasing personal motorized vehicle mode share and by encouraging more walking, biking, and riding transit. TDM measures should be enforced through annual trip monitoring to assess the project's status in meeting the VMT reduction goals.

The VMT impact threshold is 15 percent below the citywide average for residential developments. Thus, residential projects are said to create a significant adverse impact when the estimated project-generated VMT exceeds the existing citywide average VMT per capita minus 15 percent. Currently, the reported citywide average is 13.4 daily VMT per capita. This equates to a significant impact threshold of 11.39 daily VMT per capita. Projects that trigger a significant VMT impact can implement a variety of the four strategies described above to reduce the impact. A significant impact is said to be satisfactorily mitigated when the strategies and VMT reductions implemented render the VMT impact less than significant.

TDM Analysis

All projects requiring a development permit that are not exempt per Section 20.90.900.B of the San José Municipal Code are required to adhere to the new Parking and TDM Ordinance (Ordinance No. 30857), which includes new mandatory TDM requirements. To be consistent with the goals of the Envision 2040 General Plan and the Climate Smart San José Plan, most projects are required to provide a TDM Plan that meets the "TDM Points Target" as detailed in the City's new Ordinance. The City of San José's TDM Points Checklist is used to calculate the TDM points associated with each TDM measure included in the TDM Plan.

The City of San José Transportation Analysis Handbook, 2023 provides TDM screening criteria for development projects. For residential projects, the following screening criteria applies:

1. Affordability: Includes 100 percent affordable units; and
2. High-Quality Transit: Located within 0.5 mile of an existing major transit stop or an existing stop along a high-quality transit corridor; and
3. Transit-Supporting Project Density:
   - Minimum of 35 units per acre for residential projects or components.

If located in a General Plan Land Use Designation with 35 units per acre, the maximum density allowed in the General Plan Land Use Designation must be met.

Parking

The over- or under-provision of parking is not considered an environmental impact in and of itself, because parking is a social issue and would not directly result in substantial adverse physical impacts. (*See San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 CA4th 656, 697). However, parking is evaluated in this Draft EIR in terms of potential indirect impacts such as air pollution, traffic and land use incompatibility. Please refer to Section 3.1, Air Quality and Section 3.6, Land Use for additional discussion.

3.10.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether transportation and traffic impacts are significant environmental effects. Would the proposed project:

a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities.

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

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

d) Result in inadequate emergency access.

3.10.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the proposed project and provides mitigation measures where necessary.

Effect to Circulation System

Impact TRANS-1:	**The proposed project would not conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities.**

Impact Analysis

Pedestrian and Bicycle Facilities

General Plan Policy TR-2.2 requires a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments. General Plan Policy TR-2.10 requires collaboration with school districts to provide enhanced, safe bicycle and pedestrian connections to school facilities. General Plan Policy LU-9.1 requires the creation of a pedestrian-friendly environment by connecting new residential development with high-quality pedestrian facilities by providing connections between new development, its adjoining neighborhood, transit access points, schools, parks, and nearby commercial areas. General Plan Policy CD-3.3 requires the creation and maintenance of a pedestrian-friendly environment.

Besides the adjacent special education school (Beacon School), the following schools are located within a 1 mile walking/biking distance of the project site:

- Dartmouth Middle School, located 0.5 mile northeast of the site on Blossom Hill Road
- Lietz Elementary School, located 0.5 mile north of the site on Carter Avenue
- Noddin Elementary School, located 0.75 mile northwest of the site on Gilda Way
- Guadalupe Elementary School, located 1 mile southeast of the site on Vera Cruz Drive

As described in the Environmental Setting, there are adequate bike and pedestrian facilities that already exist at the project site. The project proposes to reconstruct sidewalks and curbs along the

project frontages on Camden Avenue and Singletree Way. The proposed project would extend the current sidewalk to be a 12-foot-wide attached sidewalk with tree wells along Camden Avenue and a 10-foot-wide attached sidewalk with tree wells along Singletree Way. The northeast and southeast corners of the Camden Avenue and Singletree Way intersection would be reconstructed to include standard ADA-compliant curb ramps, as well as a new crosswalk striped with high-visibility yellow paint on Singletree Way. These features are consistent with General Plan Policies TR-2.2 and LU-9.1 and would improve safety and access to the adjacent Beacon School.

According to California Vehicle Code Section 21368: "Whenever a marked pedestrian crosswalk has been established in a roadway contiguous to a school building or the grounds thereof, it shall be painted or marked in yellow as shall be all the marked pedestrian crosswalks at an intersection in case any one of the crosswalks is required to be marked in yellow." The proposed project would be required to follow State requirements as well as City standards for all new crosswalks resulting from the proposed project.

General Plan Policy TR-2.8 requires that new development provide on-site facilities such as bicycle storage and to dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths or share the cost of improvements. The proposed project would provide 28 bicycle parking spaces, along with 12 bicycle lockers, and a bicycle repair station.

The City's Bike Master Plan establishes goals, policies and actions to make bicycling a daily part of life in San José. The Master Plan includes designated bike lanes along many City streets, as well as on designated bike corridors. In order to further the goals of the City, pedestrian and bicycle facilities should be encouraged with new development projects. The proposed project would be required to provide a fair share monetary contribution toward the future Class IV protected bikeway that is planned along Camden Avenue as identified in the San José Better Bike Plan 2025. With this contribution, the proposed project would comply with policies related to bicycle facilities.

Transit Services

General Plan Policy TR-4.1 encourages support of development that would increase the daily ridership on VTA systems.

Existing transit service in the project vicinity is provided by the VTA. The project area is served directly by local Bus Route 27. Route 27 operates along Blossom Hill Road within walking distance of the project site (stops at Camden Avenue/Blossom Hill Road less than 200 feet north of the project site). The bus stops at Camden Avenue/Blossom Hill Road are easily accessible via the existing network of sidewalks and crosswalks.

Since the project site is served by a local Bus Route (Route 27), it is reasonable to assume that some residents would utilize transit service. Based on the results of the intersection level analysis provided by the TA, the project would have only minimal impacts on vehicle delay during operations, approximately 0.30 seconds per vehicle. Thus, the proposed project would have a less than significant impact on transit delays in the area. The proposed project would be compliant with General Plan Policy TR-4.1 and impacts would be less than significant.

Level of Significance

Less than significant impact without mitigation.

Conflict with CEQA Guidelines Section 15064.3, Subdivision (b)

Impact TRANS-2: The proposed project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Impact Analysis

Since the proposed project would exceed the City's residential screening criteria described in Section 3.10.4 Methodology, a CEQA-level Transportation Analysis (i.e., VMT analysis) is required.

The VMT impact threshold is 15 percent below the citywide average for residential developments. Thus, residential projects are said to create a significant adverse impact when the estimated project-generated VMT exceeds the existing citywide average VMT per capita minus 15 percent. Currently, the reported citywide average is 13.4 daily VMT per capita. This equates to a significant impact threshold of 11.39 daily VMT per capita. The project's daily VMT estimated by the City's VMT Evaluation Tool is 15.29 per capita. The project VMT, therefore, exceeds the residential threshold and creates a potentially significant impact.

Accordingly, the proposed project plans would adhere to MM TRANS-2 and would implement a TDM Plan to mitigate the VMT impact. The TDM Plan includes both hardscape multimodal improvements and programmatic measures related to the following topics:

- Pedestrian Network Improvements
- Traffic Calming Measures
- Transit Access Improvements
- School Pool Program
- Voluntary Travel Behavior Change Program

Based on the City's VMT Evaluation Tool, implementing the proposed mitigation measures described above would lower the project VMT to 12.7 VMT per capita. Since the project VMT would remain above the City's threshold of 11.39 VMT per capita with mitigation, the proposed project would result in a significant and unavoidable VMT impact.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM TRANS-2 Prior to issuance of building occupancy permits, the project applicant shall implement the following mitigation measures to reduce Vehicle Miles Traveled (VMT) impacts to the satisfaction of the Director of Public Works or the Director's designee, and submit proof of compliance documentation for review and approval to the Director of Planning, Building, and Code Enforcement or the Directors' designee:

Pedestrian Network Improvements (MI-05)

Remove pork-chop islands and extend the curb-lines at the northwest and southwest corners of the Camden Avenue and Blossom Hill Road intersection. These improvements would require a signal modification, including the replacement of existing signal poles and associated mast arms and streetlights, and restriping of the intersection. The intersection corners will include new Americans with Disabilities Act (ADA) compliant curb ramps with truncated domes. The existing standard, white-striped crosswalks will be upgraded to high-visibility yellow ladder striping on all legs of the intersection. These multimodal infrastructure improvements would enhance pedestrian connectivity, slow down the southbound and eastbound right-turn vehicle movements, shorten pedestrian crossing distances, and make pedestrians more visible to drivers.

Alternatively, if it is determined that pork-chop island removal at the Camden Avenue and Blossom Hill Road intersection is infeasible due to the cost of the total "Pedestrian Network Improvements" mitigation measure, the new signal at the Camden Avenue and Singletree Way intersection constructed by the project (discussed below under the "Council Policy 5-1 VMT Override Traffic Payment") provides a comparable reduction in VMT as a "Network Connectivity/Design Improvements" measure by providing an additional safe and visible pedestrian connection across Camden Avenue and promoting walking as a viable option to driving for existing neighborhood residents west of the Camden Avenue.

Traffic Calming Measures (MI-04)

- Construct a bulb-out at the northeast corner of the Camden Avenue and Singletree Way intersection, directional ADA compliant curb ramps at both the northeast and southeast corners of the intersection, and a yellow-striped crosswalk on Singletree Way.
- Extend the raised median island on Camden Avenue south to Singletree Way (approximately 150 feet).

Transit Access Improvements

Relocate the existing near side Santa Clara Valley Transit Authority (VTA) bus stop along westbound Blossom Hill Road to the far side of the intersection (west side of Camden Avenue). Improvements include construction of a new concrete bus pad, and installation of a new standard metal bench and bus shelter. The proposed bus stop improvements will encourage existing and future residents to utilize transit as an alternative to driving.

Transportation Demand Management Plan

To further reduce the project VMT, the applicant shall implement the following Transportation Demand Management (TDM) Plan Programmatic measures:

- **School Pool Program (TP-01):** Implement a School Pool Program to transport students from the development to schools without a bussing program or schools where students cannot walk or bike. It is expected that at least 25 percent of residents will participate in the school pool program.
- **Voluntary Travel Behavior Change Program (TP-18):** Provide a program that targets individual attitudes and behavior towards travel and provides information and tools for residents to analyze and alter their travel behavior. All households (100 percent of residents) are expected to enroll.
- **On-site TDM Coordinator:**
  - Provide a TDM plan prior to Planning (Planned Development) Permit approval. Include an annual monitoring requirement establishing an Average Daily Traffic (ADT) cap of 47 AM peak-hour trips and 56 PM peak-hour trips. The annual monitoring report must demonstrate the project is within 10 percent of the ADT cap and must be prepared by a Traffic Engineer.
  - If the project is not in conformance with the trip cap, the project may add additional TDM measure to meet the trip cap. A follow up report will be required within 6 months. If the project is still out of conformance, penalties will be assessed. See Council Policy 5-1.
- **Parking and TDM Ordinance:** The TDM Plan for the project has additional measures to meet the City Parking TDM requirements. The TDM Plan includes the following measures from the Transportation Analysis prepared for the project and shall be implemented prior to issuance of the Certificate of Occupancy. Compliance shall be coordinated with the Director of Public Works or the Director's designee, and then the project proponent shall submit proof of compliance documentation for review and approval to the Director of Planning, Building, and Code Enforcement or the Directors' designee :
  - Provide Residential Street Improvements (MI-04)
  - Provide Pedestrian Network Improvements (MI-05)
  - Right-size Off-site Vehicle Parking Supply (PK-01)
  - Provide End of Trip Bike Facilities (PK-02)
  - Provide School Pool Program (TP-01)
  - Provide Education, Marketing and Outreach Program (TP-04)
  - Provide Ride Share Program (TP-13)
  - Provide Targeted Behavioral Intervention (TP-15)
  - Provide Voluntary Travel Behavior Change Program (TP-18)
- **Council Policy 5-1 VMT Override Traffic Payment:**
  - Prior to issuance of building occupancy permits, the project proponent shall Pay the VMT Impact Overriding Traffic payment for the proposed 108 townhome residential units. The 2025 traffic payment is $3,002 per unmitigated VMT per resident and is subject to an annual escalation on January 1st in line with the Engineering News-Record Construction Cost Index (ENR CCI). The project will be required to pay the VMT Override Offset Traffic Payment for the proposed 108 townhome units. In coordination with the City, the project proponent shall implement the following improvements prior to issuance of Building occupancy

permits in-lieu of VMT overriding traffic fee payment. The improvements will include the following:

- Construct a new traffic signal at the Camden Avenue/Singletree Way intersection with crosswalks and bulb-outs.

Level of Significance After Mitigation

Significant and unavoidable impact.

Transportation Hazards

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

Impact Analysis

An analysis of queueing, site access and circulation, sight distance, and circulation was prepared as part of the TA.

Driveway Design and Operations

Access to the 108-unit townhome development would be provided via two driveways: one driveway on Camden Avenue (right-in/right-out only) and one driveway on Singletree Way. Both driveways are shown to be 26 feet wide, which meets the City's standard for residential driveways. The project-generated trips that are estimated to occur at the project driveway on Camden Avenue are 5 inbound and 15 outbound trips during the AM peak-hour and 11 inbound and 11 outbound trips during the PM peak-hour. The project-generated trips that are estimated to occur at the project driveway on Singletree Way are 9 inbound and 18 outbound trips during the AM peak-hour and 21 inbound and 13 outbound trips during the PM peak-hour. Because of the low number of AM and PM peak-hour project-generated trips at the project driveways, operational issues related to vehicle queueing and/or delays are not expected to occur at either project driveway.

On-Site Vehicular Circulation and Parking

The proposed project would construct internal drive aisles that would provide direct access to each townhome garage. The City's standard minimum width for two-way drive aisles is 26 feet wide where 90-degree parking is provided. This allows sufficient room for vehicles to back out of the parking spaces.

The guest parking, a mix of 90-degree spaces and parallel spaces, would be located along a 26-foot-wide drive aisle throughout the project site. There would be two short dead-end drive aisles located on the southern portion of the site. However, since these dead-end aisles would provide access to the residential garages only and would not contain guest parking spaces, the dead-end aisle would not create any vehicular circulation issues.

Twenty-seven guest parking spaces, including two ADA van accessible spaces, are proposed for the townhome development. The 90-degree parking spaces (including ADA spaces) measure 9 feet wide

by 20 feet long, and the parallel parking spaces measure 8 feet wide by 22 feet long. The proposed parking stall dimensions meet the City of San José and ADA off-street parking design standards.[3]

Truck Access and Circulation

The project site plan for the townhomes was reviewed for truck access including delivery and moving trucks, garbage trucks and emergency vehicles. The turning templates show that trucks could adequately access the site and navigate through the site. Note that although trucks would require the full width of the driveways when entering and exiting the site, this situation is typical for large trucks at residential driveways.

Garbage Collection Trash bins would be stored within each individual unit. Trash bins would be wheeled out to the drive aisles on garbage collection days. All garbage collection activities would occur on-site.

Sight Distance

Sight distance requirements vary depending on the roadway speeds. For Singletree Way, which has a speed limit of 25 mph, the Caltrans stopping sight distance is 200 feet. This means a driver must be able to see 200 feet down Singletree Way to locate a sufficient gap to turn out of the project driveway. This also gives drivers traveling along Singletree Way adequate time to react to vehicles exiting the project driveway. For Camden Avenue, which has a speed limit of 40 mph, the Caltrans stopping sight distance is 360 feet.

There are no existing landscaping or other visual obstructions along the project frontages that would obscure sight distance at the project driveways. Singletree Way does bend slightly. However, since the driveway is situated along the horizontal curve, sight distance would be adequate in both directions. Note that there is an existing residential driveway on Singletree Way, situated east of the proposed project driveway location that operates acceptably.

Parking is currently prohibited along the project frontage on Camden Avenue. The proposed project should maintain the no parking zones along Camden Avenue to ensure adequate sight distance is provided at the Camden Avenue project driveway. Parking is currently allowed along the project frontage on Singletree Way. As a condition of approval, the applicant would be required to submit to the City an updated site plan that identifies no-parking zones immediately adjacent to the project driveway on Singletree Way to ensure adequate sight distance is provided in both directions; the no-parking zone shall extend to the adjacent driveway to the east (approximately 35 feet) and to 50 feet to the west. Compliance with the condition of approval would ensure impacts related to site distance would be less than significant.

Queueing

The intersection queueing analysis in the TA is based on vehicle queueing for left-turn movements at intersections near the project site where the project would add 10 or more trips. The existing southbound left-turn lane at Camden Avenue and Singletree Way provides approximately 100 feet of

[3] City of San José. 2024. Code of Ordinances, Chapter 20.90 - Parking, Loading, and Transportation Demand Management. Website: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.90PALOTRDEMA_PT2PASPRE_20.90.100OREVEPASPDEST. Accessed September 11, 2024.

storage, measured from the beginning of the left-turn lane striping to Orchard View Drive. The project would add 10 vehicles during the AM peak-hour and 25 vehicles during the PM peak-hour to the southbound left-turn movement. It was determined that this addition of project-generated trips would not increase the 95th percentile vehicle queue lengths during either the AM or PM peak hours. Thus, the southbound left-turn lane, based on the current configuration, would provide adequate vehicle storage under background plus project conditions during both the AM and PM peak hours. Impacts with respect to queueing would be less than significant.

Condition of Approval

The project applicant shall submit to the City an updated site plan that identifies no-parking zones immediately adjacent to the project driveway on Singletree Way to ensure adequate sight distance is provided in both directions; the no-parking zone shall extend to the adjacent driveway to the east (approximately 35 feet) and to 50 feet to the west.

Level of Significance

Less than significant impact without mitigation.

Emergency Access

Impact TRANS-4: The proposed project would not result in inadequate emergency access.

Impact Analysis

Construction

Typical activities related to the construction of any development could include lane narrowing and/or lane closures, sidewalk and pedestrian crosswalk closures, and bike lane closures. In the event of any type of closure, clear signage (e.g., sidewalk closure and detour signs) must be provided to ensure vehicles, pedestrians and bicyclists are able to adequately reach their intended destinations safely. Per City standard practice, the project would be required to submit a construction management plan for City approval that addresses the construction schedule, street closures and/or detours, construction staging areas and parking, and the planned truck routes. Therefore, impacts would be less than significant.

Operation

The City of San José Fire Department requires that all portions of the buildings be within 150 feet of a fire department access road and requires a minimum of 3 feet clearance from the property line along all sides of the building. According to the proposed site plan, the project would meet the fire access requirements. Therefore, impacts would be less than significant.

Level of Significance

Less than significant impact without mitigation.

3.10.7 - Cumulative Impacts

Conflict with a Transportation Policy or Plan

This cumulative impact analysis for Transportation uses the "summary of projections" approach set forth in Title 14 California Code of Regulations Section 15130(b)(1)(B), using the General Plan. The geographic context for cumulative Transportation impacts related to a conflict with a transportation policy or plan is the North San José Planning Area, as defined in the General Plan.

The Circulation Element of the General Plan includes a set of balanced, long-range, multimodal transportation goals and policies that provide for a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts). These transportation goals and policies are intended to improve multimodal accessibility to all land uses and create a city where people are less reliant on driving to meet their daily needs. The Envision San José 2040 General Plan contains the following policies to encourage the use of non-automobile transportation modes to minimize vehicle trip generation and reduce VMT:

Policy TR-1.2 Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects;

Policy TR-1.4 Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes, giving first consideration to the improvement of biking, walking and transit facilities and services that encourage reduced vehicle travel demand;

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

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

Policy TR-8.6 Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive Transportation Demand Management (TDM) program, or developments located near major transit hubs or within Villages and Corridors and other Growth Areas.

Implementation of General Plan Policies and Actions and conformance with mandatory ordinances and policies, would substantially limit or preclude Transportation policy conflicts. Moreover, there is no development currently planned in the project vicinity, and past and existing development within the geographic context were required to comply with these policies. Accordingly, cumulative impacts are less than significant.

The proposed residential project would provide multimodal infrastructure improvements and would be consistent with the General Plan's policies listed above and would be considered part of the cumulative solution to meet the City's long-range transportation goals. For these reasons and as further discussed in Impact TRANS-1, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impacts.

Vehicle Miles Traveled

General Plan Goal TR-9 aims to reduce VMT per service population by 20 percent from 2017 levels, which were 14.62, according to the General Plan EIR. Currently, the reported citywide average is 13.4 daily VMT per capita. As such, the City's goal has not been met and there is an existing significant cumulative impact related to VMT. Additionally, other projects in the City may generate new VMT which would be added to the regional roadway network. Any new projects would be required to mitigate their fair share of impacts. Nonetheless, the proposed project, in conjunction with other projects in the City, would have a cumulatively significant impact related to VMT.

As concluded in Impact TRANS-2, the proposed project's VMT would result in a significant and unavoidable impact because it would not be 15 percent below the citywide average VMT per capita. The proposed project would implement MM TRANS-2, which requires implementation of a TDM. However, even with incorporation of MM TRANS-2, which would partially reduce VMT impacts, the impacts would remain significant and unavoidable. Accordingly, the proposed project would have a potentially significant contribution to cumulative impacts. There is no feasible mitigation to avoid or reduce this impact.

Design Hazard

The geographic context for cumulative Transportation impacts related to a design hazard is the project vicinity. As there is no development currently proposed in the project vicinity, and past and present projects together with the proposed project would not result in any design hazards, there would be a less than significant cumulative impact. Additionally, with identification of no-parking zones on Singletree Way as would be required by a condition of approval, the proposed project's incremental contribution to the less than significant impacts would not be cumulatively considerable. Accordingly, cumulative impacts would be less than significant and no cumulative mitigation is necessary.

Emergency Access

This cumulative impact analysis for Transportation impacts related to emergency access uses the "summary of projections" approach set forth in Title 14 CCR Section 15130(b)(1)(B), using the City's 2040 General Plan. The geographic context for cumulative emergency access impacts is the North San José Planning Area, as defined in the General Plan.

The geographic context for this impact is the City; however, impacts related to emergency access are generally specific to the individual related projects and generally do not combine to create cumulative impacts. Moreover, the proposed project together with projected cumulative projects anticipated in the General Plan would be consistent with the City's Emergency Plan. There are no reasonably foreseeable projects within two miles of the project site. Past and current projects would

be consistent with regulations and requirements in the zoning code; accordingly, the combined development of these projects would have a less than significant cumulative impact related to emergency access.

Moreover, the proposed project would not have a cumulatively considerable contribution to these less than significant impacts as discussed above in Impact TRANS-4.

Level of Cumulative Significance Before Mitigation

Significant and unavoidable cumulative impact related to VMT. All others are less than significant without mitigation.

Mitigation Measures

Implement MM TRANS-2.

Level of Cumulative Significance After Mitigation

Significant and unavoidable cumulative impact related to VMT.

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3.11 - Tribal Cultural Resources

3.11.1 - Introduction

This section describes the existing Tribal Cultural Resources (TCRs) setting in the region and project area as well as the relevant regulatory setting. This section also evaluates the possible impacts related to TCRs that could result from implementation of the proposed project. Information in this section is based on information provided by the Native American Heritage Commission (NAHC), subsequent consultation with Tribal representatives identified by the NAHC who may have interest in or additional information on TCRs that may be impacted by project development (Confidential Appendix D). In addition, recommendations provided in the Phase I Cultural Resources Assessment (Phase I CRA) pertaining to feasible mitigation of identified potential significant impacts to TCRs are also addressed in this section. For an analysis of the potential effects related to Cultural Resources, refer to Section 3-3, Cultural Resources.

3.11.2 - Environmental Setting

Overview

The term "Tribal Cultural Resources" encompasses TCRs and burial sites. Below is a brief summary of each component:

- **Tribal Cultural Resources:** TCRs include sites, features, places, or objects that are of cultural value to one or more California Native American Tribes.
- **Native American Burial Sites and Cemeteries:** Burial sites and cemeteries are formal or informal locations where human remains have been interred and that are of cultural value to one or more California Native American Tribes.

Overall Tribal Cultural Resources Setting

Following is a brief overview of the relevant pre-contact, ethnography, and historic background, providing context in which to understand the background and relevance of sites found in the general project vicinity. This section is not intended to be a comprehensive review of the current academic resources available; rather, it serves as a general overview. Unless otherwise stated, information contained in this section is drawn directly from the Phase I CRA conducted by FirstCarbon Solutions (FCS).[1] Further details can be found in ethnographic studies, mission records, and major published sources referenced in the Phase I CRA.

Pre-contact and Ethnographic Background

In general, archaeological research in the greater San Francisco Bay Area has focused on coastal areas, where large shellmounds were relatively easily identified on the landscape. This research and its chronological framework, however, is relevant to and has a bearing on the understanding of prehistory in areas adjacent to the San Francisco Bay, including modern Santa Clara County.

[1] FirstCarbon Solutions (FCS). 2024. 5670 Camden Avenue Residential Project Phase I Cultural Resource Assessment.

The San Francisco Bay Area supported a dense population of hunter-gatherers over thousands of years, leaving a rich and varied archaeological record. The Bay Area was a place of incredible language diversity, with seven languages spoken at the time of Spanish settlement in 1776. The diverse ecosystem of the San Francisco Bay and surrounding lands supported an average of three to five persons per square mile but reached 11 persons per square mile in the North Bay. At the time of Spanish contact, the people of the Bay Area were organized into local Tribelets that defended fixed territories under independent leaders. Typically, individual Bay Area Tribelets included 200 to 400 people distributed among three to five semi-permanent villages, within territories measuring approximately 10 to 12 miles in diameter.

Native American occupation and use of the greater Bay Area, including the regions comprising San José, extended over 5,000–7,000 years and possibly longer. Early archaeological investigations in Central California were conducted at sites located in the Sacramento-San Joaquin Delta region. The first published account documents investigations in the Lodi and Stockton area. The initial archaeological reports typically contained descriptive narratives, with more systematic approaches sponsored by Sacramento Junior College in the 1930s. At the same time, the University of California at Berkeley excavated several sites in the lower Sacramento Valley and Delta region, which resulted in recognizing archaeological site patterns based on a variation of intersite assemblages. Research during the 1930s identified temporal periods in Central California prehistory and provided an initial chronological sequence. In 1939, researcher Jeremiah Lillard of Sacramento Junior College noted that each cultural period led directly to the next and that influences spread from the Delta region to their regions in Central California. In the late 1940s and early 1950s, researcher Richard Beardsley of the University of California Berkeley documented similarities in artifacts among sites in the San Francisco Bay region and the Delta and refined his findings into a cultural model that ultimately became known as the Central California Taxonomic System (CCTS). This system proposed a uniform, linear sequence of cultural succession.

To address some of the flaws in the CCTS system, D.A. Fredrickson introduced a revision that incorporated a system of spatial and cultural integrative units. Fredrickson separated cultural, temporal, and spatial units from each other and assigned them to six chronological periods: Paleo-Indian (12,000 to 8000 years Before Present [BP]; Lower, Middle, and Upper Archaic [8000 to 1500 BP], and Emergent [Upper and Lower, 1500 to 250 BP]). The suggested temporal ranges are similar to earlier horizons, which are broad cultural units that can be arranged in a temporal sequence. In addition, Fredrickson defined several patterns—a general way of life shared within a specific geographical region. These patterns include:

- Windmiller Pattern or Early Horizon (4500 to 3500 BP)
- Berkeley Pattern or Middle Horizon (3500 to 1500 BP)
- Augustine Pattern or Late Horizon (1500 to 250 BP)

Brief descriptions of these temporal ranges and their unique characteristics follow.

Windmiller Pattern or Early Horizon (4500 to 3500 BP)

Characterized by the Windmiller Pattern, the Early Horizon was centered in the Cosumnes District of the Delta and emphasized hunting rather than gathering, as evidenced by the abundance of

projectile points in relation to plant processing tools. Additionally, atlatl, dart, and spear technologies typically included stemmed projectile points of slate and chert but minimal obsidian. The large variety of projectile point types and faunal remains suggests exploitation of numerous types of terrestrial and aquatic species. Burials occurred in cemeteries and intra-village graves. These burials typically were ventrally extended, although some dorsal extensions are known with a westerly orientation and a high number of grave goods. Trade networks focused on acquisition of ornamental and ceremonial objects in finished form rather than on raw material. The presence of artifacts made of exotic materials, such as quartz, obsidian, and shell, indicates an extensive trade network that may represent the arrival of Utian populations into Central California. Also indicative of this period are rectangular *Haliotis* and *Olivella* shell beads and charmstones that usually were perforated.

Berkeley Pattern or Middle Horizon (3500 to 1500 BP)

The Middle Horizon is characterized by the Berkeley Pattern, which displays considerable changes from the Early Horizon. This period exhibited a strong milling technology represented by minimally shaped cobble mortars and pestles, although metates and manos were still used. Dart and atlatl technologies during this period were characterized by non-stemmed projectile points made primarily of obsidian. Fredrickson suggests that the Berkeley Pattern marked the eastward expansion of Miwok groups from the San Francisco Bay Area. Compared with the Early Horizon, there is a higher proportion of grinding implements at this time, implying an emphasis on plant resources rather than on hunting. Typical burials occurred within the village with flexed positions, variable cardinal orientation, and some cremations. As noted by Lillard, the practice of spreading ground ochre over the burial was common at this time. Grave goods during this period are generally sparse and typically include only utilitarian items and a few ornamental objects. However, objects such as charmstones, quartz crystals, and bone whistles occasionally were present, which suggest the religious or ceremonial significance of the individual. During this period, larger populations are suggested by the number and depth of sites compared with the Windmiller Pattern. According to Fredrickson, the Berkeley Pattern reflects gradual expansion or assimilation of different populations rather than sudden population replacement and a gradual shift in economic emphasis.

Augustine Pattern or Late Horizon (1500 to 250 BP)

The Late Horizon is characterized by the Augustine Pattern, which represents a shift in the general subsistence pattern. Changes include the introduction of bow-and-arrow technology and, most importantly, acorns became the predominant food resource. Trade systems expanded to include raw resources as well as finished products. There are more baked clay artifacts and extensive use of Haliotis ornaments of many elaborate shapes and forms. According to Moratto, burial patterns retained the use of flexed burials with variable orientation but there was a reduction in the use of ochre and widespread evidence of cremation. Judging from the number and types of grave goods associated with the two types of burials, cremation seems to have been reserved for individuals of higher status, whereas other individuals were buried in flexed positions. Johnson suggests that the Augustine Pattern represents expansion of the Wintuan population from the north, which resulted in combining new traits with those established during the Berkeley Pattern.

Central California research has expanded from an emphasis on defining chronological and cultural units to a more comprehensive look at settlement and subsistence systems. This shift is illustrated by the early use of burials to identify mortuary assemblages and more recent research using osteological data to determine the health of prehistoric populations. Debate continues over a single model or sequence for California, but the framework consisting of three temporal/cultural units is generally accepted, although the identification of regional and local variation is a major goal of current archaeological research.

Native American Background

The Ohlone (Costanoan)

At the time of European contact in the eighteenth century, the San Francisco Bay and Monterey Bay areas were occupied by the Costanoan-speaking Native American Tribelets. The Costanoan group designates a linguistic family consisting of eight different, yet related, languages. The eight languages are the Karkin, Ramaytush, Chochenyo, Tamyen, Awaswas, Chalon, Mutsun, and Rumsen. The Costanoan languages were quite different from one another, with each language being related to its geographically contiguous neighbors. The term "Costanoan" comes from the Spanish word *Costanos* which means coast people. There are two other terms that were used to identify the Costanoan-speaking people, Olhonean and Mutsun. Olhonean is the name of a Tribelet, Olxon, that was in San Mateo County near the San Gregorio Creek. Mutsun is the name of the village in a place called Natividad, in the hills between the Salinas and Pajaro rivers.

The arrival of Costanoan-speaking groups into the Bay Area appears to be temporally consistent with the appearance of the Late Horizon artifact assemblage in the archaeological record, as documented at sites such as the Emeryville Shellmound or the Ellis Landing Shellmound. It is probable that the Costanoan moved south and west from the Delta region of the San Joaquin-Sacramento River region into the Bay Area. The Tribal group that most likely occupied the project area is the Tamyen language group or Santa Clara Costanoan, whose territory extended from the south end of the San Francisco Bay to the lower end of the Santa Clara Valley.

The various Costanoan Tribes subsisted as hunter-gatherers and relied on local terrestrial and marine flora and fauna for subsistence. The predominant plant food source was the acorn, but they also exploited a wide range of other plants, including various seeds, buckeye, berries, and roots. Protein sources included grizzly bear, elk, sea lions, antelope, and black-tailed deer, as well as smaller mammals such as raccoon, brush rabbit, ground squirrels, and wood rats. Waterfowl, including Canadian geese, mallards, green-winged teal, and American widgeon, were captured in nets using decoys to attract them. Fish also played an important role in the Costanoan diet and included steelhead, salmon, and sturgeon.

The Costanoan constructed watercraft from tule reeds and possessed bow-and-arrow technology. They fashioned blankets from sea otter pelts, fabricated basketry from twined reeds of various types, and assembled a variety of stone and bone tools in their assemblages. Costanoan villages typically consisted of domed dwelling structures, communal sweathouses, dance enclosures, and assembly houses constructed from thatched tule reeds and a combination of wild grasses, wild alfalfa, and ferns.

The Costanoan were politically organized into autonomous Tribelets that had distinct cultural territories. Individual Tribelets contained one or more villages with several seasonal camps for resource procurement within the Tribelet territory. The Tribelet chief could be either male or female, and the position was inherited patrilineally, but approval of the community was required. The Tribelet chief and council were essentially advisers to the community and were responsible for feeding visitors and directing hunting and fishing expeditions, ceremonial activities, and warfare on neighboring Tribelets.

The first European contact with the Costanoan, specifically the Rumsen Tribelets, was in 1602 when Sebastian Vizcaíno's expedition arrived in Monterey. The estimated Costanoan population in 1770—when the first mission was established in Ohlone territory—was approximately 10,000. By 1832, the population had declined to fewer than 2,000, mainly due to diseases introduced by the European explorers and settlers. When the Spanish mission system rapidly expanded across California, the Costanoan traditional way of life was irreversibly altered. The pre-contact hunter-gatherer subsistence economy was replaced by an agricultural economy, and the Spanish missionaries prohibited traditional social activities. After secularization of the missions between 1834 and 1836, some Native Americans returned to traditional religious and subsistence practices while others labored on Mexican ranchos. Thus, multi-ethnic Indian communities grew up in and around the area and provided informant testimony to ethnologists from 1878 to 1933.

The California Gold Rush brought further disease to the native inhabitants, and by the 1850s, nearly all of the Costanoan-speaking groups had adapted in some way or another to economies based on cash income. Hunting and gathering activities continued to decline and were rapidly replaced with economies based on ranching and farming. The Costanoan languages most likely went extinct by 1935. By the 1970s the estimated number of Costanoan descendants or Ohlone descendants in the San Francisco Bay Area was approximately 200. The descendants of the Costanoan united to form the Ohlone Indian Tribe and received ownership of the Ohlone Indian Cemetery where their ancestors of Mission San José are buried. Some of the Costanoan descendants in the Monterey Bay area prefer the term "Ohlone," which comes from the name of a village on the San Francisco Peninsula.

3.11.3 - Methodology

Records Searches to Identify Existing Tribal Cultural Resources

The information in this section is based, in part, on the Phase I CRA prepared for the proposed project by FCS in May 2024 (Appendix D). The Phase I CRA used the methods below to analyze the potential impacts of project implementation.

NAHC Sacred Lands File Search and Tribal Correspondence

On January 11, 2024, FCS sent a request to the NAHC in an effort to determine whether any sacred sites are listed on its Sacred Lands File (SLF) for the project site. A response was received on January 31, 2024, indicating that the SLF search produced a positive result for Native American TCRs in the project area. The NAHC included a list of 13 Tribal representatives available for consultation. To ensure that all Native American knowledge and concerns over potential TCRs that may be affected

by implementation of the proposed project are addressed, FCS sent letters to all 13 Tribal representatives on February 8, 2024. No responses have been received to date. A copy of the NAHC record searches and Native American Tribal correspondences can be found in Appendix D.

Summary of Existing Tribal Cultural Resources at the Project Site

While no TCRs have been recorded within the project site, it is possible they could be discovered during project construction.

3.11.4 - Regulatory Framework

Federal

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA), as amended, established the National Register of Historic Places (NRHP), which contains an inventory of the nation's significant prehistoric and historic properties. Under the Code of Federal Regulations (CFR) 36 CFR 60, a property is recommended for possible inclusion on the NRHP if it is at least 50 years old, has integrity, and meets one of the following criteria:

- It is associated with significant events in history, or broad patterns of events.
- It is associated with significant people in the past.
- It embodies the distinctive characteristics of an architectural type, period, or method of construction; or it is the work of a master or possesses high artistic value; or it represents a significant and distinguishable entity whose components may lack individual distinction.
- It has yielded, or may yield, information important in history or prehistory.

Certain types of properties are usually excluded from consideration for listing in the NRHP, but they can be considered if they meet special requirements in addition to meeting the criteria listed above. Such properties include religious sites, relocated properties, graves and cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) amended the Antiquities Act of 1906 (16 United States Code [USC] 431–433) and set a broad policy that archaeological resources are important to the nation and should be protected and required special permits before the excavation or removal of archaeological resources from public or Indian lands. The purpose of ARPA was to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained before October 31, 1979.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act (AIRFA) established federal policy to protect and preserve the inherent rights of freedom for Native groups to believe, express, and exercise their traditional religions. These rights include but are not limited to access to sites, use and possession of sacred objects, and freedom to worship through ceremonials and traditional rites.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and Tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American Tribe claiming affiliation.

State

CEQA Guidelines Section 15064.5(a)—CEQA Definition of Historical Resources

California Environmental Quality Act (CEQA) Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, defines a "historical resource" as:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.

(2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

Therefore, under the CEQA Guidelines, even if a resource is not included on any local, State, or federal register, or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource for the purposes of CEQA if there is substantial evidence supporting such a determination. A lead agency must consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the California Register of Historical Resources (CRHR).

Archaeological and historical sites are protected pursuant to a wide variety of State policies and regulations, as enumerated in the Public Resources Code. Cultural resources are recognized as nonrenewable resources and receive additional protection under the Public Resources Code and CEQA.

Public Resources Code Section 5024.1 and CEQA Guidelines Section15064.5(a)—Definition of a Historic Resource

Public Resources Code Section 5024.1 and CEQA Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, define a "historical resource" as a resource that:

(1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

(2) Is associated with the lives of persons important in our past.

(3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

(4) Has yielded, or may be likely to yield, information important in prehistory or history.

CEQA Guidelines Section 15064.5(a)(3)—California Register of Historical Resources Criteria

As defined by CEQA Guidelines, Section 15064.5(a)(3) (A-D), a resource shall be considered historically significant if the resource meets the criteria for listing on the CRHR. The CRHR and many local preservation ordinances have employed the criteria for eligibility to the NRHP as a model (see criteria described above under the description of the NHPA), since the NHPA provides the highest standard for evaluating the significance of historic resources. A resource that meets NRHP criteria is clearly significant. In addition, a resource that does not meet NRHP standards may still be considered historically significant at a local or State level.

CEQA Guidelines 15064.5(c)—Effects on Archaeological Resources

CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. CEQA Guidelines direct lead agencies to evaluate archaeological sites to determine whether they meet the criteria for listing in the CRHR. If an archaeological site is a historical resource, in that it is listed or eligible for listing in the CRHR, potential adverse impacts to it must be considered. If an archaeological site is considered not to be a historical resource but meets the definition of a "unique archaeological resource" as defined in Public Resources Code Section 21083.2, then it would be treated in accordance with the provisions of that section.

CEQA Guidelines Section 15064.5(d)—Effects on Human Remains

Native American human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (CEQA Guidelines § 15064.5(d); Public Resources Code [PRC] § 5097.98). CEQA and other State regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community:

- When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American representatives identified through the NAHC to develop an agreement for the treatment and disposal of the human remains and any associated burial items (CEQA Guidelines § 15064.5(d); PRC § 5097.98).
- If human remains are accidentally discovered, the County Coroner must be contacted. If the County Coroner determines that the human remains are Native American, the coroner must contact the NAHC within 24 hours. The NAHC must identify the most likely descendant (MLD) to provide for the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items.
- If the MLD fails to make recommendations within 24 hours of notification or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance within the project site (PRC § 5097.98).
- If potentially affected human remains or a burial site may have scientific significance, whether or not it has significance to Native Americans or other descendant communities, then under CEQA, the appropriate mitigation of effect may require the recovery of the scientific information of the remains/burial through identification, evaluation, data recovery, analysis, and interpretation (CEQA Guidelines § 15064.5(c)(2)).

Health and Safety Code Section 7050.5 (Treatment of Human Remains)

Section 7050.5 of the Health and Safety Code sets forth provisions related to the treatment of human remains. As the code states, “every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor” except under circumstances as provided in Section 5097.99 of the Public Resource Code. The regulations also provide guidelines for the treatment of human remains found in locations other than a dedicated cemetery including responsibilities of the Coroner.

Public Resources Code Section 5097.98 (Discovery of Human Remains)

Section 5097.98 provides protocol for the discovery of human remains. It states that “whenever the commission receives notification of a discovery of Native American human remains from a County Coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall

immediately notify persons believed to be most likely descended from the deceased Native American." It also sets forth provisions for descendants' preferences for treatment of the human remains and what should be done if the commission is unable to identify a descendant.

California Public Resources Code Section 5097.91—Native American Heritage Commission

Section 5097.91 of the Public Resources Code established the NAHC, whose duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. Under Section 5097.91 of the Public Resources Code, a State policy of noninterference with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites or sacred shrines located on public property. Section 5097.98 of the Public Resources Code specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a County Coroner. Section 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands.

California Senate Bill 18—Protection of Tribal Cultural Places

SB 18 (California Government Code § 65352.3) incorporates the protection of California traditional Tribal cultural places into land use planning for cities, counties, and agencies by establishing responsibilities for local governments to contact, refer plans to, and consult with California Native American Tribes as part of the adoption or amendment of any general or specific plan proposed on or after March 1, 2005. SB 18 requires public notice to be sent to Tribes listed on the NAHC SB 18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time frame has been agreed upon by the Tribe), indicating whether or not they want to consult with the local government. Consultations are for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code that may be affected by the proposed adoption or amendment to a general or specific plan.

California Assembly Bill 52—Effects on Tribal Cultural Resources

AB 52 was signed into law on September 25, 2014, and provides that any public or private "project with an effect that may cause a substantial adverse change in the significance of a Tribal Cultural Resource is a project that may have a significant effect on the environment." TCRs include "[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are eligible for inclusion in the CRHR or included in a local register of historical resources." Under prior law, TCRs were typically addressed under the umbrella of "cultural resources," as discussed above. AB 52 formally added the category of "Tribal Cultural Resources" to CEQA and extends the consultation and confidentiality requirements to all projects, rather than just projects subject to SB 18 as discussed above.

The parties must consult in good faith, and consultation is deemed concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect on a Tribal Cultural Resource (if such a significant effect exists); or (2) when a party concludes that mutual agreement cannot be reached. Mitigation measures agreed upon during consultation must be recommended for inclusion

in the environmental document. AB 52 also identifies mitigation measures that may be considered to avoid significant impacts if there is no agreement on appropriate mitigation. Recommended measures include:

- Preservation in place
- Protecting the cultural character and integrity of the resource
- Protecting the traditional use of the resource
- Protecting the confidentiality of the resource
- Permanent conservation easements with culturally appropriate management criteria

California Public Resources Code Section 21074—Effects on Tribal Cultural Resources

AB 52 amended the CEQA statute to identify an additional category of resource to be considered under CEQA, called "Tribal Cultural Resources," and added Public Resource Code Section 21074, which defines "Tribal Cultural Resources" as follows:

(a) "Tribal Cultural Resources" are either of the following:
  (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are either of the following:
    A) Included or determined to be eligible for inclusion in the CRHR.
    B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
  (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a Tribal Cultural Resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a Tribal Cultural Resource if it conforms with the criteria of subdivision (a).

Local

Envision San José 2040 General Plan

Environmental Resources

San José boasts a plethora of environmental resources across its diverse landscape. San José celebrates its natural setting, including its hillsides, riparian corridors, lakes, the San Francisco Bay, and adjacent baylands. The goals and policies in this section protect the City's terrestrial and aquatic assets, as well as the flora and fauna these natural resources support. They also recognize the importance of the City's archaeological and extractive resources.

Archaeology and Paleontology

San José's long and colorful human and natural history provides a significant contribution to a sense of community identity. Native Americans represent a large part of that history, and artifacts from the Native American era and fossils of plants and animals have been discovered in various locations throughout the City. These artifacts provide an irreplaceable record of another civilization and the history of life on Earth, so their protection is important.

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

Policies

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

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

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

Action–Archaeology and Paleontology

ER-10.4 The City will maintain a file of archaeological and paleontological survey reports by location to make such information retrievable for research purposes over time.

3.11.5 - Approach to Analysis

This evaluation focuses on whether implementation of the proposed project would impact TCRs. The TCR impact analysis is based on information collected from record searches at the NAHC and information from Tribal consultation conducted pursuant to AB 52. Impacts are typically associated with construction and/or ground-disturbing activities that have the potential to immediately alter, diminish, or destroy all or part of the character and quality of Native American Artifacts and/or human remains that could be uncovered.

3.11.6 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether cultural resources impacts resulting from the implementation of the proposed project would be considered significant if the project would:

a) 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 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) 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 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?

3.11.7 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Significance of Tribal Cultural Resource and Eligibility for California Register Listing

Impact TCR-1:	**The proposed project could 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).**

Impact Analysis

Construction

The records search from the Northwest Information Center (NWIC) indicate that seven pre-contact resources have been recorded within the 0.5-mile search radius, one of which (P-43-000190) is located within the project boundaries; however, the pre-contact resource was not identified during the pedestrian survey. Note that during the survey, visibility of native soils was non-existent as the soil and grass across the project site has been imported to facilitate the usage of the space as baseball fields.

A review of the NAHC SLF search was positive for recorded TCRs within the project area. Letters requesting additional information regarding TCRs within the project boundaries were sent to Tribal representatives on February 8, 2024. No responses were received. Should any undiscovered TCRs be encountered during project construction, implementation of MM TCR-1 and MM TCR-2 and adherence City of San José Standard Permit Condition Subsurface Cultural Resources and Standard

Permit Condition Human Remains would ensure that undiscovered TCRs are not adversely affected by project-related construction activities. As such, construction-related impacts would be less than significant with the implementation of Standard Permit Condition requirements and mitigation.

Operation

Impacts related to the proposed project's potential to cause a substantial adverse change in the significance of a State-listed or eligible TCR are limited to construction impacts. No respective operational impacts would occur.

City of San José Standard Permit Conditions

Implement Standard Permit Condition Subsurface Cultural Resources and Standard Permit Condition Human Remains.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM TCR-1 Cultural Awareness Training

Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant, in association with the City of San José, shall implement a cultural awareness training program for workers that may be present on the project site during ground-disturbing activities. Training shall be required for all construction personnel participating in ground-disturbing construction activities to alert them to the archaeological sensitivity of the project area and provide protocols to follow in the event of a discovery of archaeological materials. The training shall be provided by a qualified Archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. The qualified Archaeologist, to be retained by the applicant on an on-call basis, shall develop and distribute for job site posting an "ALERT SHEET" summarizing potential archaeological finds that could be exposed and the protocols to be followed as well as points of contact to alert in the event of a discovery. Documentation verifying that the cultural awareness training program has been completed shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee within 20 days of completion of the training. The project applicant shall note on any plans that require ground-disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials.

MM TCR-2 Monitoring Plan

Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), a qualified Archaeologist, in consultation with a Native American

representative registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a Monitoring Plan for all earthmoving activities. The Monitoring Plan shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for review and approval. The Monitoring Plan shall include, but is not limited to, the following: Monitoring schedules, contract information, recommended monitoring methods, and timing of reporting finds. A qualified Archaeologist in collaboration with a Native American Monitor, registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall be present during applicable earthmoving activities in accordance with the Monitoring Plan. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on-site, or major landscaping.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

Significance of Tribal Cultural Resource and Eligibility as Determined by Lead Agency

Impact TCR-2:	**The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural 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.**

Impact Analysis

AB 52 requires lead agencies to complete formal consultations with California Native American Tribes during the CEQA process to identify TCRs that may be significantly impacted by a project. Where a project may have a significant impact on a TCR, 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 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 (EIR) 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 email 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 EIR within the City of San José.

On October 28, 2024, the City send out AB 52 notifications for the subject project. The City received a request to consult pursuant to AB 52 from representatives of the Tamien Nation. No other Tribes or representatives, including the Muwekma Ohlone Tribe, Ohlone Tribe and the Indian Canyon Mutsun Band of Costanoan Ohlone People, that the City sent notifications to that are geographically affiliated with the area requested consultation. The City met with Chairwoman Quirina Geary (Tamien Nation) on February 3, 2025. Consultation concluded with the Tamien Nation on May 9, 2025. No formal requests were received as a result of consultation. However, due to the location of the proposed project and the potential sensitivity for TCRs to be unearthed during development at the project site, MM TCR-1 (Cultural Awareness Training) and MM TCR-2 (Monitoring Plan), are included with the proposed project to ensure protection of resources. Additionally, the City's Standard Permit Conditions for Subsurface Cultural Resources and Human Remains are included with the proposed project to further protect resources and ensure protocol in the case that any TCRs are discovered.

Level of Significance Before Mitigation

Potentially significant impacts.

Mitigation Measures

Implementation of MM TCR-1 and MM TCR-2.

Level of Significance After Mitigation

Less than significant impact with mitigation incorporated.

3.11.8 - Cumulative Impacts

The geographic scope for the cumulative analysis is described further below for TCRs. This analysis evaluates whether the impacts of the proposed project, together with the impacts of cumulative development, could result in a cumulatively significant impact related to TCRs. This analysis then considers whether the incremental contribution of the impacts associated with the implementation of the proposed project would be significant. Both conditions must apply for the project's cumulative effects to rise to the level of significant.

Tribal Cultural Resources

Significant impacts to TCRs may range from impacts to a resource meeting the CEQA definition of a significant historic resource to impacts to resources identified through consultation between a lead agency and Native American Tribe. As such, the scope and range of potential cumulative impacts to TCRs are highly contingent on the nature of the resource and status of consultation. In the absence of any known TCRs that would be significantly impacted by the proposed project, the appropriate geographic scope for assessing potential cumulative impacts to TCRs is the project vicinity. This is because any undiscovered TCRs would likely be archaeological in nature, and the immediate project vicinity provides the smallest geographic unit within which significant cumulative impacts spanning multiple projects may occur. Thus, for the purposes of this analysis, the immediate vicinity is defined as the 0.5-mile NWIC records search radius.

Potential cumulative impacts are limited to the construction phase. There are no known cumulative development projects within this geographic scope. The results of the cultural resources assessment and subsequent Tribal consultation indicate that the proposed project would not have a direct impact on any known historic resources, archaeological resources, human remains, or TCRs. Potential cumulative impacts are limited to construction. There are no known construction projects within 2 miles of the proposed project, well outside the 0.5-mile geographic scope for analyzing potential impacts to TCRs. Therefore, cumulative impacts would be less than significant. In addition, as future projects are proposed and reviewed by the City, they would be required to implement the City's Standard Permit Conditions to ensure that undiscovered TCRs are not adversely affected by cumulative project-related construction activities, which would prevent the destruction or degradation of potentially significant TCRs. The implementation of Standard Permit Conditions and, if necessary, project-specific mitigation measures would ensure impacts remain less than significant related to TCRs.

Similarly, as discussed in greater detail above, the proposed project would be required to implement Standard Permit Conditions and mitigation measures outlined herein. Such implementation would ensure that that proposed project would not result in a cumulatively considerable contribution to the less than significant cumulative impacts related to TCRs.

City of San José Standard Permit Conditions

Implement Standard Permit Condition Subsurface Cultural Resources and Standard Permit Condition Human Remains.

Level of Cumulative Significance

Less than significant cumulative impact without mitigation.

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CHAPTER 4: EFFECTS FOUND NOT TO BE SIGNIFICANT

4.1 - Introduction

This chapter is based, in part, on the Notice of Preparation (NOP), dated August 5, 2024, which is contained in Appendix A of this Draft Environmental Impact Report (Draft EIR). The NOP was prepared to identify the potentially significant effects of the proposed project and was circulated for public review between August 5 and September 5, 2024. The NOP found certain impacts to be less than significant because construction and operation of the proposed project would not result in such impacts. This chapter provides a brief description of effects found not to be significant or less than significant, based on the NOP, NOP public comments received, and more detailed analysis conducted as part of the EIR preparation process. Note that a number of impacts that are found to be less than significant are addressed in the various EIR topical sections (Sections 3.1 through 3.9) to provide more comprehensive discussion of why impacts are less than significant, in order to better inform decision-makers and the general public.

Public comments received during the EIR scoping period are listed in Chapter 1, Introduction, Table 1.1. Environmental Effects Found not to be Significant.

The following topical areas were found to not be significant and do not require further analysis within the EIR.

4.1.1 - Aesthetics

Would the project:

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

The Envision San José 2040 General Plan (General Plan) defines scenic vistas in the City as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. The project site does not possess features such as hillsides, ridges, rock outcroppings, water bodies, and/or significant vegetation that would normally be indicative of a scenic vista. Furthermore, the project site is relatively flat and not elevated above the surrounding land and, therefore, is not visible from nearby locations. Views from State Route (SR) 85 of the mountains and hills to the south of the project site are considered a scenic vista. However, the project site is surrounded by urban uses and under existing conditions, views of the mountains and hills from public areas adjacent to the project site are obscured by existing development, mature landscaping, and aboveground utilities. The proposed project at operation would not obscure views of hills or mountains from SR-85 due to the intervening topography and existing urban development. Therefore, project construction and implementation would not substantially block views of the hills and mountains and is not anticipated to have a substantial direct, indirect, or cumulative adverse effect on a scenic vista.

Additionally, the project site is not located in or near any of the General Plan-designated scenic resources. The closest scenic resources to the proposed project site are the hills and mountains approximately 1.5 miles to the south. There are views of these hills for drivers and pedestrians

heading south along Camden Avenue. However, the views are to the south of Camden Avenue, while the project site is to its east and would not affect these views. Furthermore, drivers and pedestrians heading west along Singletree Way have distant partial views of hills that are partially obscured by intervening trees and development; however, the project site is to its north and would not affect these views.

The proposed townhouse buildings would be a maximum of 35 feet, 6 inches in height, whereas the project site currently contains youth league sports fields. Existing views of hills along Singletree Way would likely be obscured; however, because the existing views are minimal as they are obstructed by intervening development, this would not create a significant impact. Furthermore, as shown in Figure 2-6, the proposed project would include attractive landscaping including many trees and shrubs along Singletree Way. Therefore, the proposed project would not affect public views of these scenic resources. Direct, indirect and cumulative impacts would be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?

The State of California identifies scenic highways throughout the State, with multiple scenic highways running through the City of San José. The closest recognized scenic highway to the project site is SR-9, located approximately 4.27 miles southwest of the project site. The project site is not visible from SR-9. The maximum height at the project site is 35 feet 6 inches, which is not tall enough to create any impact on views from this distance. There would be no direct, indirect or cumulative impacts.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project site is located in an urbanized area and currently has a General Plan Land Use Designation of Public/Quasi-Public (PQP). The proposed project is zoned as Multiple Residence District (R-M) and would be subject to Multiple Residence District standards as described below.

The R-M zoning district requires a minimum 10-foot front yard setback, 5-foot side yard setback, and 25-foot rear yard setback. The proposed project would have a front yard setback of 10 feet; side yard setbacks of 30.8 feet; and a rear yard setback of 11.9 feet. The proposed rear yard setback would not be consistent with the minimum rear yard setback of 25 feet. However, the proposed project would include 22 units (20 percent) that would be deed-restricted to lower-income households. In accordance with Government Code Section 65915, the proposed project qualifies for up to two incentives or concessions. The proposed project is requesting a waiver pursuant to Government Code Section 65915 for the rear yard setback. As such, with the inclusion of the waivers consistent with Government Code Section 65915, the proposed project would not conflict with the City's Municipal Code.

The R-M zoning district allows for a height of 45 feet. The proposed project would be consistent with this standard at a height of 35 feet, 6 inches.

The proposed project would comply with all San José Municipal Code requirements related to scenic quality as part of the development review process, to ensure the project design is consistent with adopted design guidelines. The proposed project would not conflict with applicable zoning and other regulations pertaining to scenic quality, and direct, indirect and cumulative impacts would be less than significant.

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

The project site is located in an urbanized area with existing light sources, which include streetlights, lighting on the interiors and exteriors of existing and surrounding buildings, as well as vehicle headlights and traffic signals. No nighttime construction is proposed, and construction activities would be subject to San José Municipal Code Section 20.100.450, which restricts construction activities to between the hours of 7:00 a.m. and 7:00 p.m. within 500 feet of a residential unit.

The City's Planning Division would review any proposed lighting to ensure conformance with the California Building Standards Code (CBC), Title 24, as well as the California Green Building Standard Code (CALGreen) (California Code of Regulations [CCR] Title 24, Part 11), such that only the minimum amount of lighting is used, and no light spillage occurs. Although the proposed project would result in the construction of new buildings that would introduce new light sources, the surrounding area is urban and already illuminated, and the proposed lighting conditions would be similar to those currently used surrounding the project site and would also incorporate the City's Municipal Code, CBC, and CALGreen. Therefore, the proposed project would not cause adverse effects and direct, indirect and cumulative impacts would be less than significant.

4.1.2 - Agriculture and Forestry Resources

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 nonagricultural use?

The site is mapped as "Urban and Built-Up Land" by the by the California Department of Conservation Farmland Mapping and Monitoring Program, and there is no Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance on the project site or in its vicinity.[1] In addition, the proposed project would not convert any farmland to nonagricultural use. Therefore, no impact would occur.

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

The project site is zoned R-M, and it is not under a Williamson Act Contract.[2] No impact would occur.

[1] California Department Conservation. 2022. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/dlrp/ciff/. Accessed June 14,2024.

[2] Santa Clara County Planning Office. Williamson Act Properties Map. Website: https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce. Accessed September 18, 2024.

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))

The project site is zoned R-M, and as such, the proposed project would not conflict with any zoning for forestland or timberland. Therefore, there would be no impact.

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

The proposed project does not contain any forest land, timberland, or timberland zoned for production. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest uses. Therefore, there would be no impact.

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

The project site and surrounding area do not contain Farmland or forest land. Therefore, project implementation would not result in the conversion of Farmland or forest land from agricultural or timberland uses to nonagricultural or non-forest land uses. No impact would occur.

4.1.3 - Energy

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?

A discussion of the proposed project's anticipated energy usage is presented below. Energy use consumed by the proposed project was estimated and includes electricity and fuel consumption for project construction and operation. Energy calculations are included as part of Appendix B.

Construction Impacts

At the time of this analysis, the proposed project's construction was assumed to begin in January 2025 and last approximately 34 months based on project applicant provided information. If the construction schedule moves to later years, construction energy usage would likely decrease because of improvements in technology and more stringent regulatory requirements as older, less efficient equipment is replaced by newer and cleaner equipment. The proposed project would require demolition, site preparation, grading, building construction, architectural coating, and paving, in addition to off-site improvements including new walkways. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., site clearing and grading), and the actual construction of the building. Petroleum-based fuels, such as diesel fuel and gasoline, would be the primary sources of energy for these tasks.

The types of on-site equipment used during construction of the proposed project could include gasoline- and diesel-powered construction and transportation equipment, including trucks,

excavators, forklifts, and pavers. Construction equipment is estimated to consume a total of 57,852 gallons of diesel fuel over the entire construction duration (Appendix B).

Fuel use associated with construction vehicle trips generated by the proposed project was also estimated; trips include construction worker trips, haul truck trips for material transport, on-site trucks, and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to the project site was based on (1) the projected number of trips the proposed project would generate during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the ARB EMFAC mobile source emission model. The specific parameters used to estimate fuel usage are included in Appendix B. In total, the proposed project is estimated to generate 690,457 VMT and 35,148 gallons of combined gasoline and diesel for vehicle travel during construction.

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. For example, equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited.

Further, construction practices would comply with all local and State regulatory requirements related to equipment age, operation, and design. Adherence with Bay Area Air Quality Management District (BAAQMD) Basic Construction Mitigation Measures would ensure that idling time of trucks is limited to 5 minutes. Construction equipment would be maintained and tuned according to manufacturer specifications, which would promote fuel efficiency. Compliance with the ARB Regulation for In-use Off-road Diesel-fueled Fleets (Off-road Diesel Regulation) addresses unnecessary idling for off-road construction equipment, preventing the unnecessary or wasteful use of energy.

Thus, it is anticipated that the construction phase of the proposed project would not result in wasteful, inefficient, and unnecessary consumption of energy. Construction-related energy impacts would be less than significant.

Operation Impacts

As previously discussed, the proposed project would be considered to result in a potentially significant impact if it would result in wasteful, inefficient, or unnecessary consumption of energy resources. Considering the guidance provided by Appendix F of the CEQA Guidelines and the Appellate Court decision in *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 164-168, the proposed project would be considered to result in wasteful, inefficient, or unnecessary consumption of energy resources if it would conflict with the following energy conservation goals:

- Decreasing overall per capita energy consumption;
- Decreasing reliance on fossil fuels such as coal, natural gas, or oil; and
- Increasing reliance on renewable energy sources.

Decreasing Overall Per Capita Energy Consumption

The proposed project's buildings would be designed and constructed in accordance with CALGreen energy efficiency standards of Title 24. Title 24 standards include a broad set of energy conservation

requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. For example, the Title 24 Lighting Power Density requirements define the maximum wattage of lighting that can be used in a building based on its square footage. Title 24 standards, widely regarded as the most advanced energy efficiency standards, would help to reduce the amount of energy required for lighting, water heating, and heating and air conditioning in buildings and would promote energy conservation. Moreover, the proposed project would use energy-efficient models and systems whenever possible and would incorporate new technologies as they become available. Therefore, the proposed project would be consistent with this criterion. The decreasing reliance on fossil fuels and increasing use of renewable energy discussed below would also reduce per capita energy consumption for the proposed project.

Decreasing Reliance on Fossil Fuels

The proposed project would incorporate elements from CALGreen, which would include water efficient landscaping, heat reflecting roof membranes, and roofing structures to support the installation of solar panels. These project design features would reduce the amount of electricity used by the proposed project during operation and, consequently, the amount of fossil fuels needed to generate power to meet this demand. For example, low water demand landscaping would reduce the amount of water that would need to be conveyed to the project site. Furthermore, the proposed project would be all-electric in design and would not rely on natural gas and thus would have decreasing reliance on fossil fuel.

Increasing Reliance on Renewable Energy Sources

As previously discussed, the proposed project would include the installation of electric vehicle (EV) charging in the private garages, which would accelerate the region's and proposed project's adoption of EVs and allow the future transportation energy supply necessary for residents and visitors to be substituted with renewable energy sources. As such, the proposed project would facilitate a greater dependence on renewable energy sources for building and transportation energy demands. Therefore, the proposed project would be consistent with this criterion.

Overall

As discussed above, the proposed project's energy consumption would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, consistent with the guidance derived from Appendix F of the CEQA Guidelines and the Appellate Court decision in *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 164-168. The construction-related and operation-related impacts related to electricity, natural gas, and fuel consumption would be less than significant. Therefore, the proposed project would not introduce new significant environmental impacts or substantially increase the severity of previously analyzed significant effects under any scenario. No additional analysis is required, and impacts would remain less than significant.

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

Construction practices would comply with all local and State regulatory requirements related to equipment age, operation, and design. Adherence with BAAQMD Basic Construction Mitigation Measures would ensure that idling time of trucks is limited to 5 minutes. Construction equipment

would be maintained and tuned according to manufacturer specifications, which would promote fuel efficiency. Compliance with the ARB Regulation for In-use Off-road Diesel-fueled Fleets (Off-road Diesel Regulation) would address unnecessary idling for off-road construction equipment, preventing the unnecessary or wasteful use of energy.

Operational design elements of the proposed project incorporated for consistency with greenhouse gas (GHG) emission reductions plans would have the co-benefits of energy efficiency and reductions in fossil fuel consumption. The proposed project is designed to be all-electric, eliminating natural gas usage. The 108 residential units would comply with Title 24, Part 6, Subchapter 8 of the CBC, which requires the installation of rooftop solar panels. In addition, all proposed indoor and outdoor lighting, including parking lot lighting, would be modern energy-efficient lighting, as required under the CBC. The proposed project would also be required to comply with the City's Reach Code, which requires each single-family and duplex dwelling unit to have an EV-ready space provided with conduit sized for a 40-amp, 208/240-volt dedicated branch circuit for EV supply equipment that is terminated at a receptacle.[3]

The proposed project would utilize electricity from San José Clean Energy (SJCE). The proposed project would comply with the City Standard Permit Condition Proof of Enrollment within either the SJCE GreenSource program (approximately 95 percent carbon free power) or TotalGreen program (approximately 100 percent carbon free power). This Standard Permit Condition would further reduce reliance on fossil fuel and increase use of renewable energy sources. This Standard Permit Condition is listed in Section 3.4 Greenhouse Gas Emissions.

The proposed project would be compliant with all State and local regulations for renewable energy and energy efficiency. The project design will result in a decreasing reliance on fossil fuels and increasing reliance on renewable energy sources, and energy impacts from operation of the proposed project would be less than significant.

4.1.4 - Geology and Soils

A Geotechnical Investigation was conducted for the project site by Baez Geotechnical Groups in September 2023 (see Appendix I). The study found that the proposed residential development could generally be constructed as planned, provided that the conclusions and recommendations contained in the Geotechnical Investigation are followed.[4] Compliance with the recommendations contained in the Geotechnical Investigation as well as relevant General Plan policies, and adherence to the City's Standard Permit Condition: Seismic Hazards, would ensure that the proposed project's impacts on geology and soils would not be signficant.

[3] City of San José. Ordinance No. 30311. Website: https://www.sanjoseca.gov/home/showpublisheddocument/44078/637082139871830000. Accessed September 18, 2024.
[4] Baez Geotechnical Group. 2023. Geotechnical Investigation, Camden Avenue Residential Development, Blossom Hill Road and Singletree Way, San José, California. September 15.

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii. Strong seismic ground shaking?

iii. Seismic-related ground failure, including liquefaction?

iv. Landslides?

Active faults are not known to exist within the project site. According to the Geotechnical Investigation, the project site is not within a California State designated earthquake fault zone, and the potential for primary ground rupture is considered very low. Furthermore, according to the most recent Alquist-Priolo Earthquake Fault Zone and Seismic Hazard Zone Map, a known earthquake fault is not located near the project site or known to traverse the project site.[5] Therefore, impacts related to rupture of a known earthquake fault would be less than significant.

While the project site is located within a seismically active region and will experience seismic shaking from large earthquakes, it is not located within a seismic hazard zone mapped for earthquake faults by the California Geological Survey. Hence, the likelihood for surface fault rupture to occur at the site is nil. Following compliance with standard engineering practices, the CBC, and the City's Standard Permit Condition: Seismic Hazards, potential impacts concerning exposure of people or structures to potential adverse effects involving strong seismic ground shaking would be less than significant.

The Geotechnical Investigation indicates that the project site is not mapped to be in a California seismic hazard zone for liquefaction. Groundwater was not encountered in the deepest boring at a depth 21.5 feet below ground surface (bgs). The potential for liquefaction induced differential ground settlement and/or lateral spreading to impact the proposed project are very low since the site is underlain by dense to very dense gravelly and cobbly soils and groundwater levels are relatively deep. The potential for seismically induced dry ground settlement caused by the consolidation of sandy soils above the water table is also low, due to the predominantly gravelly and clayey soils. Therefore, impacts related to seismic-related ground failure would be less than significant.

According to the General Plan, earthquake-induced landslides have the potential to occur in the City's rural and hillside areas. The project site is not mapped within a landslide area.[6] Therefore, the proposed project would not result in impacts related to landslides and no impact would occur. Therefore, compliance with General Plan policies and adherence to City's Standard Permit Condition: Seismic Hazards would ensure impacts related to landslides would not be significant.

[5] California Department of Conservation. 2024. Earthquake Zones of Required Investigation Map. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed August 13, 2024.
[6] Ibid.

b) Result in substantial soil erosion or the loss of topsoil?

During construction, the proposed project would be required to comply with erosion and siltation control measures outlined in San José Municipal Code Chapter 17.04: Excavation and Grading, San José Municipal Code. Chapter 17.04 requires that excavations and fills that may affect drainage and watercourses be performed in accordance with good engineering practice, thereby reducing to a minimum the hazards and damage to public and private property. This would include measures such as sandbagging to reduce project site runoff or hold topsoil in place prior to final grading and construction. Additionally, the proposed project would be subject to compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009DWQ, and all subsequent amendments) (Construction General Permit)). The Construction General Permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and monitoring plan, which must include erosion-control and sediment-control Best Management Practices (BMPs) that would meet or exceed measures required by the Construction General Permit to control potential construction-related pollutants. Following compliance with the established regulatory framework including the San José Municipal Code and Construction General Permit, direct, indirect, and cumulative impacts would be less than significant.

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

As described above, the project site has a low risk for liquefaction, lateral spreading, and subsidence. The Geotechnical Investigation evaluated site conditions and did not identify the need for the removal and re-compaction of any fill materials.

Furthermore, the San José Planning Division would review construction plans to verify compliance with standard engineering practices, the Municipal Code, the CBC, and the site-specific recommendations contained in the Geotechnical Investigation. Compliance with standard engineering practices and the established regulatory framework would ensure direct, indirect, and cumulative impacts would be less than significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

The Geotechnical Investigation determined that the upper 5 feet of these soils have a Plasticity Index between 9 and 25, meaning they are moderately expansive. However, the Geotechnical Investigation contains recommendations to address the moderately expansive soils, which will be implemented as a condition of approval of the proposed project. Compliance with standard engineering practices and the established regulatory framework would ensure direct, indirect, and cumulative impacts would be less than significant.

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

The proposed project would connect to the existing sanitary sewer system and would not include the use of septic tanks. Therefore, no impacts would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Geologic mapping does not indicate that the project site contains any unique paleontological resources.[7] Additionally, the proposed project would be required to adhere to the City's Standard Condition: Paleontological Resources. Thus, the proposed project would not directly or indirectly destroy unique paleontological resources and direct, indirect, and cumulative impacts would be less than significant.

City Standard Permit Conditions

Seismic Hazards

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

b) All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.

c) Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.

d) Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

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

f) If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

[7] iDigBio. 2024. Search Records. Website: https:// www.idigbio.org/portal/search. Accessed August 13, 2024.

Paleontological Resources

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

4.1.5 - Hydrology and Water Quality

A Stormwater Hydromodification Management Report was prepared for the proposed project by Hanna-Brunetti in September 2023 and revised in February 2024[8] (see Appendix J). The report evaluated potential stormwater runoff flow rates and determined that the proposed underground infiltration chambers would provide adequate stormwater treatment and usable open space and maintain outflows below the pre-development rate.

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Construction activities would include the removal of the existing fields, site preparation, grading, and building construction. As the proposed project would disturb more than one acre of land it would be required to comply with the NPDES permit. As described above, the proposed underground infiltration chamber system would provide adequate stormwater treatment for all runoff such that the water quality in surrounding areas would not be negatively impacted. Additionally, the proposed project would be required to adhere to the City's Standard Permit Condition: Construction-Related Water Quality, listed below. Thus, the proposed project would not violate any water quality standard or waste discharge requirements and direct, indirect, and cumulative impacts would be less than significant.

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

Water service is provided by the San José Water Company (San José Water) and would connect to existing domestic water lines within Camden Avenue. San José Water's sources of potable water supply include purchased water from Valley Water, groundwater from the Santa Clara Subbasin (managed by Valley Water), and surface water from local watersheds. On average, groundwater from the Santa Clara Subbasin accounts for 30 to 40 percent of San José Water's total water supply. These aquifers are recharged naturally by rainfall and streams and artificially by recharge ponds operated by Valley Water.

[8] Hanna-Brunetti. 2024. Preliminary Stormwater Hydromodification Management Report for 5670 Camden Avenue. February.

The project site is within the Santa Clara Groundwater basin, which is managed by the Santa Clara Valley Water Management District. The proposed project would remove existing youth sports fields and construct townhomes, reducing groundwater recharge at the project site. However, some groundwater recharge would occur through landscaped areas of the project site. The removal of the sports field would not impact groundwater recharge substantially. Lastly, the proposed project would not require the pumping or use of groundwater during construction activities. The proposed project would not decrease groundwater supplies or interfere with groundwater recharge. Therefore, direct, indirect, and cumulative impacts would be less than significant.

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.

i. Result in a substantial erosion or siltation on- or off-site;

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

iii. 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

iv. Impede or redirect flood flows.

The proposed project would not alter the course of a river or stream. However, by removing an existing sports field and replacing it with townhomes and associated streets and landscaping, the existing drainage pattern would be altered. As described above, the proposed underground infiltration chamber system would provide adequate capacity for stormwater treatment for all runoff such that the changed drainage pattern would not result in polluted runoff or erosion or siltation, including flood scenarios.

Furthermore, the proposed project would be required to adhere to the City's Standard Permit Condition: Construction-Related Water Quality and would follow BMPs at the project site. Thus, direct, indirect, and cumulative impacts would be less than significant.

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

The project site is approximately 22.7 miles from the Pacific Ocean and is not near any other large body of water; therefore, the project site is not at risk of inundation from a tsunami or seiche. The project site is within an area of undetermined flood hazard.[9] As described above, the stormwater facilities proposed would be sufficient to handle flood flows and prevent the release of polluted runoff into the environment. As such, the impact would be less than significant.

[9] Federal Emergency Management Agency (FEMA). 2024. Flood Map Service Center. Website: https://msc.fema.gov/portal/search?AddressQuery=2130%20Dry%20Creek%20Rd%2C%20san%20jose%2C%20c. Accessed September 13, 2024.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The proposed project would adhere to the City's Standard Permit Condition: Construction-Related Water Quality and would not conflict with any applicable water quality control plans. Therefore, direct, indirect, and cumulative impacts would be less than significant.

As described above, a hydrological study was conducted for the proposed project by Hanna-Brunetti in September 2023. This study focused on using the Bay Area Hydrology Model (BAHM) to evaluate the Transportation Control Measures (TCMs) and find flow rates.[10] The study concluded that the proposed stormwater treatment facilities would adequately handle and treat stormwater at the project site. Therefore, compliance with General Plan policies and adherence to City's Standard Permit Conditions would ensure impacts related to hydrology and water quality would not be significant.

General Plan Policies

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

Policy IN-3.10 Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's NPDES permit.

Policy MS-3.4 Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

Policy ER-8.1 Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

Policy ER-8.3 Ensure that private development in San José includes adequate measures to treat stormwater runoff.

Policy EC-4.1 Design and build all new or remodeled habitable structures in accordance with the most recent California Building Standards Code and Municipal Code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.

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

[10] Hanna-Brunetti. 2023. Preliminary Hydromodification Management Report for 5670 Camden Avenue. September. Revised February 2024.

City Standard Permit Conditions

Construction-related Water Quality

i. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

ii. Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

iii. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

iv. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

v. All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.

vi. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

vii. Vegetation in disturbed areas shall be replanted as quickly as possible.

viii. All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.

ix. The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Adherence to City Standard Permit Conditions and compliance with general plan policies and recommendations in the hydrology study would ensure impcts are less than significant.

4.1.6 - Mineral Resources

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

and

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

There are no mineral resource recovery sites on or in the project vicinity. There are no mines on the site or in the project vicinity.[11] The General Plan Conservation Element indicates that no mineral

[11] California Department of Conservation Division of Mine Reclamation Mines Online. 2018. Website: https://maps.conservation.ca.gov/mol/index.html. Accessed September 18, 2024.

resource zones are located on the project site or within the surrounding area[12]. The site is designated as Multiple Residence District (R-M) by the General Plan; as such, construction and operation of the proposed project would not result in the loss of availability of a known mineral resource of value to the region and residents of the State. Therefore, no impacts would occur.

4.1.7 - Public Services

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. Fire protection?

The San José Fire Department (SJFD) provides fire protection services to the project site. SJFD is a full-service organization designed to provide essential public safety and emergency services to the community and its visitors.

The project site is currently serviced by the SJFD. The nearest fire station, SJFD Station No. 17 is located approximately 1.18 miles to the east of the project site. The SJFD currently services 1.2 million residents over 200 square miles.[13] The proposed project would develop 108 townhomes and could increase the population by approximately 309 people. As described in Section 4.2.7, this population increase is within what was already projected in the City's Housing Element. As such, the City has already planned to service this increased population. The proposed project would also be required to comply with the California Fire Code and the CBC. Because the proposed project would comply with the required codes and standards, and the project site is currently serviced by the SJFD, impacts associated with fire protection services would be less than significant.

b. Police protection?

The San José Police Department (SJPD) provides police protection services to the project site. SJPD is authorized to employ approximately 1,700 employees including both sworn and non-sworn. Department employees are assigned to one of four Bureaus comprised of 11 divisions with more than 50 specialized units and assignments.[14]

The project site is currently serviced by the SJPD. Officers in the project vicinity would be dispatched from police headquarters, located at 201 West Mission Street, approximately 7.8 miles north of the project site. The proposed project would develop 108 townhomes and could increase the population by approximately 309 people. As described in Section 4.2.8, this population increase is within what was already projected in the City's Housing Element. As such, the City has already planned to service

[12] City of San José. 2024. Envision San José 2040 General Plan. Website: https:// www.sanJoséca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed August 13, 2024.
[13] City of San José. 2024. Fire Department. Website: https:// www.sanjoseca.gov/your-government/departments-offices/fire-department/about-sjfd. Accessed September 18, 2024.
[14] San José Police Department. 2024. Department Information. Website: https:// www.sjpd.org/about-us/inside-sjpd/department-information. Accessed September 18, 2024.

this increased population. Thus, direct, indirect, and cumulative impacts would be less than significant.

c. Schools?

The proposed project would not directly induce unplanned population growth in the City. As such, the proposed project would not create the need for new construction or expansion of existing schools. The project site would be served by the following schools within the San José Union School District: Guadalupe Elementary, located at 6044 Vera Cruz Drive approximately 0.52 mile south of the project site; Dartmouth Middle School, located at 5575 Dartmouth Drive, approximately 0.19 mile northeast of the project site; and Cambell Union High School District's Branham High School, located at 1570 Branham Lane, approximately 1.1 miles northeast of the project site.

The proposed project would develop 108 townhomes and would increase the population by approximately 309 people. As described in Section 4.2.7, this population increase is within what was already projected in the City's Housing Element. As such, the City has already planned to service this increased population. Additionally, the development is projected to yield 30 additional students who would enroll in Guadalupe Elementary and Dartmouth Middle School. Both schools currently have sufficient capacity to accommodate new students.[15]

California Government Code Section 65996 stipulates that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to issuance of a building permit. The legislation states that payments of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA [§65996(b)]. The school district is responsible for implementing the specific methods of school impact mitigation under the Government Code. Consistent with California Government Code Section 65996, the project applicant would be required to pay a school impact fee, to offset any increased demands on school facilities related to the proposed project. Therefore, direct, indirect, and cumulative impacts would be less than significant.

d. Parks?

The nearest park to the project site is Almaden Winery Park, which is located approximately 0.46 mile east of the project site.

Per the City's Parks, Recreation and Neighborhood Services (PRNS), the proposed project's 108 residential units would result in approximately 357 residents and would require 1.072 parkland dedication.[16] The proposed project would not provide public open space areas. Thus, the proposed project would not contribute toward the General Plan Parkland standard of 0.0035 acre per person. However, the proposed project is subject to the City's Park Impact Fee Ordinance. The Park Impact

[15] Union School District. 2024. Cinnabar Site Redevelopment. Website: https:// www.unionsd.org/cinnabar. Accessed September 13, 2024.

[16] City of San José Parks, Recreation and Neighborhood Services. 2023. H23-40 PRNS Fee Calculation. October 31.

fee would be collected to fund the acquisition and development of parks in the City to serve residents, in lieu of providing the required acreage on the project site. The project's Park Impact Ordinance (PIO) fees would be used for neighborhood serving elements (such as playgrounds/tot-lots and basketball courts) within 0.75 miles of the project site, and/or community serving elements (such as soccer fields and community gardens) within a three-mile radius of the project site, consistent with General Plan Policies PR-2.4 and PR-2.5. Thus, the proposed project would not result in the need for new or physically altered park facilities and direct, indirect, and cumulative impacts would be less than significant.

e. Other public facilities?

The San José Public Library System would service the project site. The nearest library to the project site is the Vineland Branch Library, approximately 0.61 mile northwest of the project site. The proposed project would develop 108 townhomes and could increase the population by approximately 309 people, or approximately 0.03 percent of the City's 2023 population. With 25 public libraries throughout the City, a population growth of less than one-tenth of a percent would have a less than significant impact on this public service. Therefore, direct, indirect, and cumulative impacts would be less than significant.

4.1.8 - Utilities and Service Systems

Regulatory Framework

State

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or Assembly Bill (AB) 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert from the landfill at least 50 percent of solid waste generated beginning January 1, 2000.

Assembly Bill 341

AB 341 sets forth the requirements of the Statewide mandatory commercial recycling program for businesses that generate 4 or more cubic yards of commercial solid waste per week and multi-family dwellings with five or more units in California. AB 341 sets a Statewide goal for 75 percent disposal reduction by the year 2020.

Assembly Bill 1826

AB 1826 sets forth the requirements of the Statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate 2 or more cubic yards of commercial solid waste per week. AB 1826 sets a Statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 1383

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

disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

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

In January 2023, the State of California adopted the most recent version of the California Green Building Standards Code (CALGreen), 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 (C&D) 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

San José Zero Waste Strategic Plan/Climate Smart San José

Climate Smart San José provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Climate Smart San José goals, including 75 percent diversion of waste from the landfill by 2013 and zero waste by 2022. Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and 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 percent 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 nonresidential 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 are reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

- Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

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

The City 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).

Impact Analysis

The proposed project would be served by existing utility infrastructure from the surrounding urban areas. Water would be provided by San José Water with sanitary sewer and storm drain being provided by the City. As described in Section 4.2.8, this population increase of 309 persons expected to result from the proposed project is within what was already projected in the City's Housing Element. As such, the City has already planned to service this increased population. Additionally, electricity would be provided by Pacific Gas and Electric Company (PG&E), telephone services would be provided by AT&T, and internet services would be provided by AT&T and Spectrum. No new utility lines would need to be built; as such, the proposed project would not result in significant direct, indirect, or cumulative effects related to Utilities and Service Systems.

4.1.9 - Wildfire

Would the project:

a. Substantially impair an adopted emergency response plan or emergency evacuation plan?

During construction, it is expected that construction equipment and vehicles would be accessing and leaving the project site, which in turn could potentially impede evacuation or emergency vehicles access. During operation of the proposed project, resident vehicles would need to access and leave the project site.

The City of San José Emergency Operations Plan (EOP) contains provisions for emergency response within the City. The EOP plans and identifies emergency response policies, describes the response and recovery organization, and assigns specific roles and responsibilities to City departments, agencies, and community partners. The proposed project would be required to comply with the City's EOP to ensure that the proposed project would not interfere with an adopted emergency response or evacuation plan.

According to the City's EOP, the City is currently developing an evacuation plan with established evacuation routes within the City. The project site is located on Camden Avenue and Blossom Hill Road, which are arterial roadways that connect to SR-17 and SR-85 and could serve as potential evacuation routes during a disaster. Further, the proposed project would include on-site circulation improvements such as internal drive aisles with the City's standard minimum width for two-way drive aisles of 26 feet wide, which would permit access within and adjacent to the project site.

Therefore, direct, indirect, and cumulative impacts related to emergency response and evacuations would be less than significant.

b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risk, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The project site is not located in a Fire Hazard Severity Zone (FHSZ) and is designated as a Local Responsibility area (LRA)[17] (see Figure 4-1). The project site is located north of land identified as a High FHSZ within a State Responsibility Area (SRA). The nearest Very High FHSZ is located approximately 0.83 mile southwest of the project site. The project site is relatively flat and mostly surrounded by urbanized uses. It is not located in an area that would experience significantly different prevailing winds, nor is it located in a location where occasional wind events would pose a significant additional risk related to wildfire spread. Furthermore, as part of the proposed project, landscaping would be managed and vegetation would be managed as to not provide fuel for a wildfire. As such, the proposed project would not result in significant direct, indirect, or cumulative impacts related to 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?

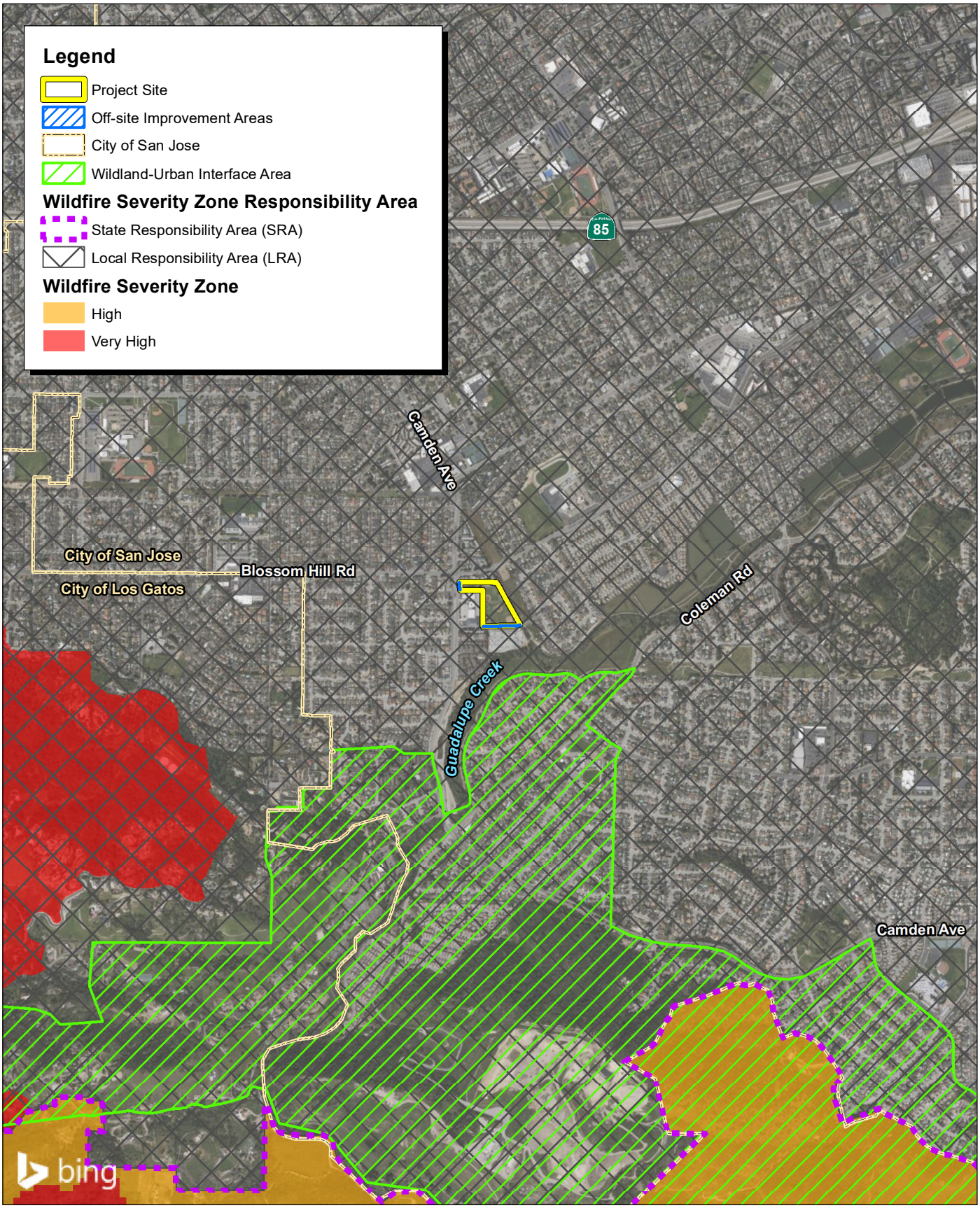
Construction activities may temporarily increase fire risk due to equipment use at the project site that could be sources of ignition. Standard construction BMPs would reduce risk of fire and ensure that construction workers respond appropriately should fire result during construction activities. The proposed project does not require the installation or maintenance of infrastructure specifically for the purposes of reducing wildfire risk. The proposed project would include typical on-site infrastructure including roads, fire hydrants, and underground utilities. As such, direct, indirect and cumulative impacts would be less than significant.

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?

According to the California Geological Survey map, the project site is not located in a potential landslide zone.[18] The project site is on relatively flat land and would not be susceptible to slope disturbance such as runoff, instability, or drainage changes due to post-fire instability. Therefore, direct, indirect and cumulative impacts would be less than significant.

[17] California Department of Forestry and Fire Protection (CAL FIRE). 2024. Fire Hazard Severity Zone Viewer. https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/. Accessed June 14, 2024.

[18] California Department of Conservation. 2024. Earthquake Zones of Required Investigation Map. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed August 13, 2024.



Source: Bing Aerial Imagery. CalFIRE, City of San Jose.

FIRSTCARBON SOLUTIONS™

2,000 1,000 0 2,000 Feet

Figure 4-1
Fire Hazard Severity Zones
Near the Project Site

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CHAPTER 5: OTHER CEQA CONSIDERATIONS

5.1 - Significant Unavoidable Impacts

California Environmental Quality Act (CEQA) Guidelines Section 15126.2(a)(c) requires an Environmental Impact Report (EIR) to identify and focus on the significant environmental effects of the proposed project, including effects that cannot be avoided if the proposed project were implemented.

Based on the analyses contained in this Draft EIR, the City of San José has determined that the proposed project would result in the following significant and unavoidable impacts:

- **Impact GHG-1:** Generate Greenhouse Gas Emissions with a Significant Impact on the Environment;
- **Impact GHG-2:** Conflict with a Plan, Policy, or Regulation that Reduces Emissions;
- **Cumulative GHG:** The proposed project would result in a cumulatively considerable impact with respect to greenhouse has (GHG) emissions;
- **Impact TRANS-2:** Result in Vehicle Miles Traveled (VMT) above the City's threshold;
- **Cumulative VMT:** The proposed project would result in a cumulatively considerable impact with respect to VMT.

5.2 - Growth-inducing Impacts

There are two types of growth-inducing impacts that a project may have: direct and indirect. To assess the potential for growth-inducing impacts, the project's characteristics that may encourage and facilitate activities that individually or cumulatively may affect the environment must be evaluated (CEQA Guidelines § 15126.2(e)). CEQA Guidelines, as interpreted by the City, state that a significant growth-inducing impact may result if the project would:

- Induce substantial population growth in an area (for example, by proposing new homes and commercial or industrial businesses beyond the land use density/intensity envisioned in the general plan);
- Substantially alter the planned location, distribution, density, or growth rate of the population of an area; or
- Include extensions of roads or other infrastructure not assumed in the general plan or adopted capital improvements project list, when such infrastructure exceeds the needs of the project and could accommodate future developments.

5.2.1 - Direct Population Growth

Direct growth-inducing impacts occur when the development of a project imposes new burdens on a community by directly inducing unplanned population growth, or by leading to the construction of additional developments in the same area. Also included in this category are projects that remove physical obstacles to population growth (such as a new road into an undeveloped area or a wastewater treatment plant with excess capacity that could allow additional development in the service area). Construction of these types of infrastructure projects cannot be considered isolated from the development they facilitate and serve. Projects that physically remove obstacles to growth, or projects that indirectly induce growth may provide a catalyst for future unrelated development in an area such as a new residential community that requires additional commercial uses to support residents.

The proposed project consists of the construction of 108 townhouse units and associated infrastructure. The proposed project would include 86 market-rate, and 22 affordable, multi-family residential units, thereby providing 20 percent of the units for lower-income households.

Using a rate of 2.86 persons per household, the proposed project would contribute approximately 309 persons to the City's population. This would represent an increase of 0.03 percent of the City's 2023 population of 959,256. This amount of population growth would be within the City's 2023-2031 Housing Element growth projection population of approximately 230,404 by 2031 and, therefore, would not be considered unplanned or substantial.

5.2.2 - Indirect Population Growth

Indirect population growth occurs when a project creates employment opportunities (thereby generating the need for more housing or other facilities) or upsized infrastructure (such as new roads or utility infrastructure) that could lead to additional unplanned growth.

The proposed project consists of residential development and would not result in any employment opportunities at operation. Employment during construction would be temporary and expected to use the local labor force. Duration of construction employment would not be of such a duration or scale that it would encourage construction employees to relocate. The proposed project would be served by existing utility services within or directly adjacent to the project site for water, sewer, storm drainage, electricity, and natural gas. The proposed project would not construct roads outside of the project site that could lead to additional development. As such, the proposed project would not remove a barrier of growth through the extension of infrastructure or utilities to an unserved area.

5.3 - Significant Irreversible Environmental Changes

As mandated by the CEQA Guidelines Section 15126.2(d) and 15127, the EIR must evaluate and identify any significant irreversible environmental change(s) that would result from implementation of the proposed project. Primary impacts and particularly, secondary impacts (such as a highway improvement that would provide access to a previously inaccessible area) generally commit future

generations to similar uses. Specifically, pursuant to the CEQA Guidelines Section 15126.2(c), such an impact would occur if:

- The proposed project would involve a large commitment of nonrenewable resources, which makes removal or nonuse thereafter unlikely;
- The proposed project involves uses in which irreversible damage could result from environmental accidents associated with the project; or
- The proposed project involves any irretrievable commitment of resources is not justified (e.g., the project results in the wasteful use of energy). (Refer to Section 4.2.3, Energy, which addresses this topic in accordance with CEQA Guidelines Appendix F).

The proposed project consists of the construction of 108 residential units. The site is located in a residential area of the City and is surrounded by existing single-family homes and related infrastructure development and schools.

Construction of the proposed project would include the consumption of resources that are not replenishable or which may renew so slowly to be considered nonrenewable. These resources would include the following: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel, and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment. Consumption of building materials and energy is common to most other development in the region, and commitments of resources are not unique or unusual to the proposed project. Development would not be expected to involve an unusual commitment of nonrenewable resources, nor be expected to consume any resources in a wasteful manner.

At operation of the residential development, day-to-day activities would involve use of nonrenewable resources such as petroleum and natural gas. New residential uses would be required to adhere to the latest adopted edition of the California Building Standards Code (CBC), which includes standards that would reduce energy demand, water consumption, wastewater generation, and solid waste generation that would collectively reduce the demand for resources. This would result in the emission and generation of less pollution and effluent and would lessen the severity of corresponding environmental effects. Although the proposed project would result in an irreversible commitment of nonrenewable resources, the commitment of these resources would not be significantly inefficient, unnecessary, or wasteful.

Furthermore, the proposed project does not have the potential to cause significant environmental accidents through releases into the environment, as it would not involve large quantities of hazardous materials, as discussed in Section 3.5, Hazards and Hazardous Materials.

5.4 - Mandatory Findings of Significance

Public Resources Code Section 21083 requires lead agencies to make a finding of a “significant effect on the environment” if one or more of the following conditions exist:

1) A proposed project has the potential to degrade the quality of environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife species to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare, or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
2) The possible effects of a project are individually limited but cumulatively considerable.
3) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

Finding No. 1: Less than significant impact with mitigation incorporated.

The proposed project would involve demolition of existing sports fields and construction of 108 townhomes and associated parking and landscaping. As described in Section 3.1, Air Quality, the proposed project would not result in degradation of air quality with mitigation incorporated. The project could temporarily degrade air quality during construction, but this potential impact would be mitigated by MM AIR-1.

As described in Section 3.2, Biological Resources, the proposed project would not result in significant impacts to wildlife or plant species with mitigation incorporated. The analysis provides mitigation of pre-construction surveys and avoidance measures in order to protect nesting birds.

As described in Section 3.3, Cultural Resources and Section 3.10, Tribal Cultural Resources, the proposed project includes mitigation and avoidance measures to reduce construction-related impacts to historical, archaeological, and Tribal resources as well as the accidental discovery of human remains. These include Workers Environmental Awareness Program (WEAP) and procedures in the event of accidental discovery of cultural resources.

Based on the discussion provided above, with implementation of the listed mitigation measures, the proposed project would not 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 of endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

Therefore, impacts would be less than significant with implementation of Mitigation Measure (MM) MM AIR-1, MM BIO-1, MM BIO-1b, MM TCR-1, and MM TCR-2.

Finding No. 2: Significant and Unavoidable Impact.

The proposed project involves the demolition of existing sports fields and construction of 108 townhomes and associated parking and landscaping within an urban development part of the City. The analysis presented in this Draft EIR includes a review of proposed project's potential direct, indirect and cumulative impacts related to air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise,

recreation, transportation, and Tribal cultural resources. As presented throughout this Draft EIR, the proposed project's cumulative impacts would be either significant and unavoidable or less than significant.

Specifically, there would be a less than significant cumulative impact related to: air quality, biological resources, cultural resources, hazards and hazardous materials, land use, noise, recreation, and Tribal cultural resources.

Significant and unavoidable impacts would occur related to greenhouse gas emissions and VMT. While the proposed project would develop a Transformation Demand Management Plan (TDM Plan) that could reduce VMT and therefore reduce GHG emissions associated with vehicle miles traveled, there is no feasible mitigation available that would fully bring this impact to a less than significant level. Potential cumulative impacts related to GHG emissions are discussed in detail in Section 3.4, Greenhouse Gas Emissions, of this Draft EIR; potential cumulative impacts related to VMT are discussed in detail in Section 3.10, Transportation.

Finding No. 3: Significant and unavoidable impact.

Potential human-related impacts are discussed and evaluated throughout this Draft EIR. Compliance with and implementation of project-specific mitigation measures and existing regulations would ensure that the proposed project would not result in substantial adverse effects on human beings for direct, indirect, or cumulative impacts related to air quality, hazards and hazardous materials, land use and planning, and Transportation. Impacts with respect to these topical areas would be less than significant with mitigation incorporated and application of all relevant regulations.

However, impacts related to GHG emissions and to VMT would be significant and unavoidable, as discussed in Section 3.4, Greenhouse Gas Emissions and Section 3.10 Transportation, respectively.

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CHAPTER 6: ALTERNATIVES TO THE PROPOSED PROJECT

6.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15126.6, this Draft Environmental Impact Report (Draft EIR) contains a comparative impact assessment of alternatives to the proposed project. The primary purpose of this section is to provide decision makers and the general public with a reasonable number of feasible project alternatives that could attain most of the basic project objectives, while avoiding or reducing any of the project's significant adverse environmental effects. Important considerations for these alternatives analyses are noted below (as stated in CEQA Guidelines § 15126.6).

- An EIR need not consider every conceivable alternative to a project;
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives;
  - Infeasibility; or
  - Inability to avoid significant environmental effects.

6.1.1 - Significant Impacts

Impacts that Would Be Mitigated to Less Than Significant Levels

Impacts that would be mitigated to less than significant levels are summarized below:

- Impact AIR-1: The proposed project could conflict with or obstruct implementation of the applicable air quality plan.
- Impact AIR-3: The proposed project could expose sensitive receptors to substantial pollutant concentrations.
- Air Quality Cumulative Impact with respect to TACs.
- Impact BIO-1: The proposed project could 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 or United States Fish and Wildlife Service.
- Impact CUL-2: The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- Impact CUL-3: The proposed project could disturb human remains, including those interred outside of formal cemeteries.

- Impact HAZ-1: The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- Impact HAZ-2: The proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

- Impact HAZ-4: The proposed project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 that, as a result, would create a significant hazard to the public or the environment.

- Impact TCR-1: The proposed project could 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).

- Impact TCR-2: The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural 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.

Significant Unavoidable Impacts

The proposed project would result in the following significant unavoidable impacts:

- **Project-level greenhouse gas (GHG) emissions (Impact GHG-1)**: The proposed project would not be consistent with the VMT design element outlined in the BAAQMD GHG threshold Criterion A. Therefore, it would have a significant and unavoidable impact per BAAQMD GHG threshold Criterion A.
- **Project-level conflict with GHG Reduction Plans (Impact GHG-2):** The proposed project's VMT impacts would conflict with the State's Scoping Plan and BAAQMD's Plan Bay Area, which are applicable State and regional plans adopted for the purpose of reducing the emissions of GHGs.
- **Cumulative GHG emissions:** The proposed project's significant VMT impacts would not be consistent with the State and regional climate goals. No additional mitigation measures were identified to reduce the impact. Therefore, the proposed project's incremental contribution to GHG emissions would be cumulatively considerable.
- **Project-level and cumulative VMT impacts (Impact TRANS-2):** The proposed project's vehicle miles traveled (VMT) would remain above the City's threshold of 11.39 VMT per capita, even with mitigation.

6.1.2 - Alternatives to the Proposed Project

The three alternatives to the proposed project analyzed in this section are as follows:

- **No Project, Retain Exiting Use Alternative**
- **Reduced Intensity Alternative**
- **Increased Intensity Alternative**

The three alternatives to the proposed project are analyzed below. These analyses compare the proposed project and each individual project alternative. In several cases, the description of the impact may be the same under each alternative when compared with the CEQA Thresholds of Significance (i.e., both the project and the alternative would result in a less than significant impact). The actual degree of impact may be slightly different between the proposed project and each alternative, and this relative difference is the basis for a conclusion of greater or lesser impacts.

6.2 - Project Objectives

As stated in Chapter 2, Project Description, the underlying purpose of the proposed project is to develop an appropriate mix of multi-family units, including affordable units, that meets the regional housing goals. The objectives of the proposed project are to:

- Deliver approximately 100 units of new, high-quality housing in an existing residential neighborhood.
- Provide housing with a variety of floor plans and unit types to enhance the economic viability of the development for long-term sustainability.
- Phase development to allow for managed and orderly growth, while limiting construction-related effects in the project site vicinity.
- Construct housing with sufficient density to be marketable and produce a reasonable return on investment for the project applicant and its investors and that is able to attract investment capital and construction financing.
- Assist the City of San José to satisfy its regional housing needs allocation for market-rate and below market rate housing units.
- Provide quality housing that connects to the existing circulation system and includes pedestrian access to create a walkable community.

6.3 - Alternatives Considered but Rejected From Further Analysis

The following alternatives were considered but rejected from further consideration:

6.3.1 - Location Alternative

CEQA Guidelines Section 15126.6(2)(A) provides: “The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location.” The possibility of an alternate project location was analyzed and determined to be infeasible for the following reasons.

In order to identify an alternative site that might be reasonably considered to "feasibly accomplish most of the basic purposes" of the proposed project, and would also reduce significant impacts, it was assumed that such a site would ideally have the following characteristics:

- Vacant,
- Controlled by the Applicant,
- Would reduce impacts of the proposed project.

The location alternative would require the proposed project to be constructed at an alternative location owned or otherwise controlled by the project proponent. The project proponent is not a public agency capable of invoking eminent domain, therefore, any alternative location(s) would need to be sites of similar size that the applicant is capable of acquiring and that allow for high-density residential uses.

The feasibility of the project proponent acquiring or controlling a similar property suitable for meeting the project objectives identified for the proposed project is unknown. Further, CEQA Guideline Section 15126.6(a) indicates an EIR shall "describe a range of reasonable alternatives to the project, or to the location," which case law has confirmed means an EIR need not always include a location alternative, which as noted above, is more meaningful for a public agency able to acquire an alternative site through eminent domain, if needed, while a private project applicant is limited to site(s) they can feasibly acquire or control. Additionally, a relocation of the proposed project would not result in a reduction of impacts associated with the proposed project because it would cause those impacts, largely related to VMT and GHG, to occur at another location. Residential uses are frequently placed near other similar uses and in residential neighborhoods, and constructing the project at an alternative location that is similarly situated near housing would lead to similar construction-related impacts that would require essentially the same mitigation measures identified for the proposed project to reduce impacts to less than significant levels. Therefore, discussion of an alternative location for the proposed project is not required or useful and this alternative is rejected from further consideration.

6.3.2 - Self-storage Facility and Housing

The project site was previously considered by another developer as a potential site for developing a self-storage facility and housing. Self-storage would not have been approved at this site because these uses would require a General Plan Amendment (GPA), which was not feasible at the time it was considered. In addition, tax credits would not have been high enough for the project to be financially feasible for any developer due to a lack of high-quality transit nearby. As such, this alternative would not be marketable, would not produce a reasonable return on investment for the project applicant and its investors, and would not attract investment capital or construction financing to complete the project. Therefore, this alternative is rejected as infeasible.

6.4 - Alternatives Evaluated

6.4.1 - Alternative 1—No Project, Retain Existing Use Alternative

CEQA Guidelines Section 15126.6(e) states that an EIR must specifically discuss a "No Project" alternative, which shall address both the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services.

The No Project, Retain Existing Use Alternative is defined as no changes from existing conditions. Under the No Project, Retain Existing Use Alternative, the proposed 108-unit 32-building proposed community would not be constructed on the project site. The existing sports fields and associated structures would remain on-site. In this scenario, off-site improvements would not occur, grading would not take place, and no trees would be removed. For the purposes of this alternatives analysis, it is assumed that the existing sports fields would remain on the site and would continue to be used for youth sports. This alternative would not require a Conditional Use Permit, a Site Development Permit, or Tentative Map approval.

This alternative would retain the existing land uses on the project site, and the project site would continue to be used for sports fields and associated structures. If the subject parcels were to remain in their existing condition, the impacts associated with construction and operation of the proposed project would not occur, and the baseline conditions described throughout this EIR would remain.

Under the No Project, Retain Existing Use Alternative, no construction would occur and, as a result, no impacts associated with ground disturbing activities, including potential impacts related to Cultural Resources, Biological Resources, Hazards, and Tribal Cultural Resources would occur. No trees would be removed. Impacts in these areas would be less than under the proposed project. Under the No Project, Retain Existing Use Alternative, the project would not generate VMT in excess of the City's threshold. Additionally, the proposed project's GHG impacts would be avoided. As such, all of the proposed project's significant and unavoidable impacts would be avoided under this alternative. Furthermore, the proposed project's potentially significant impacts related to air quality, biological, cultural resources, hazardous materials, and Tribal cultural resources impacts would be avoided and there would be no need for mitigation. Therefore, the No Project, Retain Existing Use Alternative would avoid these impacts. However, the No Project, Retain Existing Use Alternative would not reduce the proposed project's Land Use impacts because the No Project, Retain Existing Use Alternative would not assist the City with meeting its regional housing needs allocation.

Further, the No Project, Retain Existing Use Alternative would not achieve any of the project's objectives, such as assisting the City with meeting its regional housing needs allocation for market-rate and below market rate housing units.

In summary, while the No Project, Retain Existing Use Alternative would avoid all of the proposed project's potentially significant impacts and its significant and unavoidable impacts, this alternative would not meet any of the project objectives.

6.4.2 - Alternative 2—Reduced Intensity Alternative

The Reduced Intensity Alternative is defined as a smaller/less intense version of the proposed project. Under the assumption that smaller projects typically have lesser environmental effects, the purpose of evaluating reduced scale alternative(s) is to determine if the significant impacts of the project can be avoided while at the same time achieving the project objectives.

Under the Reduced Intensity Alternative, 87 units[1] would be developed, which would be 21 units fewer than the proposed project. The units would be single-family detached homes clustered on the property. The units would be two stories and would range in size from 1,500 square feet to 1,900 square feet. Each home would have a private yard and a two-car garage. Seven percent (6 units) of the homes would be extremely-low-income units. A community park would be available for residents of the community.

Based on the average household size of 2.86 people,[2] the Reduced Intensity Alternative would increase the City's population by approximately 249 people, which would represent a reduction of 60 people compared to the proposed project's estimate. Reducing the number of units to be developed and the number of residents generated by the project could result in reduced impacts associated with Biological Resources, Cultural Resources, Tribal Cultural Resources, and Hazards and Hazardous Materials. According to the City's VMT evaluation tool, this alternative would not reduce the project impacts below the City's threshold of 11.39 daily VMT per capita. Therefore, the significant and unavoidable VMT impacts would remain, similar to the proposed project.

Reducing the intensity of the proposed project would still require the removal of trees and disturbance of soils underlaying the site. However, due to the reduced project footprint, the biological resources, cultural resources, hazardous materials, and Tribal cultural resources impacts would be slightly reduced compared to the proposed project but would still require mitigation to reduce impacts to less than significant. Additionally, this alternative would not comply with the VMT design element (as discussed in Section 3-4); therefore, GHG impacts would remain significant and unavoidable under this alternative, similar to the proposed project. Therefore, reducing the scale of the proposed project would not substantially lessen or avoid these impacts.

Potential impacts to all other resource areas (agricultural resources, energy, geology and soils, hydrology and water quality, land use and planning, mineral resources, public services, recreation, utilities, and wildfire) would be similar to the proposed project.

Additionally, under CEQA Guidelines Section 21159.26, with respect to a project that includes housing development, a public agency may not reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation.

[1] 13 units per acre x 6.67 acres = 87 units.

[2] California Department of Finance (CDF). 2024. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021–2024 with 2020 with Benchmark. Website: https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5_2024_InternetVersion.xlsx. Accessed February 5, 2025.

This alternative would not fully assist the City in satisfying its Regional Housing Needs Allocation (RHNA) for market-rate and below-market-rate housing units. Furthermore, because of the reduced density, this alternative would not fully meet the objective of constructing housing with sufficient quality and density to be marketable and produce a reasonable return on investment for the project applicant and its investors and that is able to attract investment capital and construction financing.

To summarize, while the Reduced Intensity Alternative would result in lower VMT impacts as well as slightly reduced impacts related to Biological Resources, Cultural Resources, Tribal Cultural Resources, and Hazards and Hazardous Materials, it would not achieve the underlying purpose of the proposed project and would not meet the project objectives to the same degree as the proposed project.

6.4.3 - Alternative 3—Increased Intensity Alternative

The Increased Intensity Alternative is defined as developing the site to its full buildout potential per Assembly Bill (AB) 1893 using a density bonus for 100-percent affordable housing. A total of 667 residential units[3] could theoretically be developed on the project site if the proposed units are 100 percent affordable, which allows for a density bonus. Therefore, this section analyzes the potential impacts of building a total of 667 residential units on the project site as compared to the proposed project. This alternative would represent an increase of 559 units as compared to the proposed project, which would further the City's objective of meeting its regional housing needs allocation for below market rate housing. This alternative would result in development of a correspondingly larger percentage of the project site and would result in greater earth-moving activity.

For purposes of this alternative analysis, the residential units would be in 5-story apartment buildings, and no parking would be provided. Amenities would include bicycle parking and a playground or community park.

Based on the average household size of 2.86 people,[4] the Increased Intensity Alternative would increase the City's population by approximately 1,908 people. Based on the City's population of 969,491 people,[5] the population growth from the Increased Intensity Alternative would represent approximately 0.2 percent of the City's existing population, which is nominal and is within the planned population projections for the City. Therefore, impacts associated with Population and Housing would remain similar to the proposed project. However, this population increase would likely result in greater impacts to Public Services such as schools, police, fire department, libraries, parks, and recreational facilities, which could require mitigation in order to accommodate the population increase on the project site. All other impact areas (agricultural resources, geology and soils, mineral resources, utilities, and wildfire) would be similar to the proposed project.

[3] 100 units per acre x 6.67 acres = 667 units.

[4] California Department of Finance (CDF). 2024. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021–2024 with 2020 with Benchmark. Website: https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5_2024_InternetVersion.xlsx. Accessed February 5, 2025.

[5] California Department of Finance (CDF). 2024. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021–2024 with 2020 with Benchmark. Website: https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-5_2024_InternetVersion.xlsx. Accessed February 5, 2025.

The Increased Intensity Alternative would result in increased building heights and increased impervious surfaces on the site. This alternative would introduce taller structures to the neighborhood that would not be consistent with the existing lower-density residential character. The Increased Intensity Alternative would obstruct some of the views along Singletree Lane compared to the proposed project; however, these impacts would remain less than significant.

The Increased Intensity Alternative would not include on-site parking, and street parking availability in the neighborhood is limited. Therefore, it is reasonable to assume that the design features associated with the Increased Intensity Alternative would attract individuals who would use public transit.[6] Because no parking would be provided onsite, VMT impacts would likely be reduced to a level of less than significant because the majority of residents would need to utilize public transportation. However, assuming the majority of residents of the 667 units would utilize public transportation, there would be an increased impact on public transit. As such, the proposed project's significant and unavoidable VMT impacts would likely be avoided under this impact. Nonetheless, because this alternative would be inconsistent with the project site's land use designation, GHG impacts would remain significant and unavoidable, similar to the proposed project. Additionally, this alternative would require similar construction-related air quality mitigation as the proposed project to reduce DMP emissions generated by project construction; therefore, air quality impacts would not be reduced under this alternative. Energy use for construction and during operations would be higher than the proposed project due to the additional units and residents.

Increasing the intensity of the proposed project would require the removal of all ordinance trees and would result in greater disturbance of soils underlaying the site. As a result, the biological, cultural resources, hazardous materials, and tribal cultural resources impacts would be slightly greater compared to the proposed project and would remain potentially significant, requiring mitigation to reduce impacts to less than significant. Increasing the scale of the proposed project would not substantially lessen or avoid these impacts. Additionally, this Alternative would not include the same amount of either private or public open space as the proposed project. All other impact areas (agricultural resources, mineral resources, utilities, and wildfire) would be similar to the proposed project.

In summary, this alternative would meet most of the project objectives, and would reduce the significant and unavoidable VMT impacts of the proposed project, but it would not reduce any of the project's significant and unavoidable GHG impacts, and it would result in increased impacts compared to the proposed project in the areas of aesthetics, biological, cultural resources, hazardous materials, public services, and tribal cultural resources.

6.5 - Environmentally Superior Alternative

CEQA Guidelines Section 15126(e)(2) requires identification of an environmentally superior alternative. If the No Project Alternative is the environmentally superior alternative, CEQA requires

[6] Local Bus Route 27 bus stop is located 0.1 mile north of the project site on Blossom Hill Road. However, this route does not qualify as high-quality transit. Because of the lack of high-quality public transit in the project site area may make it difficult to implement the Increased Intensity Alternative.

selection of the "environmentally superior alternative other than the No Project Alternative" from among the other alternatives evaluated.

Based on the above discussion, the environmentally superior alternative is the No Project Alternative because it would avoid all of the potentially significant impacts and the significant and unavoidable impacts of the proposed project. The No Project, Retain Existing Use Alternative would retain the site in its current condition. This alternative would avoid all construction and operational impacts associated with the proposed project, and no mitigation or imposition of Standard Permit Conditions would be required. Therefore, the No Project, Retain Existing Use Alternative is the environmentally superior alternative; however, it would not achieve any of the project objectives.

Beyond the No Project, Retain Existing Use Alternative, the Reduced Intensity Alternative would be the next most environmentally superior alternative. However, while impacts associated with the Reduced Intensity Alternative would be reduced compared to the proposed project, this alternative would not avoid any of the significant and unavoidable impacts of the proposed project or any of the potentially significant impacts, would require the same mitigation measures and standard permit conditions as the proposed project. Additionally, this alternative would develop 21 (19 percent) fewer market rate residences and 14 (64 percent) fewer affordable unites than the proposed project, and would, therefore, not achieve the underlying purpose or project objectives to the same extent as the proposed project.

The qualitative environmental effects of each alternative in relation to the proposed project are summarized in Table 6-1 below, and Table 6-2 presents a comparison of the alternatives' ability to meet project objectives.

Table 6-1: Summary of Alternatives Impacts

Environmental Topic Area	Proposed Project	Alternative 1 – No Project, Retain Exiting Use Alternative	Alternative 2 – Reduced Intensity Alternative	Alternative 3 – Increased Intensity Alternative
Aesthetics, Light, and Glare	LTS	NI <	LTS =	LTS >
Agriculture Resources	NI	NI =	NI =	NI =
Air Quality	LTSM	NI <	LTSM =	LTSM >
Biological Resources	LTSM	NI <	LTSM <	LTSM >
Cultural Resources	LTSM	NI <	LTSM <	LTSM >
Energy	LTS	NI <	LTS =	LTS >
Geology, Soils, and Seismicity	LTS	NI <	LTS =	LTS =
Greenhouse Gas Emissions	SU	NI <	SU =	LTS <
Hazards and Hazardous Materials	LTSM	NI <	LTSM <	LTSM >

Environmental Topic Area	Proposed Project	Alternative 1 – No Project, Retain Exiting Use Alternative	Alternative 2 – Reduced Intensity Alternative	Alternative 3 – Increased Intensity Alternative
Hydrology and Water Quality	LTS	NI <	LTS =	LTS =
Land Use	LTS	NI <	LTS =	LTS =
Minerals	NI	NI	NI =	NI =
Noise	LTS	NI <	LTS =	LTS >
Population and Housing	LTS	LTS	LTS =	LTS =
Public Services	LTS	NI <	LTS =	LTSM >
Recreation	LTS	NI <	LTS =	LTSM >
Transportation	SU	NI <	SU =	LTS<
Tribal Cultural Resources	LTSM	NI <	LTSM <	LTSM >
Utilities	LTS	NI <	LTS =	LTS =
Wildfire	LTS	NI <	LTS =	LTS =

LTS = Less than significant impact
LTSM = Less than significant impact with mitigation incorporated
SU = Significant and Unavoidable Impact
NI = No impact
> = Potentially greater than the proposed project
< = Potentially less than the proposed project
= Impacts would similar or the same as the proposed project.
Source: FirstCarbon Solutions (FCS). 2025.

Table 6-2: Summary of Alternatives Meeting Project Objectives

Objective	Proposed Project	Alternative 1	Alternative 2	Alternative 3
Deliver approximately 100 units of new, high-quality housing in an existing residential neighborhood.	Yes	No	No	Yes
Provide housing with a variety of floor plans and unit types to enhance the economic viability of the development for long-term sustainability.	Yes	No	Yes	No
Phase development to allow for managed and orderly growth, while limiting construction-related effects in the project site vicinity.	Yes	No	Yes	Yes
Construct housing with sufficient density to be marketable and produce a reasonable return on investment for the project applicant and its investors and	Yes	No	No	Yes

Objective	Proposed Project	Alternative 1	Alternative 2	Alternative 3
that is able to attract investment capital and construction financing.				
Assist the City of San José to satisfy its regional housing needs allocation for market-rate and below market rate housing units.	Yes	No	No	Yes
Provide quality housing that connects to the existing circulation system and includes pedestrian access to create a walkable community.	Yes	No	Yes	Yes
Source: FirstCarbon Solutions (FCS) 2025.				

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CHAPTER 7: PERSONS AND ORGANIZATIONS CONSULTED/LIST OF PREPARERS

7.1 - Lead Agency

7.1.1 - City of San José

Planning, Building and Code Enforcement

Principal Planner, Environmental Review ..... David Keyon
Environmental Project Manager ..... Cort Hitchens

7.2 - Project Sponsor and Sponsor Consultants

7.2.1 - Mana Camden Fund, LLC

Managing Partner ..... Orville Power
Northern California Partner ..... Scott Murray

7.2.2 - Hanna-Brunetti (Stormwater Hydromodification Report)

President ..... Amanda Musy-Verdel, PE
Project Manager ..... Teresa Price, PE

7.2.3 - Baez Geotechnical Group (Geotechnical Investigation)

Project Engineer ..... Stefanie Parman-Ribeiro
Principal Engineer ..... William R. Stevens, GE 2339

7.2.4 - AEI Consultants (Phase I Environmental Site Assessment)

Vice President ..... Trent Weise

7.2.5 - Monarch Consulting Arborists (Tree Inventory, Assessment, and Protection Report)

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7.3 - List of Preparers

7.3.1 - Lead Consultant

FirstCarbon Solutions

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Analyst ..... Alex Ortiz
Analyst ..... Connor Duignan

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Archaeologist ..... Natalie Adame
Archaeologist and Cultural Resources Specialist ..... Taylor Love
Historian ..... Ti Ngo
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GIS/Graphics ..... Karlee McCracken
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