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DRAFT
Environmental Impact Report
Glider Residential Project
H23-028, T23-022 and ER23-230
City of San José, Santa Clara County, California

State Clearinghouse Number 2024091026

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ACRONYMS AND ABBREVIATIONS

°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
AEC	area of environmental concern
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
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
ATCM	Airborne Toxic Control Measures
Bay Area Air District	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BAU	business-as-usual
BCF	billion cubic feet
BCF/year	billion cubic feet per year
BERD	Built Environment Resources Directory
BIOS 6	Biogeographic and Information Observation System
BMP	Best Management Practice

BVOC	biogenic volatile organic compound
C^2ES	Center for Climate and Energy Solution
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
Cal/OSHA	California Occupational Health and Safety Administration
CalRecycle	California Department of Resources Recycling and Recovery
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CBC	California Building Standards Code
CCCC	California Climate Change Center
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFC	chlorofluorocarbon
CFR	Code of Federal Regulations
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
CNRA	California Natural Resources Agency
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
CPHI	California Points of Historical Interest
CPUC	California Public Utilities Code
CRA	Cultural Resources Assessment
CRHR	California Register of Historical Resources

CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
dBA/DD	dBA per each doubling of distance
DBH	diameter at breast height
DMA	drainage management area
DNL	Day/Night 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
DWR	California Department of Water Resources
EIR	Environmental Impact Report
EISA	Energy Independence and Security Act of 2007
EMFAC	EMission FACtors mobile source emissions model
EOP	Emergency Operations Plan
EPA	United States Environmental Protection Agency
ESL	Environmental Screening Levels
EV	electric vehicle
EVSE	Electrical Vehicle Supply Equipment
FAA	Federal Aviation Administration
FAR	floor area ratio
FCS	FirstCarbon Solutions
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FTA	Federal Transit Administration
GHG	greenhouse gas
GHGRS	Greenhouse Gas Reduction Strategy
gpd	gallons per day
gpm	gallons per minute
GPS	Global Positioning System
GWh	gigawatt-hours
GWh/y	gigawatt-hours per year

GWP	global warming potential
HAP	Hazardous Air Pollutants
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HDM	Highway Demand Manual
HFC	hydrofluorocarbon
HMBP	hazardous materials business plan
HOA	Homeowner's Association
HOV/HOT	High Occupancy Vehicle/High Occupancy Toll
HRA	Health Risk Assessment
HRI	California Historic Resources Inventory
HSC	California Health and Safety Code
HVAC	heating, ventilation, and air conditioning
in/sec	inches per second
IPCC	United Nations Intergovernmental Panel on Climate Change
ISTEA	Intermodal Surface Transportation Efficiency Act
IWMP	Integrated Waste Management Plan
kW	kilowatts
LCFS	Low Carbon Fuel Standard
LCI	California Governor's Office of Land Use and Climate Innovation
L_{dn}	day/night average sound level
LED	light-emitting diode
L_{eq}	equivalent sound level
LEV	low-emission vehicle
LOS	Level of Service
LRA	Local Responsibility Area
LSE	load-serving entities
LTA	Local Transportation Analysis
MBTA	Migratory Bird Treaty Act
MCV	Manual of California Vegetation
mgd	million gallons per day
MLD	Most Likely Descendant
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
mph	miles per hour
MPO	Metropolitan Planning Organization
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
NAGPRA	Native American Graves Protection and Repatriation Act
NAHC	Native American Heritage Commission
NASA	National Aeronautics and Space Administration
NCCP	Natural Community Conservation Plan
NCCP Act	Natural Community Conservation Planning Act
NCEI	National Centers for Environmental Information
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	National Oceanic and Atmospheric Administration
NOAA Fisheries	National Marine Fisheries Service
NOC	Notice of Completion
NOP	Notice of Preparation
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
O_3	ozone
OAL	Office of Administrative Law
OEHHA	California Office of Environmental Health Hazard Assessment
OHWM	ordinary high water mark
ONAC	Federal Office of Noise Abatement and Control
OSHA	Occupational Safety and Health Administration
OWCMP	Oak Woodlands Conservation Management Plan
PBCE	Planning, Building and Code Enforcement
PCB	polychlorinated biphenyl

pCi/L	picocuries per liter
PDO	Parkland Development Ordinance
PFC	perfluorocarbon
PG&E	Pacific Gas and Electric Company
Phase I ESA	Phase I Environmental Site Assessment
PIO	Parkland 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
POPOS	privately owned and maintained, public accessible open space
ppb	parts per billion
ppm	parts per million
PPV	peak particle velocity
PQP	Public/Quasi-Public
PRC	Public Resources Code
PVC	polyvinyl chloride
RAP	Removal Action Plan
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
RV	recreational vehicle
RWF	Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SAFE	Safer Affordable Fuel-Efficient Vehicles Rule
SARA	Superfund Amendments and Reauthorization Act
SARA Title III	The Emergency Planning and Community Right-to-Know Act
SB	Senate Bill
SCCDEH	Santa Clara County Department of Environmental Health
SCP	Site Cleanup Program
SCS	Sustainable Communities Strategy
SCVHCP	Santa Clara Valley Habitat Conservation Plan

SDP	Site Development Permit
SF_6	sulfur hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SFPUC	San Francisco Public Utilities Commission
SJCE	San José Community Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SJW	San José Water
SLF	Sacred Lands File
SMP	Site Management Plan
SO_2	sulfur dioxide
South Coast AQMD	South Coast Air Quality Management District
SPC	Standard Permit Condition
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
TAC	toxic air contaminants
TCM	Transportation Control Measures
TCR	Tribal Cultural Resource
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
TIA	Traffic Impact Analysis
TIS	Traffic Impact Study
TMA	Transportation Management Association
TMDL	Total Maximum Daily Load
TOD	Transit Oriented Development
TSCA	The Toxic Substances Control Act of 1976
UBC	Uniform Building Code
UFC	Uniform Fire Code
US-101	United States Highway 101
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 Water	Santa Clara Valley Water District
V/C	volume to capacity ratio
VDECS	Verified Diesel Emission Control Strategies
VMT	Vehicle Miles Traveled
VOC	volatile organic compounds
VTA	Santa Clara Valley Transportation Authority
VTM	Vesting Tentative Map
WATERS	Watershed Assessment, Tracing and Environmental Results System
WDR	Waste Discharge Requirements
WEAP	Worker Environmental Awareness Program
WQMP	Water Quality Management Plan
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 Glider Residential Project (State Clearinghouse No. 2024091026). 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 se*q.).

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 project site is located at 511 Cozy Drive (Assessor's Parcel Number [APN] 689-08-001) in the City of San José (City), California. The project site location is shown on Figure 2-1 and Figure 2-2. The project site encompasses approximately 9.51 acres and is currently developed with the former Glider Elementary School, part of the Oak Grove School District, which was closed and put up for sale in 2018. The project site is bordered by single-family residences on the north, south, east, and west. The project site is adjacent to Glider Drive to the east and Cozy Drive to the south.

Glider Elementary School contains six vacant school buildings totaling approximately 56,650 square feet; approximately 21,500 square feet of surface parking with approximately 48 parking spaces; approximately 134,000 square feet (approximately 3 acres) of recreational fields; and approximately 71,600 square feet of cement/asphalt recreation areas for students. The buildings were constructed in 1980, and the site has been unoccupied since 2018. During the last school year that was in operation, Glider Elementary School had approximately 620 students enrolled and employed approximately 30 staff and faculty members.

Project Description

The proposed project would include demolition of the existing vacant school buildings and the development of 64 single-family detached homes and 16 single-family attached homes, for a total of 80 residential units (Figure 2-5a and Figure 2-5b). The resulting density would be 8.41 du/acre, with unit sizes ranging from 1,233 to 2,234 square feet, built in four different floor plans. The proposed project would reserve 11 units (13 percent) for deed restricted lower-income housing. The existing parcel would be reconfigured into 80 residential lots, as well as an approximately 0.68-acre common lot for a privately owned and maintained public accessible open space (POPOS) parcel and 2.09 acres of public right-of-way to integrate the project site into the existing neighborhood street pattern. The

POPOS parcel would be open to the public and improved with shade trees, picnic tables, open turf, benches, and a bicycle rack.

Project Objectives

The underlying purpose of the proposed project is to redevelop an underutilized site with a new residential neighborhood that delivers high-quality, for-sale housing, including affordable homes, that advances the City of San José's housing, land use, and community development goals. The specific objectives of the proposed project are to:

- Expand housing supply to satisfy the City's Regional Housing Needs Allocation (RHNA) by providing a mix of market-rate and below-market-rate housing.
- Provide a walkable, tree-lined neighborhood environment with safe pedestrian circulation, sidewalks, and visual compatibility with the surrounding community.
- Enhance neighborhood livability through publicly accessible open space, including a privately owned and maintained park.
- Promote architectural quality and neighborhood compatibility by building a mix of attached and detached single-family homes.
- Promote development that minimizes displacement and ensures equitable access to housing.
- Revitalize a vacant and underutilized site in an established single-family neighborhood and promote infill development in the heart of a residential neighborhood.

Significant Unavoidable Adverse Impacts

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

Impact GHG-1 The proposed project would generate 19.52 Vehicle Miles Traveled (VMT) per capita daily as estimated by the City's VMT Evaluation Tool, exceeding the residential threshold of 15 percent below existing VMT per capita, meaning it would not comply with Criterion A of the Bay Area Air District's 2022 GHG Significance thresholds.

Impact GHG-2 The proposed project would have a significant and unavoidable VMT impact and, therefore, the proposed project would not be consistent with the State's goal to achieve carbon neutrality.

Impact GHG-CUM-1 The proposed the proposed project would have a cumulatively considerable significant and unavoidable VMT impact. Therefore, the proposed project would not be consistent with Criterion A of the Bay Area Air District's 2022 GHG Significance thresholds or the State's goal to achieve carbon neutrality. As

the analysis considers global, Statewide, and regional GHG emissions, there is a potentially significant cumulative impact.

Impact TRANS-2 The proposed project would exceed the significant impact threshold of 11.39 daily VMT per capita. The project's daily VMT, as estimated by the City's VMT Evaluation Tool, is 19.52 per capita.

Impact TRANS-CUM-1 The proposed project would have a potentially significant contribution to cumulative VMT impacts.

Summary of Project Alternatives

Below is a summary of the alternatives to the proposed project considered in Chapter 6, Alternatives to the Proposed Project.

Alternative 1–No Project Alternative

Alternative 1 is defined as no changes from existing conditions. The proposed 64 single-family detached homes and 16 single-family attached homes would not be constructed on the project site. The existing school 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.

Alternative 1 would retain the existing land uses on the project site, maintaining the baseline conditions. While Alternative 1 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 related to housing and would not meet any objective to the same degree as the proposed project.

Alternative 2–Reduced Density/Increased Park Acreage Alternative

Under Alternative 2, 49 single-family detached and 14 single-family attached units would be developed, for a total of 62 units. This is 18 fewer than the proposed project, with a resulting density would be 6.52 du/acre. The POPOS parcel would be 2.1 acres rather than the proposed 0.68 acres. Under Alternative 2, 13 percent of the units (8 units) would still be reserved for deed restricted lower-income housing. A mock-up of Alternative 2 is included as Figure 6-1.

Based on the average household size of 2.88 people,[1] Alternative 2 would increase the City's population by approximately 179 people, which would represent a reduction of 52 people compared to the proposed project.[2] While Alternative 2 would result in slightly lower VMT and GHG impacts, they would remain significant and unavoidable. Furthermore, it would not meet the project objectives to the same degree as the proposed project.

[1] California Department of Finance. 2025. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2025, with 2020 Benchmark. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed October 17, 2025.

[2] 62 households x 2.88 people per household = 178.56 people, or ~179 people. (179 people – 231 people) = -52 people differential.

Alternative 3–Reduced Trip Generation Alternative

Under the Alternative 3, 15 single-family detached homes would be developed. This is 65 fewer units than the proposed project. Under this alternative, none of the units would be reserved for deed restricted lower-income housing. The resulting density would be 1.68 du/ac. The POPOS parcel would be about 7.44 acres. A mock-up of this alternative is included as Figure 6-2. While Alternative 3 would reduce VMT and GHG impacts to a less than significant level, it would not meet all of the project objectives to the same degree as the proposed project.

The environmentally superior alternative is Alternative 1, the No Project Alternative, because it would avoid all of the potentially significant impacts and the significant and unavoidable impacts of the proposed project. Beyond Alternative 1, Alternative 3, the Reduced Trip Generation Alternative, would be the next most environmentally superior alternative because it would reduce all significant and unavoidable impacts to a less than significant level. However, while impacts associated with the Alternative 3 would be reduced compared to the proposed project, this alternative would develop 65 fewer residential units than the proposed project and would, therefore, not achieve the underlying purpose or project objective to expand housing supply to the same extent as the proposed project.

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 September 27, 2024, in accordance with CEQA Guidelines Sections 15063 and 15082. The NOP provided a general description of the project and evaluated environmental issues that could occur from its implementation. The NOP was circulated to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period extending from September 27, 2024, through October 28, 2024. Additionally, an in-person scoping meeting was held on October 15, from 6:00 p.m. to 7:00 p.m. at the Santa Teresa Library to gather public input on the scope and contents of the EIR.

The following major issues were raised during the comment period and the scoping meeting and are further summarized in Chapter 1, Introduction.

- Loss of mature trees and impacts to nesting birds;
- Insufficient recreational space for the existing neighborhood;
- Increased traffic due to new residential occupants;
- Impacts related to groundwater recharge;
- Impacts to utilities capacity; and
- Impacts related to wildfires.

The NOP and comment letters are included in Appendix A of this Draft EIR.

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 State Office of Planning and Research 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 Section 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, 3rd Floor Tower San José, CA 95113	Dr. Martin Luther King, Jr. Library 150 E. San Fernando Street San José, CA 95112	San José Public Library, Santa Teresa Branch 290 International Circle 1450 Blossom Hill Road San José, CA 95519 95118

The Draft EIR is also available for review at the following website: www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/glider-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 Focused EIR should be addressed to:

Bethelhem Telahun, Supervising Planner
City of San José
Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113
Phone: 408.535.3555
Email: Bethelhem.Telahun@sanjoseca.gov

Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available to commenting public agencies at least 10 days prior to the public hearing before the City of San José Planning Commission. The Planning Commission will make a recommendation to the City Council regarding certification of the Final EIR. Comments received and the responses to comments will be included as part of the record for consideration by decision-makers for the 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 issuance of any demolition, grading permits, and/or building permits (whichever occurs earliest), the project applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's Designee. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below. • For all construction equipment larger than 25 horsepower operating on the site for more than two days continuously or 20 total hours, shall, at a minimum meet United States Environmental Protection Agency (EPA) Tier 4 Final emission standards. • If Tier 4 Final equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to California Air Resources Board (ARB) Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in particulate matter exhaust and 40 percent reduction in nitrogen oxide (NO_X) in comparison to uncontrolled equipment. • The project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in this mitigation measure. The plan shall be submitted to the Director of PBCE or the Director's designee for review and approval prior to the start of any construction activity. The plan shall include, but not be limited to the following: – List of activities and estimated timing; – Equipment that would be used for each activity; – Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure;	Less than significant with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	– How the construction contractor will ensure that the measures listed are monitored; – How the construction contractor will remedy any exceedance of the thresholds; and – How often and the method the construction contractor will use to report compliance with this mitigation measure.	
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	No mitigation required	Less than significant cumulative impact without 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.	No mitigation required.	Less than significant impact without mitigation.
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	No mitigation required.	Less than significant impact without mitigation.

Impacts	Mitigation Measures	Level of Significance After Mitigation
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.	**MM CUL-2a:** Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant shall conduct a Cultural and Tribal Cultural Resources Awareness Training for construction personnel. The training shall be facilitated by a Secretary of the Interior-qualified Archaeologist in collaboration with a representative from a Native	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	American Tribe that is traditionally and culturally affiliated with the geographic area pursuant to Public Resources Code Section 21080.3.1. The qualified Archaeologist shall implement the awareness training for all project staff and contractors who will be on-site during ground-disturbing activities. This training shall cover the significance of the sites, the importance of respecting cultural resources, and the specific protocols to follow if artifacts or other items of cultural importance are found. Documentation (i.e., sign-in sheets) verifying that Cultural Sensitivity Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee. **MM CUL-2b:** Prior to 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 Plan shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for review and approval. The Archaeologist and Native American Monitor shall be present during applicable earthmoving activities such as, but not limited to, trenching, initial or full grading, boring on-site, or major landscaping.	
Impact CUL-3: The proposed project could disturb human remains, including those interred outside of formal cemeteries.	No mitigation required.	Less than significant impact without mitigation.
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-1.	Significant and unavoidable.
Impact GHG-2: The proposed project would conflict with an applicable plan, policy or regulation of an agency	Implement MM TRANS-1.	Significant and unavoidable.

Impacts	Mitigation Measures	Level of Significance After Mitigation
adopted for the purpose of reducing the emissions of greenhouse gases.		
Cumulative Impact	Implement MM TRANS-1.	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 issuance of any demolition or grading permits, the project applicant shall retain a licensed professional to prepare a Limited Phase II Environmental Investigation that includes collecting and analyzing shallow soil samples in the grassy field and along structures to determine whether organochlorine pesticides and pesticide-bases metals, arsenic and lead from previous agricultural operations are present on-site at concentrations above established Environmental Screening Levels. The results of soil sampling and testing shall be provided to the City's Supervising Planner of the Planning Building and Code Enforcement Department and the Municipal Compliance Officer of the Environmental Services Department for review. If pesticide concentrations are found above residential Environmental Screening Levels (ESLs), the applicant shall obtain regulatory oversight from Santa Clara County Department of Environmental Health (SCCDEH), 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 environmental consultant. The plan shall establish remedial measures and/or soil management practices. The plan and evidence of regulatory oversight shall be provided to the City's Supervising Planner of the Planning Building and Code Enforcement Department and the Municipal Compliance Officer of the Environmental Services Department	Less than significant impact with mitigation incorporated.
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.	Implementation of MM HAZ-1.	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Impact HAZ-3: The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	Implementation of MM HAZ-1.	Less than significant impact with mitigation incorporated.
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.	No mitigation required.	Less than significant impact without mitigation.
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.	No mitigation required.	No impact.
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 impact without mitigation.
Section 3.6—Land Use and Planning		
Impact LU-1: The proposed project would not physically divide an established community.	No mitigation required.	No impact.
Impact LU-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	No mitigation required.	Less than significant impact without mitigation.

Impacts	Mitigation Measures	Level of Significance After Mitigation
purpose of avoiding or mitigating an environmental effect.		
Cumulative Impact	No mitigation required.	Less than significant impact without mitigation.
Section 3.7—Noise		
Impact NOI-1: The proposed project could 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.	**MM NOI-1: Construction Noise Logistics Plan.** Prior to the issuance of any demolition, grading or building permits (whichever comes first), the project applicant shall prepare and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction (i.e., prior to grading permits) and implemented during construction to reduce noise impacts on neighboring residents and other uses. As part of the noise logistics plan, the project applicant shall include, but is not limited to, the following best management practices: • Pile Driving is prohibited. • Construction hours shall be limited 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. Any variance from these hours, such as the approval to work on Saturdays, must be approved by the City prior to issuance of building permits. • Construct minimum 8-foot high solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses. • Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • Prohibit unnecessary idling of internal combustion engines. • Locate stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise generating equipment when located near adjoining sensitive land uses. • Utilize “quiet” air compressors and other stationary noise sources where technology exists.	Less than significant impact with mitigation incorporated.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	• Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site. • Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences. • 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.	
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—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 expansion of recreational facilities which might have an adverse physical effect on the environment.	No mitigation required.	Less than significant impact without mitigation.

Impacts	Mitigation Measures	Level of Significance After Mitigation
Cumulative Impact	No mitigation required.	Less than significant cumulative impact without mitigation.
Section 3.9—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-1**: 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 (PBCE) or the Directors' designee: **Transportation Demand Management Plan:** To 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 busing 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 toward 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. • Access to Neighborhood Schools (TP-12): Neighborhood schools primarily serve the neighborhoods immediately surrounding the school and allow students to walk or bike to school, reducing the use of automobiles for drop-off and pick-up trips and thereby reducing VMT. Santa Teresa High School is located less than one mile from the project site. The project shall implement a "Safe Routes to School" plan for project children who are walking and biking to and from school. • On-site TDM Coordinator: Provide a TDM plan prior to Planning (Planned Development) Permit approval. Include an annual monitoring	Significant and unavoidable.

Impacts	Mitigation Measures	Level of Significance After Mitigation
	requirement establishing an Average Daily Traffic (ADT) cap of 50 AM peak-hour trips and 65 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.	
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-1.	Significant and unavoidable cumulative impact.
Section 3.10—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).	Implementation of MM CUL-2a and MM CUL-2b.	Less than significant impact with mitigation incorporated.
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.	Implementation of MM CUL-2a and MM CUL-2b.	Less than significant impact with mitigation incorporated.
Cumulative Impact	No mitigation required.	Less than significant 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 Glider Residential Project (proposed project) (State Clearinghouse No. 2024091026). 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.

1.1.1 - Overview

The proposed project consists of the demolition of the existing vacant school buildings and the development of 64 single-family detached homes and 16 single-family attached homes, for a total of 80 residential units. The resulting density would be 8.41 dwelling units per acre (du/acre), with unit sizes ranging from 1,233 to 2,234 square feet, built in four different plans.

The existing single parcel would be subdivided into 80 residential lots, along with a common lot of approximately 0.68 acre to serve as a privately owned and maintained, public accessible open space (POPOS parcel). In addition, approximately 2.09 acres would be dedicated to public right-of-way to integrate the project site into the existing neighborhood street network. The residential lots would include 64 single-family detached lots and 16 single-family attached homes resulting in a total of 80 lots. The proposed project would reserve 11 units (13 percent) for deed restricted lower-income housing. The POPOS parcel would be open to the public and improved with shade trees, picnic tables, open turf, benches, and a bicycle rack. Chapter 2, Project Description, provides a complete description of the proposed project.

1.1.2 - Purpose and Authority

This Draft EIR provides analysis of the environmental effects of the Glider Residential Project 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 that would be required as part of project approval as well as feasible alternatives that may be considered 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 reflects the independent judgment and analysis of the City of San José as required by CEQA. Lists of organizations and persons consulted, and the report preparation personnel are provided in Chapter 7 of this Draft EIR.

1.2 - Scope of the Draft EIR

The City of San José issued a Notice of Preparation (NOP) for the proposed project on September 25, 2024, which circulated between September 25, 2024, and October 28, 2024, for the statutory 30-day public and agency input. An in-person scoping meeting was held on October 15, from 6:00 p.m. to 7:00 p.m. at the Santa Teresa Library, located at 290 International Circle, San José, CA 95119, to gather public input on the proposed project. 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.

Twenty-two comment letters were received in response to the NOP. They are listed in Table 1-1 and provided in Appendix A of this Draft EIR.

Table 1-1: NOP Comment Letters

Agency/Organization/ Individual	Date	Comment Summary
Pacific Gas and Electric Company (PG&E)	10/02/2024	Provides general information related to requirements for working within or near PG&E owned property and/or easements. *Chapter 4: Effects Found not to be Significant, Section 4.2.9 Utilities and Service Systems*
Native American Heritage Commission (NAHC)	10/03/2024	Summarizes Tribal consultation requirements under CEQA per the Assembly Bill (AB) 52 and Senate Bill (SB) 18 requirements for evaluating impacts to Tribal Cultural Resources under CEQA. *Section 3.3: Cultural Resources*

Agency/Organization/ Individual	Date	Comment Summary
Lynne Paulson	10/15/2024	Requests the Draft EIR consider open space/parkland provisions and evaluate changes to setbacks through a shade and shadow analysis. *Section 3.8: Recreation* Requests that the Draft EIR include a listing of all trees to be removed and their characteristics. *Section 3.2: Biological Resources* Requests that the Draft EIR evaluate alternatives for reduced density. *Chapter 6: Alternatives to the Proposed Project*
Duane Elder	10/16/2024	Requests the Draft EIR evaluate impacts on bird species as a result of mature tree removal. Recommends preparation of a Biological Assessment and Environmental Impact Report evaluating the potential of re-locating mature trees to other locations on the project site. *Section 3.2: Biological Resources*
Jonie Murphy	10/22/2024	States that the parkland-to-resident ratio from the proposed project is too small. *Section 3.8: Recreation* Expresses concerns regarding emergency mode of evacuation given the high density. *Section 3.9: Transportation* Expresses concerns regarding traffic congestion. *Section 3.9: Transportation* Expresses concerns regarding emergency vehicle access. *Section 3.9: Transportation* Requests alternative locations in the downtown area be considered. *Chapter 6: Alternatives to the Proposed Project* Suggests alternative by turning the project site into a park or community center. *Chapter 6: Alternatives to the Proposed Project*
Santa Clara Valley Water District (Valley Water)	10/22/2024	Notes the project site's presence within an area supporting natural groundwater recharge; recommends evaluation of potential impacts to groundwater and incorporation of design features to maximize recharge. Notes that the project site is located within the Leroy Anderson dam failure inundation zone.

Agency/Organization/ Individual	Date	Comment Summary
		Notes the project site is located in a Federal Emergency Management Agency (FEMA) Flood Zone D, an area with undetermined but possible flood hazards. Reiterates provisions of the Valley Water Well Ordinance. *Chapter 4: Effects Found not to be Significant, Section 4.2.5 Hydrology and Water Quality*
Shalaka Jain	10/23/2024	Requests link for the petition.
Santa Teresa Foothills Neighborhood Association	10/25/2024	Requests the Draft EIR consider open space/parkland provisions and evaluate changes to setbacks. Requests a shade and shadow analysis. *Section 3.8: Recreation* Requests that the Draft EIR include a listing of all trees to be removed and their characteristics. *Section 3.2: Biological Resources* Requests that the Draft EIR evaluate alternatives for reduced density and analyze the potential for cumulative impacts resulting from Accessory Dwelling Unit (ADU) construction. *Chapter 4: Effects Found not to be Significant, Section 4.2.7 Population and Housing*
Bea Clark	10/27/2024	References the San José Municipal Code Title 20 regarding homeowner rights: *Section 3.6: Land Use* Requests the EIR evaluate consistency with City policies, regulations for neighborhood compatibility in design and use. *Section 3.6: Land Use; Chapter 4: Effects Found Not to Be Significant, Section 4.2.1 Aesthetics, Light and Glare* Requests the EIR Evaluate impacts on public health, safety, and welfare.
John Klimaszewski	10/27/2024	Requests the Draft EIR evaluate alternatives for lower reductions in open space *Section 3.8: Recreation; Chapter 6: Alternatives to the Proposed Project* Requests the Draft EIR evaluate alternatives with lower traffic congestion. *Section 3.9: Transportation* Requests the Draft EIR consider cumulative impacts related to potential ADU buildout. *Chapter 6: Alternatives to the Proposed Project*

Agency/Organization/ Individual	Date	Comment Summary
Laura Fujikawa	10/27/2024	Raised concerns related to loss of privacy, increased noise, traffic, and air pollution. *Section 3.1: Air Quality; Section 3.7: Noise; Section 3.9: Transportation* Expresses concerns related to the proposed project's density and setback distance. Requests changes to project design, including reduced project density, increased setback distance, and relocation of air conditioning units and small windows Requests the installation of a new fence along the property line for houses on Suisse Drive to enhance privacy *Section 3.6: Land Use and Planning* Requests the provision of at least two acres of green space. *Section 3.8: Recreation* Requests the provision of a traffic simulation study to analyze speeding and increased congestion. *Section 3.9: Transportation* Requests measures to avoid an increase in harmful exhausts and noise pollution. *Section 3.1: Air Quality; Section 3.7: Noise* Requests the redwood trees within the project site be preserved. *Section 3.2: Biological Resources*
Leo Gelman	10/27/2024	Raises concerns related to increased traffic congestion, and parking overflow. Requests evaluation in the Draft EIR. *Section 3.9: Transportation* Raises concerns related to heat island effect. Requests evaluation in the Draft EIR. *Section 3.1: Air Quality* Raises concerns related to increased flooding potential (surface runoff) due to increase in impermeable surfaces. *Chapter 4: Effects Found not to be Significant, Section 4.2.5 Hydrology and Water Quality*
Lynne PaulsonN/A	10/27/2024	Requests the Draft EIR analyze potentially impacted biological resources, specifically impacts on birds of prey due to tree removal. *Section 3.2: Biological Resources* Requests the Draft EIR analyze impacts on traffic

Agency/Organization/ Individual	Date	Comment Summary
		Section 3.9: Transportation Requests the Draft EIR explore alternatives for increased open space. *Chapter 6: Alternatives to the Proposed Project*
Allison Rolling	10/28/2024	Requests access to the negotiation and permit with the Santa Clara Open Space Authority on the proposed decrease in open space *Section 3.8: Recreation* Requests the Traffic Study incorporate transportation impacts resulting from both the proposed project and the 5885 Santa Teresa Boulevard Affordable Housing Project, specifically impacts resulting during school pick-up and drop-off times *Section 3.9: Transportation* Requests analysis of capacity of existing public facilities, specifically nearby schools and police stations *Chapter 4: Effects Found not to be Significant, Section 4.2.8 Public Services* Requests access to the tree removal permit for the proposed project *Section 3.2: Biological Resources* Requests evaluation of PG&E's proposal to expand the grid to support the proposed project and the 5885 Santa Teresa Boulevard Affordable Housing Project *Chapter 4: Effects Found not to be Significant, Section 4.2.9 Utilities and Service Systems* Requests the link to review all questions and requests regarding the status. Requests evaluation of noise and light impacts on nesting birds. *Section 3.2: Biological Resources*
Barbara Caywood	10/28/2024	Requests information on impacts to emergency evacuation and emergency vehicle accessibility in a wildfire event as a result of increased transportation impacts, specifically those related to parking and congestion. *Section 3.9: Transportation; Chapter 4: Effects Found not to be Significant, Section 4.2-10 Wildfire*
Dan Caywood	10/28/2024	Raised concerns related to loss of privacy, increased noise, traffic, and air pollution. *Section 3.1: Air Quality; Section 3.7: Noise; Section 3.9: Transportation*

Agency/Organization/ Individual	Date	Comment Summary
		Concerns related to the proposed project's density and setback distance. Requests changes to project design features, including: reduced project density; increased setback distance; relocation of air conditioning units and small windows to reduce noise impacts. Requests the installation of a new fence along the property line for houses on Suisse Drive to enhance privacy. Requests the provision of at least two acres of green space. *Section 3.8: Recreation* Requests the provision of a traffic simulation study to analyze speeding and increased congestion. *Section 3.9: Transportation* Requests measures to avoid an increase in harmful exhausts and noise pollution. *Section 3.1: Air Quality; Section 3.7: Noise* Requests the redwood trees within the project site be preserved. *Section 3.2: Biological Resources*
Maria Casillas	10/28/2024	Requests sewer infrastructure assessment, based on concerns of strain on existing utility infrastructure capacity *Chapter 4: Effects Found not to be Significant, Section 4.2.9 Utilities and Service Systems* Requests careful consideration of impacts resulting from increased traffic *Section 3.9: Transportation* Expresses concerns regarding neighborhood privacy, labels 10-foot setbacks as insufficient Expresses concern on removal of existing mature trees *Section 3.2: Biological Resources*
Paresh Desai	10/28/2024	Requests implementation of traffic simulation study to analyze existing and project conditions *Section 3.9: Transportation* Requests information on whether public utilities have capacity to serve the proposed project. *Chapter 4: Effects Found not to be Significant, Section 4.2.9 Utilities and Service Systems* Expresses concern regarding impacts to traffic, air, and noise pollution.

Agency/Organization/ Individual	Date	Comment Summary
		Requests the City to prohibit an increase in harmful exhausts and noise pollution. *Section 3.1: Air Quality; Section 3.9: Transportation* Expresses concern regarding the capacity of existing schools *Chapter 4: Effects Found not to be Significant, Section 4.2.8 Public Services* Requests information on incorporation of City's carbon neutrality goals *Section 3.4: Greenhouse Gas Emissions* Requests information on consistency with City open space regulations. *Section 3.8: Recreation* Requests changes to project design features, including reduced project density, increased setback distance, and relocation of air conditioning units and small windows to reduce noise impacts Requests fences be built for the proposed project, where current chain-link fence now separates the school yard. Requests 2 acres of green space be provided. *Section 3.8: Recreation* Requests the redwood trees within the project site be preserved. *Section 3.2: Biological Resources*
Ramsin Jacob	10/28/2204	Expresses concern regarding project design, specifically project site area, setback distance Expresses concern regarding neighborhood conformity, specifically development of low-income housing within a single-family residential (SFR) neighborhood, citing property value and safety concerns. *Section 3.6: Land Use and Planning* Expresses concerns regarding traffic-related impacts *Section 3.9: Transportation* Expresses concern regarding impacts to neighborhood aesthetics *Chapter 4: Effects Found not to be Significant, Section 4.2.1 Aesthetics, Light, and Glare* Expresses concerns related to utility infrastructure capacity, specifically the electric grid.

Agency/Organization/ Individual	Date	Comment Summary
		Chapter 4: Effects Found not to be Significant, Section 4.2.9 Utilities and Service Systems Requests project is revised to a maximum of 40 houses, with no low-income housing. *Chapter 6: Alternatives to the Proposed Project*
Rob LaNoce	10/28/2024	Expresses concerns related to project design features, specifically project density, setback distance, and development standards consistency. Expresses concerns related to project and cumulative transportation impacts, specifically those related to traffic congestion and spillover parking, citing cumulative development on Snell Avenue *Section 3.9: Transportation* Expresses concerns regarding the capacity of utility infrastructure. *Chapter 4: Effects Found not to be Significant, Section 4.2.9 Utilities and Service Systems* Expresses concerns related to the loss of open space *Section 3.8: Recreation* Requests an emergency evacuation study. *Section 3.9: Transportation* Expresses concerns related to increases in auto emissions. *Section 3.1: Air Quality* Expresses concerns related to an increase in noise and light pollution. *Chapter 4: Effects Found not to be Significant, Section 4.2.1 Aesthetics, Light, and Glare; Section 3.7: Noise* Expresses concerns related to cumulative impacts, specifically development of ADUs on adjacent lots *Section 3.6: Land Use and Planning*
Janet Williams	10/29/2024	Raises concerns about the increased density and increased noise and air pollution. *Section 3.1: Air Quality;* *Section 3.7: Noise* Requests cumulative analysis of potential population growth. *Chapter 4: Effects Found Not to be Significant, Section 4.2.7 Population and Housing.*

Agency/Organization/ Individual	Date	Comment Summary
		Raises concerns regarding an increase in traffic and traffic hazards and requests information regarding traffic calming measures. States parking is insufficient as proposed, and is misrepresented due to the fact that residents would likely use either garage or driveway spaces, but not both. Raises concerns regarding emergency evacuation. Raises concerns related to Vehicle Miles Traveled (VMT), auto emissions, and lack of public transit. *Section 3.9: Transportation* Requests shade and shadow analysis. Expresses concerns regarding owls, hawks, other birds of prey and ground rodents. *Section 3.2: Biological Resources* *Section 3.9: Transportation* Raises concerns related to strain on public utilities, citing cumulative impacts on utility infrastructure due to potential buildout of ADUs. *Chapter 4: Effects Found not to be Significant, Section 4.2.9 Utilities and Service Systems* Raises concerns relating to lack of open space. *Section 3.8: Recreation* Expresses concern that single-story homes in the surrounding area will lack privacy. Requests the builder construct single-story homes next to the residents who share a fence with Glider to address shade, privacy, light, and noise concern *Section 3.6: Land Use and Planning, Section 3.7: Noise; Chapter 4: Effects found not to be Significant, Section 4.2.1 Aesthetics, Light and Glare*.
Michelle Holley	10/29/2024	Expresses concerns related to transportation impacts, specifically congestion, speeding, and parking overflow Requests the Draft EIR analyze the loss of parking for current residents. Requests the Draft EIR analyze the adverse effects of traffic and pollution with potential for accidents. *Section 3.1: Air Quality; Section 3.9: Transportation* Requests the Draft EIR analyze the increase in students due to new housing. *Chapter 4: Effects Found not to be Significant, Section 4.2.8 Public Services*

1.2.1 - Environmental Issues Determined not to be Significant

The NOP identified topical areas that were determined not to be significant. An explanation of why each area is determined not to be significant is provided in Chapter 4, Effects Found not to be Significant. These topical areas are as follows:

- Aesthetics
- Agriculture and Forestry Resources
- Energy
- Geology and Soils
- Hydrology and Water Quality
- Mineral Resources
- Population and Housing
- 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 will 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
- Recreation
- Transportation
- Tribal Cultural Resources

1.3 - Documents Incorporated by Reference

As permitted by CEQA Guidelines Section 15150, this Draft EIR has references, 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.

1.4 - 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, attached as Appendix B, prepared by FirstCarbon Solutions (FCS) in 2024.
- Biological Resources Assessment Memorandum, attached in Appendix C, prepared by FCS in 2024.
- Cultural Resources Assessment, attached in Appendix D, prepared by FCS in 2024.
- Geotechnical Preliminary Investigation, attached as Appendix E, prepared by Cornerstone Earth Group in 2022.
- Phase I Environmental Site Assessment, attached as Appendix F, prepared by Cornerstone Earth Group in 2022.
- Stormwater Capacity Memorandum, attached as Appendix G, prepared by Wood Rodgers 2024.
- Noise Impact Analysis, attached as Appendix H, prepared by FCS in 2024.
- Local Transportation Analysis, attached as Appendix I, prepared by TJKM 2024.

1.5 - Review of the Draft EIR

Upon completion of the Draft EIR, the City filed a Notice of Completion (NOC) with the State Office of Planning and Research 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 locations below. The address for each location is provided below:

City of San José
Planning Division
200 East Santa Clara Street
Third Floor Tower
San José, CA 95113-1905

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

San José Public Library, Santa
Teresa Branch
290 International Circle
San José, CA 95519

The Draft EIR is also available for review at the following website: www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/glider-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:

Bethelhem Telahun, Planner
City of San José
200 East Santa Clara Street
Third Floor Tower
San José, CA 95113-1905
Bethelhem.Telahun@sanjoseca.gov

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 Planning Commission on the proposed project. The Planning Commission will make a recommendation to the City Council regarding certification of the Final EIR. 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 Glider Residential Project (proposed project) in the City of San José, in Santa Clara County, California.

2.1 - Project Location and Setting

2.1.1 - Location

The project site is located at 511 Cozy Drive (Assessor's Parcel Number [APN] 689-08-001) in the City of San José (City), California. The project site location is shown on Figure 2-1 and Figure 2-2. The project site encompasses approximately 9.51 acres and is currently developed with the former Glider Elementary School, part of the Oak Grove School District, which was closed and put up for sale in 2018. The project site is bordered by single-family residences on the north, south, east, and west. The project site is adjacent to Glider Drive to the east and Cozy Drive to the south.

Glider Elementary School contains six vacant school buildings totaling approximately 56,650 square feet; approximately 21,500 square feet of surface parking with approximately 48 parking spaces; approximately 134,000 square feet (approximately 3 acres) of recreational fields; and approximately 71,600 square feet of cement/asphalt recreation areas for students. The buildings were constructed in 1980, and the site has been unoccupied since 2018. During the last school year that it was in operation, Glider Elementary School had approximately 620 students enrolled and employed approximately 30 staff and faculty members.

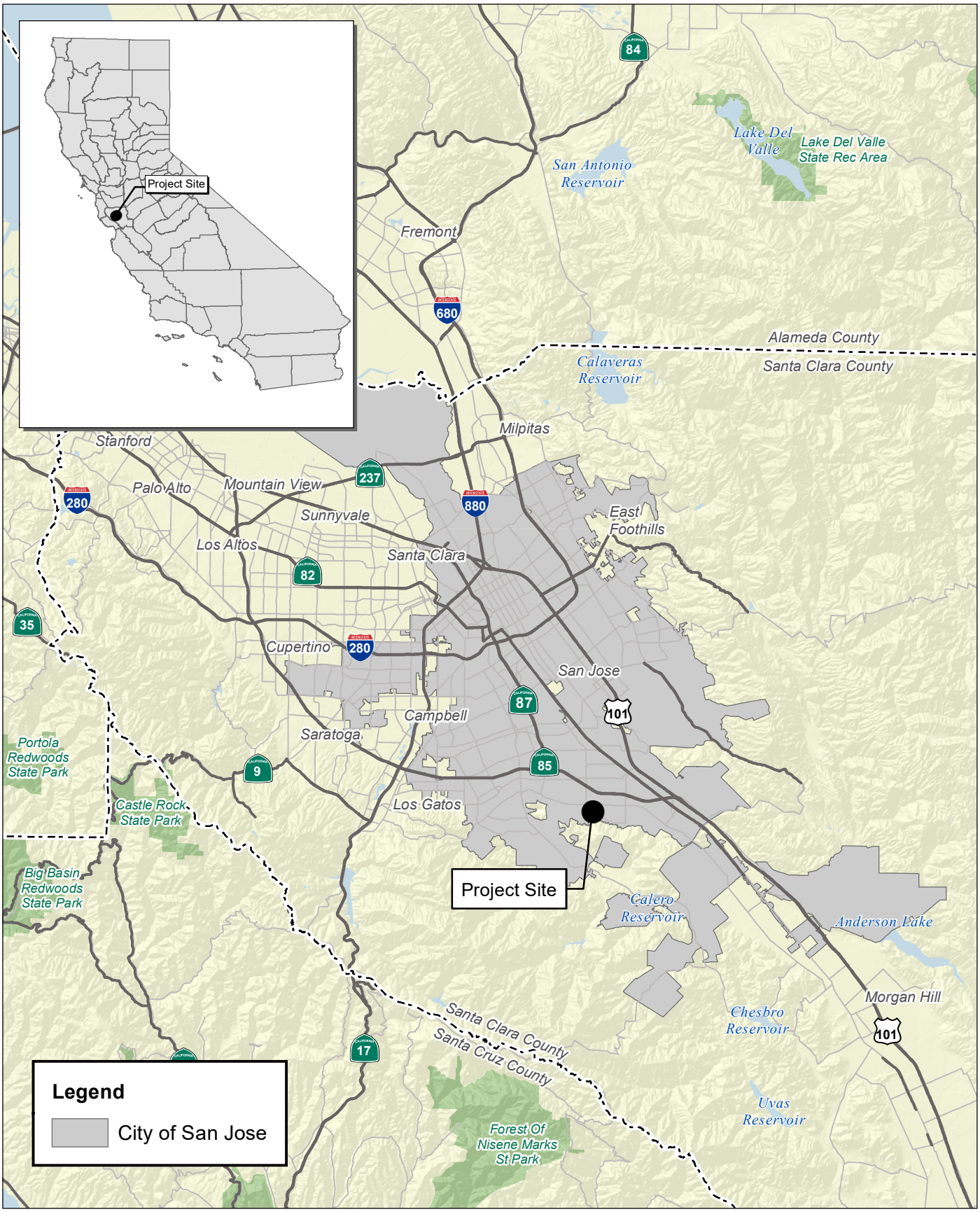
2.1.2 - Surrounding Land Uses

The project site is surrounded by single-family residences to the north, south, east, and west (Figure 2-2). Santa Teresa High School is located approximately 340 feet northwest of the project site, beyond single-family residences along Suisse Drive, and the channelized Canoas Creek is located approximately 300 feet north of the project site.

2.1.3 - Land Use and Zoning Designations

The project site is designated Public/Quasi-Public (PQP) under the Envision San José 2040 General Plan (General Plan) and is zoned Single-Family Residential (R-1-8) (Figure 2-3 and Figure 2-4, respectively). The parcels surrounding the project site on every side are designated Residential Neighborhood (RN) by the General Plan and, like the project site, are located within the R-1-8 zoning district (Figure 2-3 and 2-4).

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

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5 2.5 0 5 Miles

Figure 2-1
Regional Location Map

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Source: Service Layer Credits: Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

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1,000 500 0 1,000 Feet

Figure 2-2
Local Vicinity Map

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Source: ESRI World Imagery. City of San Jose.

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1,000 500 0 1,000 Feet

Figure 2-3
General Plan Land Use Map

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Source: ESRI World Imagery. City of San Jose.

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1,000 500 0 1,000 Feet

Figure 2-4
Zoning Map

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The PQP land use designation designates public land uses, including schools, colleges, corporation yards, homeless shelters, permanent supportive housing, libraries, fire stations, water treatment facilities, convention centers, museums, governmental offices, and airports. It also incorporates various private uses, such as private schools, daycare centers, hospitals, and public utilities. The appropriate intensity of development can vary considerably depending on potential impacts on surrounding uses and the particular use developed on the site. As such, the PQP designation does not prescribe a maximum floor area ratio (FAR).

The RN designation encompasses most of the established, single-family residential neighborhoods within the City, and its intent is to preserve the existing character of these neighborhoods and to limit new developments to infill projects that closely conform with the prevailing existing neighborhood character, through density, lot size and shape, massing, and neighborhood form and pattern. New infill development within the RN designation should be integrated into the existing neighborhood pattern, continuing and, where applicable, completing the existing street network. The permitted density within the RN designation is typically 8 dwelling units per acre (du/ac) with a FAR up to 0.7.

The R-1-8 zoning district allows residential development at a density of up to 8 dwelling units per acre (du/acre). The R-1-8 zoning district permits single-family dwellings, accessory dwelling units (ADUs), residential accessory buildings and structures, and various other uses. The minimum permitted lot area is 5,445 square feet, and the maximum allowed height is 35 feet.

2.1.4 - 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: Urban-Suburban
- Land Cover Fee Zone: Urban Areas (No Land Cover Fee)

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.

2.2 - Project Characteristics

2.2.1 - Proposed Project

The proposed project would include demolition of the existing vacant school buildings and the development of 64 single-family detached homes and 16 single-family attached homes, for a total of 80 residential units (Figure 2-5a and Figure 2-5b). The resulting density would be 8.41 du/ac, with unit sizes ranging from 1,233 to 2,234 square feet, built in four different floor plans. The existing parcel would be reconfigured into 80 residential lots, as well as an approximately 0.68 acre common

lot for a privately owned and maintained, public accessible open space (POPOS parcel) and 2.09 acres of public right-of-way to integrate the project site into the existing neighborhood street pattern. The POPOS parcel would be open to the public and improved with shade trees, picnic tables, open turf, benches, and a bicycle rack. The proposed project would reserve 11 units (13 percent) for deed-restricted lower-income housing.

The project includes the formation of a Homeowners' Association (HOA) to provide ongoing management and maintenance of project-related common improvements. The HOA would maintain all common open space areas, internal private streets[1], pedestrian pathways, lighting, stormwater quality treatment features, and any privately owned utility infrastructure. The HOA would adopt Covenants, Conditions, and Restrictions governing property maintenance, use of common facilities, and ongoing community management. Membership in the HOA will be mandatory for all residential units.

2.2.2 - Sustainability Features

The proposed project would be all-electric and solar-ready, with one electric vehicle charging station located in each garage.

The proposed project would be built in accordance with the California Building Code (CALGreen), which includes design provisions intended to minimize wasteful energy consumption. The proposed project would be designed and constructed in compliance with City of San José Council Policy 6-32, which requires applicable projects to achieve minimum green building performance levels, and Chapter 17.84 of the Municipal Code, Green Building Regulations for Private Development.

2.2.3 - Site Access and Circulation

The project site would connect to the existing neighborhood via two new public streets from Cozy Drive and Glider Drive. Both of the proposed internal streets would be 54 feet wide with 5-foot-wide sidewalks on both sides. Continuous sidewalks are currently provided along both Cozy Drive and Glider Drive and throughout the residential neighborhoods surrounding the project site for pedestrian circulation.

[1] Internal streets may be designated public or private, as determined by Public Works. The CEQA analysis for this action is based on the scope of the proposed project, not on the public/private street designation.

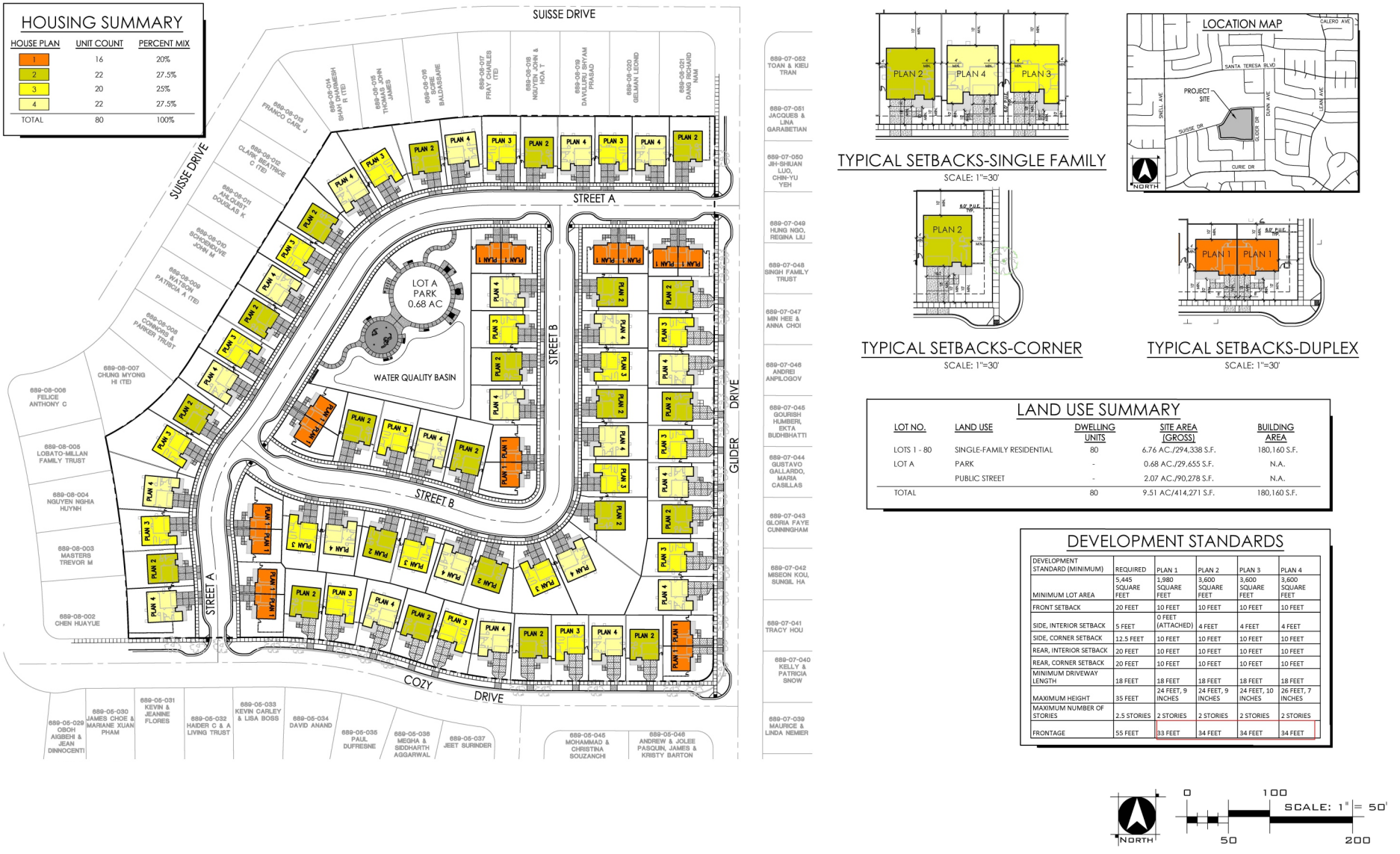


Source: TTLC San Jose - Gilder, LLC, R3 Studios. October 2, 2024.

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Figure 2-5a
Illustrative Site Plan

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Source: Wood Rodgers, Inc., October 1, 2024.

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Figure 2-5b
Site Plan

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CITY OF SAN JOSE
GLIDER RESIDENTIAL PROJECT
ENVIRONMENTAL IMPACT REPORT

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2.2.4 - Parking

Each single-family detached home would include two garage parking spaces and two driveway parking spaces. Each single-family attached home would include a one-car garage and one driveway parking space. Additionally, 97 street parking spaces would be provided along the internal circulation system (Figure 2-6). The project would provide eight bicycle parking spaces at the proposed park parcel.

2.2.5 - Multimodal Transportation

Bus

Santa Clara Valley Transportation Authority (VTA) provided bus transit services in the vicinity of the project site. The nearest bus stops are located at Santa Teresa Boulevard and Dunn Avenue (0.22 mile north) and Santa Teresa Boulevard and Snell Avenue (0.31 mile northwest) of the project site. Other VTA routes within 0.5 mile of the project site are Route 66 and Express Route 102.[2] Route 66 is a frequent bus route that runs from Santa Teresa Station north of the project site to North Milpitas. Additionally, Express Route 102 serves along Santa Teresa Boulevard and connects South San José to Stanford Research Park in Palo Alto. VTA lines are located along Santa Teresa Boulevard, approximately 0.21 mile north of the project site.

The proposed project does not include transit improvements.

Bicycle

Currently, there are no existing bicycle lanes adjacent to the project site. The nearest bicycle route is a Class II Bike Lane on Santa Teresa Boulevard, approximately 350 feet north of the project site. This bike lane connects to Snell Avenue, Cottle Road, and beyond to other bike lanes in the City's bike network. The proposed project does not include bicycle lanes.

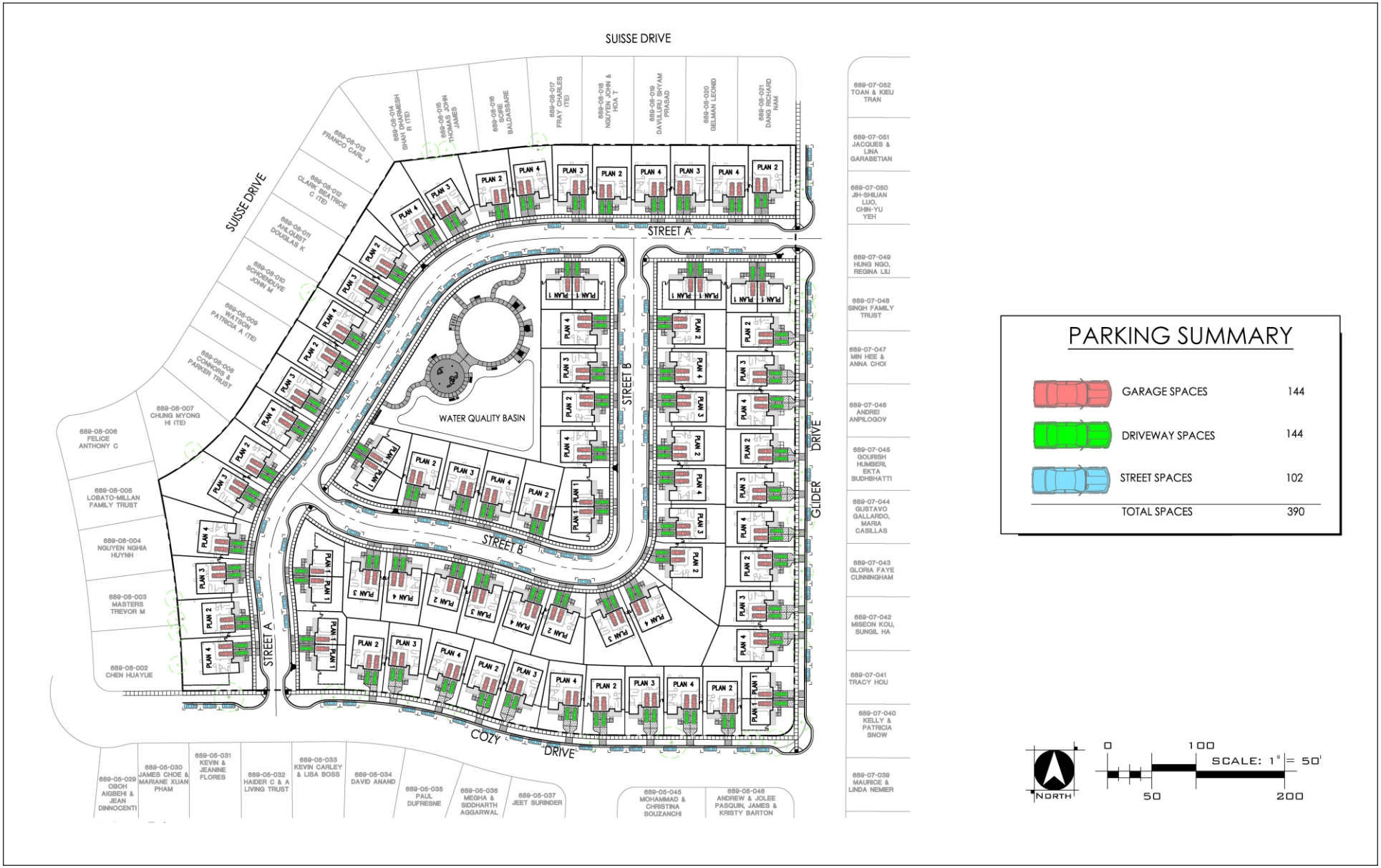
2.2.6 - Building Design

Building heights would range from approximately 25 feet to a maximum of approximately 27 feet. The detached single-family homes would have side setbacks of 4 to 12.5 feet, front setbacks of 10 to 20 feet, and rear setbacks of 10 to 20 feet. The attached single-family homes would not have side setbacks. Front and rear setbacks would be 10 feet.

The exterior of the homes would be constructed in Craftsman and Bungalow style architecture. Design features would include composition roof shingles, stucco wall finish, gable roof forms, stone veneer, stucco wainscot, foam trip, and horizontal wood siding. The exterior color palette would include various greys, tans, browns, and blacks (Figure 2–7a through 2-7d).

[2] Santa Clara Valley Transportation Authority (VTA). 2023. VTA System Map: Main Map. Website: https://www.vta.org/sites/default/files/2023-10/System-Map-103023.pdf. Accessed September 1, 2024.

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Source: Wood Rodgers, Inc., October 1, 2024.

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Figure 2-6
Parking Plan

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EXTERIOR ELEVATION MATERIALS

CRAFTSMAN

1. COMPOSITION ROOF SHINGLES
2. 20/30 STUCCO WALL FINISH
3. GABLE ROOF FORMS
4. STUCCO PORCH COLUMNS w/ STONE VENEER
5. STUCCO o/ 2x FOAM TRIM
6. STUCCO o/ FOAM CORBELS
7. STONE VENEER
8. DECORATIVE GABLE END VENTS
9. DECORATIVE GABLE BOARD & BATTEN SIDING
10. DECORATIVE WINDOW SHUTTERS
11. STUCCO o/ DECORATIVE FOAM POTSHELF
12. WOOD CORBEL w/ KICKER



Source: Source: SDG Architects, Inc., October 1, 2024.

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Figure 2-7a
Elevation of Single-family Attached Home (Plan 1)

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EXTERIOR ELEVATION MATERIALS

BUNGALOW

1. COMPOSITION ROOF SHINGLES
2. 20/30 STUCCO WALL FINISH
3. GABLE ROOF FORMS
4. STUCCO PORCH COLUMNS w/ STUCCO WAINSCOT
5. STUCCO o/ 2x FOAM TRIM
6. STUCCO o/ 2x FOAM WAINSCOT
7. HORIZONTAL WOOD SIDING
8. 2x WOOD TRIM
9. WOOD CORBELS
10. DECORATIVE GABLE END VENTS
11. DECORATIVE WOOD POTSHELF
12. DECORATIVE WOOD RAIL



CRAFTSMAN

1. COMPOSITION ROOF SHINGLES
2. 20/30 STUCCO WALL FINISH
3. GABLE ROOF FORMS
4. STUCCO PORCH COLUMNS w/ STONE VENEER
5. STUCCO o/ 2x FOAM TRIM
6. STUCCO o/ FOAM CORBELS
7. STONE VENEER
8. DECORATIVE GABLE END VENTS
9. DECORATIVE GABLE BOARD & BATTEN SIDING
10. DECORATIVE WINDOW SHUTTERS
11. STUCCO o/ DECORATIVE FOAM POTSHELF
12. WOOD CORBEL w/ KICKER



Source: Source: SDG Architects, Inc., October 1, 2024.

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Figure 2-7b
Elevation of Single-family Detached Homes (Plan 2)

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EXTERIOR ELEVATION MATERIALS

BUNGALOW

1. COMPOSITION ROOF SHINGLES
2. 20/30 STUCCO WALL FINISH
3. GABLE ROOF FORMS
4. STUCCO PORCH COLUMNS w/ STUCCO WAINSCOT
5. STUCCO o/ 2x FOAM TRIM
6. STUCCO o/ 2x FOAM WAINSCOT
7. HORIZONTAL WOOD SIDING
8. 2x WOOD TRIM
9. WOOD CORBELS
10. DECORATIVE GABLE END VENTS
11. DECORATIVE WOOD POTSHELF
12. DECORATIVE WOOD RAIL

CRAFTSMAN

1. COMPOSITION ROOF SHINGLES
2. 20/30 STUCCO WALL FINISH
3. GABLE ROOF FORMS
4. STUCCO PORCH COLUMNS w/ STONE VENEER
5. STUCCO o/ 2x FOAM TRIM
6. STUCCO o/ FOAM CORBELS
7. STONE VENEER
8. DECORATIVE GABLE END VENTS
9. DECORATIVE GABLE BOARD & BATTEN SIDING
10. DECORATIVE WINDOW SHUTTERS
11. STUCCO o/ DECORATIVE FOAM POTSHELF
12. WOOD CORBEL w/ KICKER



Source: Source: SDG Architects, Inc., October 1, 2024.

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Figure 2-7c
Elevation of Single-family Detached Homes (Plan 3)

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EXTERIOR ELEVATION MATERIALS

BUNGALOW

1. COMPOSITION ROOF SHINGLES
2. 20/30 STUCCO WALL FINISH
3. GABLE ROOF FORMS
4. STUCCO PORCH COLUMNS w/ STUCCO WAINSCOT
5. STUCCO o/ 2x FOAM TRIM
6. STUCCO o/ 2x FOAM WAINSCOT
7. HORIZONTAL WOOD SIDING
8. 2x WOOD TRIM
9. WOOD CORBELS
10. DECORATIVE GABLE END VENTS
11. DECORATIVE WOOD POTSHELF
12. DECORATIVE WOOD RAIL



CRAFTSMAN

1. COMPOSITION ROOF SHINGLES
2. 20/30 STUCCO WALL FINISH
3. GABLE ROOF FORMS
4. STUCCO PORCH COLUMNS w/ STONE VENEER
5. STUCCO o/ 2x FOAM TRIM
6. STUCCO o/ FOAM CORBELS
7. STONE VENEER
8. DECORATIVE GABLE END VENTS
9. DECORATIVE GABLE BOARD & BATTEN SIDING
10. DECORATIVE WINDOW SHUTTERS
11. STUCCO o/ DECORATIVE FOAM POTSHELF
12. WOOD CORBEL w/ KICKER



Source: Source: SDG Architects, Inc., October 1, 2024.

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Figure 2-7d
Elevation of Single-family Detached Homes (Plan 4)

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2.2.7 - Public Open Space

The project applicant proposes to construct a POPOS parcel on approximately 0.68 acre of the project site (Figure 2-8). The proposed privately owned and maintained, publicly accessible recreation space, would include large canopy shade trees, and recreational amenities such as picnic tables, open field turf, benches, bicycle racks, and a children's play area with play equipment.

The proposed POPOS parcel and residential yards would be landscaped with various grasses and shrubs of non-native and native origin. Internal streets on the project site would be lined with street trees. Proposed project trees include, but are not limited to, the crape myrtle, cedar, fringe tree, flowering ash, sweet bay, flowering crab apple, Chinese pistache, sycamore, coast live oak, and Texas red oak. A total of 159 trees are proposed to be planted on-site.

2.2.8 - Landscaping

There are 87 trees within the project vicinity, including existing street trees. Forty-eight trees are located on the project site, 30 are on the right-of-way growing as street trees, and nine are located off-site on adjacent properties. Forty-eight on-site non-native trees would be removed as part of the proposed project. Six off-site trees will also be removed. These non-native trees consist of species such as the Callery pear (*Pyrus calleryana*), crape myrtle (*Lagerstroemia* sp.), glossy privet (*Ligustrum lucidum*), deodar cedar (*Cedrus deodara*), silk tree (*Albizia julibrissin*), coast redwood (*Sequoia sempervirens*), accolade elm (*Ulmus x 'Morton'*), mulberry (*Morus* sp.), and holly oak (*Quercus ilex*). There are no City-designated Heritage Trees on the project site.

Of the 48 on-site trees to be removed, 19 are ordinance-size trees. Removal of ordinance-size trees as defined in Chapter 13.32 of the San José Municipal Code, Tree Removal Controls, would require that tree removal be included in the development permit. Standard Permit Conditions (SPCs) require the replacement of 152 trees, either through the planting of 152 trees in 15-gallon containers or 76 in 24-inch box-sizes. The species of replacement trees to be planted would be determined in consultation with the City Arborist and staff from the Department of Planning, Building and Code Enforcement (PBCE).

While six off-site street trees would be removed, 33 off-site street trees are expected to be preserved.

2.2.9 - Density Bonus

Government Code Section 65915 outlines Density Bonuses and Other Incentives for development of affordable housing units. Section 65915(o)(6) provides that the greater density between the General Plan land use designation and the Zoning designation shall apply to projects qualifying for a density bonus, as the proposed project does. As noted above, the project site is located in the R-1-8 Single-Family Residence Zoning District, which allows up to 8 dwelling units per acre or up to 76 dwelling units on the 9.51-acre project site.

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Source: R3 Studios, October 2, 2024.

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Figure 2-8
Open Space Enlargement Plan

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The proposed project would include 11 units (13 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 also qualifies for a "density bonus" of up to 27 additional units (35 percent of those allowed by the base density) than what is currently permitted by the land use designation. The proposed project seeks to develop only four of the allowed 27 "density bonus" units.

The proposed project is also allowed waivers for any development standards that would physically preclude construction of the proposed project and the "bonus" units. The proposed project is requesting the following waivers and concessions pursuant to Government Code Section 65915:

- Waiver for Residential Density
- Waiver for Minimum Lot Area
- Waiver for Front Setback
- Waiver for Rear Interior Setback
- Waiver for Rear Corner Setback
- Waiver for Side Corner Setback
- Waiver for Side Interior Setback
- Concession to meet a certain Transportation Demand Management (TDM) "Point Target" due to fiscal impacts.
- Concession from the Trip Cap Requirement and related monitoring requirements.
- Potential Waivers from the Citywide Design Guidelines to be determined as the project proceeds.

2.2.10 - Utilities

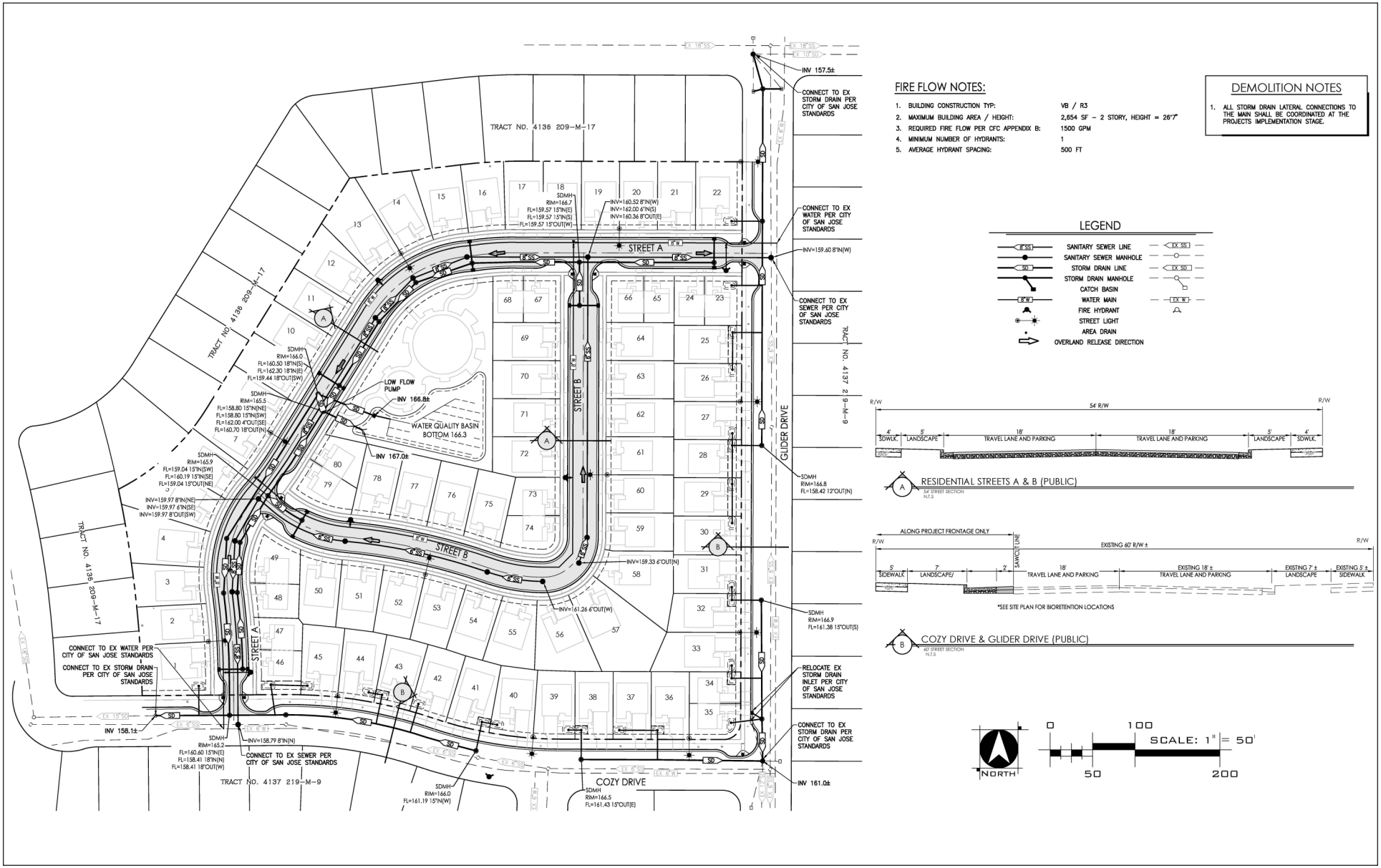
Domestic Water

Water service for the proposed project would be provided by the Great Oaks Water Company (Great Oaks), an investor-owned public utility which has provided public water utility service to areas of the City since the early 1960s. The proposed project would connect to the Great Oaks Water Company potable water system for both domestic water supply and fire protection. The proposed project would connect to existing 6-inch water lines under Cozy Drive and Glider Drive and would also include installation of 8-inch water lines within the proposed internal streets (Figure 2-9).

Stormwater Drainage

Stormwater would be separated into two areas with two different collection systems. Stormwater from one area, approximately 8 acres, would be captured into the water quality basin located in the POPOS parcel via a low flow pump, and then conveyed into the public gravity storm drain system located in Streets A and B (Figure 2-10). The water quality basin would be owned and maintained by the HOA. Once the stormwater is treated it would drain into the public storm drain system in Street A and discharge into an existing 15-inch storm drainpipe located in Cozy Drive. The proposed drainage exceeds the current capacity of the existing 15-inch storm drainpipe. Therefore, the existing 15-inch pipe in Cozy Drive would be upsized to an 18-inch pipe.

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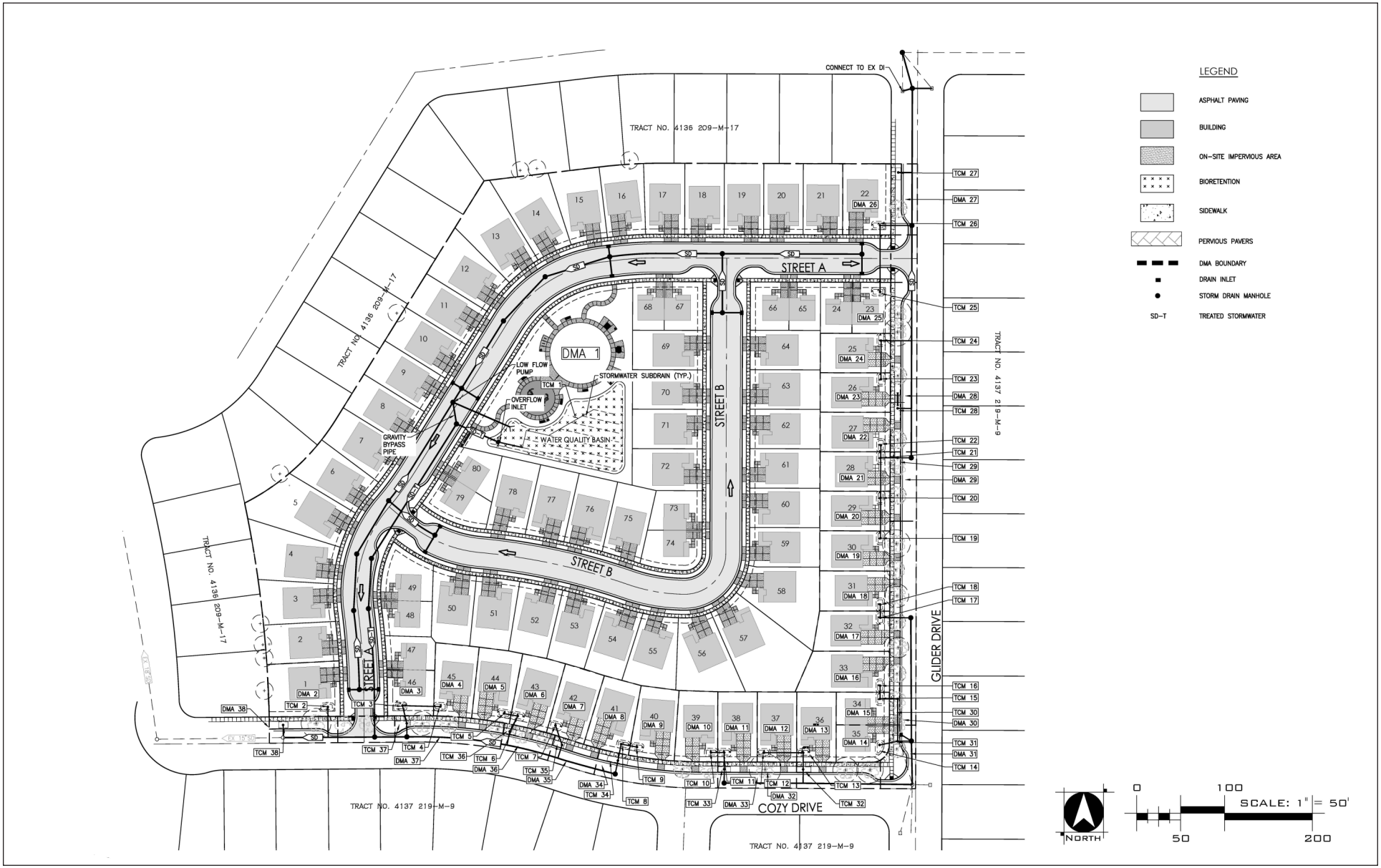


Source: Wood Rodgers, Inc., September 5, 2025

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Figure 2-9
Utility Plan

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Source: Wood Rodgers, 01/26/2024, revised 7/15/2024.

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Figure 2-10
Stormwater Control Plan

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The remaining area, approximately 1.5 acres, which are the lots fronting existing Cozy Drive and Glider Drive, would drain into each lot area drain system and discharge into a bioretention facility located on each lot. Drainage from these bioretention facilities would be collected and conveyed to the existing storm drain system located in Cozy Drive and Glider Drive.

Sanitary Sewer

Sewer service to the proposed project would be provided by the City of San José. The proposed project would connect to existing 6-inch sanitary sewer lines under Glider Drive and Cozy Drive and would also include construction of 8-inch sanitary sewer lines within the subdivision (Figure 2-9).

Solid Waste and Recycling Collection

The proposed project would be served by California Waste Solutions, which provides recycling collection, junk pickup, and used motor oil and filter collection. Garbage service would be provided by Garden City Sanitation, and GreenWaste Recovery would collect yard trimmings and provide street sweeping services. Garbage and recycling services would be provided on a weekly basis.

Power and Telecommunications

Electricity would be provided by the Pacific Gas and Electric Company (PG&E). AT&T would provide phone services, and Comcast would provide phone and high-speed internet services. The project site would connect to existing utility lines in Cozy Drive and Glider Drive.

2.2.11 - Construction

Construction is anticipated to begin in January 2027 and end in August 2030. The total length of construction is expected to last 44 months, or approximately 3.5 years. The construction schedule is shown in Table 2-1. Activities would include but not be limited to demolition (anticipated January 2027); site preparation (anticipated March 2027); grading, site work, and paving (anticipated April 2027 through October 2027); and building construction and architectural coating (anticipated August 2027 through August 2030 2028). Construction activities would occur between 7:00 a.m. and 7:00 p.m. Monday through Friday. The project applicant is also seeking approval to work 8:00 a.m. to 5:00 p.m. on Saturdays (Saturday construction must be approved as part of the Site Development permit).

As construction of the proposed project would progress, initial residences would be occupied in phases. Construction access via Cozy Drive and public access via Glider Drive would remain separated. There would be around 70 construction workers at peak construction times throughout construction.

Construction staging would occur on-site. As such, no detours would be required during project construction.

Table 2-1: Construction Schedule Summary

Phase	Phase Start Date	Phase End Date
Demolition	January 2027	March 2027
Site Preparation	March 2027	April 2027

Phase	Phase Start Date	Phase End Date
Grading, Site Work, and Paving	April 2027	October 2027
Building and POPOS Construction and Architectural Coating	August 2027	August 2030
Phase 1 (12 units)	August 2027	February 2028
Phase 2 (12 units)	January 2028	July 2028
Phase 3 (11 units)	June 2028	December 2028
Phase 4 (12 units)	November 2028	May 2029
Phase 5 (11 units)	April 2029	October 2029
Phase 6 (13 units)	September 2029	March 2030
Phase 7 (8 units)	February 2030	August 2030

The proposed project would require a maximum excavation of 10 feet below the existing grade for utilities. Excavation of the project site would require approximately 6,500 cubic feet of soil export and approximately 6,020 cubic feet of fill.

2.3 - Project Objectives

The underlying purpose of the proposed project is to redevelop an underutilized site with a new residential neighborhood that delivers high-quality, for-sale housing, including affordable homes, that advances the City of San José's housing, land use, and community development goals. The specific objectives of the proposed project are to:

- Expand housing supply to satisfy the City's Regional Housing Needs Allocation (RHNA) by providing a mix of market-rate and below-market-rate housing.
- Provide a walkable, tree-lined neighborhood environment with safe pedestrian circulation, sidewalks, and visual compatibility with the surrounding community.
- Enhance neighborhood livability through publicly accessible open space, including a privately owned and maintained park.
- Promote architectural quality and neighborhood compatibility by building a mix of attached and detached single-family homes.
- Promote development that minimizes displacement and ensures equitable access to housing.
- Revitalize a vacant and underutilized site in an established single-family neighborhood and promote infill development in the heart of a residential neighborhood.

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 approvals.

2.4.1 - Discretionary and Ministerial Actions

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

- Certification of the Final EIR–City of San José
- Site Development Permit–City of San José
- Vesting Tentative Map, Tentative Map, and Final Map, pursuant to Title 19 of the Municipal Code and ordinances governing subdivisions and improvements–City of San José
- State Density Bonus–City of San José
- Tree removal Permit–City of San José
- Demolition permits–City of San José
- Storm Water Pollution Prevention Plan (SWPPP)–San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB)
- Building permits–City of San José
- Dedication of public right-of-way–City of San José
- Department of Public Works clearances, including grading permits and encroachment permits for work in the public right-of-way–City of San José
- Authorization for construction to occur on Saturdays–City of San José

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CHAPTER 3: ENVIRONMENTAL IMPACT ANALYSIS

This 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 proposed project would result in "potentially significant impacts."

Issues Addressed in this Draft EIR

The following environmental issues are addressed in this chapter:

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

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, environmental impacts, and alternatives to be addressed in the Draft EIR. A brief description of the areas of controversy and issues to be resolved, 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.
- **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 project alternatives: the No Project Alternative, the Reduced Density/Additional Park Acreage Alternative, and Reduced Trip Generation 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 include notices and other technical studies and supporting information pertinent to the Draft EIR, as well as all technical documents prepared to support the analysis.

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 proposed project outweigh the adverse environmental consequences identified in the Draft 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 Draft EIR to present the evaluation of impacts is described and illustrated below.

Summary Heading of Impact

Impact AES-1:	**An impact summary heading appears immediately preceding the impact description (Summary Heading of Impact in this example). The impact number identifies the section of the report (AES for Aesthetics, Light, and Glare in this example) and the sequential order of the impact (1 in this example) within that section. To the right of the impact number is the impact statement, which identifies the potential impact.**

Impact Analysis

A narrative analysis follows the impact statement. In some cases, the impact discussion will reference State and federal regulations and agency policies that would fully or partially reduce the impact. In addition, policies and programs from applicable local land use plans that partially or fully address impacts may be cited and the proposed project would be evaluated in the context of these requirements.

Mitigation Measures

Project-specific mitigation measures, beyond requirements contained in other documents or applicable by law, are set off with a summary heading and described using the format presented below:

IMPACT AES-1 Statement of the potentially significant impact.

MM AES-1 Project-specific mitigation is identified that would reduce the impact to the lowest degree feasible. The mitigation number links the particular mitigation to the impact it is associated with (AES-1 in this example); mitigation measures are numbered sequentially.

Level of Significance

This section identifies the resulting level of significance of the impact.

Cumulative Impacts

"Cumulative impacts" refers to two or more individual impacts that, when considered 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 is guided by the requirements of CEQA Guidelines Section 15130. Key principles established by this section include:

- An EIR shall discuss the cumulative impact of a project only when the project's incremental effect is "cumulatively considerable"– when the proposed project's impacts are analyzed together with other projects' impacts.
- An EIR should not discuss cumulative impacts that do not result from a proposed project.
- When the combined cumulative impact from the increment associated with the proposed project and other projects is not significant, an EIR need only briefly explain why the impact is not significant; detailed explanation is not required.
- The discussion of impact severity and likelihood of occurrence need not be as detailed as for effects attributable to the project alone.
- An EIR may determine that a project's contribution to a cumulative effect impact would be rendered less than cumulatively considerable if a project is required to implement or fund its fair share of mitigation intended to alleviate the cumulative impact.

The cumulative impact analysis relies on these principles as the basis for determining the significance of the proposed project's cumulative contribution to various impacts.

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 and indirect project-specific impacts and mitigation measures. Table 3-1 lists the cumulative projects considered for the environmental analysis and Figure 3-1 shows locations of cumulative projects. The cumulative analysis for the proposed project uses the list-based approach per CEQA Guidelines Section 15130(b)(1)(A). This approach is appropriate for the proposed project due to its size and scale and localized nature of the project's environmental effects. The selected list includes nearby projects with overlapping development timelines or environmental footprints and provides a reasonable basis for assessing impacts. All cumulative projects are within the jurisdiction of the City.

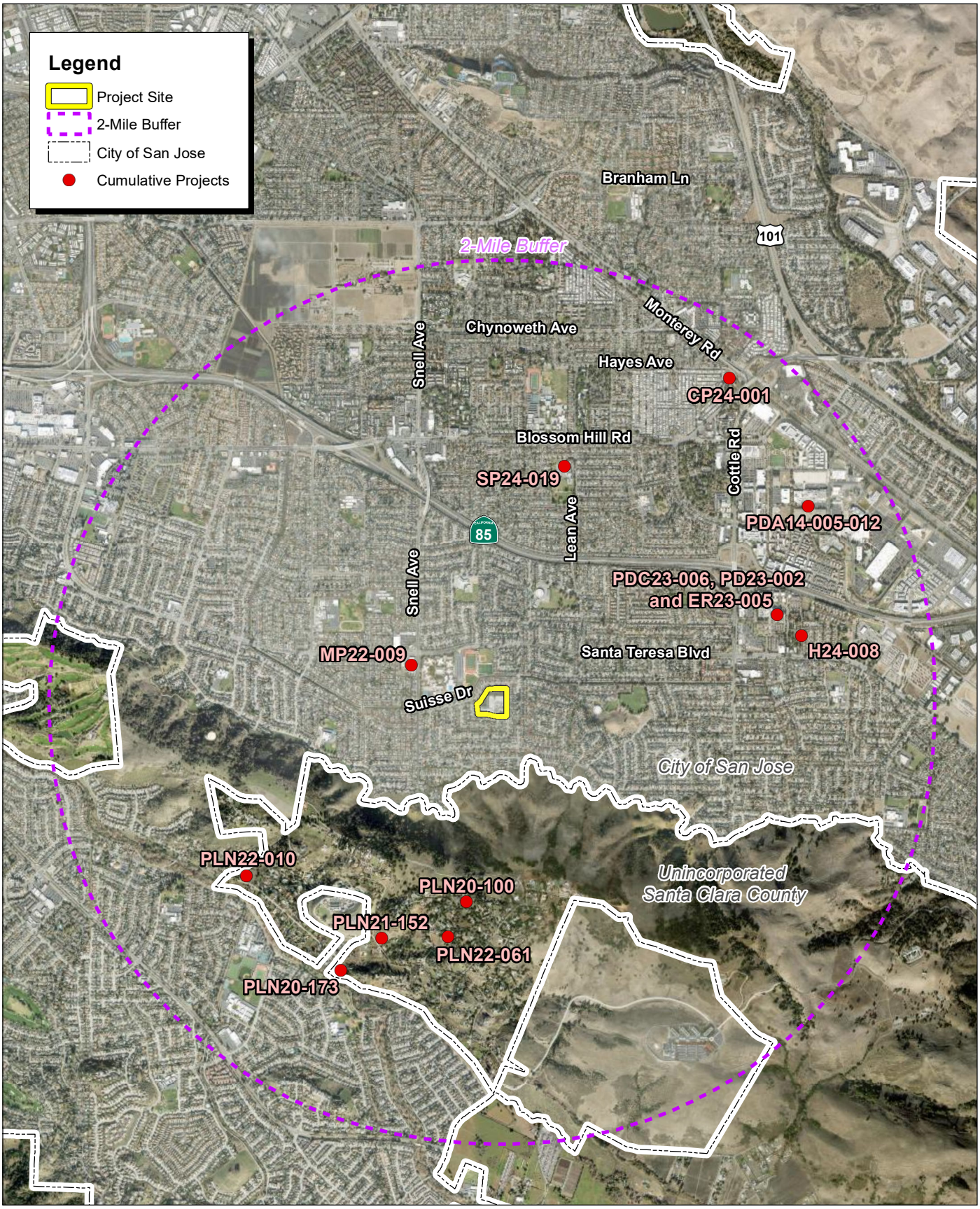
A 2-mile radius was chosen to generally identify potential cumulative projects because it captures the most likely zone within which other past, present and reasonably foreseeable projects could combine with the proposed project's environmental effects and as this is the location in which similar aesthetic, biological, land use, public service and public utility elements to the project site may exist. This distance reflects a standard practice for infill projects in urbanized areas and provides a reasonable extent of geographic influence for cumulative impacts based on the nature and scope of the proposed project.

Table 3-1: Cumulative Projects List

Project Number	Address	Distance from Proposed Project	Characteristics	Status
SP24-019	5629 Lean Avenue	1.04 miles northeast	Private school expansion from 25 students to 60 and operation of a new day care center.	Approved

Project Number	Address	Distance from Proposed Project	Characteristics	Status
CP24-001	15 Cottle Road	1.8 miles northeast	217,294-square-foot wine warehouse.	Under review
PDA14-005-012	5601 Great Oaks Parkway	1.7 miles northeast	Construction of one 4-story, 200,000-square-foot general office building, one 4-story, 200,000-square-foot research and development (R&D) office/R&D building, one 3-story, 150,000-square-foot R&D office/R&D building, one 2-story, 30,000-square-foot amenity building, one 5-level separate parking structure.	Under review
H24-008	610 Liska Lane	1.45 miles east	Removal of 16 trees for the installation of an approximately 18,543-square-foot temporary construction office trailer.	Approved
MP22-009	5885 Santa Teresa Boulevard	0.41 mile west	Demolition of an existing parking lot and construction of three new buildings (3 stories each) of 100 percent affordable housing project consisting of 49 for-rent apartment units, including the removal of 18 trees of which 14 are ordinance size trees, including three density bonus concessions and seven waivers, on a 1.46 gross-acre site.	Under Construction
Kaiser Permanente San José Medical Center (PDC23-006, PD23-002 and ER23-005)	250 Hospital Parkway	1.32 miles northeast	Demolition of existing hospital and construction of a new 685,000-square-foot hospital, a new central utility plant, and a parking structure.	Approved
PLN22-010	18440 Graystone Lane	1.31 miles southwest	Construction of a 6,276-square-foot residential structure with an 1,160 square-foot attached garage.	Under Review
PLN20-173	19151 Graystone Lane; 19161 Graystone Lane	1.34 miles southwest	Lot Line Adjustment (LLA) between two lots (APN:	Under Review

Project Number	Address	Distance from Proposed Project	Characteristics	Status
			701-24-029 and APN: 701-24-030).	
PLN21-152	19351 Graystone Lane	1.14 miles southwest	Temporary Residence.	Under Review
PLN22-061	21010 Buena Monte Drive	1.03 miles southwest	2-story, 1,475-square-foot single-family residence with a 650-square-foot porch, and 220-square-foot carport.	Under Review
PLN20-100	20655 View Oaks Way	0.84 miles south	Demolition of existing deck/patio are and construction of 2,045-square-foot deck, 623-square-foot patios, and retaining walls.	Under Review
Source: City of San José. 2025.				



Source: ESRI Aerial Imagery. Wood Rodgers, August 2023. City of San Jose.

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3,300 1,650 0 3,300 Feet

Figure 3-1
Cumulative Projects

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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 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 (FCS) on August 6, 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

Air Pollutant Types, Sources, and Effects

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), nitrous 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; breathing pattern changes; reduction of 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; some immunological changes; increased mortality risk; vegetation and property damage.
Particulate matter (PM_{10})	Suspended particulate matter is a mixture of small particles that consist of dry solid fragments, droplets of water, or solid cores with liquid	Stationary sources include fuel or wood combustion for electrical utilities, residential space heating, and industrial	• Short-term exposure (hours/days): irritation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath;
Particulate matter ($PM_{2.5}$)			

Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
	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.	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.	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. Nitrogen dioxide 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.
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	Human caused sources include fossil fuel combustion, mineral ore processing, and chemical manufacturing. Volcanic emissions are a natural source of sulfur dioxide.	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

Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
	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}.	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.	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, mental retardation, neurological impairment, learning deficiencies, and low IQs.

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Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
United States Environmental Protection Agency (EPA). 2020. Particulate Matter Pollution. Health and Environmental Effects of Particulate Matter (PM). Website: https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm. Accessed July 30, 2024. United States Environmental Protection Agency (EPA). 2020. Health Effects Notebook for Hazardous Air Pollutants. Website: www.epa.gov/ttn/atw/hlthef/hapindex.html. Accessed July 30, 2024. United States Environmental Protection Agency (EPA). 2021. Indoor Air Quality (IAQ). Volatile Organic Compounds' Impact on Indoor Air Quality. Website: https://www.epa.gov/indoor-air-quality-iaq/volatile-organic-compounds-impact-indoor-air-quality. Accessed July 30, 2024.			

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). Table 3.1-2 provides a summary of the types, sources, and effects of TACs.

Table 3.1-2: 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	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	Some short-term (acute) effects of DPM exposure include eye, nose, throat, and lung irritation, coughs, headaches, lightheadedness, and nausea. Studies have linked elevated particle levels in the air to increased hospital admissions,

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
	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 trucks, off-road construction vehicles, diesel electrical generators, and various pieces of stationary construction equipment.	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).
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	Chrysotile, also known as white asbestos, is the most common type of asbestos found in buildings. Chrysotile	Exposure to asbestos is a health threat; exposure to asbestos fibers may result in health issues such as lung

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
	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.	makes up approximately 90 to 95 percent of all asbestos contained in buildings in the United States.	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 compounds is combustion of gasoline and diesel fuel.	(a) Decrease in ventilatory function; (b) aggravation of asthmatic symptoms; (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	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	• 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.

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
	that is 2.5 microns or less in diameter, about one-thirtieth the size of the average human hair.	sources are from vehicle exhaust and road dust. Secondary particles form from reactions in the atmosphere.	• 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 TAC 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 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, mental retardation, neurological impairment, learning deficiencies, and low IQs.

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Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure

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Regional and Local Air Quality

The Bay Area Air Quality Management District (Bay Area Air District) 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, 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.

The SFBAAB is characterized by complex terrain, consisting of coastal mountain ranges, inland valleys, and bays, which distort 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.

Although air pollution potential is strongly influenced by climate and topography, the air pollution that occurs in a location also depends on the amount of air pollutant emissions in the surrounding area or transported from more distance places. Air pollutant emissions generally are highest in areas that have high population densities, high motor vehicle use and/or industrialization. These contaminants created by photochemical processes in the atmosphere, such as ozone, may result in high concentrations many miles downwind from the sources of their precursor chemicals.

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-50's during the winter, and mean minimum temperatures range from the high-50's in the summer to the low-40's 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 Mineta International Airport, temperatures can be more than 10 degrees Fahrenheit 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 winds 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.

San Francisco Bay Area Air Basin 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 3.1-3. 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 3.1-3 San Francisco Bay Area Air Basin Attainment Status

Pollutant	State Status	National Status
Ozone	Nonattainment	Nonattainment
CO	Attainment	Attainment
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 (Bay Area Air District). 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.

Toxic Air Contaminants

In addition to criteria air pollutants list above, another group of pollutants commonly referred to as TACs or Hazardous Air Pollutants (HAPs), are pollutants that result in an increase in mortality, a serious illness, or pose a present or potential hazard to human health. Health effects of TACs may include cancer, birth defects, immune system damage and neurological damage. In addition, many TACs can be toxic at very low concentrations. For some chemicals such as carcinogens, there are no

thresholds below which exposure can be considered risk-free. ARB identifies over 200 compounds as TACs (also termed as HAPs by the EPA).

Toxic Air Contaminants: Sources and Health Effects

Industrial facilities and mobile sources such as cars, trucks, trains, and ships are significant sources of TACs. Other sources of TACs include gasoline stations and backup generators (commonly required in many commercial and residential buildings). More recently, diesel particulate matter (DPM) was identified as a TAC by the ARB. DPM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. According to the Bay Area Air District, mobile source emissions of DPM, benzene and 1,3-butadiene represent a substantial portion of the ambient background risk from TACs in the SFBAAB.

Several studies indicate that DPM poses the greatest health risk among the TACs. A 10-year research program demonstrated that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk. In addition to increasing the risk of lung cancer, exposure to diesel exhaust can have other health effects. Diesel exhaust can irritate the eyes, nose, throat, and lungs, and it can cause coughs, headaches, lightheadedness, and nausea. Diesel exhaust is a major source of fine particulate pollution as well, and 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.

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. The Bay Area Air District defines sensitive receptors as children, adults, and seniors occupying or residing in residential dwellings, schools, day care centers, hospitals, and senior-care facilities. In the Bay Area Air District'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.

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 Bay Area Air District 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.

Existing Air Pollutants

The Bay Area Air District operates a regional air quality monitoring network that regularly measures the concentrations of the five major criteria air pollutants.[1] Table 3.1-4 shows the recent monitoring data at the monitoring stations closest to the project site. The local air quality can be evaluated by reviewing relevant air pollution concentrations near the proposed project area.

Table 3.1-4: San José Monitoring Data

Air Pollutant	Averaging Time	Item	2021	2022	2023
Ozone[1]	1 Hour	Max 1 Hour (ppm)	0.09	0.08	0.09
		Days > State Standard (0.09 ppm)	0	0	0
	8 Hour	Max 8 Hour (ppm)	**0.083**	0.069	0.055
		Days > Standard (0.070 ppm)	**3**	0	0
Nitrogen dioxide (NO_2)[2]	Annual	Annual Average (ppm)	0.012	0.013	0.012
	1 Hour	Max 1 Hour (ppm)	0.0485	0.0508	0.0578
		Days > State Standard (0.18 ppm)	0	0	0
Inhalable coarse particles (PM_{10})[3]	Annual	National Annual Average (µg/m^3)	19.6	20.5	*
	24 Hour	Highest State 24 Hour (µg/m^3)	42.8	41.1	*
		Days > State Standard (50 µg/m^3)	0	0	0
		Days > National Standard (150 µg/m^3)	0	0	0
Fine particulate matter ($PM_{2.5}$)[2]	Annual	State Annual Average (12 µg/m^3)	10.9	8.8	7
	24 Hour	Highest Daily 24 Hour (µg/m^3)	**45**	34.7	**46.2**
		Days > National Standard (35 µg/m^3)	**1**	0	**1**

Notes:
> = exceed
µg/m^3 = micrograms per cubic meter
Bold = exceedance
max = maximum
National Standard = National Ambient Air Quality Standard
"*" = no data
ppm = parts per million
State Standard = California Ambient Air Quality Standard
1 Data is extracted from station at 306 University Avenue, Los Gatos, approximately 8.5 miles west of the project site.
2 Data is extracted from station at 1007 Knox Avenue, San José, approximately 7 miles northwest of the project site.
3 Data is extracted from station at 158 Jackson Street, San José, approximately 14 miles northwest of the project site.

[1] California Air Resources Board (ARB). Air Quality Data Statistics. Website: https://www.arb.ca.gov/adam/. Accessed November 2, 2024.

Air Pollutant	Averaging Time	Item	2021	2022	2023

[4] In February 2024, the EPA announced the agency's proposed rule change of reducing the primary annual $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS) from 12 µg/m³ to 9 µg/m³. Meanwhile, the monitoring data available before year 2024 would be compared with the previous standard of 12 µg/m³.
Source: California Air Resources Board (ARB). Top Four Summary. Website: https://www.arb.ca.gov/adam/topfour/topfour1.php. Accessed July 1,2025.

As shown in the table, 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.

Project Site

The project site contains a school that could generate mobile source emissions from vehicles visiting to and from the site. However, the school closed in 2018 and is currently not in use.

Sensitive Receptors

The closest, off-site sensitive receptors include single-family residences immediately adjacent to the site boundary to the north, south, east, and west and Santa Teresa High School, located approximately 340 feet northwest of the project site.

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 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)

An 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 California Air Resources Board (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 State Implementation Plan (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 will then forward 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 Bay Area Air District 2017 Clean Air Plan is the SIP for the SFBAAB. The 2017 Clean Air Plan accommodates growth by projecting the growth in 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, represent 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.[2]

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.[3]

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, 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

[2] 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.

[3] 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.

met by replacing older vehicles with newer, cleaner vehicles or by applying exhaust retrofits. More recent 2022 amendments to the regulation include:[4]

- 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.[5]

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 standards starting in 2028.[6] Engines that use diesel fuel and engines that are used in stationary equipment, including standby generators, are not subject to the SORE regulations.

[4] 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.

[5] 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.

[6] 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.

California Airborne Toxic Control Measures

As of December 2022, the ARB had developed 26 mobile and stationary source Airborne Toxic Control Measures (ATCMs).[7] 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.[8]

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

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

[8] 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.

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 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, ROG, and PM.[9] The latest Guidelines are anticipated to be approved in October 2024.[10]

Regional

Bay Area Air District

The Bay Area Air District 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 Bay Area Air District is the primary agency responsible for ensuring that the national and CAAQS are attained and maintained in the SFBAAB. The air quality strategy employed by the Bay Area Air District includes a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The Bay Area Air District also inspects stationary sources of air pollution and responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements program and regulations required by the federal and California Clean Air Acts. The Bay Area Air District Board of Directors adopted CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans (Bay Area Air District CEQA Thresholds) in 2022. The Bay Area Air District 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.

[9] 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.

[10] 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.

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 Air Toxic Control Measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

3.1.4 - Methodology

Model Selection, Modeling Parameters and Assumptions

The 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.

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 Bay Area Air District for estimating project emissions.

Criteria Pollutants Assessed

The following air pollutants are assessed in this analysis:

- Reactive organic gases (ROG)
- Nitrogen oxides (NO_X)
- Carbon monoxide (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. 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. Project-specific information that was used to refine the CalEEMod modeling is discussed herein. 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, the construction was estimated to begin in June 2026 and would last for approximately 29 months, and the construction emissions modeling reflects that duration assumed for the purposes of this environmental analysis. See estimated schedule in Table 3.1-5. The proposed project is requesting approval for Saturday construction, which would result in a six day construction schedule. However, the five day construction schedule used in the analysis represents a “worst-case” analysis scenario in terms of air quality impacts. Five working (i.e., construction) days per week is modeled in CalEEMod. This results in a conservative estimate of emission impacts because the Bay Area Air District evaluates construction impacts based on average daily emissions—calculated by dividing total emissions by the number of construction days. Therefore, spreading the same amount of work over more days results in lower average daily emissions. In addition, 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 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. CalEEMod provides a simplified but still reasonable construction schedule for the purposes of air quality analysis by grouping building construction into a single phase, which streamlines modeling assumptions while remaining conservative. As described in Impact AIR-3 below, the off-site Maximally Exposed Individual Receptor (MEIR) represents the worst-case health risk impact. Even if building construction were to occur in multiple phases, the future on-site residents would not be exposed to air quality or health risk impacts greater than those represented by the MEIR. This approach avoids unnecessary complexity, reduces uncertainty in emissions calculations, and ensures that construction-related emissions are evaluated at their maximum reasonable overlap.

Table 3.1-5: Construction Schedule as Modeled in Air Quality Analysis

Phase	Phase Start Date	Phase End Date	Working Days per Week	Total Number of Working Days
Demolition	6/1/2026	6/30/2026	5	20
Site Preparation	7/1/2026	7/8/2026	5	6
Grading	7/9/2026	1/6/2027	5	130
Building Construction	11/9/2026	11/17/2028	5	530
Paving	1/4/2027	1/7/2027	5	4
Architectural Coating	10/23/2028	11/17/2028	5	20

A summary of the on-site, off-road construction equipment usage assumptions used to estimate emissions presented in Table 3.1-6.

Table 3.1-6: 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	5	8	367	0.4
Site Preparation	Tractors/Loaders/Backhoes	7	8	84	0.37
Grading	Graders	1	2	148	0.41
Grading	Excavators	1	2	36	0.38
Grading	Tractors/Loaders/Backhoes	3	2	84	0.37
Grading	Rubber Tired Dozers	1	2	367	0.4
Building Construction	Forklifts	3	4	82	0.2

Construction Activity	Equipment	Equipment Amount	Average Hours per Day	Horsepower	Load Factor
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
Building Construction	Tractors/Loaders/Backhoes	3	4	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 B).					

A summary of the construction-related vehicle trips is shown in Table 3.1-7. Demolition activities include the demolition of approximately 9,425 square feet of existing hardscape and on-site structures. During site preparation and grading, the activities would include 480 cubic yards of soil export.[11] CalEEMod calculates the total number of construction-related vehicle trips based on project-specific inputs for each phase of construction (e.g., amount of demolition, amount of import and export, etc.). These total trips within each phase are then averaged across the estimated number of working days within each phase.[12] While the actual number of trips may vary from day to day depending on construction activities, it is reasonable to assume that the types and volume of vehicles—such as passenger cars and trucks—would be generally consistent within each phase.

Table 3.1-7: Construction Off-site Trips

Construction Activity	Trips per Day		
	Worker	Vendor	Hauling
Demolition	15	0	107
Site Preparation	30	5	0
Grading	15	0	0
Building Construction	29	9	0
Paving	15	150	0
Architectural Coating	6	0	0
Source: CalEEMod Output (Appendix B).			

[11] This is based on information provided by the applicant.

[12] It was initially assumed in the air dispersion modeling (AERMOD) that construction trucks and vehicles would utilize both Cozy Drive and Glider Drive. However, as noted in the Project Description, construction vehicle access would shift over time: as the project progresses and initial residences become occupied, construction vehicles would access the site exclusively via Cozy Drive, while public access would occur via Glider Drive. This minor discrepancy in the modeling assumptions would result in a negligible difference in estimated health risks. Accordingly, the analysis presented herein remains representative of the project's potential impacts.

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 the Bay Area Air District BMPs to reduce emissions of fugitive dust. As shown in Appendix B, the BMPs are accounted for in CalEEMod 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.

Estimation of Cancer Risks

The Bay Area Air District has developed a set of guidelines for estimating cancer risks resulting from exposure to TACs.[13] 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.

3.1.5 - Thresholds of Significance

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

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

[13] Bay Area Air Quality Management District (Bay Area Air District). 2020. Bay Area Air District 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.

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, Bay Area Air District'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 Bay Area Air District 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 3.1-8 shows the thresholds of significance. In developing the thresholds of significance for air pollutants, the Bay Area Air District 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 3.1-8: Bay Area Air District 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
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 (Bay Area Air District Basic Construction Mitigation Measures)	Not Applicable	
Health Risks and Hazards for New Sources			
Excess Cancer Risk	10 per one million	10 per one million	

Pollutant	Construction Thresholds Average Daily Emissions (lbs/day)	Operational Thresholds	
		Average Daily Emissions (lbs/day)	Maximum Annual Emissions (tons/year)
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
ppm = parts per million
ROG = reactive organic gases
Source: Bay Area Air Quality Management District (Bay Area Air District). 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 Bay Area Air District 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 Bay Area Air District's 2022 CEQA Air Quality Guidelines. Pre-determined 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.

3.1.6 - Project Impacts and Mitigation Measures

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

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

Impact Analysis

The project site is located in the Air Quality Plan (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 project would violate the AQP if it would 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 air quality plans. This is evaluated by comparing project emissions to the significance thresholds identified by the Bay Area Air District 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 measures. 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 Conditions (SPC)-1 requires the inclusion of BMPs recommended by the Bay Area Air District 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. In order to mitigate this potentially significant health risk impact, the project applicant would implement MM AIR-1 that requires use of Tier 4 construction equipment equal to or greater than 25 horsepower (see Impact AIR-3).

Therefore, project impacts would be less than significant and the proposed project would be consistent with Criterion 1.

Criterion 2

A project would violate the AQP if it did not include all of its applicable control measures because the AQPs rely on the assumption that all mandatory regulations to reduce air pollution would be adhered to. The 2017 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 2017 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.

Table 3.1-9 lists the relevant 2017 Clean Air Plan policies to the proposed project and evaluates the proposed project's consistency with the policies. The proposed project would be consistent with applicable measures.

Table 3.1-9: Project Consistency with Applicable 2017 Clean Air Plan Control Measures

Control Measure	Project Consistency
Buildings Control Measures	
BL1: Green Buildings	**Consistent**. 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 provide landscaping, including trees, according to City standards, which would reduce the urban heat island effect.
Energy Control Measures	
EN1: Decarbonize Electricity Generation	**Consistent.** The proposed project would be all-electric in accordance with the City's Reach Code. 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 2022 CBC Title 24, which was adopted to meet an Executive Order in the Green Building Initiative to improve the energy efficiency of buildings through aggressive standards. The proposed project would be subject to the 2022 CBC Title 24 Standards.
Natural and Working Lands Control Measures	
NW2: Urban Tree Planting	**Consistent.** The proposed project would incorporate drought-tolerant landscaping, including 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 SB 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 SB 1374 requirements that require waste to be recycled.
Stationary Control Measures	
SS25: Coatings, Solvents, lubricants, Sealants and adhesives	**Consistent.** The proposed project would consist of single-family units and parkland. Therefore, the project would be consistent with the conservative Bay Area Air District screening thresholds for reactive organic gases (ROGs) related to land use, and would also be compliant

Control Measure	Project Consistency
	with the more stringent ROG limits proposed by the Bay Area Air District. Furthermore, the project would be subject to applicable Bay Area Air District rules and regulations, including Regulation 8, Rule 3, Architectural Coatings; Regulation 8, Rule 4 General Solvent and Surface Coating Operations; and Regulation 8, Rule 51 Adhesive and Sealant Products. Thus, the proposed project would be consistent with this control measure.
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 District's requirements. The proposed project would comply with SPC-1 s related Construction-related Air Quality, which incorporates Bay Area Air District 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 Bay Area Air District Regulation 8, Rule 15-Emulsified and Liquid Asphalts. It limits the ROG content of asphalt available for use during construction by regulating the sale and use of asphalt. Using asphalt from facilities that meet Bay Area Air District regulations, the proposed project would be consistent with this control measure.
Transportation Control Measures	
TR5: Transit Efficiency and Use	**Consistent.** Bus transit services in the vicinity of the project site are provided by Santa Clara Valley Transportation Authority (VTA). VTA operates Routes 66, 68, and Express 102 within 0.5 mile of the project site.[1] Bus stops are located along Santa Teresa Boulevard approximately 1,100 feet north of the project site. Additionally, the proposed project would not interfere with the operation of 511 Transit, the Clipper® fare payment system, or the Transit Hub Signage Program. Thus, the proposed project would support transit efficiency and use and would therefore be consistent with this control measure.
TR9: Bicycle and Pedestrian Access and Facilities	**Consistent.** Continuous sidewalks are currently provided along both Cozy Drive and Glider Drive and throughout the residential neighborhoods surrounding the project site. Additionally, internal sidewalks would be provided throughout the proposed project. Currently, there are no existing bicycle lanes adjacent to the project site. The nearest bicycle route is a Class II Bike Lane on Santa Teresa Boulevard approximately 350 feet north of the project site. This bike lane connects to Snell Avenue, Cottle Road, and beyond to other bike lanes in the City's network. The proposed project does not include bicycle lane improvements, but would not impact existing bicycle facilities. Therefore, the proposed project would not conflict with the Bay Area Air District's effort to encourage planning for bicycle and pedestrian facilities.
TR 10: Land Use Strategies	**Consistent.** The proposed project is consistent with this goal, which emphasizes the local implementation of the Bay Area Air District's Clean Air Plan. The proposed project would further the Clean Air Plan's goals by providing higher-density infill development that is within walking

Control Measure	Project Consistency
	distance of transit infrastructure. The proposed project is located within 0.5 miles of VTA Routes 66, 68, and Express 102, with bus stops located approximately 1,100 feet north along Santa Teresa Boulevard. This proximity to transit infrastructure encourages the use of buses for daily commuting and regional access. Therefore, the project's location supports multimodal connectivity and aligns with regional sustainability objectives by promoting infill transit-oriented development and implementing Transportation Demand Management (TDM) measures to reduce VMT impacts.
Source: Bay Area Air Quality Management District (Bay Area Air District). 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 SPC-1; therefore, the proposed project would be consistent with Criterion 2.

Criterion 3

A potentially significant impact would occur if the project proposed project would disrupt or hinder the implementation of any AQP control measures. The proposed project would not preclude extension of any planned 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 3.1-9 above, the proposed project would incorporate several applicable control measures as project design features, such as utilizing asphalt which would be compliant with Bay Area Air District regulations, complying with energy efficiency standards contained in the 2022 California Building Standards Code (CBC), and installing drought-tolerant landscaping across the project site. The proposed project is therefore consistent with Criterion 3.

City of San José Standard Permit Conditions

Implement Standard Permit SPC-1 (see Impact AIR-2).

Level of Significance

Less than significant impact.

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.

Impact Analysis

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 Bay Area Air District 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 Bay Area Air District 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

Construction Fugitive Dust

Construction-related activities, such as soil disturbance, grading, and material hauling, could result in fugitive dust emissions (e.g., $PM_{2.5}$ and PM_{10}), which tend to be deposited near the project site and have localized impacts. The Bay Area Air District does not have a numerical threshold for fugitive dust particulate matter emissions. Instead, the Bay Area Air District bases the determination of significance for fugitive dust on implementing effective control measures. As such, a potentially significant impact would occur related to construction-related fugitive dust emissions if the project did not implement all Bay Area Air District basic BMPs. Air pollution control measures shall be implemented during construction activities as outlined in SPC-1 listed below. With the incorporation of these conditions, construction fugitive dust impacts would be less than significant.

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

Emissions of ROG, NO_X, Exhaust PM_{10}, and Exhaust $PM_{2.5}$ would be generated from the off-road construction equipment and on-road construction vehicles. A potentially significant impact would occur if estimated construction emissions exceed the applicable thresholds of significance established by the Bay Area Air District for ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$ construction emissions. For the purpose of the analysis, construction of the proposed project is estimated to begin in June 2026 and conclude in November 2028 as shown in Table 3.1-4 above. Note that construction emissions would likely decrease if the construction schedule were deferred to later years 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 consistent with CEQA Guidelines requirements and recommendations.

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 Pollutants1 (tons/year)				
	Year	ROG	NOX	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)
Project Construction					
Demolition	2026	0.027	0.333	0.010	0.010
Site Preparation	2026	0.016	0.148	0.007	0.006
Grading	2026	0.018	0.167	0.007	0.007

Parameter	Year	Air Pollutants1 (tons/year) ROG	NOX	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)
Building Construction	2026	0.143	1.147	0.045	0.042
	2027	0.169	1.360	0.050	0.046
	2028	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
[1] Totals may not add up due to rounding. Calculations use unrounded totals.
[2] Average daily emissions equal total emissions divided by working days (645 workdays).
Source: CalEEMod Output (see Appendix B).

As indicated in Table 3.1-10 the construction emissions from all construction activities are would be 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 be required to implement the City's Standard Permit Conditions for Construction-related Air Quality, SPC-1 which incorporates Bay Area Air District'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 from the proposed project would include area, energy, and mobile sources. Area sources include emissions from architectural coatings, consumer products, and landscape equipment. Energy emissions include 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. The proposed project would be all-electric and would not have any natural gas infrastructure. Therefore, no direct energy emissions would be generated from project operations. Operational emissions would be limited primarily to area and mobile sources, which generate pollutants such as ROG from coatings and consumer products; NOx from vehicle exhaust; and PM_{10} and $PM_{2.5}$ from vehicle exhaust, brake and tire wear, and entrained road dust.

A potentially significant impact would occur if the proposed project would emit criteria pollutants beyond Bay Area Air District quantitative thresholds. The Bay Area Air District provides easy-reference tables to determine whether projects may have potentially significant criteria air pollutant impacts requiring a detailed analysis.[14] 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 Bay Area Air District quantitative thresholds of emissions for these pollutants.

To develop its screening thresholds, the Bay Area Air District modeled each CalEEMod land use type to determine the maximum number of units or square footage that could be constructed or operated before exceeding criteria pollutant thresholds. The average daily emissions for each land use type were normalized to the NOx thresholds (54 lb/day for both construction and operation). Preliminary modeling conducted in CalEEMod confirmed that NOx is the most restrictive pollutant; therefore, NOx was used for the purposes of developing the screening tool. Using the normalized average daily emissions, a 100-point system was developed, where 100 points means that the 54 lb/day NOx limit has been exceeded.

Each land use type was then assigned a point value, allowing for calculation across mixed-use projects (e.g., single-family and duplex units) such as the proposed project. For reference, a project would need to operate approximately 421 single-family units or 175 acres of parkland to exceed the operational criteria pollutant threshold. The proposed project's land uses were entered into the Bay Area Air District land use screening tool,[15] which determined that the operational criteria emissions would be under the Bay Area Air District screening thresholds of emissions for these pollutants. The proposed project would result in a point value of 18.03 for operation, which is below the 100 point screening threshold.

Therefore, the ongoing, long-term project operations would not have the potential to generate a significant quantity of air pollutants. Impacts would be less than significant.

[14] Bay Area Air Quality Management District (Bay Area Air District). 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.

[15] Bay Area Air Quality Management District (Bay Area Air District). Mixed Land Use Screening Tool for Criteria Pollutants and Precursors. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/tools/baaqmd-screening-tool_050622_final-xlsm.xlsm?rev=9b1a2d9e625b4c3e991f0f6c06aef706&sc_lang=en. Accessed July 21, 2024.

Operational Carbon Monoxide Hotspot

Traffic-congested intersections can result in high, localized concentrations of CO (referred to as a CO hotspot), which would be a localized health concern.

A potentially significant impact would occur is the proposed project would result in CO emissions that would exceed the Bay Area Air District's CO threshold of significance. The Bay Area Air District screening criteria[16] were used to determine whether implementing the proposed project would exceed this threshold. 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[17] is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

Based on the results of the intersection Level of Service (LOS) analyses (Appendix I), all the four study intersections (Snell Avenue and Santa Teresa Boulevard, Dunn Avenue and Santa Teresa Boulevard, Dunn Avenue and Suisse Drive, and Snell Avenue and Suisse Drive) are anticipated to operate within applicable jurisdictional standards of the City of San José (i.e., LOS D or better) under Existing Conditions, Background Conditions, and Background Plus Project Conditions. Thus, traffic generated by the proposed development is not expected to negatively affect traffic operations within the vicinity the surrounding road network, and would be consistent with the City of San José congestion management standards, which addresses Criterion 1 of the Bay Area Air District screening threshold.

The traffic study estimated traffic volumes at Snell Avenue and Santa Teresa Boulevard, Dunn Avenue and Santa Teresa Boulevard, Dunn Avenue and Suisse Drive, and Snell Avenue and Suisse Drive intersections. The analysis shows that the two studied intersections would not experience traffic levels above 24,000 and 44,000 vehicles per hours. Intersection of Santa Teresa Boulevard and Snell Avenue would experience the higher amount of peak-hour volume (2,263 AM peak-hour trips and 1,823 PM peak-hour trips). However, the peak-hours trip volume experienced at this intersection would be significantly below the threshold levels of 24,000 and 44,000 vehicle per hour. Therefore, the proposed project would not result in traffic volumes at affected intersections exceeding 44,000

[16] Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Air Quality Guidelines. April. Website: http://baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-4-screening_final-pdf.pdf?rev=ac551d35a52d479dad475e7d4c57afa6&sc_lang=en. Accessed July 31, 2024.

[17] Vertical and horizontal "mixing" refers to the mixing and dispersion of air pollutants in the atmosphere.

vehicles per hour, or more than 24,000 vehicles per hour where vertical and/or horizontal mixing[18] is substantially limited. 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 during construction or operation. Impacts would be less than significant.

City of San José Standard Permit Conditions

SPC-1 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.

[18] Vertical and horizontal "mixing" refers to the mixing and dispersion of air pollutants in the atmosphere. A lower traffic volume threshold (of 24,000 vehicles per hours) is set for locations with limited vertical or horizontal mixing because these environments trap air pollutants and causes them to concentrate in these locations.

Level of Significance

Less than significant impact.

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

Impact Analysis

The Bay Area Air District 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 Bay Area Air District, health risk and hazard impacts should be analyzed for sensitive receptors within a 1,000-foot radius of the project site.[19] The closest existing sensitive receptors include the following:

- Single-family residences immediately adjacent to the site boundary to the north, south, east, and west.
- Santa Teresa High School, located approximately 340 feet northwest of the project site.

The proposed project would result in a potentially significant impact on sensitive receptors if any of the following four following criteria are met:[20]

- **Criterion 1:** Construction of the proposed project would exceed the Bay Area Air District health risk significance thresholds.
- **Criterion 2:** Operation of the proposed project would exceed the Bay Area Air District health risk significance thresholds.
- **Criterion 3:** The proposed project would contribute to the existing sources of TACs experienced by sensitive receptors which exceed the Bay Area Air District cumulative health risk significance thresholds.
- **Criterion 4:** A CO hotspot assessment demonstrates that the project would 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 included in this Chapter, while Appendix B 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 purposes of this analysis, DPM is represented as exhaust emissions of PM_{10}. $PM_{2.5}$ concentrations

[19] Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Air Quality Guidelines. April. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-5-project-air-quality-impacts_final-pdf.pdf?rev=de582fe349e545989239cbbc0d62c37a&sc_lang=en. Accessed July 31, 2024.

[20] Ibid.

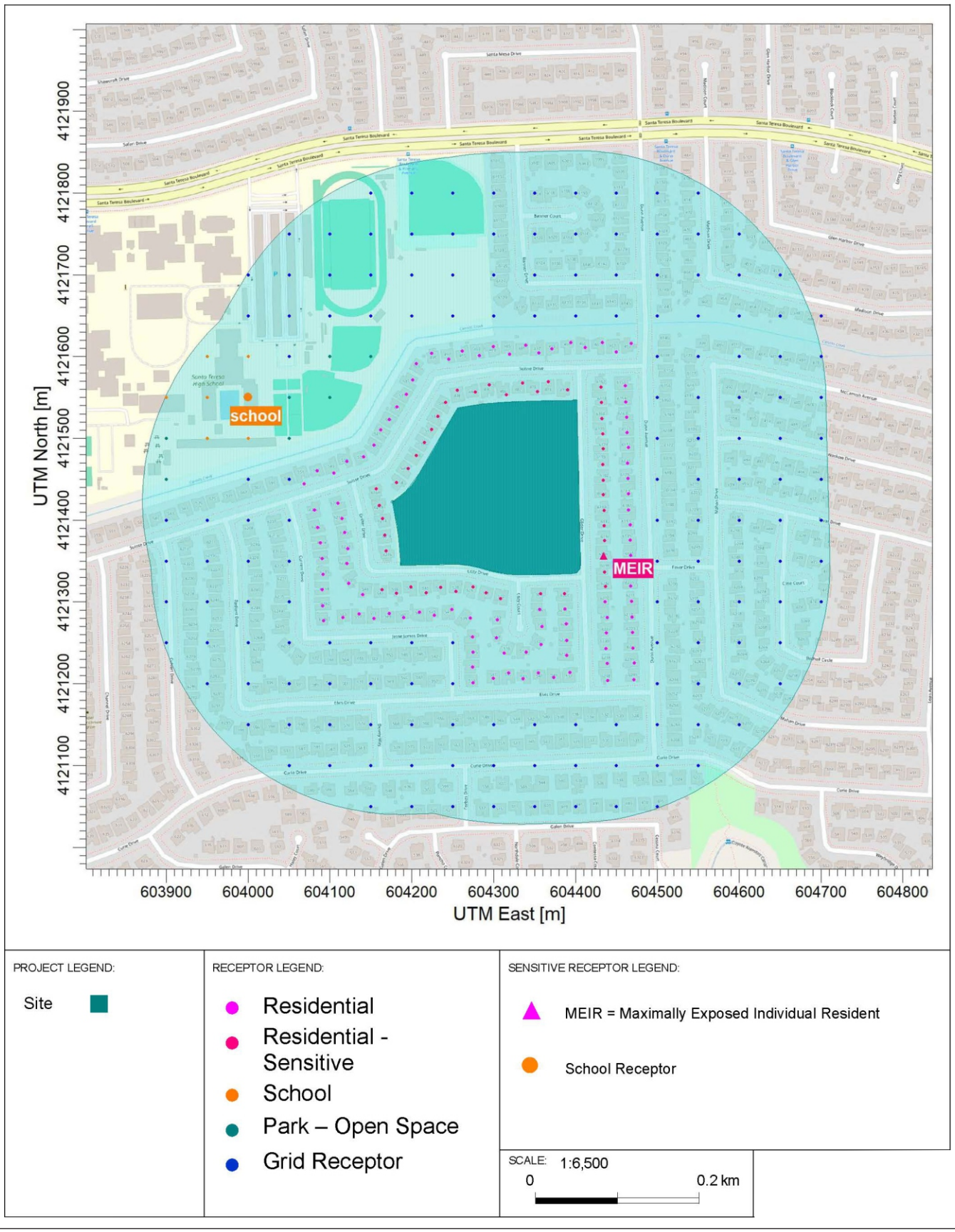
were calculated using the $PM_{2.5}$ emission rates using the dispersion modeling methods used for the PM_{10} and the Health Risk Assessment (HRA).

A potentially significant impact would occur if PM_{10} and $PM_{2.5}$ exhaust would exceed thresholds for cancer risks and non-cancer chronic hazards for the MEIR, or the single receptor with the highest exposure in a given study area (i.e., worst-case estimate). The area surrounding the project site is largely residential and Santa Teresa High School is approximately 340 feet northwest of the site. The MEIR was determined as the single-family residence immediately to the east of the project site located at Glider Drive (604434.52 UTM E and 4121356.43 UTM N). See Figure 3.1-1 for a depiction of receptors within the 1,000-foot buffer area and the location of the MEIR. Impacts at all other receptors would be less than this and would decrease with increasing distance from the site. 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. Table 3.1-11 summarizes the cancer risk and HI results for unmitigated project construction at the MEIR and Santa Teresa High School. As shown in the table, the chronic hazards from DPM and $PM_{2.5}$ would be below the Bay Area Air District thresholds of significance. However, DPM (characterized by PM_{10} exhaust) emissions would result in an incremental cancer risk of approximately 17.11 individuals per one million, which exceeds the Bay Area Air District's significance threshold of 10 individuals per one million. This would be a potentially significant impact.

Table 3.1-11: 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]	17.11	0.049	0.130
School (Beacon School)	0.36	0.002	0.006
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 604434.52 UTM E and 4121356.43 UTM N
Emissions Source: Appendix B.
Thresholds Source: Bay Area Air Quality Management District (Bay Area Air District). 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.



Source: AERMOD View - Lakes Environmental Software, 07/09/2024.

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Figure 3.1-1
Maximum Exposed Receptor Map

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Mitigation measure MM AIR-1 would be required to reduce cancer risk below the Air District' threshold of 10 individuals per million. The applicant would implement MM AIR-1 to reduce the cancer risk impacts shown in Table 3.1-12 to a less than significant level. MM AIR-1 requires the use of Tier 4 Final engines for all construction equipment equal to or greater than 25 horsepower, reducing the DPM cancer risk to 6.16 in one million. As shown in Table 3.1-13, with MM AIR-1, construction-related DPM emissions would not exceed the Bay Area Air District's cancer risk and chronic non-cancer HI thresholds. Therefore, project construction would not result in significant health impacts to nearby off-site sensitive receptors.

Table 3.1-12: Estimated Mitigated Cancer Risks and Chronic Non-cancer Hazards

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]	6.16	0.018	0.100
School (Beacon School)	0.13	<0.001	0.004
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 Interim engines for all construction equipment rated for 25 horsepower or greater, as required with MM AIR-1.

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 604434.52 UTM E and 4121356.43 UTM N.

Emissions Source: Attachment A of Appendix B.
Thresholds Source: Bay Area Air Quality Management District (Bay Area Air District). 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.

Occupancy of the proposed new homes would occur as individual homes are completed, resulting in an overlap between residential occupancy and ongoing construction. Therefore, proposed project would locate new sensitive receptors (residents) that could be subject to existing sources of TACs at the project site. 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 to incorporate effective mitigation into project designs to avoid significant risks to health and safety.

For the construction HRA, the off-site MEIR, which is located directly adjacent to the project site, would be exposed to potential TACs for the entirety of project construction, which serves as a conservative indicator of the level of health risks experienced by new receptors moving into the site while building construction is ongoing. Furthermore, the grading phase is the most intensive construction phase, and grading would be completed prior to completion of any home construction and the subsequent introduction of new receptors. In addition, off-site sensitive receptors are located in all directions surrounding the project site. As such, the HRA considered receptor locations across a full range of wind directions, which inherently accounts for potential exposure to new on-site receptors during construction. Given the proposed project's cancer risk and chronic non-cancer HI at the MEIR during the entire construction is significantly below the Bay Area Air District thresholds with incorporation of MM AIR-1, the proposed project would not exceed the acceptable cancer risk or chronic non-cancer HI even if new receptors moved into the site and become exposed to a portion of construction DPM emissions and associated health risks. The proposed project would be consistent with Criterion 1 with incorporation of MM AIR-1. Impacts would be less than significant.

Criterion 2: Project-specific Operational Toxic Air Pollutants

A potentially significant impact would occur if the proposed project would have a significant amount of DPM or other TAC emissions during project operation. 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 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. The proposed project would be consistent with Criterion 2.

Criterion 3: Cumulative Health Risk Assessment

A potentially significant impact would occur if the proposed project would exceed the cumulative health risk thresholds established by the Bay Area Air District. The Bay Area Air District 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, the Bay Area Air District provides several tools for use in screening potential sources of TACs. This includes the Stationary Source Screening Map[21] which provides all the stationary sources permitted by the Air District with risk and hazard estimates; Roadway Screening Data Layers providing estimated cancer risks, hazards, and $PM_{2.5}$ concentrations for all Bay Area

[21] Bay Area Air Quality Management District (Bay Area Air District). 2023. Stationary Source Screening Map. Website: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=845658c19eae4594b9f4b805fb9d89a3. Accessed July 31, 2024.

highways and surface streets;[22] and Rail and Railyard Screening Data Layers,[23] 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 Bay Area Air District sources above, are summarized in Table 3.1-13. No rail sources were identified within 1,000 feet of the project site and the Bay Area Air District Railyard Screening Layers had no data for rail sources at the site. Outputs from the Bay Area Air District 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 3.1-13: 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 Project	Diesel Construction Equipment	6.16	0.018	0.100
Existing Roadways[3]				
Existing Roadways		4.00	0.018	0.162
Cumulative Health Risks				
Cumulative Total with Project Construction (MM AIR-1)		10.16	0.036	0.262
Bay Area Air District Cumulative Thresholds of Significance		**100**	**10**	**0.8**
Threshold Exceedance?		**No**	**No**	**No**

Notes:
$\mu g/m^3$ = micrograms per cubic meter
Bay Area Air District = 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 Interim 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 Bay Area Air District 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

[22] Bay Area Air Quality Management District (Bay Area Air District). 2025. Health Risk Screening and Modeling. Roadway Screening Data Layers. Website: https://www.baaqmd.gov/en/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools/health-risk-screening-and-modeling. Accessed August 25, 2025.

[23] Bay Area Air Quality Management District (Bay Area Air District). 2025. Health Risk Screening and Modeling. Rail and Railroad Layers. Website: https://www.baaqmd.gov/en/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools/health-risk-screening-and-modeling. Accessed August 25, 2025.

Source	Source Name/Type	Cancer Risk (per million)	Chronic Hazard Index	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
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 3.1-14, the cumulative impacts from mitigated project construction and existing sources of TACs would be less than the Bay Area Air District 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 Bay Area Air District's cumulative thresholds of significance, and the proposed project would be consistent with Criterion 3.

Criterion 4: CO Hotspot

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

In summary, with implementation of MM AIR-1, the proposed project would be consistent with Criteria 1-4 and would not expose sensitive receptors to substantial pollutant concentrations during construction and operation. Impacts would be less than significant with mitigation incorporated.

Impact AIR-3: The proposed project would have a cancer risk of 17.11 cases per million which would exceed the Bay Area Air District threshold of 10 cases per million during construction of the project.

Mitigation Measures

MM AIR-1 Prior to issuance of any demolition, grading permits, and/or building permits (whichever occurs earliest), the project applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.

- For all construction equipment larger than 25 horsepower operating on the site for more than 2 days continuously or 20 total hours, shall, at a minimum meet United States Environmental Protection Agency (EPA) Tier 4 Final emission standards.
- If Tier 4 Final equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than 2 continuous days or 20 hours total shall meet EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to California Air Resources Board (ARB) Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent

reduction in particulate matter exhaust and 40 percent reduction in nitrogen oxide (NO_X) in comparison to uncontrolled equipment.

- The project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in this mitigation measure. The plan shall be submitted to the Director of PBCE or the Director's designee for review and approval prior to the start of any construction activity. The plan shall include, but not be limited to the following:
  - List of activities and estimated timing;
  - Equipment that would be used for each activity;
  - Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure;
  - Construction contractor's approach for ensuring that the measures listed are monitored;
  - Construction contractor's approach for remedying any exceedance of the thresholds; and
  - Frequency and method the construction contractor will use to report compliance with this mitigation measure.

With implementation of MM AIR-1, the proposed project would reduce the cancer risk associated with the proposed project by approximately 64 percent to 6.16 cases per million which is below the Bay Area Air Quality Management District (Bay Area Air District) threshold of 10 per million as shown between Table 3.1-12 and Table 3.1-13 above. Impacts would be less than significant with mitigation incorporated.

Level of Significance

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.**

Impact Analysis

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 Bay Area Air District does not have a recommended odor threshold for construction activities. However, the Bay Area Air District recommends operational screening criteria based on the distance between receptors and types of sources known to generate odors.

According to the Bay Area Air District 2022 CEQA Guidelines, a potentially significant impact would occur if the proposed project would produce 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.

Construction-Related Odors

Sensitive receptors are located immediately surrounding 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

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, per Chapter 5 Project-level Air Quality Impacts, 2022 Bay Area Air District CEQA Guidelines.[24]

The proposed project would involve the development of residences and parks, which are not considered to be odor-generating land uses and are compatible with the surrounding residential land uses. As such, no operational-related impacts would occur.

Level of Significance

Less than significant impact.

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

[24] Bay Area Air Quality Management District (Bay Area Air District). 2022. Bay Area Air District CEQA Guidelines, Chapter 5 Project-level Air Quality Impacts, Table 3.1-16, Odor Screening Distances.

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 Bay Area Air District 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 Bay Area Air District 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 Bay Area Air District project-level thresholds of significance for construction and operational-related emissions of criteria air pollutants. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on criteria air pollutants would be less than significant.

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 Bay Area Air District.[25] 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 north, south, east, and west of the project boundaries, and Santa Teresa High School, approximately 340 feet northwest of the project site. 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 Bay Area Air District 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 construction health risk impacts are below the Bay Area Air District thresholds of significance. Therefore, the proposed project would not result in significant health risks to nearby sensitive receptors.

The Bay Area Air District 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 1,000-foot 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 3.1-14.

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 that would expose the public within the geographic area to substantial cumulative pollutant concentrations. Therefore, no cumulative impact would occur. Therefore, the project's

[25] Bay Area Air District.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.

contribution would not be cumulatively considerable, and cumulative impacts TACs would be less than significant.

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 and a park which are not odor generators. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on objectionable odors would be less than significant.

Level of Cumulative Significance

Less than significant impact.

Non-CEQA Discussions

The proposed project would locate new sensitive receptors (residents) that could be subject to existing sources of TACs at the project site from ongoing construction. However, the California Supreme Court concluded in *California Building Industry Association v Bay Area Air Quality Management District* 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 to incorporate effective mitigation into project designs to avoid significant risks to health and safety.[26]

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

Table 3.1-14 summarizes the cumulative health impacts at the project site at project buildout.

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

Table 3.1-14 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 ($\mu g/m^3$)
Existing Roadways[2]			
Existing Roadways	4.297	0.016	0.134
Cumulative Health Risks			
Cumulative Total	4.297	0.016	0.134
Bay Area Air District Cumulative Thresholds of Significance	**100**	**10**	**0.8**
Threshold Exceedance?	**No**	**No**	**No**

Notes:
$\mu g/m^3$ = micrograms per cubic meter
$PM_{2.5}$ = 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 604386 E and 4121533 N
No rail sources were identified within 1,000 feet of the project site and the Bay Area Air District Railyard Screening Layers had no data for rail sources at the site.
Source: Appendix B.

As shown in Table 3.1-14, 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 the Bay Area Air District'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.

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3.2 - Biological Resources

3.2.1 - Introduction

This section describes the existing biological settings and potential effects from project implementation on the project site and the surrounding area. This section also identifies mitigation measures to reduce these potential effects to less than significant levels. The descriptions and analysis in this section are partially based on a Biological Memorandum prepared by FirstCarbon Solutions (FCS) on March 7, 2024, located in Appendix C.1, a Preliminary Arborist Report prepared by HortScience | Bartlett Consulting on July 10, 2023 and updated on July 31, 2025, located in Appendix C.2, and field survey performed by an FCS Biologist on January 11, 2024.

3.2.2 - Environmental Setting

Record Searches and General Biological Survey Literature Review

FCS Biologists reviewed existing environmental documentation for the project site and immediate vicinity. This review included the Biological Memorandum prepared by FCS (Appendix C), literature on the habitat requirements of special-status species potentially present in the area, and relevant listings, protocols, and species data from the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW).

Biologists also reviewed the *Santa Teresa Hills*, *California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map and aerial photographs as a preliminary analysis of the existing conditions within the project site and immediate vicinity. Information obtained from the review of the topographic maps included elevation range, general watershed information, and potential drainage feature locations. Aerial photographs provide a perspective of the most current site conditions relative to on-site and off-site land use, plant community locations, and potential locations of wildlife movement corridors. FCS also reviewed United States Department of Agriculture (USDA) soil surveys to determine whether the soil conditions on-site are suitable for any special-status plant species.

Elevation and Drainage

Current topographic maps and aerial photographs were reviewed as a preliminary analysis of the existing conditions within the project site and immediate vicinity. Reviews of topographic maps and aerial photography determined that the project site is located on level ground with limited topographic variation and that site elevation ranges between 166 and 170 feet above sea level. Runoff from the site likely flows into storm drains located along Glider Drive and Cozy Drive. No standing water was observed on-site during the survey. The nearest named creek is Canoas Creek, located 264 feet to the north.

Soil

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, the project site consists of Urbanland-Hangerone complex, 0–2 percent slopes, drained soil.[1] However, soil that is not covered by any form of development only appears on the northern, northwestern, and southeastern portions of the project site, with much of the site covered by hardscape.

Special-Status Wildlife and Plant Species

A list of threatened, endangered, and otherwise special-status species previously recorded within the project vicinity was compiled. The list was based on a search of the CDFW's California Natural Diversity Database (CNDDB), the IPaC system, a special-status species and plant community account database;[2] and the California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Plants of California (CNPS Inventory) for the *Santa Teresa Hills*, *California* USGS 7.5-minute Topographic Quadrangle Map and the eight surrounding quadrangle.[3,4] The CNDDB Biogeographic Information and Observation System (BIOS 6) database was used to determine the distance between the recorded occurrences of special-status species and the project site. For example, the closest CNDDB occurrence to the project site is Occurrence No. 413, identified in 2020 of a Crotch's bumble bee (*Bombus crotchii*). The occurrence is located 0.50 mile northeast of the project site. This is the only CNDDB occurrence of a special-status species located within 0.50 mile of the project site. The database search results can be found in Appendix C.3, Table 2.

Trees

The Arborist Report (Appendix C.2) identified 87 trees within and directly adjacent to the project site. Some of the species identified within the site include holly oak (*Quercus ilex*), deodar cedar (*Cedrus deodara*), mulberry (*Morus* sp.), Hollywood juniper (*Juniperus chinensis 'Kaizuka'*), accolade elm (*Ulmus 'Morton Accolade'*), and coast redwood (*Sequoia sempervirens*). Forty-eight trees were identified within the project site. Additionally, there are 30 street trees located along the right-of-way of the site and nine additional trees located off-site directly adjacent to the project site in neighboring properties. All of the 48 trees located within the project site as well as six of the off-sites street trees are proposed for removal. According to the Arborist Report, none of the trees identified within the report are native.

Jurisdictional Waters and Wetlands

The United States Environmental Protection Agency (EPA) Watershed Assessment, Tracing and Environmental Results System (WATERS) and aerial photography were reviewed to identify potential natural drainage features and water bodies within the project site.[5] In general, all surface drainage

[1] United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). 2024. Official Soil Series Descriptions (OSD). Website: https://www.nrcs.usda.gov/resources/data-and-reports/official-soil-series-descriptions-osd. Accessed September 26, 2024.

[2] California Department of Fish and Wildlife (CDFW). 2024. RareFind 5. Website: https://wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed September 26, 2024.

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

[4] United States Fish and Wildlife Service (USFWS). 2023. Information for Planning and Consultation (IPaC). Website: https://ecos.fws.gov/ipac/. Accessed September 26, 2024.

[5] United States Environmental Protection Agency (EPA). 2023. Watershed Assessment, Tracking and Environmental Results System (WATERS). Website: https://www.epa.gov/waterdata/waters-watershed-assessment-tracking-environmental-results-system. Accessed September 30, 2024.

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. In addition to the literature review summarized above, a preliminary assessment conducted as part of the site reconnaissance-level survey, as discussed in greater detail below, confirmed that no wetlands or other aquatic features that meet criteria as waters of the United States or State were observed on the proposed project site. Accordingly, a formal delineation is not necessary.

Field Survey

FCS Biologist, Kelly Evans, conducted a reconnaissance-level field survey of the project site and its immediate vicinity, where accessible, on January 11, 2024. The object of the survey was to assess and characterize the biological conditions on and adjacent to the site, including an identification of special-status plant and wildlife species and their habitats. During the survey, the Biologist searched for evidence of and habitat for special-status species and other sensitive biological resources that were identified in the literature review.

Physical Habitat/Vegetation

Habitat communities in the San José area and greater Santa Clara County consist primarily of Mediterranean plant associations but vary depending on microclimate. Because of the large size of Santa Clara County, there are a variety of microclimates found within County boundaries, including, but not limited to, riparian woodlands, native grasslands, chaparral, coastal sage scrub, and valley oak woodlands. Vegetation on the project site is characterized as Urban/Developed, Mixed Ornamental Woodland, and Ruderal (Figure 3.2-1).

Urban/Developed

The urban/developed vegetation community includes land that has been developed or otherwise covered with a permanent man-made surface. Areas where no natural land is evident, or because large amounts of debris or other materials have been placed upon it, may also be included. The project site currently contains an unoccupied school building that includes four main structures, a parking lot, and a concrete play area.

Mixed Ornamental Woodland

The project site contains multiple clusters of planted mixed ornamental trees. Species observed included Mexican fan palm (*Washingtonia robusta*), coastal redwood, wild cherry tree (*Prunus avium*), Mediterranean buckthorn (*Rhamnus alaternus*), tree privet (*Ligustrum* sp.), holm oak, and deodar cedar.

Ruderal

Ruderal habitat is classified as areas that have been physically disturbed (by previous legal human activity) and are no longer recognizable as a native or naturalized vegetation association but continue to retain a soil substrate.

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Source: ESRI Aerial Imagery. Wood Rodgers, August 2023.

FCS An ADEC Innovation

130 65 0 130 Feet

Figure 3.2-1
Habitat Types Map

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The northwestern, southeastern, and northeastern areas of the project site are composed of ruderal habitat. Vegetation observed includes stinkwort (*Dittrichia graveolens*), Bermuda grass (*Cynodon dactylon*), common purslane (*Portulaca oleracea*), garden geranium (*Pelargonium* x *hortorum*), common dandelion (*Taraxacum officinale*), mustard (*Brassica juncea*), beets (*Beta vulgaris*), flax-leaved horseweed (*Conyza bonariensis*), Canary Island ivy (*Hedera canariensis*), cheeseweed mallow (*Malva neglecta*), fishpole bamboo (*Phyllostachys aurea*), juniper bushes (*Juniperus communis*), and heavenly bamboo (*Nandina domestica*).

Sensitive Biological Communities

Biological communities are assemblages of organisms that live within or use a variety of habitats for their range-of-life functions. Sensitive biological communities include habitats that fulfill special functions or have special values (e.g., greater biological diversity), such as wetlands, streams, and riparian habitat. Because wildlife is a major aspect of a biological community, this discussion of sensitive biological communities describes wildlife present in such communities. The project site does not contain any sensitive biological communities such as wetlands, streams, or riparian habitat.

Wetlands and Waters of the United States and the State

Review of the historical imagery using Google Earth Pro provided no evidence of streams being diverted away from the project site, or wetlands being converted to development, or any evidence that such habitats had been eliminated from the site. A review of the USGS National Hydrography Data Set shows no stream drainages occurring on the property. Review of the USFWS National Wetlands Inventory maps shows no wetlands or deep-water habitats mapped within the site. Field surveys conducted by FCS confirmed that no wetlands/waters of the United States or State were found on the property.

Common Species

Wildlife species detected during the general biological survey 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. Appropriate field guides were used to assist with species identification during surveys.

The site may provide habitat for generalist and opportunistic wildlife species that are able to tolerate high levels of habitat disturbance. Wildlife observed during the field survey included American crow (*Corvus brachyrhynchos*), song sparrow (*Melospiza melodia*), black phoebe (*Sayornis nigricans*), ground squirrel (*Marmotini* sp.), yellow-rumped warbler (*Setophaga coronate*), house sparrow (*Passer domesticus*), western bluebird (*Sialia Mexicana*), and Bewick's wren (*Thryomanes bewickii*).

The trees located on-site and in the immediate vicinity could provide suitable habitat for migratory or resident nesting birds. Surveys were conducted in January which is outside the roosting season. If bats had been present within the abandoned structures during roosting season, there would still be signs of them outside of the roosting season, such as guano deposits and oily stains near roosting entrances. No signs of bat roosts were observed during the field survey, including within the boarded up abandoned structures. Additionally, no presence of natural foraging habitat was observed in the project area.

Special-status Species

Special-status species, whether plants, wildlife, or fish, are considered sufficiently rare that they require special consideration and/or protection and have been or should be listed as rare, threatened, or endangered by the federal and/or State governments. The following discussion focuses on the occurrence or potential for the occurrence of special-status species at the project site.

Special-status Plants

Of the 52 special-status plant species recorded in the regional vicinity of the project site, 11 special-status plant species have been recorded within a 5-mile radius of the project site. These include:

- Arcuate bush-mallow (*Malacothamnus arcuatus*)
- big-scale balsamroot (*Balsamorhiza macrolepis*)
- Hall's bush-mallow (*Malacothamnus hallii*)
- Loma Prieta hoita (*Hoita strobilina*)
- Metcalf Canyon jewelflower (*Streptanthus albidus ssp. albidus*)
- most beautiful jewelflower (*Streptanthus albidus ssp. peramoenus*)
- Mt. Hamilton thistle (*Cirsium fontinale var. campylon*)
- Santa Clara Valley dudleya (*Dudleya abramsii ssp. setchellii*)
- smooth lessingia (*Lessingia micradenia var. glabrata*)
- woodland woollythreads (*Monolopia gracilens*)
- fragrant fritillary (*Fritillaria liliacea*)

The plant species recorded within 5 miles of the project site require specific habitats or conditions, including valley grasslands, cismontane woodlands, chaparral, or swamps and marshes. None of these habitat types are present on-site and no special-status plant species were observed during the field survey.

Special-status Wildlife

Of the 39 special-status wildlife species recorded in the regional vicinity of the project site, 18 species-status wildlife species have been recorded within a 5-mile radius of the project site as noted:.

- California giant salamander (*Dicamptodon ensatus*)
- California red-legged frog (*Rana draytonii*)
- California tiger salamander–Central California District Population Segment (DPS) (*Ambystoma californiense*: population 1)
- foothill yellow-legged frog–Central Coast DPS (*Rana boylii*: population 4)
- Santa Cruz black salamander (*Aneides niger*)
- American peregrine falcon (*Falco peregrinus* anatum)
- burrowing owl (*Athene cunicularia*)

- golden eagle (*Aquila chrysaetos*)
- tricolored blackbird (*Agelaius tricolor*)
- yellow-breasted chat (*Icteria virens*)
- steelhead–Central California Coast DPS (*Oncorhynchus mykiss irideus*: population 8)
- Bay checkerspot butterfly *(Euphydryas editha bayensis*)
- Crotch's bumble bee (*Bombus crotchii*)
- American badger (*Taxidea taxus*)
- pallid bat (*Antrozous pallidus*)
- San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*)
- coast horned lizard (*Phrynosoma blainvillii*)
- western pond turtle (*Emys marmorata*)

None of these special-status species were observed on-site during the field survey. Suitable habitat to support special-status species in the form of aquatic or aestivation habitat or suitable microhabitats such as beach dunes, chaparral, desert scrub, sandy washes, stream terraces, ponds, marshes, or rivers were not observed on-site.

Wildlife Movement Corridors

Wildlife movement corridors link areas of suitable wildlife habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. Urbanization and the resulting fragmentation of open space areas create isolated "islands" of wildlife habitat, forming separated populations.

The project site was evaluated for evidence of wildlife movement corridors during the field survey. The project site is developed and surrounded in all directions by extensive urban development, roadways, and other manufactured structures that serve as barriers to wildlife movement. The site does not include a wildlife movement corridor.

Protected Trees

The City's Tree Removal Policy protects street trees, heritage trees, trees of ordinance size (trunk of 38 inches or more in circumference at 4.5 feet above ground), or any tree located on multi-family, commercial, industrial, or mixed-use property or in a common area. Eighty-seven trees were surveyed within and around the project site, with 48 trees identified within the project site boundaries. Of the 48 trees present on-site, 19 are considered ordinance-sized trees.

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 Migratory Bird Treaty Act (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 USACE regulates the discharge of dredged and/or fill material into waters of the United States. 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 California Environmental Quality Act (CEQA) documents. The purpose of CESA is to ensure that the 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 (Fish and Game Code [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 proposed 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

The California Fish and Game Code defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" (FGC § 86). Except for take related to scientific research, all take of fully protected species is prohibited. Fully protected fish species are protected under Fish and Game Code Section 5515; fully protected amphibian and reptile species are protected under Section 5050; fully protected bird species are protected under Section 3511; and fully protected mammal species are protected under Section 4700. Fish and Game Code Section 3503 prohibits the killing of birds or the destruction of bird nests. Section 3503.5 prohibits the killing of raptor species and the destruction of raptor nests. Fish and Game Code Sections 2062 and 2067 define "endangered and threatened species."

California Department of Fish and Wildlife Species of Concern

In addition to formal listing under the Endangered Species Act and CESA, certain species receive additional consideration by CDFW and local lead agencies during the CEQA process. Species that may be considered for review are included on a list of "Species of Special Concern," developed by the CDFW 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 agreeable 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

The CNPS maintains a rank of plant species native to California that has 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. Potential impacts to populations of CNPS ranked plants receive consideration under CEQA review. The following identifies the definitions of the CNPS ranks:

- **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 numerous elsewhere
- **Rank 3:** Plants about which more information is needed
- **Rank 4:** Watch List: Plants of limited distribution

All plants appearing on CNPS List 1 or 2 are considered to meet the CEQA Guidelines Section 15380 criteria. While only some of the plants ranked 3 and 4 meet the definitions of threatened or endangered species, the CNPS recommends that all Rank 3 and Rank 4 plants be evaluated for consideration under CEQA.

Local

Habitat Conservation Plan

The proposed project lies within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP) Permit Area. The SCVHP is a 50-year regional strategy designed to balance environmental protection with urban development in Santa Clara County, California. It was officially adopted in 2013 by a coalition of local agencies, including the cities of San José, Morgan Hill, and Gilroy, along with the Santa Clara Valley Water District and the Valley Transportation Authority.

The SCVHP aims to protect and restore habitats for endangered and threatened species, streamline permitting for public and private development projects, and ensure compliance with federal and State endangered species laws. The SCVHP covers over 500,000 acres and includes conservation strategies for more than a dozen species, such as the California tiger salamander and the western burrowing owl. The plan also includes adaptive management, monitoring, and a funding mechanism to support long-term implementation.

City of San José 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.

Policies

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-4.2 Limit recreational uses in wildlife refuges, nature preserves and wilderness areas in parks to those activities which have minimal impact on sensitive habitat.

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

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.

Goal ER-5 Migratory Birds

Protect migratory birds from injury or mortality.

Policies

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

Chapters 13.28 and 13.32 of the San José Municipal Code outlines the conditions and requirements of the City's tree preservation policy.

Chapter 13.32–Tree Removal Controls

The City defines an ordinance-sized tree is either a single trunk or stem with a circumference of at least 38 inches measured at a height 54 inches above 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.

3.2.4 - Methodology

Impacts on biological resources were evaluated based on the likelihood that special-status species, sensitive habitats, wildlife corridors, and protected trees are present on the project site 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.

The project site is defined as all areas directly affected by project development.

3.2.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether 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.

3.2.6 - Project Impacts and Mitigation Measures

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

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.**

An impact to special-status plants or wildlife species would be considered significant if construction or operations of the proposed project would result in a substantial adverse change in any of the physical conditions (such as habitat) within the area affected by the project. Each potential special-status species that has the potential to be impacted is discussed in detail below.

Construction

Construction activities would result in the removal of all the mixed ornamental woodland and ruderal habitat found on the project site. Vegetation removal has the potential to negatively impact special-status wildlife species and their habitats.

Special-status Plant Species

Of the 52 special-status plant species recorded in the regional vicinity of the project site, 11 special-status plant species have been recorded within a 5-mile radius of the project site. However, these species require specific habitats or conditions, including valley grasslands, cismontane woodlands, chaparral, or swamps and 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 proposed 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. Additionally, no special-status plant species were observed on the property during field surveys. As such, no impacts to special-status plant species from project construction would occur.

Special-status Wildlife Species

Of the 39 special-status wildlife species recorded in the regional vicinity of the project site, 18 special-status wildlife species have been recorded within a 5-mile radius of the project site. Most of these species are not expected to occur on the project site due to a lack of suitable habitat from previous development within the project site and the immediate surrounding areas. No special-

status amphibian species are expected to occur due to the lack of suitable aquatic or aestivation habitat. 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, and stream terraces, ponds, marshes, or rivers. Additionally, high levels of development on-site preclude the likelihood of reptilian presence on-site. Abandoned structures on-site were heavily boarded up, which eliminates access points for bats. There were no access points to the buildings other than doors that were locked, and no bats or signs of bats, such as scat deposits or oily stains near roosting entrances, were found within the buildings. These signs can linger years after bats have vacated a site. Individual trees present within the site did not provide suitable roosting habitat for special-status bat species, and no evidence of bat activity was found during the field survey.

Surveys were conducted in January, outside of the breeding season of most special-status species including bats, but as described in Appendix C, Table 2, all special-status species with the exception of nesting birds were found to be absent from the site and no signs were present to suggest the potential to be present during suitable breeding season. Therefore, surveys conducted during breeding seasons would have resulted in the same conclusion.

The project site does contain some mature trees, which could provide suitable nesting habitat for resident and migratory bird species protected under federal and State regulations. Removal of trees could potentially impact nesting birds if construction occurs during the nesting season. The resulting potential nest abandonment destruction creates a potentially significant impact. However, Mitigation Measure (MM) BIO-1 requires pre-construction surveys and the establishment of buffer zone around any active nests to prevent impacts to nesting birds, including birds of prey. Construction-related impacts would be less than significant with mitigation incorporated.

Operation

The project site is located in an urbanized area where disturbance and human activity exists under the baseline conditions. Birds nesting in these areas are assumed to be habituated to such disturbance. Project operations would be similar to those existing in the vicinity and new trees would be planted within the project site to replace trees proposed for removal, offering additional nesting bird habitat. As such, operation-related impacts would be less than significant.

City of San José Standard Permit Conditions

SPC-2 **Nesting Birds Survey.** Demolition, removal of vegetation (including trees), *grading,* and construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay Area, extends from February 1st through August 31st, inclusive.

If demolition, vegetation removal, and construction cannot be scheduled outside of nesting season, a qualified Biologist shall complete pre-construction surveys to identify active raptor nests (i.e., nests containing eggs or young) of protected bird species that may be disturbed during project implementation. This survey shall be completed no more than seven (7) days prior to the initiation of demolition/vegetation removal/*grading, and* construction activities*.* During this survey, the qualified Biologist shall inspect all vegetation, structures, trees and other

possible nesting habitats substrate (including the ground) in and immediately adjacent to the construction areas, and within 300 feet (for raptors) and 100 feet (for non-raptors) of construction areas to the extent access permits, for active nests (i.e., nests with eggs or young). If an active nest is found in an area that will be disturbed by construction, the ornithologist Biologist shall designate a construction-free buffer zone (typically 250 feet but the buffer zone depends on the species and project site conditions) to be established around the nest. The buffer zone is typically 300 feet for raptors and 100 feet for non-raptors, though the buffer zone may be modified by the Biologist depending on the species and project site conditions. The buffer would ensure that active nests of raptors and other protected birds or migratory bird nests shall not be disturbed directly or indirectly during project construction.

Prior to any vegetation removal, or approval of any demolition or grading permits (whichever occurs first), the applicant shall submit the Biologist's report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement (PBCE) or *the* Director's designee.

During the nesting seasons, if demolition/*vegetation removal/grading or* construction activities are delayed or paused and the time period between the pre-construction survey and start or restart of demolition/construction activities exceeds 7 days (or any shorter period recommended by the Biologist), a new pre-construction survey shall be performed prior to resuming any work on the site. The results of this survey shall be provided to the Director of PBCE or *the* Director's designee.

Level of Significance

Less than significant impact.

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.**

A potentially significant impact would occur if the proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.

Construction activities would take place within urban land, ruderal land, and mixed ornamental woodland. The project site currently contains unoccupied structures and non-native herbaceous plants and grasses (ruderal vegetation) and non-native shrubs and trees. No sensitive habitats were found on the property or in the project vicinity. Additionally, no riparian habitat was found directly adjacent to or within the project site. Canoas Creek is located 264 feet to the north. However, residential development and a busy roadway separates the project site from Canoas Creek.

Therefore, the project site would not have significant impacts on riparian habitats or sensitive natural communities. As such, construction-related impacts would be less than significant.

It should be noted that impacts to sensitive natural communities or riparian habitat would only apply to construction activities. Operational activities would not result in further impacts to sensitive natural communities or riparian habitats.

Level of Significance

Less than significant impact.

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.**

A potentially significant impact would occur if the proposed project would have a substantial adverse effect on State or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. No federally protected wetlands as defined by Section 404 of the CWA were identified within the site. Review of the historical imagery using Google Earth Pro provided no evidence of streams being diverted away from the project site, or wetlands being converted to development, or that such habitats had been eliminated from the site. A review of the USGS National Hydrography Data Set shows no stream drainages occurring on the property. Review of the USFWS National Wetlands Inventory maps shows no wetlands or deep-water habitats mapped within the site. Additionally, no federal or State wetlands were found during the field survey. As such, the proposed project would not directly or indirectly remove, fill, or hydrologically interrupt State or federally protected wetlands. No impact would occur.

Level of Significance

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.**

Project construction would occur in an area that is vegetated with mostly urban habitats consisting of primarily non-native herbaceous plants and grasses and landscaping. The project site is developed and is surrounded in all directions by extensive urban development, roadways, and other manufactured structures that serve as barriers to wildlife movement. Loss of vegetation associated with these habitats would result in minor disruption to existing wildlife, which consists of common species. Some bird roosting, nesting, and foraging areas within the non-native grassland would be eliminated; however, these areas would be replaced with foraging habitat and trees for nesting birds. Reptiles and small mammals that use the site may be temporarily displaced, including species such as California ground squirrels (*Otospermophilus beecheyi*), western fence lizards (*Sceloporus occidentalis*), and brown rats (*Rattus norvegicus*); however, similar habitats exist nearby that would provide for wildlife movement. The project site does not provide a substantial wildlife movement

corridor. As such, impacts would be less than significant. Operation Once constructed, no operational impacts are anticipated because, the site will be used for residential living, which does not involve high-intensity activities or infrastructure that would obstruct or alter wildlife movement patterns. Homes, streets, and parks are static features that do not generate ongoing disturbances to wildlife corridors. Additionally, the site is located within an already developed urban area and was previously developed. The proposed residential use would be consistent with existing land use patterns and does not introduce new types of disturbance that would affect wildlife corridors beyond what is already present. The layout of homes and roads is consistent with surrounding urban development and does not fragment or isolate habitat areas. As such, no operation-related impact would occur.

Level of Significance

Less than significant impact.

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.**

A potentially significant impact would occur if the proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The City of San José General Plan Goal ER-4 and ER-5 requires the protection of special-status plant and animal species and migratory birds. Implementation of SPC-2 would meet the requirements of General Plan Goal ER-4 and ER-5, reducing impacts to nesting birds to a less than significant level. The proposed project would not conflict with these goals.

Additionally, Chapter 13.28 and 13.32 of the San José Municipal Code lists protected trees, permit requirements, and the process for tree removal. The policy protects street trees, heritage trees, trees of ordinance size (trunk of 38 inches or more in circumference at 4.5 feet above ground), and any tree located on multi-family, commercial, industrial, or mixed-use property or in a common area. The proposed project would require removal of 48 trees on-site, and six trees off-site. Accordingly, the applicant would be required to replace trees in accordance with the City's Tree Replacement ratios listed in Standard Permit Condition (SPC)-3. The total number of replacement trees required would be 152 15-gallon trees or 76 24-inch gallon trees. The project applicant would plant 159 24-inch box trees within the project site, which would meet the tree replacement ratio required through SPC-5. With implementation of SPC-3, the proposed project would adhere to Chapter 13.28 and 13.32 of the Municipal Code. Impacts would be less than significant.

City of San José Standard Permit Conditions

SPC-3 **Tree Replacement.** Trees removed for the proposed project shall be replaced at ratios required by the City, as stated in Table 1 below, as amended:

Table 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:
*x:x = tree replacement to tree loss ratio
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.
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.

There are 48 trees on-site and all 48 would be removed. Six off-site trees would also be removed. Since all 48 of the on-site trees proposed for removal are non-native, 32 trees would be replaced at a 2:1 ratio, and 22 trees would be replaced at a 4:1 ratio. The total number of replacement 15-gallon trees required to be planted would be 152 trees or 76 24-inch box 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 (PBCE).

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

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

SPC-4 **Tree Protection Standards.** The project applicant shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by numbered metal tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain-link fencing or other fencing type approved by the Director of

PBCE. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, or vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval and shall be supervised by the consulting licensed Arborist. Fencing and signage shall be maintained by the permittee to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.

Level of Significance

Less than significant impact.

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.

A potentially significant impact would occur if the proposed project would conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State HCP. The proposed project lies within the boundaries of the SCVHP Permit Area. The project site is designated "Urban Areas (No Land Cover Fee)" within the SCVHP. 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 a SCVHP-defined plant or wildlife survey area. With implementation of SPC-6, the proposed project would adhere to the SCVHP. Impacts would be less than significant with mitigation incorporated.

City of San José Standard Permit Conditions

SPC-5 Santa Clara Valley Habitat Plan

The proposed project may be subject to applicable Santa Clara Valley Habitat Plan (SCVHP) conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the SCVHP Coverage Screening Form (https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The SCVHP and supporting materials can be viewed at https://scv-habitatplan.org/178/Santa-Clara-Valley-Habitat-Plan.

Level of Significance

Less than significant impact.

3.2.7 - Cumulative Impacts

The general geographic scope of the cumulative biological resources analysis is within 2 miles of the project site, within the City of San José, as shown on Table 3-1. Similar biological elements, such as habitat type and tree presence within a developed area, are found within 2 miles of the project site, but not beyond. There are five cumulative projects within two miles of the project site vicinity

(Figure 3-1). These planned developments are all located in areas that have already been disturbed and built out with limited potential to support special-status wildlife and plant species, wildlife corridors and wildlife nursery sites, and protected trees. Accordingly, there is a low likelihood of special-status wildlife or plants, wildlife corridors or nursery sites, or protected trees occurring within these urban cumulative project areas due to past ground disturbance. Furthermore, all past, present, and proposed projects would comply with applicable regulations to help ensure biological resources are protected.

Special-status Plant Species

As mentioned under Impact BIO-1, the proposed project site does not contain any special-status plant species or suitable habitat capable of supporting them. The project would comply with applicable General Plan policies and Municipal Code requirements intended to avoid or minimize potential impacts to biological resources. Therefore, the project would have no impact on special-status plant species.

All cumulative projects identified in Table 3-1 are located within already urbanized or previously disturbed areas. Similar to the proposed project, these cumulative projects could involve grading, vegetation removal, or other construction activities. However, because they are generally located in disturbed or developed contexts, they are not expected to directly affect special-status plant species. In addition, each cumulative project would be subject to applicable federal, State, and local regulations governing the protection special-status plant species.

Accordingly, while the cumulative projects, considered together, could incrementally increase development in the City, they are not anticipated to result in substantial or significant cumulative impacts on special-status plants. The proposed project would not contribute to these impacts because it does not contain special-status plants and would comply with applicable regulatory requirements. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on special-status plants would be less than significant. Special-status Wildlife Species

As previously noted, the proposed project site does not support any special-status wildlife species or provide suitable habitat for such species, other than protected nesting birds. The project will adhere to relevant General Plan policies and Municipal Code provisions designed to prevent or reduce potential impacts on biological resources as well as project specific mitigation. Consequently, the project would not adversely affect special-status wildlife species and impacts to protected nesting birds would be reduced to less than significant with implementation of MM BIO-1.

All cumulative projects listed in Table 3-1 are situated in areas that are already urbanized or have been previously disturbed. Like the proposed project, these developments may involve activities such as grading, vegetation clearing, or other forms of construction. However, due to their location within developed or disturbed environments, they are unlikely to directly impact special-status wildlife species. Furthermore, each cumulative project is required to comply with applicable federal, State, and local regulations that safeguard these species.

Therefore, although cumulative development across the City may gradually increase, it is not expected to result in significant cumulative effects on special-status wildlife species. Cumulative impacts would be less than significant. Moreover, the proposed project's contribution would not be cumulatively considerable, as the project site lacks special-status wildlife species, mitigates any potential impacts to nesting birds, and complies with all relevant regulatory standards. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on special-status wildlife species would be less than significant.

Sensitive Natural Communities or Riparian Habitat

As discussed above, the proposed project site does not support riparian habitat or other sensitive natural communities. Project implementation would occur on previously developed land and would comply with applicable General Plan policies and Municipal Code requirements intended to avoid or minimize potential impacts on biological resources. Therefore, the project would not directly or indirectly affect riparian habitat or other sensitive natural communities and impacts would be less than significant.

All cumulative projects identified in Table 3-1 are located within already urbanized or previously disturbed areas. Similar to the proposed project, these cumulative projects could involve grading, vegetation removal, or other construction activities. However, because they are generally located in disturbed or developed contexts, they are not expected to directly affect riparian habitat or sensitive natural communities. In addition, each cumulative project would be subject to applicable federal, State, and local regulations governing the protection of riparian areas and sensitive natural communities. Accordingly, while the cumulative projects, considered together, could incrementally increase development in the City, they are not anticipated to result in substantial or significant cumulative impacts on riparian habitat or other sensitive natural communities.

Moreover, the proposed project would not have a cumulatively considerable contribution to these less than significant impacts because it does not contain riparian or sensitive natural communities and would comply with applicable regulatory requirements. Therefore, the project's contribution would/would not be cumulatively considerable and cumulative impacts on riparian habitat and sensitive natural communities would be less than significant.

Fish and Wildlife Movement Corridors and Wildlife Nursery Sites

As mentioned under Impact BIO-4, the proposed project site does not support a wildlife movement corridor or nursery sites. Project implementation would occur on previously developed land and would comply with applicable General Plan policies and Municipal Code requirements intended to avoid or minimize potential impacts to biological resources. Therefore, the project would not affect wildlife movement corridors or nursery sites and impacts would be less than significant.

All cumulative projects identified in Table 3-1 are located within already urbanized or previously disturbed areas. Similar to the proposed project, these cumulative projects could involve grading, vegetation removal, or other construction activities because they are generally located in disturbed or developed contexts, they are not expected to directly affect wildlife movement corridors or

nursery sites. In addition, each cumulative project would be subject to applicable federal, State, and local regulations governing the protection of wildlife movement corridors and nursery sites.

Accordingly, while the cumulative projects, considered together, could incrementally increase development in the City, they are not anticipated to result in substantial or significant cumulative impacts on riparian habitat or other sensitive natural communities. Additionally, the proposed project would not contribute to these impacts because it does not contain wildlife movement corridors or nursery sites and would comply with applicable regulatory requirements. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on nursery sites and wildlife movement corridors would be less than significant.

Local Policies or Ordinances

As mentioned under BIO-5, the proposed project site would adhere to local policies and ordinances through implementation of SPC-2, SPC-3 and SPC-4. The project would comply with applicable General Plan policies and Municipal Code requirements intended to avoid or minimize potential impacts to biological resources. Therefore, the project would not affect special-status wildlife species and impacts would be less than significant with mitigation.

The cumulative projects identified in Table 3-1 would result in the removal of trees, including ordinance-sized trees, which are governed by the applicable local protection ordinance, including the City's Street Tree Ordinance. Additionally, cumulative projects may impact special-status species and habitats protected under the City's General Plan Policies, though high levels of existing development within the cumulative geographic context lower the likelihood of this. Impacts to these biological elements would be in direct conflict with local and regional policies and ordinances. However, all projects within the cumulative geographic context would be required to adhere to applicable local and regional policies, ordinances, and mandates, including those listed in Municipal Code Chapter 13.28 and 13.32, the SCVHP, the City's SPCs, and General Plan Goals 4 through 5. Accordingly, cumulative impacts would be less than significant. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on local policies and ordinances would be less than significant with mitigation.

Habitat Conservation Plan

The proposed project site does not lie within a SCVHP-defined plant or wildlife survey area and is not within a zone that contains a Land Cover Fee, therefore it would not contribute to any impact to these resources. Furthermore, with implementation of SPC BIO-5, the proposed project would comply with all applicable SCVHP requirements, including avoidance and minimization measures. This ensures that the project does not conflict with the goals or implementation of the SCVHP, does not contribute to habitat fragmentation or loss of connectivity and does not result in impacts to covered species or sensitive habitats. Accordingly, the proposed project's impacts are less than significant.

The cumulative geographic context falls within the boundaries of the SCVHP Permit Area. The SCVHP requirements ensure that each project contributes to regional conservation goals and mitigates its own impacts in a consistent and coordinated manner. Therefore, cumulative impacts are

systematically addressed and minimized through the SCVHP permitting process. All cumulative projects are responsible for permit applications, permit processing fees, and any applicable technical reports required by the SCVHP and impacts would be less than significant. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on habitat conservation plans would be less than significant.

Level of Cumulative Significance

Less than significant impact.

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3.3 - Cultural Resources

3.3.1 - Introduction

This section describes the existing cultural resources 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 Phase I Cultural Resources Assessment (Phase I CRA) completed for the proposed project by FirstCarbon Solutions (FCS) in December 2023. The Phase I CRA is a confidential report and withheld from public review pursuant to Public Resources Code, Sections 5097.9 and 5097.993, and thus is included in confidential Appendix D.1. A Historic Resources Evaluation prepared by Evans & De Shazo, Inc., dated February 18, 2025 and updated April1, 2025, is included as Appendix D.2.

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 and cemeteries are formal or informal locations where human remains have been interred. Burial sites may be associated with pre-contact indigenous cultures as well as later historic periods.

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.

Regional Historic Background

The following is a brief overview of the history of the general project area, providing a context in which to understand the background and relevance of any cultural resources that may by adversely impacted by the proposed project. 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

FCS.[1] Further details can be found in ethnographic studies, mission records, and major published sources referenced in the Phase I CRA.

Santa Clara County Historic Background

Santa Clara County derives its name from Mission Santa Clara de Asís and is one of the original counties created with California statehood, sharing its name with the City of Santa Clara. Santa Clara County 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 Santa Clara County 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 Santa Clara County experienced a population boom with thousands of veterans settling in the area seeking suburban living.

Today, Santa Clara County is more widely known as Silicon Valley and is home to Apple, Facebook, Google, and Tesla, etc. Its population of nearly 1,982,645 million is one of the largest in California and the largest of the nine Bay Area Counties. Aside from being a leader in technology, Santa Clara County 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. Santa Clara County 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.

San José Historic Background

San José's roots date 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 one 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

[1] FirstCarbon Solutions (FCS). 2025. Glider Residential Project Phase I Cultural Resources Assessment.

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 two 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 31st 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, the City of San José, with access to 18 canneries and 13 packinghouses, became 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 San José with the nearby 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. 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 San José'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 attributed 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 San José '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. 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.

Record Search and Pedestrian Survey Results

Northwest Information Center

On December 13, 2023, a records search for the project area and a 0.5-mile radius beyond the project site boundary was conducted at the Northwest Information Center (NWIC) located at Sonoma State University in Rohnert Park, California. The current inventories of the National Register of Historic Places (NRHP), CRHR, California Historical Landmarks (CHL) list, California Points of Historical Interest (CPHI) list, and the Built Environment Resources 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 three pre-contact cultural resources have been recorded within the 0.5-mile search radius, none of which are located within the project site. Additionally, 14 area-specific survey reports are on file within the 0.5-mile radius; none of which address the project site. The proposed project has not been previously surveyed for cultural resources.

Aerials of Site

A review of aerials of the site from 1948 to 1980 indicate the project site was undeveloped and used as an agricultural field from 1948 until 1968, at which point grading and construction of the Glider Elementary School began. The periods following 1968 are marked by the construction of additional residential and commercial buildings in the surrounding vicinity of the project site. From 1993 to the present, both the project site and its immediate vicinity have remained relatively unchanged.

Cultural Resources Pedestrian Survey

On December 20, 2023, FCS Director of Cultural Resources/Principal Investigator Dr. Dana DePietro conducted a pedestrian survey for unrecorded cultural resources within the proposed project site, which is situated within the existing Glider Elementary School Campus in San José, California. The site is bound to the north, east, south, and west by residential streets and neighborhoods. The southeastern three-quarters of the site are largely hardscaped with a combination of permanent and portable buildings, as well as playgrounds, basketball courts, and a solar array. The northwestern quarter of the site that is undeveloped consists of trees and open fields that run up to residential parcels to the north and west.

Dr. DePietro surveyed the proposed project site in its entirety, beginning in the west and moving east, using north–south transects spaced at 15-meter intervals whenever possible. Visibility in undeveloped portions of the site was poor (less than 2 percent) due to thick grasses and groundcover. Observed native soils were largely confined to the northwestern quarter of the site, and were composed of silty, dark brown (Munsell 10YR 2/2) soil with low clay content and few

inclusions. Survey conditions were documented using digital photographs and field notes. During the survey, Dr. DePietro examined all areas of the exposed ground surface for pre-contact 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, 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).

Particular attention was paid to the permanent structures on-site, which are shown to be under construction in historic aerial photographs dating to 1968. The permanent school buildings consist of a series of five interconnected rotundas. Four rotundas of equal size are arranged roughly according to cardinal directions, and a fifth larger main rotunda is situated to the southwest. All five round brick structures are interconnected, with wooden walls and ancillary office buildings to the southeast. At the time of the survey, no previous evaluation for historic significance or eligibility for the CRHR was identified. All areas of the project site were closely inspected for culturally modified soils or other indicators of potential historic or pre-contact resources. With the exception of the aforementioned structures, no other potential historic resources, archaeological resources, or raw materials commonly used in the manufacture of tools (e.g., obsidian, Franciscan chert) were observed.

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 in the Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4 that was prepared for the California Department of Transportation (Caltrans). This study mapped the "archaeological sensitivity," or potential to support the presence of buried pre-contact archaeological deposits, throughout the San Francisco Bay Area 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 relatively flat, developed land. According to the geologic map of the Santa Teresa Hills quadrangle, the project site is entirely situated upon Holocene-era surficial sediments consisting of alluvial gravel, sand, and clay soil of valley areas, which includes low-sloping alluvial fan gravel and sand near foothills.

Historic Built Environment Assessment

A Historic Built Environment Assessment report was prepared to document and evaluate the 9.51-acre Glider Elementary School property at 511 Cozy Drive, in the City of San José, California, within Assessor Parcel Number (APN) 689-08-001. Principal Architectural Historian Stacey De Shazo, MA, who meets the Secretary of the Interior's Professional Qualification Standards in Architectural History and History, and Bee Thao, MA, prepared the historical significance evaluation and

associated impacts assessment. The purpose of the report was to determine whether the built environment resources within the project site are individually eligible for listing on the CRHR or the San José Historic Resources Inventory as a Candidate City Landmark under the landmark significance criteria outlined in Municipal Code Section 13.48, San José's Historic Preservation Ordinance. The project site consists of the 1968 Glider Elementary School building, a ca. 2002 day care building, a ca. 2002 steel container, four ca. 2003 portable classroom buildings, 2017 solar panels, a 1968 playground area with contemporary equipment, and landscape. The only elements on the site that are 45 years or older and evaluated as a potential historical resource are the school building and playground.

Summary of Existing Cultural Resources at the Project Site

Historic Architectural Resources

NWIC record search results and archival research indicate that no known historic architectural resources are located within the project site boundaries. However, the pedestrian survey results determine that the Glider Elementary School is a potentially historic resource. The school was evaluated and found ineligible for listing in the CRHR under any criterion and the San José Historic Resources Inventory as a Candidate City Landmark.

Archaeological Resources

NWIC records search results indicate that no pre-contact resources have been recorded within the project boundaries; however, three pre-contact resources are recorded within the 0.5-mile radius of the project site.

3.3.3 - 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 36 Code of Federal Regulations 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 Native American Heritage Commission (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 (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

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

City of San José

Envision San José 2040 General Plan

Goal ER-10 Archaeology and Paleontology

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

Policies—Archaeology and Paleontology

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.

Goal LU-13 Landmarks and Districts

Preserve and enhance historic landmarks and districts in order to promote a greater sense of historic awareness and community identity and contribute toward a sense of place.

Policies—Landmarks and Districts

LU-13.1 Preserve the integrity and fabric of candidate or designated Historic Districts.

LU-13.2 Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their

historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.

LU-13.4 Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.

LU-13.6 Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

LU-13.9 Promote the preservation, conservation, rehabilitation, restoration, reuse, and/ or reconstruction, as appropriate, of contextual elements (e.g., structures, landscapes, street lamps, street trees, sidewalk design, signs) related to candidate and/or landmark buildings, structures, districts, or areas.

LU-13.11 Maintain and update a Historic Resources Inventory in order to promote awareness of these community resources and as a tool to further their preservation. Give priority to identifying and establishing Historic Districts.

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

Action—Landmarks and Districts

LU-13.22 Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.

3.3.4 - Methodology

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.

3.3.5 - 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 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.

3.3.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts with regard to cultural resources associated with the development of the project and provides mitigation measures where appropriate.

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

Historic resources in this context refer to the built environment, mainly buildings and structures over 45 years in age that may be eligible for listing on the CRHR and/or San José Historic Resources Inventory as a Candidate City Landmark. The Glider Elementary School consisting of a series of five interconnected rotundas was built in 1968 and meets the criteria if structures over 45 years in age. The school and the site have not been previously documented and evaluated for historic significance or eligibility for listing on the CRHR or San José Historic Resources Inventory as a Candidate City Landmark. A historical resource assessment was prepared for the Glider Elementary School property

for potential historical significance. The historic resources assessment found that the property is not associated with any event that made a contribution to California history or cultural heritage; the property has been owned by the Oak Grove School District since 1967 and it is not associated with any important persons in our past; the property does not appear to embody distinctive characteristics or important work of a creative individual; and it does not appear to yield any information important in prehistory or history. Accordingly, it was determined that the school and playground at 511 Cozy Drive are ineligible for listing in the CRHR under any criterion and/or the San José Historic Resources Inventory as a Candidate City Landmark. There are no other built environment resources within the project site that would be considered historical resources under Title 14 California Code of Regulations Section 15064.5. Therefore, no project-specific mitigation is warranted. No impact would occur.

Level of Significance

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.

Impact Analysis

Records search results from the NWIC identified three pre-contact archaeological resources recorded within the 0.5-mile search radius of the project boundaries. The pedestrian survey, conducted for the project site, did not identify any archaeological resources within the project boundaries. The project site is entirely situated upon l Holocene-era deposits, which are known to have the potential to contain archaeological deposits. The likelihood of this increases with the ease of the slope and proximity to water resources. The project site is relatively flat and Canoas Creek is located approximately 300 feet north of the project site. Additionally, based on the findings of the Phase I CRA, there are known pre-contact resources within 0.5 miles of the project site.[2] This indicates a high potential for unanticipated buried cultural resources on the project site that could be impacted by project construction.

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 SPC-6. SPC-6 outlines inadvertent discovery procedures and would reduce potential impacts to archaeological resources that may be discovered during project construction. The project would also be required to implement MM CUL-2a and MM CUL-2b. Implementation of MM CUL-2a would prepare construction personnel in the event that unanticipated archaeological resources are discovered during project construction and MM CUL-2b requires a Native American and Archaeological Monitor to be present during earthmoving activities to assist with identifying an inadvertent discovery. Impacts would be less than significant with mitigation incorporated.

[2] FirstCarbon Solutions. 2023. Phase I Cultural Resources Assessment (Phase I CRA). Revised April 8, 2025.

City of San José Standard Permit Conditions

SPC-6 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 who 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 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.

Impact CUL-2: The project site has a high potential for unanticipated buried cultural resources to be impacted by project construction.

Mitigation Measures

MM CUL-2a Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant shall conduct a Cultural and Tribal Cultural Resources Awareness Training for construction personnel. The training shall be facilitated by a Secretary of the Interior-qualified Archaeologist in collaboration with a representative from a Native American Tribe that is traditionally and culturally affiliated with the geographic area pursuant to Public Resources Code Section 21080.3.1. The qualified Archaeologist shall implement the awareness training for all project staff and contractors who will be on-site during ground-disturbing activities. This training shall cover the significance of the sites, the importance of respecting cultural resources, and the specific protocols to follow if artifacts or other items of cultural importance are found. Documentation (i.e., sign-in sheets) verifying that Cultural Sensitivity Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee.

MM CUL-2b Prior to 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 Plan shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's

designee for review and approval. The Archaeologist and Native American Monitor shall be present during applicable earthmoving activities such as, but not limited to, trenching, initial or full grading, boring on-site, or major landscaping.

Level of Significance

Less than significant impact with mitigation incorporated.

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 present 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. The proposed project would adhere to SPC-6 and SPC-7, which detail inadvertent discovery procedures for previously undiscovered human remains. Impacts would be less than significant.

City of San José Standard Permit Conditions

SPC-7 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 Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified Archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner shall make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC 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.

Mitigation Measures

None.

Level of Significance

Less than significant impact.

3.3.7 - Cumulative Analysis

Historic Resources

The relevant geographic scope for potential cumulative impacts to historic, built environment resources is a 0.5-mile radius, because this includes the standard cultural record search radius, and reflects the community's historic environment. The NWIC record search results did not identify any historic built environment resources within the project site or 0.5-mile search radius. The Glider Elementary School was determined to be ineligible for listing on the CRHR and the San José Historic Resources Inventory as a Candidate City Landmark. As the proposed project would not impact any existing historic resources, it would not contribute to a cumulative impact.

Potential cumulative impacts to historic resources are limited to construction. There is one construction project within 0.5 miles of the proposed project. However, the project's contribution would not be cumulatively considerable, and cumulative impacts on historic resources would be less than significant.

Archaeological Resources

In the absence of any known archaeological resources that will be impacted by the proposed project, the geographic scope is defined as the 0.5-mile NWIC records search radius.

The NWIC identified three archaeological resources (three pre-contact) recorded within the 0.5-mile search radius; none were identified within the project boundaries. Nevertheless, cumulative impacts within the geographic scope would be less than significant because impacts related to potential cumulative impacts to archaeological resources are localized and limited to construction impacts. Potential impacts are limited to construction because the project does not involve ground disturbance beyond the defined footprint and does not include operational activities that typically could affect archaeological resources. Construction-related impacts occur only during grading, excavation, or other subsurface work, which is the primary mechanism by which archaeological resources could be disturbed. Once construction is complete, there are no ongoing activities, such as traffic, land use changes, or utility work, that would contribute to cumulative effects on archaeological resources.

Additionally, future projects would be required to implement the City's standard conditions to ensure that undiscovered archaeological resources are not adversely affected by cumulative project-related construction activities, which would prevent the destruction or degradation of potentially

significant archaeological resources. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on archaeological resources would be less than significant.

Human Remains

The relevant geographic scope for evaluation of potential construction-related cumulative impacts includes the 0.5-mile NWIC records search radius. There is one cumulative development project within the geographic scope.

Any present or future cumulative development would be required to comply with federal and State laws governing human remains and/or formal cemeteries. Additionally, the implementation of the City's SPCs would ensure undiscovered human remains and/or formal cemeteries are not adversely affected by cumulative project-related construction activities, which would prevent the destruction or degradation of potentially significant cultural resources within the geographic scope. Additionally, the proposed project's contribution would not be cumulatively considerable because, the project must adhere to all applicable federal and State laws governing human remains and formal cemeteries (e.g., California Health and Safety Code, Public Resources Code, and NAHC requirements). These laws provide robust protections that prevent significant impacts. Additionally, implementation of SPCs ensures that if previously undiscovered human remains or cultural resources are encountered during construction, work will halt and appropriate procedures will be followed. This minimizes the potential for adverse effects. The proposed project's activities are localized and do not introduce new or unique impacts beyond those already addressed by existing regulations and mitigation measures. When combined with other past, present, and reasonably foreseeable projects, the incremental effect does not exceed the threshold for significance because protective measures apply uniformly across projects within the geographic scope. Therefore, its contribution to cumulative impacts is negligible.

Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on human remains would be less than significant.

Level of Cumulative Significance

Less than significant impact.

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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 (FCS) on August 6, 2024. The technical memorandum is included in this 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, 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°F (degrees Fahrenheit) 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 have 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 (NCEI), National Oceanic and Atmospheric Administration (NOAA). 2024. Global Time Series. 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. Trends in CO_2, CH_4, N_2O, SF_6. 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 the 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 [MMT] of carbon dioxide equivalent [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 Image 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.

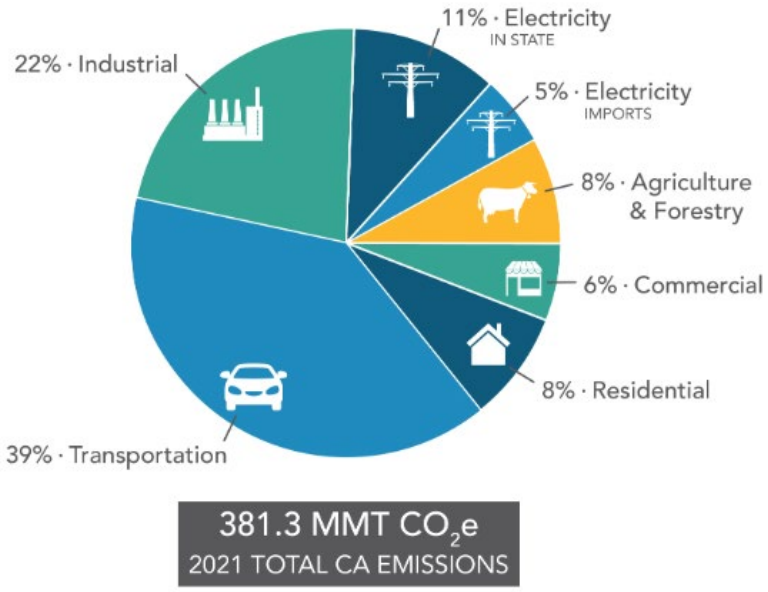


Image 3.4-1: California 2021 GHG Inventory
Source: California Air Resources Board (ARB). California Greenhouse Gas Emissions Inventory 2000–2021 (2023 Edition)

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 four-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 Governor's Office of Land Use and Climate Innovation (LCI). 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.

Project Vicinity Temperature Projections

Image 3.4-2 shows historical and projected annual average temperatures estimated for the project area against baseline conditions (1961-1990), which observed an average annual temperature of 71.9°F. The chart also compares two possible scenarios in the future: one where GHG emissions are moderate (blue line) and one where emissions are high (purple line). The results indicate that temperatures by the end of the century are predicted to increase by 4.1°F under the medium emissions scenario and 7.0°F under the high emissions scenario.[8]

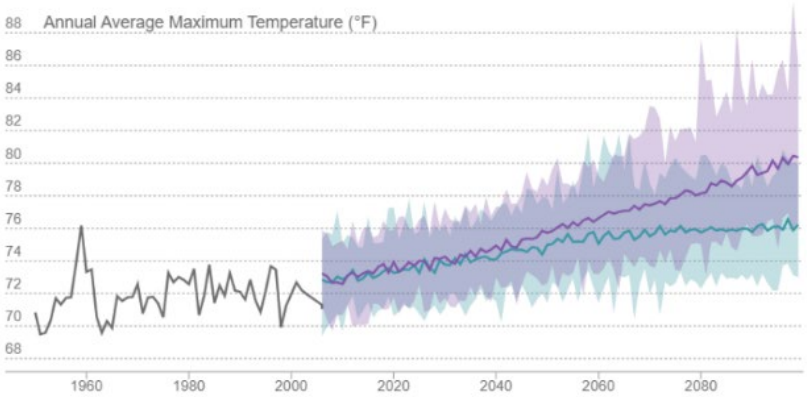


Image 3.4-2: Observed and Projected Temperatures for Climate Change in the Project Area
Source: Cal-Adapt. 2023.

3.4.3 - Regulatory Framework

Regulations relevant to the analysis are discussed below.

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

[8] Cal-Adapt. 2023. Local Climate Snapshots. Website: https://cal-adapt.org/tools/local-climate-change-snapshot/. Accessed September 9, 2024.

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 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 GHG emissions limit no later than December 31, 2030." The current Scoping Plan was adopted in 2022[10] and establishes a scenario by which the State may achieve carbon neutrality by 2045 or earlier, and 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

[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.

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 be 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 but not limited to 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 and low-emissions engines in equipment such as forklifts, sweeper/scrubbers, industrial tow tractors and airport ground support equipment).
- 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]

[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.

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 electric vehicle (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 Commission approved the revised Ordinance on July 15, 2015, which 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.
- Reporting requirements for local agencies.

[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.

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* on 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 (Bay Area Air District) 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 Bay Area Air District 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 (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano and southern Sonoma counties). Bay Area Air District responsibilities include The Bay Area Air District Board of Directors adopted CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans (Bay Area Air District CEQA Thresholds) in 2022. The Bay Area Air District 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 San Francisco Bay Area Air Basin (SFBAAB) during the environmental review process.

Local

City of San José General Plan

Multiple chapters of the City'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 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-1.468 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.

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.

[14] City of San José. Climate Action Plan 2030.August 2020. Website: https://www.sanjoseca.gov/home/showpublisheddocument/63605/637345707563600000. Accessed August 14, 2024.

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

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 emissions from land use development and linear projects in California.

Construction GHG emissions can be estimated by using emission factors and 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 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 emissions reported in this analysis were modeled using CalEEMod Version 2022.1. The proposed project's operational emissions were not quantified because it screens out under the Bay Area Air District's criteria pollutant emission screening thresholds. Additionally, the thresholds being evaluated are qualitative rather than numeric, so operational emissions calculations are not required.

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 gas emissions impacts resulting from the implementation of the proposed project would be considered significant if the project would:

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 Bay Area Air District's 2022 CEQA Air Quality Guidelines provide recommended significance thresholds for GHGs for land use development projects and plans. The 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 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: Bay Area Air District GHG Thresholds for Land Use Projects

Bay Area Air District 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 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

Bay Area Air District Thresholds for Land Use Projects (Must Include A or B)
b. Achieve compliance with off-street electric vehicle (EV) 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 (Bay Area Air District). 2022. CEQA Guidelines. April 20.

Project consistency with Criteria A is based on incorporating project design criteria based on key attributes consistent with the 2022 Scoping Plan and states 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.

The proposed project is evaluated under Criteria A for Impact GHG-1. For Impact GHG-2, the project is assessed for consistency with applicable GHG reduction plans, including the City's Greenhouse Gas Reduction Strategy (GHGRS).

3.4.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts with regard to GHG emissions associated with the proposed project and provides mitigation measures where necessary.

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

The following discussion analyzes the proposed project's contribution to GHG emissions during both the construction and operation phases. The proposed project is analyzed against the Bay Area Air District's qualitative thresholds; therefore, the proposed project's GHG emissions quantified below are for informational purposes only. Both construction and operational activities have the potential to generate GHG emissions. The proposed project's construction emissions were calculated using CalEEMod Version 2022.1. CalEEMod outputs and construction assumptions are provided in Appendix B.

Construction

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. At the time of this analysis, the construction of the proposed project was anticipated to begin in June 2026 and end in November 2028. 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 calculates emissions from off-road equipment usage and on-road vehicle travel associated with haul, delivery, and construction worker trips. The proposed project's construction-related GHG emissions were forecasted based on the proposed construction schedule and applying the mobile source and fugitive dust emissions factors derived from CalEEMod. The proposed project's construction-related GHG emissions would be generated from off-road construction equipment, on-road hauling and vendor (material delivery) trucks, and worker vehicles. As shown in Table 3.4-3, the proposed project would generate approximately 592.1 metric tons (MT) CO_2e during construction.

Table 3.4-3: Proposed Project Construction GHG Emissions

Construction Year	Total MT CO_2e per year (approximate)
2025	208.9
2026	209.3
2027	173.9
Entire Construction Duration (2025–2027)	
Total	**592.1**
Amortized over 30 years	***19.74***

Construction Year	Total MT CO_2e per year (approximate)
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.	

The Bay Area Air District does not presently provide a construction-related GHG generation threshold but recommends that construction-generated GHGs be quantified and disclosed. Considering GHG emissions from construction would be temporary and wouldnot represent recurring annual emissions, the proposed project would not conflict with reduction goals contained in SB 32 and AB 1279. As such, construction-related GHG emissions impacts would be less than significant.

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, the emissions associated with the hauling and disposal of solid waste from the project site, and any fugitive refrigerants from air conditioning or refrigerators.

As previously discussed, the Bay Area Air District'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 the Bay Area Air District's 2022 GHG Significance thresholds, which include the folowing:

A. Buildings
    a. The proposed project would not include natural gas applicances or plumbing or natural gas plumbing. The proposed project would be an all-electric design and thus comply with this requirement.
    b. The proposed project would not result in any wasteful, inefficient, or unnecessary energy usage, as demonstrated in the energy analysis below. Therefore, the proposed project would be consistent with this second design element.

B. Transportation
    a. The proposed project would generate 19.38 VMT per capita daily as esimated by the City's VMT Evaluation Tool, exceeding the residential threshold of 15 percent below existing City VMT per capita. This creates a potentially significant impact. To mitigate VMT impacts, the proposed project would implement a Transportation Demand Management (TDM) Plan, per Mitigation Measure (MM) TRANS-2a, with measures related to the following:

i. Increase development density
ii. Integrate affordable rate housing
iii. Provide neighborhood traffic calming measures
iv. Improving network connectivity
v. Provide pedestrian network improvements
vi. School Pool Program
vii. Voluntary travel behavior change program

With implementaiton of a TDM Plan, project VMT would be reduced to 16.18 VMT per capita but would remain above the residential threshold for VMT. Therefore, impacts to VMT would remain significant and unavaoidable and the proposed project would not be consistent with the third design element.

b. 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. Compliance with the City's Reach Code would satisfy the most recently adopted CALGreen Tier 2 off-street EV requirements. Therefore, the proposed project would be consistent with this design measure.

In summary, the proposed project would satisfy three of the four design elements as outlined in the Bay Area Air District GHG threshold Criterion A; however, the proposed project would be inconsistent with the VMT design element. As such, operation-related impacts would be significant and unavoidable.

Impact GHG-1 The propsed project would generate 19.52 VMT per capita daily as esimated by the City's VMT Evaluation Tool, exceeding the residential threshold of 15 percent below existing VMT per capita, meaning it would not comply Criterion A of the Bay Area Air District's 2022 GHG Significance thresholds.

Mitigation Measures

Implement MM TRANS-1

Level of Significance

Significant and unavoidable impact.

Impact GHG-2:	**The proposed project would conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.**

Impact Analysis

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 3.7.3, 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 Bay Area Air District 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 Bay Area Air District thresholds or that is consistent with a qualified GHG reduction strategy is then consistent with the goals outlined in the 2022 Scoping Plan and would not hinder the State from achieving carbon neutrality. As discussed under Impact GHG-1, the proposed project would be consistent with the all-electric, EV charging, and energy efficiency design elements outlined in the Bay Area Air District thresholds. However, because the proposed project would have a significant and unavoidable VMT impact, the proposed project would not be consistent with the State's goal to achieve carbon neutrality. Impacts would be singificant 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 under Impact GHG-1, the proposed project would not meet the City's VMT significance threshold. As such, the proposed project would be inconsistent with Plan Bay Area 2050 for VMT and GHG emissions reductions. Impacts would be singificant and unavoidable.

2030 Greenhouse Gas Reduction Strategy

The City's GHGRS includes seven strategies for emissions reductions. These include use of San José Clean Energy, achieving zero-net-carbon for residential construction, renewable energy development, retrofits of existing buildings to remove natural gas demands, achieving a zero waste goal, modernization of Caltrain, and water conservation. The 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. However, the proposed project's residential land use is inconsistent with the General Plan's Public/Quasi-Public (PQP) designation for

the project site and, as a result, would not align with the GHGRS, which is based on the General Plan's land use and population assumptions. Consequently, impacts would be considered significant and unavoidable.

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, Section 4.2.3, Energy, the proposed 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 also reduce urban heat island effect by provide trees and greenspaces, and providing roofing materials with a minimum aged solar reflectance and thermal emittance complying with Title 24.

Future project residents would be automatically enrolled in the San José Clean Energy GreenSource program (approximately 62 percent renewable energy). Enrollment in this program would further reduce reliance on fossil fuels and increase use of renewable energy sources.

For these reasons, the proposed project would be consistent with the City's climate action goals as set forth in Climate Smart San José. Impacts would be less than significant.

In summary, although the proposed project would be consistent with the City's Climate Smart San José, the proposed project's significant VMT impacts would conflict with the State's Scoping Plan, the Plan Bay Area, which are applicable State and regional plans adopted for the purpose of reducing the emissions of GHGs. Furthermore, the proposed project is inconsistent with the GHGRS because the proposed project is inconsistent with the General Plan which informed the GHGRS. Impacts would be singificant and unavoidable.

Impact GHG-2 The proposed project would conflict with adopted reduction strategies including the State's Scoping Plan, the Bay Area Air District's Plan Bay Area, and the Greenhouse Gas Reduction Strategy (due to inconsistency with General Plan and significant VMT impact).

Mitigation Measures

Implement MM TRANS-1

Level of Significance

Significant and unavoidable impact.

3.4.7 - Cumulative Impacts

Impact Analysis

The geographic scope of the cumulative greenhouse gas 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 counties. 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 & 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 greenhouse gas emissions, as would other past, present, and reasonably foreseeable projects within the Air Basin.

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, there is a potentially significant cumulative impact.

Although the proposed project would comply with relevant elements of the City's Reach Code incldluing 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 cumulative GHG emissions would be cumulatively considerable.

As discussed under Impact GHG-1 and Impact GHG-2, MM TRANS-1 would be required to reduce project impacts to the greatest extent feasible; however, there are no feasible mitigation measures that would reduce the cumulative impact or the proposed project's incremental contribution to cumulative impacts, to below a level of significance. Therefore, the project's contribution would be cumulatively considerable, and cumulative impacts related to GHG emissions would be significant and unavoidable.

Impact GHG-CUM-1 The proposed the proposed project would have a cumulatively considerable significant and unavoidable VMT impact. Therefore, the proposed project would not be consistent with Criterion A of the Bay Area Air District's 2022 GHG Significance thresholds or the State's goal to achieve carbon neutrality. As the analysis considers global, Statewide, and regional GHG emissions, there is a potentially significant cumulative impact.

Mitigation Measures

Implement MM TRANS-1

Level of Cumulative Significance

Significant and unavoidable cumulative impact.

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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 the Phase I Environmental Site Assessment (Phase I ESA) prepared by Cornerstone Earth Group, dated March 4, 2022, included in this Draft EIR as Appendix F.

3.5.2 - Environmental Setting

Hazards are defined as threats to life, health, property, or the environment. They can be dormant or active, with active hazards potentially leading to emergencies. Hazardous substances can be biological, natural, or chemical and may cause acute (immediate) or chronic (long-term) health effects. Hazardous substances can be biological, natural, or chemical and may cause acute or chronic health effects. Hazardous waste includes any discarded hazardous material, and contaminated soil or groundwater that must be treated as waste if it exceeds regulatory thresholds. Improper handling of these materials can result in serious public health risks.

Records Search

Leaking Underground Storage Tank Sites

According to the GeoTracker database, there are no Leaking Underground Storage Tank (LUST) sites on the project site. However, the GeoTracker database indicates that there is one LUST site within the immediate vicinity of the project site. The LUST site is located on a Shell gas station site, located approximately 0.38 mile northwest of the project site.[1] The Shell site has been a closed case since March 10, 2009.[2]

San Francisco Bay Regional Water Quality Control Board Cases

According to the GeoTracker database, there are no cleanup program sites being overseen by the Regional Water Quality Control Board's (RWQCB's) Site Cleanup Program (SCP) on the project site. However, the GeoTracker database indicates that there are two cleanup program sites overseen by the RWQCB's SCP within the immediate vicinity of the project site. The nearest cleanup program site, the Santa Teresa Multi-family site, is located approximately 0.34 mile northwest of the project site.[3] The site is under investigation and no potential contaminants of concern have been identified since the latest site assessment on May 3, 2024.[4] The second cleanup program site, the Clean Shop site, is located approximately 0.45 mile northwest of the project site and has been closed since May 11, 2016.[5]

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1 California State Water Resources Control Board (State Water Board). 2025. GeoTracker (web viewer). Website: https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Sacramento. Accessed October 8, 2025.
2 California State Water Resources Control Board (State Water Board). 2025. GeoTracker. Shell (T0608502412). Website: https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608502412. Accessed October 8, 2025.
3 Ibid.
4 California State Water Resources Control Board (State Water Board). 2025. GeoTracker. Santa Teresa Multi-family (T10000022505). Website: https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000022505. Accessed October 8, 2025.
5 California State Water Resources Control Board (State Water Board). 2025. GeoTracker. The Clean Shop (T10000008584). Website: https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000008584. Accessed October 8, 2025.

California Department of Toxic Substances Control Voluntary Cleanup Sites

The California Department of Toxic Substances Control (DTSC) 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.

According to the EnviroStor database, the are no sites of confirmed or unconfirmed releases on the project site. The nearest active voluntary cleanup site is approximately 0.34 mile northwest of the project site.[6] Hazardous substances, pollutants, and contaminants associated with the nearest cleanup site include pesticides, metals, semi-volatile organic compounds (SVOCs), and VOCs.[7] The site has been referred to the Santa Clara County Department of Environmental Health. A soil management plan has been approved for the site.

Phase I Environmental Site Assessment

A Phase I ESA was prepared in accordance with America Society of Testing and Materials (ASTM) Standard Practice E1527-13 and E1527-21 and the United States Environmental Protection Agency (EPA) Standards and Practices for All Appropriate Inquiries. Records available at local and regional public agencies were reviewed through website research, office visits, telephone or written contacts, and environmental database searches. A site reconnaissance was completed on February 23, 2022, to observe existing property conditions, including the presence of hazardous materials and/or wastes. Persons knowledgeable about the project site were interviewed. No Recognized Environmental Conditions (RECs) were identified at the project site. The Phase I ESA also did not identify any Controlled RECs or Historical RECs in association with the project site.

The project site appears to have been undeveloped land with potentially dry farming until approximately 1968, when construction of the elementary school began. The elementary school operated until it was closed in 2019 and has remained vacant since that time. While some chemical storage and use of small quantities of chemicals, including janitorial and typical maintenance supplies such as paint and sealants, were observed during site reconnaissance, none were in significant quantities. No features associated with spills or releases or other impacts associated with hazardous materials contamination were observed. Cornerstone noted pesticides may have been applied to the grassy field areas of the former school and along the base of the school structure as part of routine maintenance.

No records exist of reporting importation of undocumented fill; however, undulating topography was observed within the northern grassy area, which may be indicative of prior soil import.

Because of the age of the on-site structures, building materials may contain asbestos. Records of previous asbestos abatement activities were reported by Environmental Data Resources, Inc., based

[6] California State Water Resources Control Board (State Water Board). 2024. Leaking Underground Storage (LUST) Cleanup Sites. Website:https://geotracker.waterboards.ca.gov/map/?global_id=T0607302824. Accessed December 3, 2024.

[7] California Department of Toxic Substances Control (DTSC). EnviroStor, 5885 Santa Teresa, Application for Agency Oversight. Website: https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60003776. Accessed July 8, 2025.

on asbestos disposal manifests from 1997, 2000, and 2006. Asbestos-containing materials (ACMs) may remain at the project site within areas not yet abated or renovated.

The Consumer Product Safety Commission banned the use of lead as an additive in paint in 1978. Based on the age of the building, lead-based paint may be present. Hazardous building materials commonly found in older structures include lead-based paint, asbestos, and polychlorinated biphenyls (PCBs), all of which have been banned or phased out due to their health risks.

The nearest school to the project site is Santa Teresa High School, which is approximately 340 feet to the northwest.

Wildfire

The project site is not located in a Fire Hazard Severity Zone (FHSZ).[8] Santa Teresa Hills, located 0.27 mile south of the project site, is designated as a Moderate and High FHSZ and as a wildland-urban interface.[9,10]

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.

Comprehensive Environmental Response, Compensation, and Liability Act

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

Government Code Section 65962.5

Section 65962.5 of the Government Code requires California Environmental Protection Agency (Cal/EPA) to develop and update a list of hazardous waste and substances sites known as the Cortese

[8] California Department of Toxic Substances Control (DTSC). EnviroStor, 5885 Santa Teresa, Application for Agency Oversight. Website: https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60003776. Accessed July 8, 2025.
[9] Ibid.
[10] City of San José. 2024. .Preparing for Wildfire. Website: https://www.sanjoseca.gov/your-government/departments-offices/fire-department/public-education/wildfire-preparedness. Accessed August 26, 2024.

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:

- The list of hazardous waste and substances sites from the DTSC EnviroStor database.
- The list of LUST sites by county and fiscal year from the State Water Resources Control Board (State Water Board) GeoTracker database.
- 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.
- The list of active cease-and-desist orders and cleanup and abatement orders from the State Water Board.
- 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.

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 lead-based paint.

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 acoustical 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 lead-based paint and ACMs. In California, these requirements are implemented by the California Occupational Safety and Health Administration (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 ACMs 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 ACMs 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 Hazardous Waste Control Law (HWCL) program, 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, and highways, through air, and 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 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 act 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.[11] 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; underground storage tanks (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. And HMBP must include:

- Details that include facility floor plans and identify the business conducted at the site.

[11] County of Santa Clara. 2024. Department of Environmental Health. Website: https:// deh.santaclaracounty.gov/home. Accessed August 26, 2024.

- 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 District oversees the removal of regulated ACMs (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 lead-based paint. 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 lead-based paint 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 lead-based paint 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 lead-based paint 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 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 establish water quality objectives in the plans. The Porter-Cologne Act sets forth the obligations of 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.

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 threat 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 Code

The State of California provided a minimum standard for building design through the 2016 California Building Standards Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations. The 2016 CBC is based on the 2015 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 with the CBC. 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 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[12] 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 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).

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

[12] 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.

oversight program by contract with the State and Regional Water Resources Control Board.[13] There are nine RWQCBs throughout the State. The San Francisco Bay RWQCB has jurisdiction over projects in the City. Individual RWQCBs function as the lead agencies responsible for identifying, monitoring, and cleaning up LUSTs. Storage of hazardous materials in USTs is regulated by the California State Water Board, which oversees the nine RWQCBs.

Local

Envision San José 2040 General Plan

Goal EC-6 Hazardous Materials

Protect the community from the risks inherent in the transport, distribution, use 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.

Action EC-6.10 Promote source reduction and recycling as alternatives to hazardous materials land disposal whenever feasible.

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

[13] County of Santa Clara. 2024. Department of Environmental Health. Website: https:// deh.santaclaracounty.gov/home. Accessed August 26, 2024.

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-7.4 On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with State and federal laws and regulations.

Policy EC-7.5 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.

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.

Policy EC-8.1 Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure 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.

Policy EC-8.3 For development proposed on parcels located within a Very High Fire Hazard Severity Zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Standards Code.

Policy EC-8.4 Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

Policy TR-14.2 Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.

Policy CD-5.8 Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

City of San José Code of Ordinances

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.

3.5.4 - Methodology

The analysis in this section relies upon the information contained in the Phase I ESA prepared by Cornerstone Earth Group to evaluate the potential presence of hazards and hazardous materials on the project site. This report is provided in its entirety in Appendix E. The potential for hazards and hazardous materials impacts was assessed through review of the GeoTracker and EnviroStor databases and applicable federal, State, and local laws and regulations. Applicable laws and regulations include, but are not limited to, the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations. Laws and regulations related to the handling, transporting, use, or disposal would comply with applicable laws, policies, and programs set forth by various federal, State, and local agencies and regulations, including the EPA, RCRA,

Caltrans, and Hazard Mitigation Plan (HMP). With respect to transportation of hazardous materials, USDOT, Office of Hazardous Materials Safety has also established strict safety regulations.

3.5.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in the 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.

g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury, or death involving wildland fires.

3.5.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts with regard to hazards and hazardous materials associated with the development of the proposed project and provides mitigation measures where appropriate.

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

Construction

The proposed project would result in the demolition of the existing elementary school (and associated structures and improvements) and the construction of 80 residential units. This would require some routine transport, use, and/or disposal of hazardous materials during project construction. The Phase I ESA did not identify any RECs at the project site. However, the following conditions exist at the project site that create a potentially significant impact.

The project site appears to have been undeveloped land with potentially dry farming until approximately 1968, when construction of the elementary school began. Other than typical building maintenance items, including paint, sealants, and cleaning supplies used for the school, no significant quantities of hazardous materials were observed at the project site. However, it is possible that pesticides may have been applied within the grassy field area and along the base of the existing structures during normal maintenance. No records exist of undocumented fill; however, undulating topography was observed within the northern grassy area, which may be indicative of prior soil import and potential soil contamination. Soils removed or disturbed during project construction could create a potentially significant impact if pesticides or other contaminants are present. Prior to initiation of earthwork activities, the Phase I ESA recommends that soil sampling and analytical testing be conducted at planned earthwork locations to establish appropriate project site management procedures. Implementation of Mitigation Measure (MM) HAZ-1 would ensure that sampling, analysis, and removal of contaminants, if identified above residential screening levels, occurs prior to issuance of building permits.

During construction, the proposed project would be expected to involve the transport, use, and disposal of hazardous materials, such as diesel fuels, aerosols, paints, and potentially contaminated soils. The proposed project would be subject to the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations that would reduce and limit the associated risks. Any handling, transporting, use, or disposal would comply with applicable laws, policies, and programs set forth by various federal, State, and local agencies and regulations, including the EPA, RCRA, Caltrans, and HMP. With respect to transportation of hazardous materials, USDOT, Office of Hazardous Materials Safety has established strict safety regulations. 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.

Additionally, there is potential for naturally occurring asbestos to be present at the project site, which would require approval of an asbestos dust mitigation plan by the Bay Area Air District. Asbestos occurs naturally in ultramafic rock (such as serpentine). When this material is disturbed in connection with construction, grading, quarrying or surface mining operations, asbestos-containing dust can be generated. Exposure to asbestos can result in health ailments. An outcrop of mapped Serpentinite (Jsp), which indicates presence of naturally occurring asbestos, is located approximately 0.5 mile south of the site. Soil beneath the project site is mapped as Qhb–basin deposits, which may be partially derived from these nearby serpentine deposits containing asbestos.

Furthermore, due to the age of on-site structures, existing building materials may contain ACMs and lead-based paint. Records of previous asbestos abatement activities were reported by Environmental Data Resources, Inc., from 1997, 2000, and 2006. ACMs may remain on-site within areas not yet abated or renovated. As part of the City's standard procedure for demolition and building permit reviews, the presence of ACMs and lead-based paint will be confirmed and a procedure for safe

demolition and disposal activities will be outlined as part of the building permit review process for the proposed project.

Construction impacts would be less than significant with mitigation incorporated.

Operation

Because of the nature of the proposed project, hazardous materials used on-site during project operation would likely be limited to small quantities of fertilizers, herbicides, pesticides, solvents, cleaning agents, and similar materials used for daily residential operations and maintenance activities. These types of materials represent a low risk to people and the environment when used as intended. Further, compliance with applicable plans and regulations, including San José General Plan policies, would provide public protection from hazards associated with the use, transport, treatment, and disposal of hazardous substances. Therefore, operation-related impacts would be less than significant.

Impact HAZ-1 The project site may have pesticide contamination due to its previous dry farming use. Soils removed or disturbed during project construction would create a potentially significant impact from the pesticides in the soil if present.

Mitigation Measures

MM HAZ-1 Prior to issuance of any demolition, grading, or building permits, the project applicant shall retain a licensed professional to prepare a Limited Phase II Environmental Investigation that includes collecting and analyzing shallow soil samples in the grassy field and along structures to determine whether organochlorine pesticides and pesticide-bases metals, arsenic and lead from previous agricultural operations are present on-site at concentrations above established Environmental Screening Levels. The results of soil sampling and testing shall be provided to the City's Supervising Planner of the Planning, Building and Code Enforcement Department and the Municipal Compliance Officer of the Environmental Services Department for review.

If pesticide concentrations are found above residential Environmental Screening Levels (ESLs), the applicant shall obtain regulatory oversight from Santa Clara County Department of Environmental Health (SCCDEH), 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 environmental consultant. The plan shall establish remedial measures and/or soil management practices. The plan and evidence of regulatory oversight shall be provided to the City's Supervising Planner of the Planning Building and Code Enforcement Department and the Municipal Compliance Officer of the Environmental Services Department

Level of Significance

Less than significant impact with mitigation incorporated.

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

Construction

Exposure to hazardous materials during the construction of the proposed project may result from (1) the improper handling or use of hazardous substances; (2) a transportation accident; or (3) an unforeseen event (e.g., fire, flood, or earthquake). 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.

Demolition of the existing elementary school has the potential to create risks involving naturally occurring asbestos as well as asbestos and lead contained within building materials. The removal of lead-based paint is not required if it is bonded to the building materials. However, if the lead-based paint is flaking, peeling, or blistering, it must be removed prior to demolition, per OSHA regulations.

Furthermore, demolition would require removal of small quantities of typical building maintenance items, including paint, sealants, cleaning supplies, and approximately 480 cubic yards of soil that are present on-site. Additionally, it is possible that pesticides have been applied within the grassy field area of and along the base of the existing site during normal maintenance, which may have potential health risks for future residents. Although this was not called out as a REC, Cornerstone notes that, because of the planned residential use of the site, soil sampling and laboratory analysis may be performed to evaluate the potential for residual pesticide concentrations, if any, and potential health risks to future residents. This is required by MM HAZ-1, which outlines procedures to follow if residential pesticide concentrations are discovered.

The proposed project would also be subject to Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations that would reduce and limit the risk of an accident involving these materials, as discussed above in the Regulatory Setting. Furthermore, the City's standard building permit review process would prevent accidents related to the release of asbestos or lead into the environment. As such, construction-related impacts would be less than significant with mitigation incorporated.

Operation

Because of the nature of the proposed project, hazardous materials used on-site during project operation would likely be limited to small quantities of fertilizers, herbicides, pesticides, solvents, cleaning agents, and similar materials used for daily residential operations and maintenance activities. These types of materials represent a low risk to people and the environment when used as intended. As such, operation-related impacts would be less than significant.

As such, compliance with all applicable local, State, and federal regulations as well as MM HAZ-1would result in a less than significant impact.

Impact HAZ-2 The project site may be contaminated with pesticides given its previous use for dry farming, meaning there could be a health risk for future residents.

Mitigation Measures

Implementation of MM HAZ-1.

Level of Significance

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.

Impact Analysis

There is one school within 0.25 mile of the project site. The nearest school is Santa Teresa High School, which is approximately 340 feet or 0.06-mile northwest of the project site.

Construction activity would be expected to involve the transport, use, and disposal of hazardous materials, such as diesel fuels, aerosols, and paints, and could involve removal of asbestos and lead-containing materials. This could create a potentially significant impact. However, 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 limits the risk of emissions. As previously discussed, the proposed project would be required to adhere to MM HAZ-1 and all applicable federal and State laws and regulations. Impacts would be less than significant with mitigation.

Impact HAZ-3 There is a school 0.06 miles from the project site and construction activity would be expected to involve the transport and use of hazardous materials.

Mitigation Measures

Implementation of MM HAZ-1.

Level of Significance

Less than significant impact with mitigation incorporated.

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, as a result, would it 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). A review of the GeoTracker and EnviroStor database confirms that there are no hazardous materials sites recorded

at the project site. Therefore, the proposed project would not create a significant hazard to the public or the environment. Impacts would be less than significant.

Level of Significance

Less than significant impact.

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 Reid-Hillview County Airport, which is approximately 6.5 miles north of f the project site. The proposed project is not within the Reid-Hillview County Airport Influence area.[14] No impact would occur.

Level of Significance

No impact.

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

Impact Analysis

Construction

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 vehicle access. However, construction equipment and vehicles would be staged on the project site and would not obstruct or occupy the right-of-way. In addition, the proposed project would comply with the City of San José Emergency Operations Plan (EOP), ensuring efficient response to emergency incidents associated with emergencies affecting the City of San José. As such, construction-related impacts would be less than significant.

Operation

The City of San José EOP outlines general procedures in response to emergency crises, such as evacuations.[15] The EOP also contains an Evacuation Support Annex, which provides information on evacuation procedures and departmental delegation.[16] The Annex is designed to provide a foundation for a fully operational Evacuation Plan which is currently in development. The main arterial roads into and out of the project vicinity are Snell Avenue and Santa Teresa Boulevard which could serve as a main emergency response route into and out of the project vicinity. With adherence

[14] Santa Clara County. 2020. Reid-Hillview Airport. Website: hhtps:// stgenpln.blob.core.windows.net/document/ALUC_RHV_CLUP.pdf. Accessed August 19, 2024.

[15] City of San José. 2024. Emergency Operations Plan – Base Plan. Website: https:// www.sanjoseca.gov/home/showpublisheddocument/123293/638871377764555726. Accessed July 8, 2025.

[16] City of San José. 2024. Evacuation Support Annex to the Emergency Operations Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/123295/638871378969900000. Accessed October 8, 2025.

to the procedures of the San José EOP, the project would not conflict with the City of San José EOP or General Plan safety policies.

Additionally, as described in Chapter 4, Effects Found not to be Significant, Section 4.2.7, Public Services, the proposed project would not create a permanent increase in population unaccounted for in the General Plan that could lead to an overwhelming call for police and fire services. The proposed project would be served by two access points from two right-in, right out access points. Internal driveways would connect the full access points with parking areas. The California Fire Code requires buildings that 30 feet or higher to be served with two points of emergency access. Accordingly, the proposed project would provide two points of emergency access and, thus, would comply with the California Fire Code requirements. As such, operation-related impacts would be less than significant.

Level of Significance

Less than significant impact.

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 located in an urbanized area and is surrounded by residential structures to the east, west, north, and south. It is relatively flat, lacking in woodlands or vegetation that could provide fuel load for wildlife or steep slopes that could cause fire to spread more rapidly.

According to CAL FIRE, the project site is not located in a Moderate, High, or Very High Fire Hazard State Responsibility Area.[17] The closest Moderate and High FHSZ is located 0.27 mile south of the project suite (Santa Teresa Hills).[18]

General Plan Policy EC-8.1 though EC-8.4 incorporate requirements for fire-safe construction into the land use planning and approval process and ensure special fire protection for high-risk land uses and structures. Furthermore, as discussed in Chapter 4, Effects Found not to be Significant, Section 4.2.7, Public Services and Utilities, the proposed project would be adequately served in terms of fire protection services by the San José Fire Department. Proposed structures would also be required to comply with the California Fire Code with regard to emergency access and types of building materials. Impacts would be less than significant.

Level of Significance

Less than significant impact.

[17] California Department of Forestry and Fire Protection (CAL FIRE). 2024. Fire Hazard Severity Zones in State Responsibility Area. Website: https:// calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed August 19, 2024.

[18] Ibid.

3.5.7 - Cumulative Impacts

The geographic scope of the cumulative analysis related to hazards and hazardous materials is the immediate project vicinity. Adverse effects of hazards and hazardous materials tend to be localized; therefore, the area immediately near the project area would be most affected by project activities. As shown in Table 3-1, the closest cumulative project to the project site is the Snell and Santa Teresa Project, located 0.41-mile from the project site. For the transport of hazardous materials, the geographic scope includes local and regional transportation facilities. The analysis considers past, present, and the foreseeable development projects listed in Table 3-1 (See Chapter 3, Environmental Impact Analysis) in the City, in addition to the proposed project. Where the proposed project would result in no impact, it would also have no contribution to any cumulative conditions and, would not result in cumulative impacts. The following discussion, therefore, is focused on evaluating whether the proposed project in conjunction with past, present, and reasonably foreseeable projects results in a cumulative impact, and whether the proposed project's incremental contribution is cumulatively considerable.

Hazardous Materials Exposure and Upset Risk

In general, exposure to hazardous materials may cause localized adverse effects. A combination of federal, State, and local regulations limit or minimize the potential for exposure to hazardous materials. Development listed in Table 3-1 consists of residential, commercial, and light industrial projects, as well as a construction equipment sales store, the expansion of an existing private school, and a contemporary construction office trailer. While the approved construction uses may involve the use of some quantities of hazardous materials, cumulative projects would be subject to the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations that would reduce and limit the associated risks. Any handling, transporting, use, or disposal would comply with applicable laws, policies, and programs set forth by various federal, State, and local agencies and regulations, including the EPA, RCRA, Caltrans, and HMP.

However, it is possible that cumulative projects listed in Table 3-1 may encounter contaminated soils, soil vapor, contaminated groundwater, and identified or unidentified USTs. Hazardous materials may be exposed during grading that would generate dust and the use and transport of petroleum-based lubricants, solvents, fuels, herbicides, and pesticides to and from the site. The potential exists for the proposed project activities to result in mobilization of hazardous materials in the soil resulting in exposure of personnel and other sensitive receptors to contaminant levels that could result in short-term and/or long-term health effects. To address potential release of hazardous materials, the City would require the preparation of Phase I ESAs prior to construction and impose mitigation related to the removal and proper disposal of hazardous materials to minimize hazardous materials exposure risk. Additionally, regional, State, and federal regulations would apply to citywide development, and, for these reasons cumulative projects, would result in a less than significant cumulative impact related to exposure to hazardous materials.

Moreover, the proposed project's incremental contribution to this less than significant impact would not be cumulatively considerable. The cumulative projects listed in Table 3-1 would similarly be required to adhere to identified mitigation and otherwise ensure compliance with all applicable laws, regulations, plans, and policies related to transport, use, and disposal of hazardous materials. Therefore, impacts of the proposed project would not combine with impacts from the past, present,

or reasonable, foreseeable projects to result in a cumulative impact. Moreover, as discussed in Impact HAZ-1 and Impact HAZ-2, the proposed project would mitigate its incremental project impacts to below a level of significance with incorporation of MM HAZ-1. Therefore, the proposed project's contribution would not be cumulatively considerable. Cumulative impacts with respect to hazardous materials exposure and upset risk would be less than significant.

Hazardous Materials Handling and Exposure Within0.25 Mile of Schools

The only school within 0.25 mile is the Santa Teresa High School, located approximately 340 feet northwest of the project site.

The proposed project would involve the transport, use, and disposal of hazardous materials during construction. However, the proposed project and all cumulative projects would be required to comply with the provisions of the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations which limit the risk of emissions similar to the proposed project, all cumulative projects would be required to provide sufficient mitigation to reduce project specific impacts associated with hazardous materials handling exposure to below a level of significance. Project specific measures similar to MM HAZ-1 would be designed to provide remedial measures and/or soil management practices as needed to reduce impacts at nearby sensitive receptors. Additionally, regional, State, and federal regulations would apply to citywide development, and, for these reasons cumulative projects, would result in a less than significant cumulative impact related to exposure to hazardous materials handling and exposure within 0.25 mile of a school. Moreover, the proposed project's incremental contribution to this less than significant impact would not be cumulatively considerable because the proposed project would reduce its impact to below a level of significance as discussed above.

Therefore, the proposed project's contribution would not be cumulatively considerable, and cumulative impacts on hazardous materials handling and exposure at nearby schools would be less than significant with mitigation incorporated.

Safety Hazards and Excessive Noise Within Airport Land Use Plan

Cumulative safety hazards and noise impacts related to airport land use plans are localized impacts. Accordingly, the geographic scope for purposes of this discussion is limited to the Norman Y. Mineta San José International Airport Influence Area and the Reid-Hillview Airport Influence Area. None of the projects identified in Table 3-1 are within the relevant geographic scope.

The proposed project is not located within two miles of a public airport or public use airport and is not located within the Norman Y. Mineta San José International Airport Influence Area or the Reid-Hillview Airport Influence Area. Therefore, the proposed project's contribution would not be cumulatively considerable, and cumulative impacts on safety hazards and excessive noise within an airport land use plan would be less than significant.

Hazards and Emergency Response

The main arterial streets that would act as the most likely evacuation routes from the project site are Snell Avenue and Santa Teresa Boulevard. Planned uses as proposed by the cumulative projects

listed in Table 3-1 consists of residential, commercial, and light industrial projects, as well as a construction equipment sales store, the expansion of an existing private school, and a contemporary construction office trailer. These uses would not significantly increase the need for emergency services, including those related to wildfires. Furthermore, all construction would adhere to the regulations included in the California Fire Code that are designed to minimize the potential for the release of hazardous materials or uncontrolled fires. Once development is proposed, the County would assess the needs for fire protection services and inform efforts to improve or expand needed facilities. Furthermore, the cumulative projects listed in Table 3-1 are spread out across a 2-mile radius and would not all be located along the same evacuation routes.

As listed in Table 3-1, cumulative development in the project area consists of residential, commercial, and light industrial projects, as well as a construction equipment sales store, the expansion of an existing private school, and a contemporary construction office trailer. Furthermore, cumulative development in the City, including the proposed project, would not result in permanent road closures, nor impede established emergency access routes, nor interfere with emergency response requirements, and would not interfere with emergency response. Therefore, the proposed project's contribution would not be cumulatively considerable, and cumulative impacts on hazards and emergency response would be less than significant.

Wildfire

The geographic scope for the wildfire cumulative impacts analysis is the project area, specifically, the extent of the related project sites, as listed in Table 3-1. The area surrounding the related project sites is primarily built up. However, the closest Moderate and High FHSZ is located 0.27 mile south of the project site, at the Santa Teresa Hills. The close proximity and high intensity nature of the cumulative projects, increase in development and population could incrementally increase the risks of wildfire in the vicinity. However, none of the cumulative projects are located within the State Responsibility Area (SRA) or within the Very High FHSZ and all are located within an urbanized setting outside of flood zones and high wind velocity areas. Given the urbanized nature of the cumulative projects and their locations outside of the SRA and Very High FHSZ, it is unlikely that their development would expose people or structures to an increased risk of loss or death due to wildfires. Additionally, cumulative projects would be required to comply with applicable building and fire code requirements, including fuel-modification requirements. Therefore, the proposed project's contribution would not be cumulatively considerable, and cumulative impacts on wildfire would be less than significant.

Level of Cumulative Significance

Less than significant impact

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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.

3.6.2 - Environmental Setting

Land Use

Project Site

The proposed project site is located at 511 Cozy Drive in the City of San José (City), California. The project site encompasses approximately 9.51 acres and is currently developed with the former Glider Elementary School.

The project site is surrounded on all sides by single-family residential units with a General Plan land use designation of Residential Neighborhood (RN) and Zoning designation of Single-family Residential (R-1-8).

Land Use and Zoning Designations

The project site is designated Public/Quasi-Public (PQP) under the Envision San José 2040 General Plan (General Plan) and is zoned R-1-8 (Chapter 2, Project Description, Figure 2-3 and 2-4).

The PQP land use designation designates public land uses, including schools, colleges, corporation yards, homeless shelters, permanent supporting housing, libraries, fire stations, water treatment facilities, convention centers, museums, governmental offices, and airports. It also incorporates various private uses, such as private schools, daycare centers, hospitals, and public utilities. The PQP designation does not prescribe a specific floor area ratio (FAR).

The R-1-8 Zoning District allows residential development at a density of up to 8 dwelling units per acre (du/acre). The R-1-8 Zoning District permits single-family dwellings, Accessory Dwelling Units (ADUs), residential accessory buildings and structures, and various other uses. The minimum permitted lot area is 5,445 square feet, and the maximum allowed height is 35 feet.

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 basis 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 reduce the number of affordability units required to qualify as a Builder's Remedy project and sets 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 under 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)).

California Senate Bill 1818

California Senate Bill (SB) 1818, Chapter 928, provides developers with a density bonus and other incentives for constructing lower-income housing units within a development provided the developer meets certain requirements, as enumerated in Section 65915(b) of the Government Code:

65915 (b) A city, county, or city and county shall grant a density bonus and incentives or concessions described in subdivision (d) when the applicant for the housing development seeks and agrees to construct at least any one of the following:

(1) Ten percent of the total units of a housing development for lower-income households, as defined in Section 50079.5 of the Health and Safety Code.
(2) Five percent of the total units of a housing development for very low-income households, as defined in Section 50105 of the Health and Safety Code.
(3) A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code.
(4) Ten percent of the total dwelling units in a condominium project as defined in subdivision (f) of, or in a planned development as defined in subdivision (k) of, Section 1351 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.

With respect to parking requirements, Section 65915.p(1) states:

> Upon the request of the developer no city, county, or city and county shall require a vehicular ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b) that exceeds the following ratios:
>
> (A) Zero to one bedrooms: one on-site parking space
> (B) Two to three bedrooms: two on-site parking spaces

Regional

Association of Bay Area Governments–Plan Bay Area 2050

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 2050 for the Bay Area. Plan Bay Area functions as the sustainable communities' strategy mandated by SB 375. It is a "30-year plan that charts a course for a Bay Area that is affordable, connected, diverse, healthy and vibrant for all residents through 2050 and beyond."[1] The four strategies of Plan Bay Area 2050 are housing, economy, transportation, and environment.

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);

[1] Plan Bay Area 2050. 2021. Final Plan Bay Area 2050. October 21. Website: https://www.planbayarea.org/finalplan2050. Accessed March 12, 2024.
[2] Plan Bay Area 2050. 2021. Website: https://www.planbayarea.org/plan-bay-area-2050-1. Accessed October 29, 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 October 29, 2024.

- 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).

Local

City of San José Zoning Ordinance

As part of the City's Municipal Code, the City of San José Zoning Ordinance (Zoning Ordinance) includes regulations, requirements, and standards that define and enforce the design, construction, and operation standards of new development within the City's jurisdictional area. The Zoning Ordinance was adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the City.

Envision San José 2040 General Plan

The General Plan was adopted by the City Council in November 2011. This General Plan centers on 12 Major Strategies that reflect the community's expressed desire to see San José grow as a prominent great City that provides environmental and economic leadership role in the region, nation, and world.

Goal LU-1 General Land Use. Establish a land use pattern that fosters a more fiscally and environmentally sustainable, safe, and livable city.

LU-1.2 Encourage Walking. Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.

LU-1.3 Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.

LU-1.6 With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current federal, State, and local standards.

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

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.

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

LU-9.4 Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.

LU-9.5 Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses.

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.

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.

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.

LU-9.10 Discourage substantial expansion of existing nonresidential uses (e.g., major structural improvements or expansions) that are incompatible with residential uses on properties designated for residential use.

LU-9.11 Design single-family and duplex residential development with limited vehicular access to arterial streets as follows:

- No direct vehicular access on six lane arterials or within 350 feet of the intersection of two arterials. No direct vehicular access on four-lane arterials.
- The use of frontage roads, corner lots, or other street design solutions for vehicular access is encouraged.
- Exceptions may only be made when there are no other feasible alternatives for providing access to the residential development.

LU-9.17 Limit residential development in established neighborhoods that are not identified growth areas to projects that conform to the site's Land Use/Transportation Diagram designation and meet Urban Design policies in this Plan.

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 specific policy, in and of themselves, do not constitute a significant environmental impact, 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 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 resulting from implementation of the proposed project would be considered significant if the project would:

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 with regard to land use associated with the proposed project and provides mitigation measures where necessary.

Impact LU-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 or 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 does not propose a large linear feature that would separate a community. The proposed project includes the demolition of the existing school and the development of 80 residential units. As noted above, the proposed project is surrounded by single-family residences to the east, west, north, and south of the project site. The new homes would be integrated into the surrounding neighborhood through a planned roadway network, which would connect to both Glider Drive and Cozy Drive. The project site is not currently intended or designated for recreational public use. It is currently fenced and does not provide public access to the community. Consequently, because the site does not serve a recreational purpose or provide public access, its development would not result in the loss of a park or recreational resource, nor would it divide an established community. In addition, internal 5-foot-wide sidewalks would be provided which would further encourage community connections. No impact would occur.

Level of Significance

No Impact.

Impact LU-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

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. The proposed project is subject to the HAA and is being processed under SB 1893, which prohibits local governments that have not adopted a General Plan Housing Element in "substantial compliance" with State law from disapproving housing development projects that meet certain affordability requirements.

Santa Clara Valley Habitat Conservation Plan

As explained in Section 3.2, Biological Resources, the project site lies within the boundaries of the Santa Clara Valley Habitat Conservation Plan (SCVHCP) Permit Area. The project site is in an area designated Urban Areas (No Land Cover Fee) and would not be subject to any land cover or sensitive habitat fees. To avoid potential conflicts with the SCVHCP, the proposed project would comply with applicable conditions in the plan, including payment of permit processing fees and nitrogen deposition fees for the new residential units. Therefore, as explained in SPC-4, the proposed project's impact related to the SCVHCP would be less than significant.

Envision San José 2040 General Plan

Table 3.6-1 presents the proposed project's consistency with the individual goals and policies of the General Plan. Overall, the proposed project demonstrates consistency with most of the policies evaluated.

Table 3.6-1: Project Consistency with Applicable Envision San José 2040 General Plan Policies

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
Land Use	Goal LU-9	Provide high quality living environments for San José's residents.	**Consistent**. The proposed project would develop 80 residential units within the City of San José and a publicly-accessible park lot with amenities, promoting a high quality of life for neighborhood residents and visitors.
	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 infrastructure provided along Cozy Drive and Glider Drive. Additionally, the closest bus stop is located at the intersection of Santa Teresa Boulevard and Dunn Avenue, approximately 0.22 mile north of the project site. The next closest bus stop is located at the intersection of Santa Teresa Boulevard and Snell Avenue, approximately 0.31 mile northwest of the project site. The proposed project would be within 0.5 mile of La Colina Park and a nearby commercial area. Internal 5-foot-wide sidewalks would be also be provided. Additionally, the proposed project would not develop any new cul-de-sacs.
	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 connect to existing pedestrian infrastructure provided along Cozy Drive and Glider Drive and is within 0.3 mile of transit access along Santa Teresa Boulevard and from bike lane access along Snell Avenue and Curie Drive Additionally, internal 5-foot-wide sidewalks would be provided. The proposed project would also provide bicycle parking at the proposed park parcel.
	LU-9.4	Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.	**Consistent.** The proposed project would not be developed in an area with identified hazards and human habitation. Refer to Section 3.5, Hazards and Hazardous Materials**.**
	LU-9.5	Require that new residential development be designed to	**Consistent.** The proposed project would develop 80 residential units within an

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		protect residents from potential conflicts with adjacent land uses.	existing neighborhood. The surrounding land uses are all single-family residential uses, and thus the nature of the proposed project would be consistent with surrounding uses.
	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 construct a park parcel on approximately 0.68 acre of the project. All units include private back yards.
	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 project is surrounded entirely by Residential Neighborhood (RN) land uses and would not impact any adjacent employment uses.
	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.	**Inconsistent.** The proposed project would develop 80 residential units at a higher density than the single-family residences in the surrounding area. While the R-1-8 Zoning District allows for a density of 8 dwelling units per acre (du/acre), the proposed project would have a density of 8.41. The proposed project would include 13 percent lower-income housing per SB 1893 and would therefore be permitted to exceed the established density. Separately, the project would be allowed this additional density consistent with Government Code Section 65915. While the proposed density would be higher than the surrounding area, the proposed buildings are 2-story single-family detached and attached homes and would be consistent with the visual character of the area, which is a mix of single and 2-story homes. The proposed project would remove existing school buildings. However, the school is permanently closed and not in use. Additionally, as discussed in Chapter 4, Effects Found not to be Significant, Section 4.2.7 Public Services, the proposed project would not have a significant impact on public services such as schools and libraries.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			Furthermore, the proposed project would result in the removal of existing recreational fields. However, these fields are currently not being maintained and are not open to the public. The proposed project includes development of a park parcel open to the public, including trees, picnic tables, turf, benches, and a bicycle rack. The square footage of recreational space at the project site, however, would be reduced. As such, the proposed project would be inconsistent with this policy. However, as described in Section 3.8, Recreation, there would not be a significant impact to recreational space because the project applicant would pay an in lieu fee for the additional required park space. A traffic study was prepared by TJKM on August 13, 2024. The study included a Level of Service (LOS) study for four study intersections. Under the Background Plus Project Conditions Scenario, all four study intersections would not change LOS from Background Conditions and would continue to operate within applicable jurisdictional standards of the City. Additionally, as discussed in Section 3.3, Cultural Resources and Section 3.10 Tribal Cultural Resources, the demolition of Glider Elementary School would result in a less than significant impact to a historical resource pursuant to Section 15064.5
	LU-9.11	Design single-family and duplex residential development with limited vehicular access to arterial streets as follows: • No direct vehicular access on six lane arterials or within 350 feet of the intersection of two arterials. • No direct vehicular access on four-lane arterials. • The use of frontage roads, corner lots, or other street design solutions for vehicular access is encouraged.	**Consistent.** The proposed project would not have direct vehicular access on six- or four-lane arterials.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		Exceptions may only be made when there are no other feasible alternatives for providing access to the residential development.	
	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.** The proposed project has a residential zoning designation of R-1-8. The proposed project would develop 80 residential units. Additionally, the closest bus stop is located at the intersection of Santa Teresa Boulevard and Dunn Avenue approximately 0.22 mile north of the project site. The next closest bus stop is located at the intersection of Santa Teresa Boulevard and Snell Avenue, approximately 0.31 mile northwest of the project site. The nearest public facility is La Colina Park, approximately 0.5 mile east of the project site. Additionally, the nearest commercial center is located approximately 0.3 mile northwest of the project site.
	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.	**Consistent.** The closest bus stop is located at the intersection of Santa Teresa Boulevard and Dunn Avenue approximately 0.22 mile north of the project site. The next closest bus stop is located at the intersection of Santa Teresa Boulevard and Snell Avenue, approximately 0.31 mile northwest of the project site.
	Goal LU-11	• Residential Neighborhoods. Regulate the urban form, architectural quality and contextual compatibility of new construction and uses within the City's varied residential neighborhoods to promote a residential neighborhood environment conducive to a high quality of life for neighborhood residents and visitors.	**Consistent.** The proposed project would develop 80 residential units. The project site is located within an existing neighborhood and would not conflict with the nature of surrounding land uses. As discussed in Chapter 4, Effects Found not to be Significant, Section 4.2.1, Aesthetics, Light, and Glare, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. The exterior of the homes would be constructed with Craftsman and Bungalow designs. Design features would include composition roof shingles, stucco wall finish, gable roof forms, stone veneer, stucco wainscot, foam trip, and horizontal wood siding. The exterior color palette would include various greys, tans, browns, and blacks. As such, the proposed project would have architectural quality.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
			The proposed project would include a publicly-accessible park lot with amenities, promoting a high quality of life for neighborhood residents and visitors.
	LU-11.1	Design all new single-family detached residences so that each home has a frontage on a public street or on a private street that appears and functions as a public street.	**Consistent.** The proposed project would include 64 single-family detached residences designed to have a frontage on a public street.
	LU-11.3	Direct all significant new residential growth to identified Growth Areas to further the environmental, transit, healthy community, and other Envision General Plan objectives. Limit infill development within areas designated as Residential Neighborhood on the Land Use/Transportation Diagram to projects that maintain the prevailing neighborhood form and density as it exists on adjoining properties, with particular emphasis upon establishing and/or maintaining a consistent streetscape form between new and existing development.	**Consistent.** The proposed project would develop 80 residential units on land in a built-up area fully surrounded by development within an area entirely surrounded by Residential Neighborhood land use designations. Consistent with Government Code Section 65915, the proposed density would be higher than the surrounding area; however, the proposed buildings are 2-story single-family detached and attached homes, and would be consistent with the visual character and established streetscape of the area. Moreover, the proposed project would include sidewalks that would connect to existing development, establishing a cohesive visual character in the community.
	LU-11.5	Integrate new and existing neighborhoods and facilitate movement throughout the City by connecting streets and particularly by providing pedestrian and bicycle cross-access connections. Integrate new infill development into the existing neighborhood pattern, continuing, and where applicable extending or completing, the existing street network.	**Consistent**. The proposed project would develop 80 residential units within an existing neighborhood. The proposed project would contain an internal street network with sidewalks connects to existing sidewalks on Cozy Drive and Glider Dive.
	Policy IP-1.8	Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of	**Consistent.** The proposed project would develop 80 residential units and would be consistent with on-site and adjacent R-1-8 zoning standards with application of the Density Bonus Law.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical characteristics that require special considerations due to those constraints.	
	Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).	**Consistent.** The proposed project would develop 80 2-story single-family attached and detached residential units and would be compatible with surrounding residential development. As discussed in Chapter 4, Effects found not to be Significant, Section 4.2.1, Aesthetics, Light, and Glare, the City would ensure compliance with all requirements related to scenic quality during its design review process. The proposed project would use materials such as composition roof shingles, stucco wall finish, and gable roof forms and would include 8 color schemes. As such, the proposed project would not conflict with regulations governing scenic quality and would be consistent with the surrounding neighborhood.
	Goal H-4	Housing–Environmental Sustainability Provide housing that minimizes the consumption of natural resources and advances our City's fiscal, climate change, and environmental goals.	**Consistent.** The proposed project would include the demolition of an existing vacant school and the development of 80 residential units. The proposed project would include sustainability features. For example, the proposed project would be all-electric and solar ready, with a single electric vehicle charging station in each garage. Additionally, the proposed project would be built in accordance to California Buildings Codes, which includes design provisions to minimize wasteful energy consumption.
	Policy IP-1.8	Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical	**Consistent.** The proposed project would develop 80 residential units and would be consistent with on-site and adjacent R-1-8 zoning standards with application of the Density Bonus Law.

Element	Goal/Objective/Policy		Consistency Determination
	No.	Text	
		characteristics that require special considerations due to those constraints.	

City of San José Municipal Code Consistency

The project site is currently zoned R-1-8. The purpose of the single-family residence district is to reserve land for the construction, use, and occupancy of single-family subdivisions. The allowable density range for the R-1 districts is 1 to 8 du/acre. The R-1-8 Zoning District requires a minimum lot area of 5,445 square feet, 20-foot front setback, 5-foot side setback, 12.5-foot corner side setbacks, 5-foot side interior setback, and 20-foot rear setback. The project proposes minimum lot area of 1,980 square feet, front setbacks of 10 feet, side setbacks of 4 feet, corner setbacks of 10 feet, interior side setback of 0 feet, and rear setbacks of 10 feet all of which would be inconsistent with the required standards and would require a waiver. Additionally, the proposed project requires a minimum driveway length of 18 feet, a maximum height of 35 feet, a maximum of 2.5 stories, and minimum frontage of 55 feet. The project proposes a driveway length of 18 feet, a maximum height of 26 feet 7 inches, a maximum of 2 stories, and minimum frontage of 24 feet. The proposed project would meet the minimum criteria for driveway length, height, and maximum number of stories but would be inconsistent with the minimum requirements for frontage and would require a waiver.

While the proposed project does not meet all development standards of the R-1-8 Zoning District, the proposed project would include 11 units (13 percent) that would be deed-restricted to lower-income households and quality for a “density bonus” and up to two incentives or concessions. The density bonus would allow for up to 27 additional units (35 percent of those allowed by the base density) pursuant to Government Code Section 95915. The proposed project seeks to develop only four “bonus” units. There is no limit on the number of waivers an applicant may request.

The proposed project is requesting the following waivers and concessions related to land use pursuant to Government Code Section 65915:

- Waiver for Residential Density
- Waiver for Minimum Lot Area
- Waiver for Front Setback
- Waiver for Rear Interior Setback
- Waiver for Rear Corner Setback
- Waiver for Side Corner Setback
- Waiver for Side Interior Setback
- Potential Waivers from the Citywide Design Guidelines to be determined as the project proceeds

The proposed project, with the inclusion of the listed waivers and concessions pursuant to Government Code Section 65915, would not conflict with the development standards designated by the City of San José's Municipal Code. Impacts would be less than significant.

Level of Significance

Less than significant impact.

3.6.7 - Cumulative Impacts

Because the project site is on land in a built-up area fully surrounded by development, the geographic context for the analysis of cumulative impacts related to land use includes projects in the immediate vicinity of the proposed project.

Most of the cumulative development in the City would take place on land in a built-up area fully surrounded by development and not require significant land use changes that would they divide existing communities. None of the cumulative projects include linear developments that would interrupt existing connectivity or divide existing communities. For these reasons cumulative impacts with respect to land use would be less than significant. Moreover, by replacing a fenced in area with a residential development that includes pedestrian and bicycle access that connects to existing development, the proposed project would improve community connectivity in the project vicinity. Accordingly, for these reasons and those discussed above, the proposed project's incremental contribution to cumulative land use impacts would not be cumulatively considerable.

The cumulative development in the project vicinity would take place in urbanized areas that are already built-up and fully surrounded by development and would not require significant land use changes that would create land use conflicts. The compatibility of new development with adjacent land uses, and the general character of surrounding areas are considered as part of San José's architectural and environmental review processes. Through appropriate site design review of these urban projects, impacts due to conflict with applicable plans and policies would be avoided. Future projects would be subject to applicable General Plan goals, policies, and actions that require appropriate buffers, edges, and transition areas between dissimilar land uses. In addition, the setbacks, designs, and operational requirements of the San José Municipal Code would minimize land use impacts. Accordingly, cumulative impacts would be less than significant. The proposed project, in conformance with the applicable General Plan goals, policies, and actions, and with implementation of mitigation measures, would not result in significant land use impacts or conflict with a policy or regulation adopted for the purpose of avoiding or mitigating an environmental impact. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on land use would be less than significant.

Level of Cumulative Significance

Less than significant impact.

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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) on January 11, 2024. The noise modeling output is included in this Draft Environmental Impact Report (Draft EIR) as Appendix H.

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 manmade 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 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 10:00 p.m. and 7:00 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 7:00 p.m. and 10:00 p.m. and 10 dB added to the A-weighted sound levels occurring between 10:00 p.m. and 7:00 a.m.
Source: Data compiled by FirstCarbon Solutions (FCS). 2024.	

Traffic Noise

The level of traffic noise depends on 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, noise generated by the use of motor vehicles over public roads is preempted from local regulation, although 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 by 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

Type of Equipment	Impact Device? (Yes/No)	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Tractors	No	84
Front-End Loaders	No	80
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."

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. When assessing annoyance from groundborne vibration, vibration is typically expressed as rms velocity in units of decibels of 1 microinch per second, with the unit written in 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

[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
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
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. This drop-off rate can vary greatly depending on the soil type, specifically contingent on soil characteristics such as stiffness, internal damping, and depth to bedrock, 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.

Existing Noise Levels

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, January 11, 2024, between 11:00 a.m. and 12:00 p.m., during the midday peak noise hour. These measurements provide a baseline for existing noise conditions in the project vicinity.

The short-term noise measurements taken at the project site are summarized in Table 3.7-4. The noise measurements indicate daytime ambient noise levels range from 43.8 dBA to 52.9 dBA L_{eq}. The noise monitoring survey sheet and sound level meter results are provided in Appendix H.

Table 3.7-4: Existing Ambient Noise Levels in the Project Vicinity

Site Location	Location Description	dBA	Primary Noise Sources
ST-1	Approximately 15 feet off Glider Drive, at entrance of former school's drop-off zone, east side of project boundary.	49.4 L_{eq}	Traffic on local roadways
ST-2	At SE corner of Suisse Drive and Driver Drive Intersection.	52.9 L_{eq}	Traffic on local roadways
ST-3	Approximately 15 feet from Cozy Drive, 30–40 feet west of Glider Drive, and 40 feet east of Cozy Court and Cozy Drive.	43.8 L_{eq}	Traffic on local roadways

Notes:
dBA = A-weighted decibel
L_{eq} = equivalent sound level
Source: FirstCarbon Solutions (FCS). 2024.

The nearest sensitive receptors to the project site are the single-family residences directly adjacent to the property to the north and west across Glider Drive to the east, and across Cozy Drive to the south.

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

The FTA has established industry accepted standards for vibration impact criteria and impact assessment. These guidelines are published in its 2006 Transit Noise and Vibration Impact Assessment document. 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

Building Category	PPV (in/sec)	Approximate VdB
Notes: 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.[2]

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 proposed project is also subject to review under the State of California Environmental Quality Act (CEQA). Appendix Hof the CEQA Guidelines provides impact thresholds for potential noise and vibration impacts. The City of San José 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 California Building Standards Code (CBC) (California Code of Regulations [CCR] Title 24).[3] 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

[2] California Department of Health Services Office of Noise Control. Land Use Compatibility for Community Noise Environments Matrix. 1976.

[3] California Building Standards Commission. 2019. California Building Standards Code (CCR Title 24). January 1.

not a significant effect on the environment."[4] 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). The policies related to noise and vibration are listed below:

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 A-weighted decibel (dBA) Day/Night Noise Level (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). 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 considers significant noise impacts to occur if a project would:

[4] California Legislative Information. Assembly Bill No. 1307. Website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1307. Accessed September 1, 2024.

- 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 inches 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 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 H.

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 a project would cause the Day/Night Noise Level (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.

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 H.

Vibration Impact Analysis Methodology

Reasonable worst-case construction vibration levels are identified based on reference vibration levels for construction equipment identified in Table 3.7-3. 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 inches per second (in/sec) PPV (peak particle velocity) 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.

3.7.5 - Thresholds of Significance

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

a) Generation of a substantial temporary or permanent increase in ambient noise levels in noise-sensitive locations 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 with regard to noise associated with the development of the proposed project and provides mitigation measures where appropriate.

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

A significant impact would occur if the proposed project would generate a substantial temporary or permanent increase in ambient noise levels in the project vicinity in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies.

Construction

For purposes of this analysis, 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. Construction will take approximately 29 months. The City allows construction activity within 500 feet of a residential unit only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday. Additionally, Saturday construction between the hours of 8:00 a.m. and 5:00 p.m. would be approved as part of this Site Development Permit.

While the City of San José does not establish noise level thresholds for construction activities, this analysis uses the noise limits established by the FTA to identify the potential for impacts due to substantial temporary construction noise. The FTA identifies construction noise limits in the Transit Noise and Vibration Impact Assessment Manual.[5] During daytime hours, an exterior threshold of 80 dBA $L_{eq(8\text{-}hour)}$ shall be enforced at residential land uses, 85 dBA $L_{eq(8\text{-}hour)}$ at commercial land uses and 90 dBA $L_{eq(8\text{-}hour)}$ at industrial land uses.

Construction-related Traffic Noise

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

[5] Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

uses, and the timing and duration of the construction activities. One type of short-term noise impact that could occur during project construction would result from the increase in traffic flow on local streets, associated with the transport of workers, equipment, and materials to and from the project site.

The transport of workers and construction equipment and materials to the project site would incrementally increase noise levels on access roads leading to the site. Because workers and construction equipment would use existing routes, noise from passing trucks would be similar to existing vehicle-generated noise on these local roadways. 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 nose discussion above, is the lowest change that can be perceptible to the human ear in outdoor environments. According to the air quality modeling performed for this project, the paving phase would generate the highest average daily trips, an estimated total of 165 maximum daily trips during this phase of construction. As shown in Table 3.7-6 below, the roadway segment with the lowest existing PM peak-hours trips is Suisse Drive from Snell Avenue to Cozy Drive which currently accommodates 1,120 average daily trips. Therefore, these project-related construction trips would not double the daily traffic volumes along any roadway segment in the project vicinity. For this reason, short-term intermittent noise from construction trips would be minor when averaged over a 24-hour time period and would not result in a perceptible increase in daily traffic noise levels in the project vicinity. As such, construction-related impacts from traffic noise would be less than significant.

Construction Equipment Noise

The second type of short-term noise impact is related to noise generated during construction on the project site. 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 one or two minutes of full-power operation followed by three or four minutes at lower power settings. Impact equipment, such as impact pile drivers, are not expected to be used during construction of the 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 scraper is assumed to be 85 dBA L_{max} at 50 feet from this equipment. Each bulldozer would also generate 85 dBA L_{max} at 50 feet. The maximum noise level generated by graders is approximately 85 dBA L_{max} at 50 feet.

A conservative 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 as they perform their earthmoving operations, spending a relatively short amount of time adjacent to any one receptor. As explained in Section 3.7.2 Environmental Setting, Characteristics of Noise, 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 (i.e., multiple pieces of equipment cannot operate simultaneously at the exact same location), a reasonable worst-case combined noise level during this phase of construction would be 90 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 86 dBA L_{eq} at a distance of 50 feet from the acoustic center of a construction area. While construction of the entire project would take an estimated 29 months, these reasonable worst-case construction noise levels would only occur during the site preparation phase of development, which would last an estimated six months. Other phases of construction would generate lower noise levels.

The closest noise-sensitive receptors to the proposed project site are single-family residences located directly north of the project site. The closest residence would be located approximately 50 feet from the acoustic center of construction activity where multiple pieces of heavy construction equipment would potentially operate at the project site. Additionally, there is a wooden fence in front of the closest noise-sensitive receptor that is approximately 6 feet high that would provide a minimum 3 dBA reduction. At this distance, worst-case construction noise levels could have an hourly average of up to 79 dBA L_{eq} at the nearest single-family residential home. When averaged over an 8-hour workday, as equipment operates across the project site, worst-case construction noise levels would average 72 dBA $L_{eq(8\text{-hour})}$. This reasonable worst-case 8-hour average is below the FTA noise threshold criteria of 80 dBA $L_{eq(8\text{-hour})}$ for residential receptors, and the impact would be considered less than significant.

It should also be noted that these noise levels would be temporary, only occurring during the site preparation phase when construction equipment operates adjacent to the project boundaries.

However, since the project construction would last for more than 12-months, in compliance with General Plan Policy EC 1.7, MM NOI-1 requires 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. These measures must be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. As such, construction-related impacts from construction equipment noise would be less than significant with mitigation incorporated.

Operation

Operational Traffic Source Noise

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. A potentially significant noise impact would occur if the 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 if 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 traffic volumes on a roadway segment is required in order to result in a 3 dBA increase in traffic noise levels. The calculated PM peak-hour traffic volumes under background no project and background plus project conditions are shown below in Table 3.7-6. The roadway segment traffic volumes are based on the intersection turning volume data from the Local Transportation Analysis (Appendix H). The data shows that the proposed project would not double the PM peak-hour traffic volumes on any of these primary access roadway segments and therefore would not result in a 3 dBA increase in traffic noise levels in the project vicinity. Analyzing the AM peak-hour or the average daily trips shows the same results. Therefore, the proposed project would not result in a substantial increase in traffic noise levels compared with existing traffic noise levels. In addition, the background traffic volumes are reflective of the existing residential environment and since project trips would not result in a substantial increase in traffic noise levels, the resulting noise levels would be considered compatible with existing and proposed land uses. As such, operation-related impacts from traffic noise sources would be less than significant.

Table 3.7-6: Roadway Segment PM Peak-hour Traffic Volumes

Receptor	Background No Project Conditions	Background Plus Project Conditions	Double Traffic Volumes (Yes/No)?	Significant Noise Increase Expected?
Snell Avenue–Santa Teresa Boulevard to Suisse Drive	842	871	No	No
Suisse Drive–Snell Avenue to Cozy Drive	112	141	No	No
Dunn Avenue–Santa Teresa Boulevard to Suisse Drive	241	277	No	No
Source: TJKM. 2024. Draft Local Transportation Analysis Report: 511 Cozy Drive. August 13.				

Operational Stationary Source Noise

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 of San José. The Municipal Code limits operational noise levels to 55 dBA L_{max} as measured at any receiving residential property.

In addition, according to Policy EC-1.2, a significant impact would also occur if the project would cause the DNL at noise-sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain "Normally Acceptable"; or cause the DNL at noise-sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

The primary new stationary noise source associated with implementation of the proposed project would be the new mechanical ventilation systems associated with the proposed residential uses. At the time of this analysis, details were not available pertaining to proposed mechanical ventilation systems for the proposed project; therefore, a reference noise level for typical mechanical

ventilation systems was used. Noise levels from typical residential mechanical ventilation equipment range from 50 dBA to 70 dBA L_{eq} at a distance of approximately 5 feet.

Proposed mechanical ventilation systems could be located as close as 30 feet from the nearest receiving residential property. At this distance, noise generated by the combined operation of multiple mechanical ventilation units could potentially reach up to 48 dBA L_{eq} at the nearest residential property line. These operational noise levels would not exceed the City's noise performance threshold of 55 dBA L_{max} as measured at the nearest residential property. The calculation spreadsheet with the detailed modeling assumptions is included in Appendix H.

Existing daytime ambient noise levels on the project site are documented as reaching up to 52.9 dBA L_{eq}. As a conservative analysis, assuming the mechanical ventilation equipment would operate continuously for 24-hours, the resulting noise level as measured at the nearest residential property line would be 54 dBA DNL. This resulting noise level is considered "Normally Acceptable" for residential land uses. These reasonable worst-case operational noise levels would result in less than a 2 dBA increase over ambient noise levels which is well below the 5 dBA increase that would be considered a significant increase according to Policy ES-1.2.

Therefore, mechanical ventilation system operational noise levels would not result in a substantial permanent increase in noise levels in excess of established standards or in excess of existing ambient noise levels. As such, operation-related impacts from mechanical equipment noise would be less than significant.

Impact NOI-1 The project construction would last for more than 12 months and would require construction work on Saturdays from 8:00 a.m. to 5:00 p.m., which would result in a potentially significant temporary construction noise impact.

Mitigation Measures

MM NOI-1 Construction Noise Logistics Plan. Prior to the issuance of any demolition, grading or building permits (whichever comes first), the project applicant shall prepare and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction (i.e., prior to grading permits) and implemented during construction to reduce noise impacts on neighboring residents and other uses.

As part of the noise logistics plan, the project applicant shall include, but is not limited to, the following best management practices:

- Pile Driving is prohibited.
- Construction hours shall be limited 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. Any variance from these hours, such as the approval to work on Saturdays, must be approved by the City prior to issuance of building permits.

- Construct minimum 8-foot-high solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- 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.

Level of Significance

Less than significant impact with mitigation incorporated.

Impact NOI-2: The proposed project would not result in generation of excessive groundborne vibration or groundborne noise levels.

Impact Analysis

In extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. Common sources of groundborne vibration include construction activities such as blasting, pile driving, and operating heavy earthmoving equipment. In general, if groundborne vibration levels do not exceed levels considered perceptible, then groundborne noise levels would not be perceptible in most interior environments. Therefore, this analysis focuses on determining exceedances of groundborne vibration levels.

Construction

Short-term Construction Vibration Impacts

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 City's General Plan, new

development is required to minimize vibration impacts to adjacent uses so as to not exceed 0.20 in/sec PPV for buildings of normal conventional construction.

Of the variety of equipment used during construction, the large vibratory rollers anticipated to be used in the construction of the internal roadways would produce the greatest groundborne vibration levels. Large vibratory rollers produce groundborne vibration levels ranging up to 0.201 in/sec PPV at 25 feet from the operating equipment.

The nearest off-site structure to the area where a large vibratory roller would operate is a single-family home located east of the project site, approximately 60 feet from the nearest construction footprint (Figure 3.7-1). At this distance, groundborne vibration levels could range up to 0.05 PPV from operation of a large vibratory roller. This is well below the City's vibration limit of 0.2 in/sec PPV for buildings of normal conventional construction.

Other heavy construction equipment that would be used during the site preparation and grading phases would potentially include a large bulldozer which produces vibration levels of up to 0.089 in/sec PPV as measured at 25-feet from the operating equipment. This type of equipment would potentially operate as close as 30-feet from any adjacent off-site structure. At this distance, groundborne vibration levels could range up to 0.068 in/sec PPV form operation of a large bulldozer. This is well below the City's vibration limit of 0.2 in/sec PPV for buildings of normal conventional construction.

Therefore, 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 limits as measured at the nearest receiving structures in the project vicinity. As such, construction-related impacts would be less than significant.

Operation

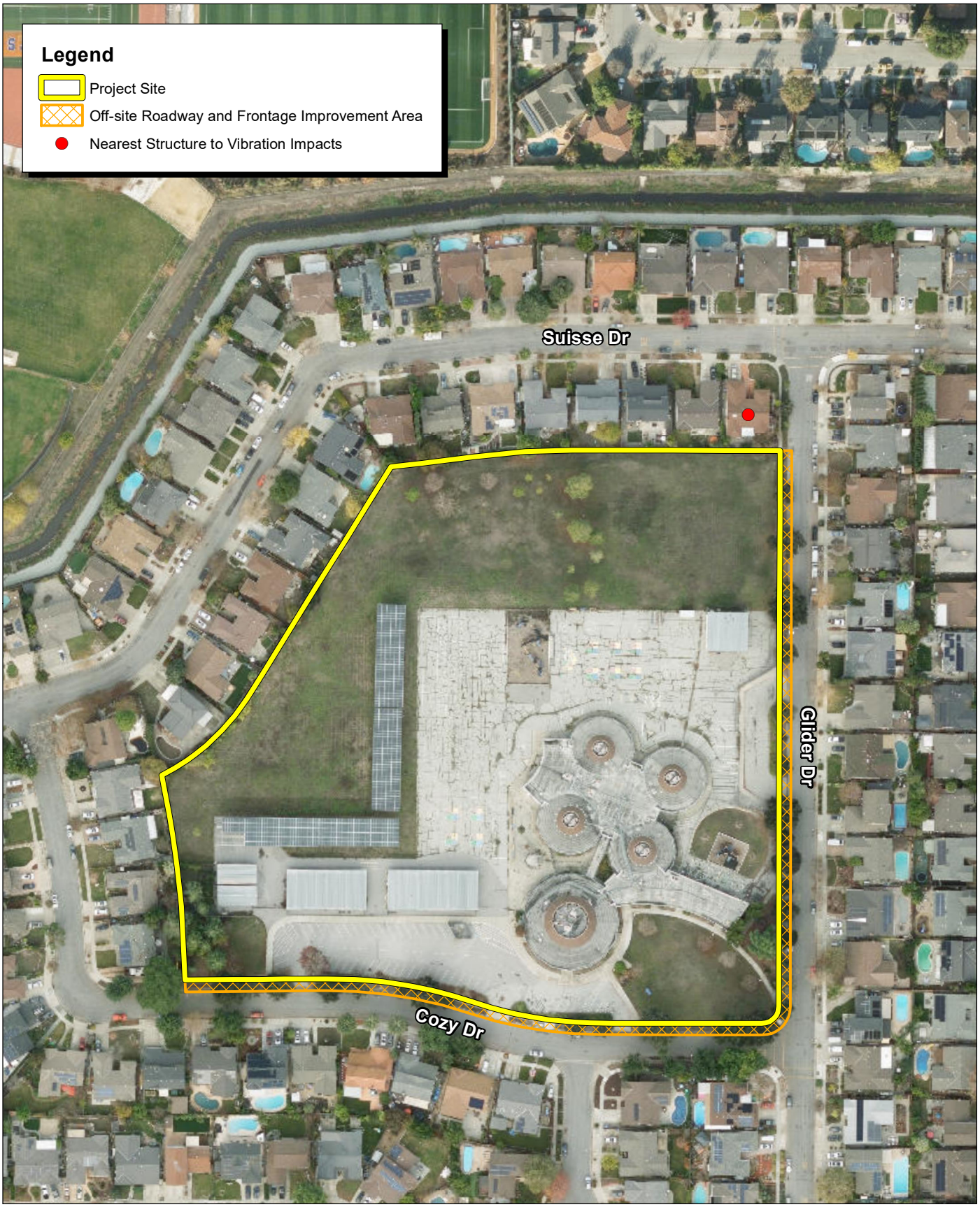
Operational Vibration Impacts

A significant impact would occur if the proposed project would generate excessive groundborne vibration or groundborne noise levels. The City of San José Municipal Code states there shall be no activity on any site that causes ground vibration that is perceptible without instruments at the property line of the site.

The proposed project would not include any permanent sources that would expose persons in the project vicinity to noticeable groundborne vibration levels. Therefore, project operations would not generate excessive groundborne vibration levels or expose proposed uses to excessive groundborne vibration levels. As such, operation-related impacts would be less than significant.

Level of Significance

Less than significant impact.



Source: Bing Aerial Imagery. Wood Rodgers, August 2023.

FIRSTCARBON SOLUTIONS™

160 80 0 160
Feet

Figure 3.7-1
Nearest Structure to Vibration Impacts

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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

The nearest airport to the project site is the Reid-Hillview County Airport, which is approximately 6.5 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. No impact would occur.

Level of Significance

No impact.

3.7.7 - Cumulative Impacts

Impact Analysis

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. The nearest cumulative project (MP22-009) is located 0.43 miles from the project site. Therefore, no anticipated future cumulative projects are located within 500 feet of the project site that would contribute to a cumulative construction noise impact with the proposed project. Cumulative impacts would be less than significant. In addition, as shown in the construction noise impact analysis, with implementation of MM NOI-1, 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 project's contribution would not be cumulatively considerable, and cumulative impacts on construction noise would be less than significant.

Operational Mobile Source Noise

The significance threshold for a cumulative traffic noise impact would be a substantial permanent increase in traffic noise levels along roadway segments accessing the project site, where the highest percentage of project trips would occur, which already experiences noise levels in excess of normally acceptable standards for adjacent land uses.

Based on the existing ambient noise monitoring effort (which included traffic noise sources), the existing daytime ambient noise levels in the project vicinity range from 43.8 dBA to 52.9 dBA L_{eq} adjacent to nearby residential land uses, commercial land uses, and roadways in the project vicinity. These noise levels are considered normally acceptable for nearby land uses and do not constitute a cumulative noise impact. In addition, the nearest cumulative project (MP22-009) is located 0.43

miles from the project site, and, at that distance, it is not reasonably foreseeable that cumulative trips from that project would double traffic volumes on roadway segments accessing the project site where the highest percentage of project trips would occur. Furthermore, based on the analysis above, implementation of the proposed project 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. Accordingly, cumulative impacts are less than significant. As such, the proposed project would not have a cumulatively considerable contribution to the less than significant cumulative impacts. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on mobile source noises would be less than significant with mitigation incorporated.

Operational Stationary Source 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 stationary noise sources are limited to approximately 500 feet from the source. There are no anticipated cumulative projects identified on Table 3-1 within 500 feet of the project site. Potential cumulative impacts associated with past and present projects within the geographic scope are accounted for in the existing setting and the discussion above.

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 43.8 dBA to 52.9 dBA L_{eq} adjacent to nearby residential land uses, commercial land uses, and roadways in the project vicinity. These noise levels are considered normally acceptable for nearby land uses and do not constitute a cumulative noise impact. Therefore, since there is not a cumulative stationary source noise impact in the project vicinity, implementation of the proposed project would result in a less than significant cumulative impact related to stationary source noise. In addition, as described under Impact NOI-1, noise generated by mechanical ventilation equipment would attenuate to below 49 dBA L_{eq} 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, the project's contribution would not be cumulatively considerable, and cumulative impacts on operational stationary source noises would be less than significant with mitigation incorporated.

Construction Vibration

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. The nearest cumulative project (MP22-009) is located 0.43 miles from the project site. Therefore, there are no long-term development projects undergoing construction in the project vicinity that would combine with the proposed project to result in a cumulative groundborne vibration impact. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on construction vibration would be less than significant.

Operational Vibration

The only potential 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. However, 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 sensitive land use in the project vicinity. In addition, there are no significant permanent sources of groundborne vibration in the project vicinity to which the proposed project would be exposed. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on operational vibration would be less than significant.

Airport Noise Impacts

The geographic scope of the cumulative noise analysis for airport-related noise sources is limited to the areas within the airport's 65 dBA CNEL noise contours. As identified under Impact NOI-3, the project site is located well outside of the 65 dBA CNEL airport noise contours. Therefore, existing noise levels do not constitute a cumulative noise impact. Since there is not a cumulative airport noise impact in the project vicinity, implementation of the proposed project would result in a less than significant cumulative impact related to airport-related noise. In addition, the proposed project would not contribute to any perceptible increase in airport noise in the project vicinity. Therefore, the project's contribution would not be cumulatively considerable, and no cumulative impacts with respect to airport noise impacts would occur.

Level of Cumulative Significance

Less than significant impact.

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3.8 - Recreation

3.8.1 - Introduction

This section describes existing parks and recreational facilities in the region and project area as well as the relevant regulatory framework. Information in this section is based, in part, on information obtained from the Envision San José 2040 General Plan.

3.8.2 - 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 1,650,498.17 acres within 280 parks, over 340 miles of coastline, 6609 miles of lake and reservoir frontage, 330 miles of river frontage, about 13,500 campsites, and approximately 6,000 miles of trails.[1] Castle Rock State Park is located approximately 15.15 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.

Regional Parks

The County of Santa Clara (County) operates a regional park system comprised of 28 regional parks encompassing over 55,000 acres.[2] Five 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 the Planning Area include Lexington Reservoir County Park and Los Gatos Creek County Park.

Almaden Quicksilver County Park

Almaden Quicksilver County Park is located approximately 3.61 miles southwest of the project site. It is the site of over 135 years of former mining activities and 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.[3]

Calero County Park

Calero Reservoir County Park is one of Santa Clara County's most diverse regional park and recreation areas. It is located approximately 4.94 miles southeast of the project site. Once part of the Pueblo lands of San José and Rancho San Vincente land grant, this approximate 4,471-acre park is nestled in the eastern foothills of the Santa Cruz Mountains. Two distinct areas define this park: the

[1] California Department of Parks and Recreation (DPR). 2018. California State Park System Statistical Report 2021/22 Fiscal Year. Website: https://www.parks.ca.gov/pages/795/files/2021-22%20Statisical%20Report%20PDF.pdf. Accessed November 26, 2024.
[2] County of Santa Clara. 2024. Santa Clara County Parks. About us. Website: https://parks.sccgov.org/about-parks. Accessed November 26, 2024.
[3] County of Santa Clara. 2024. Almaden Quicksilver County Park. Website: https://parks.sccgov.org/santa-clara-county-parks/almaden-quicksilver-county-park. Accessed November 26, 2024.

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.[4]

Santa Teresa County Park

Santa Teresa County Park is located approximately 2.23 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.[5]

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 9.29 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. [6]

Hellyer County Park

Hellyer County Park is located approximately 3.28 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 thick undergrowth and tall trees characterize the well-defined creek channel, which is home to many different species of wildlife.[7] 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 1.81 miles northwest 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, equestrian, paved trails, dogs on leash, reservable group picnics, and picnicking.[8]

Lexington Reservoir County Park

Lexington Reservoir County Park is located approximately 9.25 miles southwest of the project site. This 950-acre park and reservoir is just minutes from the urban centers of Santa Clara County. The

[4] County of Santa Clara. 2024. Calero County Park. Website: https:// parks.santaclaracounty.gov/locations/calero-county-park. Accessed November 26, 2024.
[5] County of Santa Clara. 2024. Santa Teresa County Park. Website: https://parks.sccgov.org/santa-clara-county-parks/santa-teresa-county-park. Accessed November 26, 2024.
[6] County of Santa Clara. 2024. Joseph D. Grant County Park. Website: https:// parks.sccgov.org/santa-clara-county-parks/joseph-d-grant-county-park. Accessed November 26, 2024.
[7] County of Santa Clara. 2024. Hellyer County Park. Website: https://parks.sccgov.org/santa-clara-county-parks/hellyer-county-park. Accessed November 26, 2024.
[8] County of Santa Clara. 2024. Martial Cottle Park Website: https:// parks.sccgov.org/santa-clara-county-parks/martial-cottle-park. Accessed November 26, 2024.

park includes a 338-acre manufactured 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.[9]

Los Gatos Creek County Park

Los Gatos Creek County Park is located approximately 7.25 miles northwest 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. There's shade, seating, and water. [10]

Regional City Parks

The City's Parks, Recreation and Neighborhood Services Department (PRNS) oversees nine regional parks, 207 neighborhood parks, 290 park playgrounds, 48 community centers, and almost 61 miles of trail.[11] The City's regional parks are listed below:[12]

- 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. Figure 3.8-1 and Table 3.8-1 and show existing recreational facilities within a 3-mile radius of the project site.

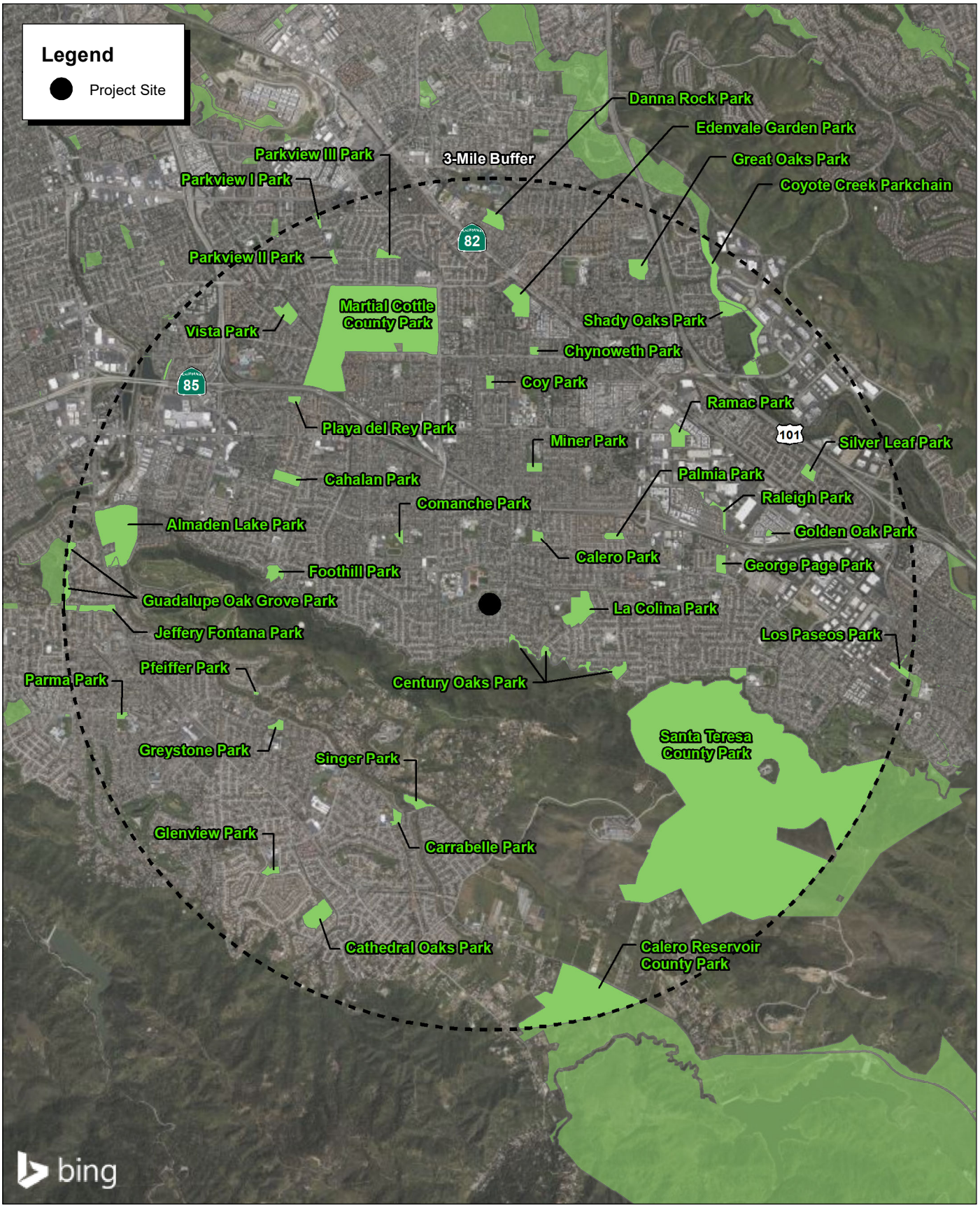
[9] County of Santa Clara. 2024. Lexington Reservoir County Park. 2024. Website: https:// parks.santaclaracounty.gov/locations/lexington-reservoir-county-park. Accessed November 26, 2024.

[10] County of Santa Clara. 2024. Los Gatos Creek County Park. Website: https:// parks.santaclaracounty.gov/locations/los-gatos-creek-county-park. Accessed November 26, 2024.

[11] 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 October 20, 2025.

[12] 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 October 20, 2025.

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Source: Bing Aerial Imagery. City of San Jose.

FIRSTCARBON SOLUTIONS™

5,000 2,500 0 5,000 Feet

Figure 3.8-1
City Recreational Facilities
Within 3-miles of the Project Site

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Project Site

The project site is currently occupied by a vacant elementary school and associated sports fields. The school and sports fields are not officially open to the public.

Table 3.8-1: City Recreational Facilities Within a 3-mile Radius of the Project Site

Name	Acreage	Distance from Project Site (miles)	Jurisdiction and Park Department	Amenities
Century Oaks Park	11.3	0.32	City of San José	• Trails • Picnic Areas
Calero Park	4.6	0.60	City of San José	• Picnic Area • Youth Playground
La Colina Park	25.5	0.62	City of San José	• BBQ Pits • Children's Water Play Feature • Youth Playground
Comanche Park	3	0.66	City of San José	• Picnic Areas • Youth Playground
Santa Teresea County Park	1,673	1.0	County of Santa Clara	• Trails • Picnic Tables • Archery Range • Golf Club
Miner Park	5.2	1.03	City of San José	• Picnic Areas • Exercise course • Youth playground
Palmia Park	15.5	1.03	City of San José	• Picnic Areas • Youth Playground • BBQ Pits • Unlighted tennis court • Two half-sized basketball courts
Foothill Park	6.9	1.42	City of San José	• Picnic Areas
Singer Park	-	1.49	City of San José	• Walking trails • Playgrounds
Carabelle Park	2.9	1.57	City of San José	• Picnic Areas • Children's water play feature • Youth Playground
Coy Park	4.5	1.58	City of San José	• Picnic Areas • Youth Playground
Cahalan Park	9.5	1.62	City of San José	• Picnic Areas • Basketball Court

Name	Acreage	Distance from Project Site (miles)	Jurisdiction and Park Department	Amenities
				• Two unlighted softball fields • Two unlighted tennis courts • Youth Playground • Restrooms
Greystone Park	4.7	1.64	City of San José	• Youth Playground • Picnic Areas • BBQ Pits • Restrooms
George Page Park	4	1.69	City of San José	• Picnic Areas • BBQ Pits • Unlighted tennis course • Unlighted softball field • Youth Playground
Raleigh Park	5.4	1.77	City of San José	• Dog Park
Ramac Park	10.64	1.77	City of San José	• Picnic Areas • Half-sized basketball court • Unlighted tennis court • Lighted Softball field • Youth Playground • Restrooms
Chynoweth Park	2.4	1.8	City of San José	• Picnic Areas • BBQ Pits • Youth Playground
Pfeiffer Park	1.2	1.86	City of San José	• Picnic Areas • Youth Playground
Martial Cottle Community Park	287	1.86	County of Santa Clara	• Trails • Green Space • Picnic Areas
Playa Del Rey Park	3.7	1.97	City of San José	• Picnic Areas • Half-sized basketball court • Youth Playground
Golden Oaks Park	1.6	2.12	City of San José	• Picnic Areas • Cornhole • Fitness Equipment Area • Youth Playground • Seating Areas

Name	Acreage	Distance from Project Site (miles)	Jurisdiction and Park Department	Amenities
Edenvale Garden Park	19.5	2.12	City of San José	• Picnic Areas • Half-sized basketball court • San volleyball Court • Two unlighted tennis courts • Four Pickle Ball Courts • Youth Playground • Restrooms
Glenview Park	4.2	2.37	City of San José	• Picnic Areas • Youth Playground
Cathedral Oaks Park	16.8	2.39	City of San José	• Picnic Areas
Vista Park	9.9	2.43	City of San José	• Picnic Areas • Basketball Court • Two unlighted softball fields • Youth Playground • Restrooms
Almaden Lake Regional Park	65	2.5	City of San José	• Tot Lot • Picnic Areas • Basketball • Bocce Ball • Horseshoes • Almaden Lake Trail • Volleyball • Youth Playground • Restrooms • Telephones • Fishing
Park View III Park	5.4	2.58	City of San José	• Youth Playground
Great Oaks Park	12.23	2.59	City of San José	• Picnic Areas • BBQ Pits • Skate Park • Unlighted softball field • Two Basketball Courts • Restrooms
Park View II Park	2.6	2.67	City of San José	• Youth Playground
Danna Rock Park	11	2.68	City of San José	• Picnic Areas • BBQ Pits • Half basketball court • Youth Playground
Parkview I Park	2.6	2.96	City of San José	• Youth Playground

Name	Acreage	Distance from Project Site (miles)	Jurisdiction and Park Department	Amenities
Coyote Creek Park Chain	19.7 miles (total distance, but not connected)	3.0	City of San José	• Trails
Los Paseos Park	10.8	3.0	City of San José	• Picnic Areas • Exercise Course • Four lighted tennis courts • Turf area • Youth Playground • Restrooms
Jeffery Fontana Park	10	3.0	City of San José	• Exercise Course • Youth Playground
Guadalupe Oak Grove Park	62.7	3.0	City of San José	• Picnic Areas • Restrooms
Total Acreage	**2,312.67**	—	—	—
Source: City of San José Parks, Recreation and Neighborhood Services; County of Santa Clara Parks Department.				

3.8.3 - 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 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-1.2 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 PDO/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-way 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 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 2024 PIO, which applied parkland dedication requirements to new units in non-subdivided residential projects. The PDO includes a minimum of 3 acres of neighborhood/community serving parkland per 1,000 residents and is the applicable standard for the proposed project. Both the PDO and PIO require that new housing projects either dedicate land for public parks, pay a fee in lieu of dedication, or 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 California law known as the Quimby Act, Section 66477 of the Government Code.[13]

3.8.4 - Methodology

Impacts related to parks and recreational facilities were determined by evaluating whether the proposed project would meet the PDO standard of 3 acres of neighborhood/community serving parkland per 1,000 residents or whether construction of the proposed project would cause the City to not meet this standard citywide.

[13] City of San José. 2024. Envision San José 2040 General Plan. Website: https://www.sanjoseca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed August 7, 2024.

3.8.5 - Thresholds of Significance

Recreation

The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G Environmental Checklist to determine whether recreational impacts resulting from the implementation of the proposed project would be considered significant if the project 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.

3.8.6 - Project Impacts and Mitigation Measures

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

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

As discussed in Section 4.2.6, Population and Housing, given that the proposed project would develop up to 80 residential units, and that the City's average number of persons per household is 2.88, the proposed project is estimated to generate up to 231 new residents, which would increase the demand on existing neighborhood and regional parks.[14,15]

Given the 231anticipated new residents, the project would result in the need for 0.69 acre of parkland to meet the required PDO ratio. The proposed project would provide an approximately 0.68 acre privately owned and maintained, public accessible open space (POPOS) parcel of privately owned, publicly accessible open space areas, slightly smaller than the 0.69 acre identified. Thus, the proposed project would not provide all of the required acreage on-site to meet the PDO standard of 3 acres of parkland per 1,000 people or 0.003-acre per person.[16]

However, the PDO and PIO allow new housing projects to either dedicate land for public parks, pay a fee in lieu of dedication, or meet this requirement through a combination of the two. Accordingly, the proposed project would also pay an in lieu dedication fee for the additional 0.01 acre of parkland, which 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. Impacts would be less than significant.

[14] California Department of Finance. 2025. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2025, with 2020 Benchmark. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed October 17, 2025.

[15] 80 units x 2.88 persons per household = 230.4 people, or ~ 231 people.

[16] San José, California. Code of Ordinances. Chapter 14.25 Park Impact Requirements.

Level of Significance

Less than significant impact.

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

The proposed project would provide a 0.68 acre POPOS parcel that would include picnic tables, open field turn, benches, bicycle racks, and a children's play area with play equipment, all of which is analyzed as part of the proposed project. As such, the proposed recreational facilities themselves would not have an adverse physical effect on the environment.

The POPOS parcel may be eligible for private recreation credit if the requirements in City Council Resolution No. 73587 (Private Recreation Credit Resolution) are met, including, but not limited to, adjacency to a public street. If a project POPOS parcel does not meet the requirements of an eligible private recreation amenity then credit will not be issued; the applicant would pay an in lieu fee to cover the 0.01 acre remainder of the parkland obligation. The proposed project would comply with the City's PDO and pay in lieu fees to the City for any additional recreational facilities required by the addition of residents to the City. Impacts would be less than significant.

Level of Significance

Less than significant impact.

Cumulative Impacts

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 from the increased population generated by the proposed project. Thus, any future development would assist in meeting the PDO/PIO goal of 3acres per 1,000 people. Accordingly, as projected in the General Plan Environmental Impact Report (EIR), there are no cumulative impacts related to Recreation.

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. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on recreation would be less than significant.

Level of Cumulative Significance

Less than significant impact.

3.9 - Transportation

3.9.1 - Introduction

This section describes existing conditions related to transportation in the proposed project area 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) prepared by TJKM dated December 1, 2025 (included as Appendix I.)

3.9.2 - 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 United States Highway 101 (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 Cottle Road**.**

Local

Santa Teresa Boulevard

Santa Teresa Boulevard within the project vicinity is a six-lane east–west City Connector Street with the posted speed limit of 40 miles per hour (mph). A Class II bike lane is provided on Santa Teresa Boulevard in the project vicinity.

Snell Avenue

Snell Avenue is a two- to four-lane north–south Local Connector Street which has a posted speed limit of 40 mph in the project vicinity. A Class II bike lane is provided on Snell Avenue in the project vicinity.

Dunn Avenue

Dunn Avenue is a two-lane Residential Street, which runs north–south and extends between Clydesdale Avenue to the north and Curie Drive to the south. The posted speed limit on this roadway is 25 mph. On-street parking is allowed on Dunn Avenue.

Suisse Drive

Suisse Drive is a two-lane Residential Street, which runs east–west and extends between Dunn Avenue in the east and Snell Avenue in the west. The posted speed limit on this roadway near the project vicinity is 25 mph. On-street parking is allowed on Suisse Drive.

Glider Drive

Glider Drive is a two-lane Residential Street, which runs north–south extends between Suisse Drive to the north and Elvis Drive to the south. The posted speed limit on this street is 25 mph. Project site access is provided along Glider Drive. On-street parking is allowed on Glider Drive.

Cozy Drive

Cozy Drive is a two-lane Residential Street that connects Suisse Drive and Glider Drive and provides access to the project site. The posted speed limit on Cozy Drive is 25 mph. Cozy Drive is indirectly connected to Suisse Drive through Drifter Drive.

Public Transit Service and Facilities

The Santa Clara Valley Transportation Authority (VTA) operates bus service and light rail services in the City. VTA Frequent Bus Route 66 and Express Bus Route 102 serve the proposed project site. The nearest Light Rail Station is Snell Station which serves the Blue Line that runs between Santa Teresa Station and Bay Pointe Station. The station is approximately 1.7 miles from the project site. Table 3.9-1 describes weekday and weekend services and frequencies.

Bus Route 66 has a stop at Santa Teresa Boulevard and Dunn Avenue approximately 0.2 miles from the project site. Express Route 102 has a stop at the Santa Teresa Boulevard and Snell Avenue intersection, approximately 0.8 miles from the project site. All bus stops are accessible via existing sidewalks.

Per the Envision San José 2040 General Plan, the City does not have direct jurisdiction over public transit facilities; however, the City may improve transit by encouraging ridership through connection to other transportation facilities and dedicating right-of-way to public transit.

Table 3.9-1: Existing Transit Services

Route	From	To	Weekdays		Weekends	
			Operating Hours	Headway (minutes)	Operating Hours	Headway (minutes)
66	Santa Teresa Station	Milpitas	4:55 a.m.–12:46 a.m.	13–56	5:21 a.m.–12:49 a.m. (Saturday) and 5:25 a.m.–11:47 p.m. (Sunday)	20–67 and 20–46
102	Santa Teresa Station	Hansen and Page Mill (W)	5:47 a.m.–6:50 p.m.	35	—	—
Blue Line (Light Rail)	Santa Teresa Station	Bay Pointe Station	4:26 a.m.–12:56 a.m.	15-50	5:09 a.m.–12:56 a.m. (Saturday) and 5:09 a.m.–12:56 p.m. (Sunday)	30-50

Source: Santa Clara Valley Transportation Authority (VTA). 2024. Website: https://www.vta.org/go/routes. Accessed December 3, 2024.

Bicycle Facilities

Bicycle facilities can include the following:

- Class I (Multiuse Trail): A completely separated facility designed for the exclusive use of bicyclists and pedestrians with crossing points minimized.
- Class II (Bike Lane): A designated lane for the exclusive use or semi-exclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited but with vehicle parking and crossflows by pedestrians and motorists permitted.
- Class III (Bike Route): A route designated by signs or pavement markings and shared with pedestrians and motorists.
- Class IV (Separated Bikeway): An on-street facility reserved for use by bicyclists with physical separation between the bikeway and travel lanes. Physical separation consists of vertical elements that may include curbs, landscaping, bollards, or parking lanes.

Class II bicycle lanes are provided on both sides Santa Teresa Boulevard and Snell Avenue, approximately 0.35 mile from the project site. The City's Better Bike Plan 2025 describes a list of existing and proposed bicycle facilities in the City. The City's Better Bike Plan 2025 has a planned Class IV bike lane along Snell Avenue and a Class III bike lane along Colleen Drive. Overall, existing bicycle facilities provide adequate connectivity between the proposed project site and the adjacent residential neighborhoods.

Pedestrian Facilities

Pedestrian facilities include crosswalks, sidewalks, pedestrian signals, and off-street paths, which provide safe and convenient routes for pedestrians to access their destination. In the project vicinity, both the Santa Teresa Boulevard/Snell Avenue and the Santa Teresa Boulevard/Dunn Avenue intersections are equipped with countdown pedestrian signal heads and have marked crosswalks. The project site is accessed via sidewalks on Dunn Avenue, Glider Drive, and Suisse Drive. There are continuous sidewalks present along the neighborhood streets in the vicinity of the project site. Street lighting is provided along adjacent streets to improve nighttime pedestrian access.

Emergency Access and Routes

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.

3.9.3 - Regulatory Framework

Federal

No federal plans, policies, regulations, or laws related to transportation are applicable to the proposed project.

State

California Department of Transportation Level of Service Goals

The California Department of Transportation (Caltrans) builds, operates, and maintains the State highway system, including the interstate highway system. Caltrans's mission is to improve mobility Statewide. The department operates under strategic goals to provide a safe transportation system, optimize throughput and ensure reliable travel times, improve the delivery of State highway projects, provide transportation choices, and improve and enhance the State's investments and resources. Caltrans controls the planning of the State highway system and accessibility to the system. Caltrans establishes Level of Service (LOS) goals for highways and works with local and regional agencies to assess impacts and develop funding sources for improvements to the State highway system. Caltrans requires encroachment permits from agencies or new development before any construction work may be undertaken within the State's right-of-way. For projects that would impact traffic flow and levels of services on State highways, Caltrans would review measures to mitigate the traffic impacts. However, Caltrans has adopted the 2013 CCTA Congestion Management Plan (CMP) standards, which are the criteria used to identify impacts in the project-specific LTA and this Draft Environmental Impact Report (Draft EIR).

Regional Transportation Plan

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and Association of Bay Area Governments (ABAG) adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, State, regional and local sources through 2040.

Senate Bill 743

In November 2017, the California Governor's Office of Land Use and Climate Innovation (LCI, formerly known as 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, LCI 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." LCI 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.

Implementing SB 743, Guideline 15064.3 provides that VMT is generally "the most appropriate measure of transportation impacts" and that except for roadway capacity projects, a project's effect on traffic delays "shall not constitute a significant environmental impact." Therefore, the use of VMT

as the metric for evaluating traffic impacts under the California Environmental Quality Act (CEQA) replaces the use of LOS standards.

As noted in the LCI 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. Guideline Section 15064.3 was adopted in December 2018 and took effect on July 1, 2020; however, a lead agency could elect to be governed by the Guideline before that date (14 California Code of Regulations [CCR] § 15064.3(c)). The Guideline's provisions apply prospectively from the July effective date.

The updated guidelines eliminate the use of automobile delay metrics, such as 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 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 [MPO]).
- 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.

Regional Regulations

Congestion Management Plan

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

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 and 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, and 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 of San José Envision 2040 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-1.3 Increase substantially the proportion of travel using modes other than the single-occupant vehicle.

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-1.6 Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

[1] Santa Clara Valley Transportation Authority (VTA). 2024. About VTA. Website: https:// www.vta.org/about. Accessed September 18, 2024.

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 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-5.3 Develop projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.

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-8.4 Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

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.

Policy TR-8.9 Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

Policy CD-2.3 Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate:

- Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian-oriented wayfinding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.
- Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.
- Provide pedestrian connections as outlined in the Urban Design Connections Goal and Policies.
- Local retail and other active uses at the street level.
- Create easily identifiable and accessible building entrances located on street frontages or paseos.
- Accommodate the physical needs of elderly populations and persons with disabilities.

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.

City of San José Municipal Code

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 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.[2] 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 dwelling units), but TDM monitoring reports are not.

Parking

The City 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 (GHG) 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 per City Council Policy 5-1.

The removal of vehicle parking requirements and addition of TDM requirements are intended to improve consistency with Climate Smart San José and the General Plan transportation and land use

[2] City of San José. 2024. Municipal Code. Website: https://library.municode.com/ca/san_jose/codes/code_of_ordinances. Accessed October 11, 2024.

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.

Though minimum vehicle parking requirements have been removed, Chapter 20.90 of the Municipal Code maintains the existing minimum bicycle parking requirements for most land uses. Developments are required to provide two-wheeled motorized vehicle parking equal to 2.5 percent of the total vehicle parking provided

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, Transportation Analysis Policy, the City of San José uses VMT as the metric to assess transportation impacts from new development. According to the policy, a residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average citywide VMT per capita. Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact.

If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a LTA to analyze non-CEQA transportation issues, including local transportation operations, intersection LOS, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access and recommend transportation improvements. The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1; however, it does negate the City's Protected Intersection policy, as defined in Policy 5-3.

3.9.4 - Methodology

TJKM prepared the TA for the proposed project.[3] The complete report is provided in Appendix I. 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

- Planned Growth Areas: Located within a Planned Growth Area as defined in the Envision San José 2040 General Plan.
- High-Quality Transit: Located within 0.5 mile of an existing major transit stop or an existing stop along a high-quality transit corridor.

[3] TJKM. 2025. Draft Local Transportation Analysis Report, 511 Cozy Drive. December 1.

- 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.
- Active Transportation: Not negatively impact transit, bike or pedestrian infrastructure.

When assessing a residential project, the project's VMT per capita is measured and compared to the City of San José's average VMT per capita. A detailed CEQA transportation analysis is not required if a project meets the City's screening criteria. The VMT impact threshold is 15 percent below the citywide average for residential developments. If a project is not able to be screened out, then a full VMT analysis is required.

Projects that require a detailed CEQA transportation analysis will use one of two methods for assessing a project's VMT generation (Project VMT), if applicable: (1) San José VMT Evaluation Tool and (2) San José Travel Demand Model. Table 3.9-2 presents the relevant thresholds of significance for development projects, as established by the City of San José Council Policy 5-1.

Table 3.9-2: Thresholds of Significance for Development Projects

Project Type	Significance Criteria	Current Level	Threshold
Residential	Project VMT per capita greater than 15% below the existing San José citywide average VMT per capita, OR 15% below the existing regional average VMT per capita, whichever is lower	13.40 VMT per capita (citywide average)	11.39 VMT per capita (citywide average)[1]
Notes: VMT = Vehicle Miles Traveled Source: TJKM. 2025. 511 Cozy Drive Local Transportation Analysis Report. December 1.			

3.9.5 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether transportation and traffic impacts from the proposed project would be significant if the project would:

a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities.

b) Would the project 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.

3.9.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts with regard to transportation associated with the proposed project and provides mitigation measures where necessary.

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 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. Continuous sidewalks are currently provided along both Cozy Drive and Glider Drive and throughout the residential neighborhoods surrounding the project site. Additionally, the proposed project would include internal streets with 5-foot sidewalks on both sides. All local bus stops would be accessible to and from the project site via existing sidewalks and crosswalks. As such, the proposed project would be connected to high-quality pedestrian facilities and would comply with Policy LU-9.1.

General Plan Policy CD-3.3 requires the creation and maintenance of a pedestrian-friendly environment. In the project vicinity, all the signalized intersections are equipped with countdown pedestrian signal heads and have marked crosswalks, promoting pedestrian safety. According to the LTA, the project site has adequate pedestrian accessibility via Dunn Avenue, Snell Avenue, Suisse Drive, and Glider Drive. Continuous sidewalks are present along neighborhood streets in the project vicinity. Street lighting in the project vicinity is provided via overhead light posts, creating a pedestrian-friendly environment at nighttime. The proposed project would not conflict with applicable or adopted policies, plans, or programs related to pedestrian facilities or otherwise decrease the performance or safety of pedestrian facilities.

Bicycle Facilities

The General Plan, as well as the City's Better Bike Plan, include policies that encourage bicycle use and bicycle safety. Class II bicycle lanes are provided on both sides of Santa Teresa Boulevard and Snell Avenue near the project vicinity. Overall, existing bicycle facilities provide adequate connectivity between the proposed project site and the adjacent residential neighborhoods. The proposed project would not impact these facilities. The low vehicle speed limit of 25 mph on local residential streets surrounding the project site is favorable for bicyclists. As such, the proposed project would not create a conflict with a bicycle policy. The proposed project does not include bicycle lanes. It would provide bicycle parking at the proposed park parcel.

Transit Services

A proposed project is considered to have a significant adverse effect on transit if it conflicts with existing or planned transit facilities or if it is expected to generate additional transit trips and it does not provide adequate facilities for additional pedestrians and bicyclists to access transit routes and stops. There are four bus stops within one mile of the project site. Two bus stops are located near

the Santa Teresa Boulevard/Snell Avenue intersection and two bus stops are located near the Santa Teresa Boulevard/Dunn Avenue intersection. While the proposed project is not expected to generate a substantial increase in transit ridership, any increase resulting from the proposed project could easily be accommodated by the current bus services.

Roadway Facilities

During project construction, staging will occur within the proposed roadways and on pads within each phase that is currently under construction. As such, no detours will be required during project construction and the existing roadway network will not be disrupted.

During project operation, the proposed project would have its own internal circulation system and connecting to the existing roadway network on Cozy Drive and Glider Drive. The roadways would be 36-feet wide and designed pursuant to General Plan Policy TR-1.6 and City design standards.

Therefore, the proposed project would not conflict with applicable programs, policies, or ordinances of the circulation system for pedestrian facilities, bicycle facilities, or transit services. Impacts would be less than significant.

Level of Significance

Less than significant impact.

Impact TRANS-2: The proposed project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Impact Analysis

As shown on Table 3.9-3, the proposed project is anticipated to generate approximately 676 net new trips during a typical weekday, of which 50 trips would occur during the weekday morning (AM) peak-hour and 65 trips would occur during the weekday afternoon (PM) peak-hour.

Table 3.9-3: Project Trip Generation Estimates

Land Use	ITE Code	Size	Daily		AM Peak-hour				PM Peak-hour			
						Trip				Trip		
			Rate	Trips	Rate	In	Out	Total	Rate	In	Out	Total
Single-Family Detached Housing	210	64 Dwelling Units	9.43	604	0.7	11	34	45	0.94	38	22	60
Single-Family Attached Housing[1]	215	16 Dwelling Units	7.2	115	0.48	2	6	8	0.57	5	4	9
Subtotal before Reductions				719		13	40	53		43	26	69
Location-Based Mode Share Adjustments[2]		6 percent		-43		-1	-2	-3		-3	-1	-4

Land Use	ITE Code	Size	Daily		AM Peak-hour				PM Peak-hour			
						Trip				Trip		
			Rate	Trips	Rate	In	Out	Total	Rate	In	Out	Total
Total after Reductions (Driveway Trips)				676		12	38	50		40	25	65

Notes:
ITE = Institute of Transportation
The ITE equations for ITE LUC 210 and 215 were used for all analysis periods as consistent with the methodology presented in ITE's Trip Generation Handbook (Third Edition).
1. The eight duets (16 single-family attached units) are anticipated to be designated as affordable units. In order to provide a conservative assessment of traffic operations, they are included in the trip generation.
2. Location-based Mode Share Adjustment for Suburban with Single-family Homes is 94 percent (Source: San José Transportation Analysis Handbook 2023)

The VMT impact threshold is identified as 15 percent below the citywide average for residential developments. Thus, residential projects would result in a significant adverse impact when the estimated project-generated VMT would exceed the existing citywide average VMT per capita minus 15 percent. Currently, the reported citywide average for residential uses is 13.40 daily VMT per capita. This equates to a significant impact threshold of 11.39 daily VMT per capita. The project's daily VMT, as estimated by the City's VMT Evaluation Tool, is 19.52 per capita. Thus, the project VMT would exceed the residential threshold, which would result in a potentially significant impact.

The project applicant would pay the City's VMT offset overriding consideration payment to fund multimodal improvements in the surrounding area as determined by the Department of Public Works.[4] Additionally, a TDM Plan would be required in MM TRAN-1 to mitigate VMT impacts to the extent feasible under CEQA Guidelines Section 21002 and Section 15126.4. While the project qualifies for concession for the submission of a formal TDM Plan in accordance with Municipal Code Section 20.90 Part 9–Transportation Demand Management[5], pursuant to the State Density Bonus Law, mitigation measures under CEQA would still be required to reduce VMT impacts to less than significant. The project would incorporate several VMT reducing features. Pursuant to the City's Transportation Analysis Handbook, as shown in Table 3.9-4.

Table 3.9-4 VMT Reducing Project Features

Tier	Feature	Project Feature	% VMT
1	Project Characteristics	Increase Development Density	1.2%
1		Integrate Affordable Rate Housing	1.3%

[4] TJKM. 2025. Draft Local Transportation Analysis Report, 511 Cozy Drive. October 24.
[5] Chapter 20.90–PARKING, LOADING, AND TRANSPORTATION DEMAND MANAGEMENT | Code of Ordinances | San Jose, CA | Municode Library

Tier	Feature	Project Feature	% VMT
4	TDM Programs	School Pool Program1	8.3%
4		Access to Neighborhood	0.9%
4		Voluntary travel behavior change program	4.0%
		Total VMT Reduction	**15.7%**

Notes
[1] Because of to its close proximity to two schools, expected school pool participant rate is 100%

Based on the City's VMT Evaluation Tool shown in Figure 8 of the TA, these project features result in a reduction in VMT per capita by 15.7 percent, or 2.48 VMT per capita; reducing the project VMT from 19.52 to 17.04. Since 17.04 would still exceed the threshold value of 11.39, MM TRAN-1, which includes a TDM Plan, would be required to reduce VMT impacts under CEQA. Impacts would be significant and unavoidable.

Impact TRANS-2 The proposed project would exceed the significant impact threshold of 11.39 daily VMT per capita. The project's daily unmitigated VMT, as estimated by the City's VMT Evaluation Tool, is 19.52 per capita.

Mitigation Measures

MM TRANS-1 Transportation Demand Management Plan

Prior to issuance of the first occupancy permit, the project applicant shall prepare and implement a Transportation Demand Management (TDM) Plan consistent with the measures and assumptions used in the City's VMT analysis tool 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 (PBCE) or the Directors' designee. The TDM Plan shall include, at minimum, the following measures (or functionally equivalent measures that achieve equal or greater VMT reduction and are approved by the City):

- Implement a school pool program to transport students from the development to schools using a ride matching service to carpool. It is expected that 100 percent of residents will be open to participate in the school pool program. (TP-01) Provide access to neighborhood-serving schools by implementing a "Safe Routes to School" Plan for children who are walking and biking to and from surrounding nearby schools. (TP-12)
- Implement a voluntary travel behavior change program (e.g., outreach, incentives, commute support tools) for residents to analyze and alter their travel behavior. All households (100 percent of residents) are expected to enroll. (TP-18)
- 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 50 AM peak-hour trips and 65 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

However, even with payment of fees and implementation of MM TRANS-1, the VMT would not reduce below the City's threshold and VMT impacts would remain significant and unavoidable.

Level of Significance

Significant and unavoidable impact.

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

The LTA included an analysis of queueing, site access and circulation, sight distance, and circulation, as summarized below.

Driveway Design and Operations

Site access to the proposed project would be provided via one 36-foot-wide full-access driveway along Glider Drive and one 36 foot-wide full-access driveways along Cozy Drive. According to the LTA, the access driveways are expected to be adequate for passenger vehicles accessing the site. The proposed driveways for each residential unit would be 16 feet wide.

On-site Circulation

TJKM evaluated the adequacy of on-site circulation for vehicles, delivery trucks, garbage trucks, and emergency vehicles. All internal streets are 36 feet wide and can accommodate two-way travel along with on-street parking. As shown in Figures 3.9-1a, 3.9-1b, 3.9-2a, and 3.9-2b, the turning radii would be adequate for both garbage and fire trucks.

Sight Distance

Sight distance was evaluated to determine whether a driver will have adequate visibility to enter a roadway safely without resulting in a conflict with traffic already on the roadway. A project has adequate site distance if its access points are free and clear of any obstructions that would adversely affect sight distance, thereby ensuring that existing vehicles can see pedestrians on sidewalks and other vehicles traveling on adjacent roadways.

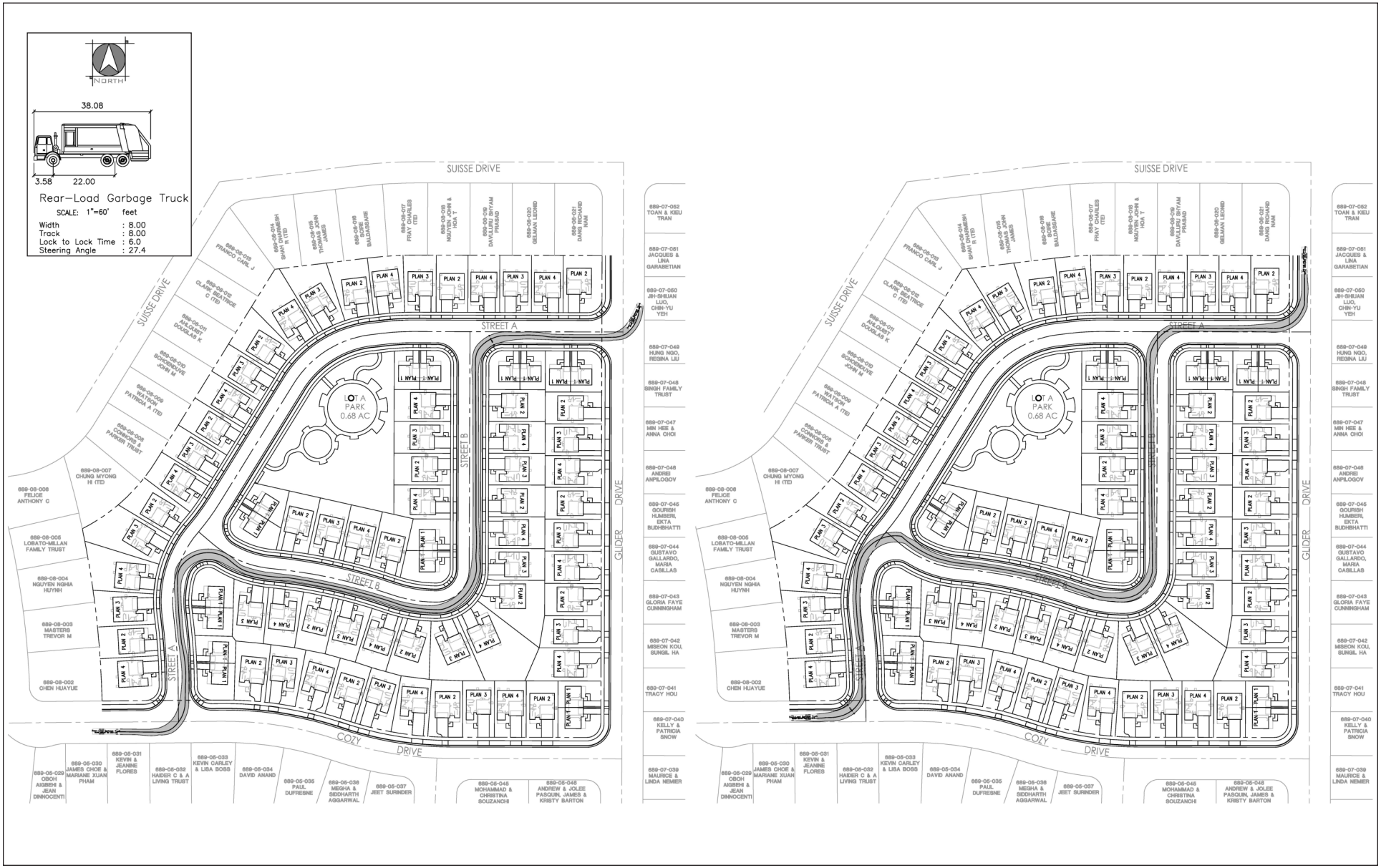
According to the Caltrans Highway Design Manual (HDM), Chapter 200–Geometric Design and Structure Standards, the required minimum stopping sight distance is 150 feet for roadways with a

design speed of 25 mph, like Glider Drive and Cozy Drive. The line of sight for vehicles exiting the project driveways turning left or right along Glider Drive and Cozy Drive would be clear and visible for a minimum of 150 feet, which would be adequate at both the project driveways. Overall, the proposed project would not result in any hazards due to a geometric feature or incompatible land use. Impacts would be less than significant.

Level of Significance

Less than significant impact.

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Source: TJKM, 06/06/2024.

FIRSTCARBON SOLUTIONS™

Figure 3.9-1a
Truck Turning Template - Rear Load Garbage Truck (Route 1)

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Source: TJKM, 06/06/2024.

FIRSTCARBON SOLUTIONS™

Figure 3.9-1b
Truck Turning Template - Rear Load Garbage Truck (Route 2)

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Source: TJKM, 06/06/2024.

FIRSTCARBON SOLUTIONS™

Figure 3.9-2a
Truck Turning Template - Aerial Fire Truck (Route 1)

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Source: TJKM, 06/06/2024.

FIRSTCARBON SOLUTIONS™

Figure 3.9-2b
Truck Turning Template - Aerial Fire Truck (Route 2)

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Impact TRANS-4: The proposed project would not result in inadequate emergency access.

Impact Analysis

During project construction, staging will occur within the proposed roadways and on pads within each phase that is currently under construction. As such, no detours would be required during project construction and the existing roadway network will not be disrupted in an emergency.

The proposed internal streets are 36-feet wide and can accommodate two-way travel along with on-street parking. As described under Impact TRANS-3, there would be adequate access and circulation for large emergency vehicles and trucks via the proposed driveways on Glider Drive and Cozy Drive.

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 3 feet of clearance from the property line along all sides of the building. According to the proposed site plan, the proposed project would meet the fire access requirements. Impacts would be less than significant.

Level of Significance

Less than significant impact.

3.9.7 - Cumulative Impacts

Conflict with a Transportation Policy or Plan

The geographic context for cumulative transportation impacts related to a conflict with a transportation policy or plan is the City limits, as defined in the General Plan. This cumulative impact analysis for transportation impacts related to a conflict with a Transportation Policy or Plan 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 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 several the policies to encourage the use of non-automobile transportation modes to minimize vehicle trip generation and reduce VMT, including the following:

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 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.

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 project would provide continuous sidewalks and all signalized intersections in the area are equipped with pedestrian signal heads and have marked crosswalks, providing adequate pedestrian access to bus stops, schools, and commercial facilities. Furthermore, existing bicycle facilities provide adequate connectivity between the proposed project site and the adjacent residential neighborhoods. As such, the proposed project would be consistent with the General Plan and would be considered part of the cumulative solution to meet the City's long-range transportation goals. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on transportation policies and plans would be less than significant.

Vehicle Miles Traveled

This cumulative impact analysis for transportation impacts related to VMT 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 General Plan Area.

Projects must demonstrate consistency with the Envision San José 2040 General Plan to address cumulative impacts. Consistency with the City's General Plan is based on the project's density, design, and conformance to the General Plan goals and policies. If a project is determined to be inconsistent with the land use identified for the site in the General Plan, a cumulative impact analysis is required as part of the City's Transportation Analysis Handbook. Implementation of General Plan Policies and Actions and conformance with mandatory ordinances and policies, would substantially limit transportation policy conflicts. 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 a significant cumulative 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-1, which requires implementation of a TDM Plan. However, even with incorporation of MM TRANS-1, 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

This cumulative impact analysis for transportation impacts related to a design hazard uses the "list" approach set forth in Title 14 California Code of Regulations Section 15130(b)(1)(A). The geographic context for cumulative transportation impacts related to a design hazard are projects within site distance of the project site. As shown in Table 3-1, the closest cumulative project to the project site

is the Snell and Santa Teresa Project, located 0.43-miles from the project site and is not within site distance of the project site. Past and present projects are addressed in the existing setting. As such, the potential hazards from design features or incompatible uses are specific to the project site and would not combine with other projects to result in a cumulative impact. The proposed project and other past, present, and reasonably foreseeable future projects have complied and must comply with local standard requirements for transportation related-design features specifically adopted to avoid and reduce hazards from project design or the location of incompatible uses, thereby resulting in a less than significant cumulative impact. Additionally, the proposed project would comply with all relevant federal, State and local regulations and as such, the proposed project would not have a cumulatively considerable incremental contribution to the less than significant impacts and would not be cumulatively considerable. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on design hazards would be less than significant.

Emergency Access

The provision of adequate emergency access is site specific and would not combine with other projects to result in a cumulative impact. The proposed project and other past, present, and reasonably foreseeable future projects must comply with local standard requirements for adequate emergency access specifically adopted to avoid or reduce the potential for inadequate access. As described under Impact TRANS-3 and Impact TRANS-4, the proposed project would provide adequate access and circulation for large emergency vehicles and no cumulative impact would occur. Therefore, the project's contribution would not be cumulatively considerable, and cumulative impacts on emergency access would be less than significant with mitigation incorporated.

Level of Cumulative Significance

Significant and unavoidable impact.

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3.10 - Tribal Cultural Resources

3.10.1 - Introduction

This section describes the existing Tribal Cultural Resources (TCRs) that may be impacted by project development. Information in this section is based on the Phase I Cultural Resources Assessment (Phase I CRA) prepared by FirstCarbon Solutions (FCS) in December 2023, included in confidential Appendix D.1.

3.10.2 - Environmental Setting

Overview

The term "Tribal Cultural Resources" encompasses TCRs and burial sites. Below is a brief summary of each component:

- **Tribal Cultural Resources:** Tribal Cultural Resources 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.

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 based on the Phase I CRA conducted by FCS.[1] Further details can be found in ethnographic studies, mission records, and major published sources referenced in the Phase I CRA.

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.

[1] FirstCarbon Solutions (FCS). 2025. Glider Residential Project Phase I Cultural Resources Assessment

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, guiding ceremonial activities, and conducting 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.

3.10.3 - Results

Native American Heritage Commission Sacred Lands File Search and Tribal Correspondence

On December 14, 2023, FCS sent a Sacred Land File (SLF) search request to the Native American Heritage Commission (NAHC) in an effort to determine whether any sacred sites are listed for the project site. A response was received on December 22, 2023, that included a list of 18 Tribal representatives available for consultation. Consequently, FCS sent information request letters to all 18 Tribal representatives on December 22, 2023. Two members of the Ohlone Indian Tribe replied, one on December 27, 2023 requesting the professional archaeological recommendations for the proposed project and a second, separate response, on January 12, 2024, confirming receipt of the request for information regarding TCRs on the project site. FCS provided the requested information. No additional responses have been received to date.

Pursuant to AB-52, City sent request for Tribal consultation to Muwekma Ohlone Tribe and Indian Canyon Mutsun Band of Costanoan on April 24, 2024, and to Tamien Nation on April 29, 2024. No responses or requests to initiate consultation were received from any of the tribes.

3.10.4 - 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

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 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 California Register of Historical Resources or included in a local register of historical resources." Under prior law, TCRs were typically addressed under the umbrella of "cultural resources." AB 52 formally added the category of "Tribal Cultural Resources" to the California Environmental Quality Act (CEQA) Guidelines, 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

City of San José

Envision San José 2040 General Plan

Environmental Resources

San José boasts a plethora of environmental resources across its diverse landscape. The goals and policies in this section protect San José's terrestrial and aquatic assets, as well as recognize the importance of San José'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 San José. These artifacts provide an irreplaceable record of another civilization and the history of life on Earth, so their protection is important.

Goal ER-10 Archaeology and Paleontology

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

Policies—Archaeology and Paleontology

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.

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.

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.

3.10.5 - Methodology

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.

3.10.6 - Thresholds of Significance

The Lead Agency utilizes the criteria in CEQA Guidelines Appendix G Environmental Checklist to determine whether Tribal cultural 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.

3.10.7 - Project Impacts and Mitigation Measures

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

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 project site is developed with uses and has been subject to grading and excavation activities in the past. A review of the NAHC SLF search was negative for recorded TCRs within the project area. Furthermore, none of tribes requested pursuant to AB52. The project site is entirely situated upon Holocene-era deposits, which are known to have the potential to contain archaeological deposits. The likelihood of this increases with a less steep slope and proximity to water resources. The project site is relatively flat and located approximately 300 feet south of Canoas Creek. Additionally, the records search results from the Northwest Information Center (NWIC) indicate that three pre-contact resources have been recorded within the 0.5-mile search radius. Considering the proximity to Canoas Creek, and soil conditions, there is a high potential for unanticipated buried cultural resources on the project site that could be impacted by project construction and would constitute a potentially significant impact. As such, MM CUL-2a and MM CUL-2b, which include cultural sensitivity training as well as archaeological and Native American monitoring, would be implemented. Impacts would be less than significant with mitigation.

Impact TCR-1 The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource because of the proximity to Canoas Creek and soil conditions on the site.

Mitigation Measures

Implement MM CUL-2a and MM CUL-2b

Level of Significance

Less than significant impact with mitigation incorporated.

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

Construction

On December 14, 2023, FCS sent a request to the NAHC in an effort to determine whether any sacred sites are listed on its SLF for the project site. A response was received on December 22, 2023, indicating that the SLF search produced a negative result for Native American cultural resources in the project site. The NAHC included a list of 18 Tribal representatives available for consultation. To ensure potential TCRs that may be affected by the proposed project were evaluated, FCS sent information request letters to all 18 Tribal representatives on December 22, 2023. Two responses were received from the Ohlone Indian Tribe, on December 27, 2023, and January 12, 2024, requesting the professional archaeological recommendations for the proposed project, and the other response confirmed receipt of the request for information regarding TCRs in the project site.

Pursuant to AB 52, project information and invitations to consult on the project were sent by the City to Muwekma Ohlone Tribe and Indian Canyon Mutsun Band of Costanoan on April 24, 2024, and to Tamien Nation on April 29, 2024. No responses were received within the 30-day response period. Therefore, Tribal consultation pursuant to AB 52 did not result in the identification of TCRs within the project site or the immediate Although there are no TCRs listed or formally determined within the project site, as discussed under Impact TCR-1, the project site has high potential for unanticipated buried cultural resources. Ground-disturbing activities, particularly those involving excavation, may uncover previously unknown TCRs. The project would include MM CUL-2a, which requires cultural sensitivity training for construction personnel, as well as MM CUL-2b, requiring archaeological and Tribal monitoring during ground disturbance. In addition, project construction would adhere to Standard Permit Condition (SPC)-5 and SPC-6, as defined under Section 3.3 Cultural Resources, which require a stop-work protocol in the event of discovery, would ensure that undiscovered TCRs are not adversely affected by project-related construction activities. Impacts would be less than significant with mitigation.

Impact TCR-2 The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource, because the project site has high buried site potential.

Mitigation Measures

Implement MM CUL-2a and MM CUL-2b

Level of Significance

Less than significant impact with mitigation incorporated.

3.10.8 - Cumulative Analysis

The geographic scope for cumulative impacts to TCRs is defined as the 0.5-mile NWIC records search radius. The scope and nature of cumulative impacts to TCRs are inherently dependent on the cultural significance of the resource, its physical integrity, and the outcomes of Tribal consultation. As such, the analysis of cumulative impacts to TCRs are highly contingent on the nature of the resource and status of consultation.

There is one cumulative project located at 5885 Santa Teresa Boulevard that is an affordable housing project currently under construction shown on Exhibit 3-1, Cumulative Projects, within the 0.5-mile geographic scope. That project would be subject to compliance with all applicable federal and State laws governing cultural resources and TCRs, including Section 106 of the National Historic Preservation Act, and CEQA. Although construction activities associated with cumulative development projects within the geographic scope may have the potential to encounter undiscovered cultural resources, the cumulative project would be required to mitigate for project specific impacts through compliance with applicable federal and State laws governing cultural resources. Additionally, cumulative projects would be required to implement the City's SPCs to ensure undiscovered TCRs are not adversely affected by cumulative project-related construction activities. As such, cumulative development within the 0.5-mile radius is not anticipated to result in significant cumulative impacts to TCRs.

Level of Cumulative Significance

Less than significant impact.

CHAPTER 4: EFFECTS FOUND NOT TO BE SIGNIFICANT

4.1 - Introduction

This chapter is based, in part, on the Glider Residential Project Draft Environmental Impact Report (Draft EIR) Notice of Preparation (NOP), contained in Appendix A of this Draft EIR. The NOP was prepared to identify the potentially significant effects of the proposed project and was circulated for public review between September 25 and October 28, 2024.

The NOP found certain impacts to be less than significant because construction and operation of the proposed project would not result in adverse effects. This chapter provides a brief analysis of these effects found not to be significant. The Lead Agency utilizes the criteria in the California Environmental Quality Act (CEQA) Guidelines, Appendix G Environmental Checklist to analyze impacts resulting from the implementation of the proposed project as the.

4.2 - Environmental Effects Found not to be Significant

4.2.1 - Aesthetics, Light, and Glare

Would the project:

a) Have a substantial adverse effect on a scenic vista?

The 2040 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. The Santa Teresa Hills are located south of the project site and are the only scenic resource in the project vicinity. Views of the Santa Teresa Hills from public areas adjacent to the project site are mostly obscured by existing development and trees. There are partial views of the Santa Teresa Hills for drivers and pedestrians facing south on Suisse Drive, Drifter Drive, Glider Drive, and Cozy Drive. The proposed project would partially obstruct views from Glider Drive by constructing 2-story residential units where there are currently sports fields and single-story school buildings. However, intervening views of the Santa Teresa Hills from sidewalks in the project vicinity would generally remain. Therefore, the proposed project would not substantially block views of the hills or substantially impact the Santa Teresa Hills. 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 closest State recognized scenic highway to the project site is State Route (SR) 9, located approximately 9 miles southwest of the project site.[1] The project site is not visible from SR-9. Impacts would be less than significant.

[1] California Department of Transportation (Caltrans).2024. State Scenic Highway Map. Website: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed September 24, 2024.

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. The proposed project would be subject to R-1-8 zoning standards, which allows for a height of 35 feet. The proposed project would be consistent with this standard at a maximum height of 26 feet and 7 inches.

The R-1-8 zoning district requires a 20-foot front setback, 5-foot side setback, and 20-foot rear setback.[2] The proposed project would have a front setback of 10 feet, a side setback of 10 feet, and a rear setback of 10 feet. The proposed front and rear setback would not be consistent with the minimum setback standards; however, due to the provision of 13 percent of the proposed units as affordable housing, in accordance with Government Code Section 65915, the proposed project qualifies for a waiver, for the front and rear setback. As such, the proposed project would not conflict with Municipal Code requirements related to scenic resources. The project would be in compliance with all requirements related to scenic quality. 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 and lighting on the interiors and exteriors of existing and surrounding buildings, as well as vehicle headlights. No nighttime construction is proposed, and construction activities would be subject to Municipal Code Section 20.100.450, which restricts construction activities to between the hours of 7:00 a.m. and 7:00 p.m.

The project would include new streetlights along Glider and Cozy Drive, along the internal street network, and within the privately owned and maintained, public accessible open space (POPOS) parcel. The proposed project would be required to comply with Council Policies 4-2 and 4-3. Council Policy 4-2 requires dimmable, programmable lighting for new streetlights, which would control the amount and color of light shining on streets and sidewalks. Council Policy 4-3 requires private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Although the proposed project would construct 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. The project would also incorporate the Municipal Code, California Building Standards Code (CBC), and CALGreen. Impacts would be less than significant.

[2] City of San José. 2024. Municipal Code. Website:https://library.municode.com/ca/san_jose/codes/code_of_ordinances. Accessed September 24, 2024.

4.2.2 - Agriculture Resources and Forestry Resources

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))

d) Result in the loss of forest land or conversion of forest land to non-forest use?

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

The site is mapped as "Urban and Built-Up Land" by the California Department of Conservation Farmland Mapping and Monitoring Program, and there is no Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance, forest land, or timberland on the project site or in its vicinity.[3] The proposed project would not convert any farmland to nonagricultural use. The project site is zoned R-1-8, and it is not under a Williamson Act Contract.[4] No impact would occur.

4.2.3 - Energy

Based on the City's thresholds of significance:

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

The proposed project's construction was assumed to begin in June 2026 and last approximately 29 months based on applicant-provided information. If the construction schedule moves to later years, construction energy usage would likely decrease because of improvements in technology and more

[3] California Department of Conservation. 2022. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed September 24, 2024.

[4] Santa Clara County. 2024. Williamson Act Properties. Website:https://gisdata-sccplanning.hub.arcgis.com/apps/034e46f2f4bc44d1ada505dd92940ff7. Accessed September 24, 2024.

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 42,727 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 California Air Resources Board (ARB) Emission Factors (EMFAC) mobile source emission model. The specific parameters used to estimate fuel usage are included in Appendix E. CalEEMod provides estimates of the number of construction trips based on project inputs, and the construction trip lengths are based on CalEEMod defaults. In total, the proposed project is estimated to generate 301,126 VMT and 22,066 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 District Basic Construction Mitigation Measures would ensure that idling time of trucks would be 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. As such, construction-related 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 E 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.

According to a Residential Appliance Saturation Study commissioned by the California Energy Consumption Dashboard, the total annual residential electricity consumption in the State is approximately 6,174 kilowatt hours (kWh).[5] Given the number of units proposed by the project, this would result in approximately 493,920 kWh being generated annually as a result of the proposed project.[6] The proposed project would be all-electric and would not include natural gas.

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 as they become available based on technological advancement and increasingly stringent regulatory requirements, 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. As previously mentioned under Section 3.4, Greenhouse Gas Emissions, the proposed project would also enroll in the San José

[5] DNV GL Energy Insights USA, Inc. 2021. 2019 California Residential Appliance Saturation Study (RASS). July.
[6] 6,174 kWh/household/year * 80 households = 493,920 kWh/year

Community Energy (SJCE's) GreenSource program (approximately 62 percent renewable energy), and thus would have decreasing reliance on fossil fuel and increasing use of renewable energy sources.

Increasing Reliance on Renewable Energy Sources

As previously discussed, the proposed project would include the installation of electric vehicle (EV) ready stalls in parking garages, facilitating future residential adoption of EVs and supporting regional goals for the transition to 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.

The proposed project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources during operations. As such, operation-related impacts would be less than significant.

Conclusion

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 E 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 and no additional analysis is required. 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 Bay Area Air District 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 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) 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 80 residential units would comply with Title 24, Part 6, Subchapter 8 of the CBC, which requires the installation of rooftop solar panels.[7] 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

[7] California Energy Commission. 2022. Building Energy Efficiency Standards. Title 24, Part 6, Subchapter 8 Single-Family Residential Buildings Compliance Standards. Section 150.1(c)(14). Photovoltaic requirements.

for a 40-amp, 208/240-volt dedicated branch circuit for EV supply equipment that is terminated at a receptacle.

The proposed project would utilize electricity from SJCE's GreenSource program (approximately 62 percent carbon free energy). Enrollment in this program would further reduce reliance on fossil fuel and would increase use of renewable energy sources.[8]

The proposed project would be compliant with all State and local regulations for renewable energy and energy efficiency. The project design would result in a decreasing reliance on fossil fuels and increasing reliance on renewable energy sources. Impacts would be less than significant.

4.2.4 - Geology, Soils, and Seismicity

A Geotechnical Investigation was conducted for the project site by Cornerstone Earth Group in March 2022 (see Appendix F). The Geotechnical Investigation found that the proposed residential development could generally be construction as planned, provided that the conclusions and recommendations contained in the Geotechnical Investigation were followed.[9]

Would the project:

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.[10] 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

[8] San Jose Clean Energy. Residents – Your Choices. Choose How Your Electricity is Generated Website: https://sanjosecleanenergy.org/your-choices/.Accessed December 22, 2025.
[9] Cornerstone Earth Group. 2022. Geotechnical Preliminary Investigation, Cozy Drive Residential Development. March 18.
[10] California Department of Conservation. 2024. Earthquake Zones of Required Investigation Map. Website: https:// maps.conservation.ca.gov/cgs/EQZApp/. Accessed October 17, 2024.

by the California Geological Survey. Hence, the likelihood for surface fault rupture to occur at the site is very low. Following compliance with standard engineering practices, the CBC, and SPC-8, 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 mapped to be in a California seismic hazard zone for liquefaction and contains recommendations to address liquefaction potential. Following compliance with standard engineering practices, recommendations in the Geotechnical Report would ensure impacts related to liquefaction 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.[11] Accordingly, the proposed project would not result in impacts related to landslides and no impact would occur.

Therefore, the proposed project would not result potential substantial adverse effects, including the risk of loss, injury or death associated with geologic hazards. Impacts would be less than significant.

City Standard Permit Conditions

SPC-8 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 (California Geological Survey 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) 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.

b) Result in substantial soil erosion or the loss of topsoil?

Construction of the proposed project would comply with erosion and siltation control measures outlined in San José Municipal Code Chapter 17.04: Excavation and Grading, San José Municipal

[11] California Department of Conservation. 2024. Earthquake Zones of Required Investigation Map. Website: https://maps.conservation.ca.gov/cgs/EQZApp/. Accessed October 17, 2024.

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. 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?

The Geotechnical Investigation indicates that the project site is mapped to be in a California seismic hazard zone for liquefaction. The proposed project would implement recommendations from the Geotechnical Investigation to address liquefaction potential through the City's Building Permit process, which includes review of construction plans to verify compliance with standard engineering practices, the Municipal Code, the CBC, and the site-specific recommendations contained in the Geotechnical Investigation. The recommendations include completely removing existing foundations, backfilling with engineered fill, and designing post-tensioned mat foundations to minimize potential differential movement. 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 surficial soils on the project site have a Plasticity Index of 28, meaning they are moderately to highly expansive. However, the Geotechnical Investigation contains recommendations to address the moderately expansive soils. These recommendations include the use of positive drainage away from buildings and limitations on landscape watering to minimize moisture changes in soil; the development of grading and foundation recommendations to address moisture changes during the design review process; and the use of post-tension mat foundations to resist seasonal soil movements. These recommendations would be implemented through the City's Building Permit process. These recommendations include post-tensioned mat foundations and exterior concrete flatwork, and would ensure compliance with standard engineering practices and the established regulatory framework. 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. No impact would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Fossils are nonrenewable resources which can consist of body and trace fossils or can be petrified through replacement of the original fossil with minerals. Paleontological potential is the possibility of uncovering abundant or a few significant large or small vertebrate, invertebrate, plant, or trace fossils that may yield new or significant scientific information throughout a variety of disciplines. Rock units that usually contain high potential for the recovery of paleontological resources are middle-Holocene or older sedimentary formations temporarily or lithologically suitable for the preservation of fossils such as sandstones, argillaceous rocks, and paleosols, some volcaniclastic formations, or low-grade metamorphic rocks that have previously yielded paleontological resources anywhere in their geographic extent.[12] Areas of greater deposition such as basins, floodplains, or areas of lower elevation that consist of sedimentary formations like alluvial or fluvial deposits usually have a greater significance in containing paleontological resources. The project site is located in the Santa Clara Valley consisting of a broad alluvial plain that has an extensive history of deposition with the accumulation of sediments filling the valley from the uplift of the surrounding mountains and water from fluctuations in sea level during glacial and interglacial cycles over the past couple million years.[13] Geologic mapping indicates that surficial deposits on the project site consist of Holocene-age surficial sediments with alluvial gravel, and clay of valleys (Qa)[14], while undocumented fill was identified to a depth of one and a half feet which is further underlaid by deep alluvial clayey soils interbedded with discontinuous layers of dense to medium dense sands.[15]

According to a preliminary analysis using the University of California Museum of Paleontology (UCMP) Localities Database, fossil localities within Santa Clara County have yielded 18 vertebrates associated with Miocene to Pleistocene-aged rock units, three Holocene-age invertebrates, and one Holocene-age microfossil/plant specimen. None were determined to be affiliated with the project site or direct surrounding area.[16]

A paleontological records search request was conducted by Dr. Patricia A. Holroyd, a Senior Museum Scientist at the UCMP to determine whether any fossil localities have been uncovered on, or in proximity to the project site that are curated at the repository institution. The results of the records

[12] Society of Vertebrate Paleontology (SVP). 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources.
[13] Maguire, K.C, and P.A. Holroyd. 2016. Pleistocene vertebrates of Silicon Valley (Santa Clara County, California). July 22.
[14] Dibblee, Jr., T.W. 2005. Geologic Map of the Santa Teresa Hills Quadrangle, Santa Clara County, California.
[15] Cornerstone Earth Group. 2022. Geotechnical Preliminary Investigation, Cozy Drive Residential Development. March 18.
[16] University of California Museum of Paleontology (UCMP) Locality Search. n.d. Website: https://ucmpdb.berkeley.edu/loc.html. Accessed June 20, 2025.

search indicated that no fossil localities are situated within the San José metropolitan that are curated by the UCMP.[17]

Although undocumented fill exists within the far upper layers of the stratigraphy on the project site, Holocene-age rock units are typically too young to preserve significant paleontological resources, and no fossil localities were found to be directly affiliated with the project site or surrounding area. Numerous Late Pleistocene vertebrates including bison (*Bison Sp.*) horses (*Equus Sp.*) (*Camelops Sp.*) and Mammoths (*Mammuths Sp.)* have been uncovered throughout Santa Clara Valley within alluvial deposits with one such specimen uncovered 22 feet below the surface consisting of sand deposits with lenses of clay,[18] similar to the stratigraphy beneath the project site. The uncovering of Late Pleistocene vertebrates in the Santa Clara Valley specifies that areas mapped as encompassing Holocene-age surficial sediments may contain Pleistocene-age fossiliferous deposits at shallower depths than previously indicated. As such, excavations that exceed the depths of the undocumented fill and upper Holocene-age rock units could unintentionally encountered Pleistocene-age rock units that have high paleontological potential. Since the project site is situated on rock units classified as having high paleontological potential, is located in an alluvial plain with an extensive history of deposition, and many fossil localities yielding Late Pleistocene vertebrates have been discovered beneath areas with Holocene-age surficial deposits in the Santa Clara Valley. Ground-disturbing activities during construction of the proposed project could unintentionally damage significant paleontological resources. However, SPC-9 below provide protective procedures in the event that significant paleontological resources are unintentionally uncovered and would ensure that any discovered paleontological resources are recovered and curated into a certified repository institution for preservation. As such, with abidance to the SPC-9 the proposed project would not directly or indirectly destroy a unique paleontological resource. Impacts would be less than significant.

City Standard Permit Conditions

SPC-9 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 applicant shall be responsible for implementing the recommendations of the qualified Paleontologist. A report of all findings shall be submitted to the Director of PBCE or the Director's designee.

[17] Holroyd. Patricia A. Senior Museum Scientist, University of California Museum of Paleontology (UCMP). Personal Communication: email. August 21, 2025.

[18] Maguire, K.C, and P.A. Holroyd. 2016. Pleistocene vertebrates of Silicon Valley (Santa Clara County, California). July 22.

4.2.5 - Hydrology and Water Quality

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 demolition of existing structures, site preparation, grading, and building construction. As the proposed project construction would disturb more than 1 acre of land, it would be required to comply with the NPDES permit. Additionally, the proposed project would be required to adhere to the SPC-10 listed below.

During project operation, the proposed bioretention and underground storm drain system would be designed in accordance with the Santa Clara Valley C.3 Stormwater Handbook.[19] Per the Stormwater Capacity Memorandum prepared for the proposed project by Wood Rodgers, Inc. on October 1, 2024, the proposed project would have adequate capacity to treat stormwater, preventing untreated stormwater from creating water quality impacts (Appendix G).

Therefore, the proposed project would not violate any water quality standard or waste discharge requirements. Impacts would be less than significant.

City Standard Permit Conditions

SPC-10 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.

[19] Santa Clara Valley Urban Runoff Pollution Prevention Program. 2024. C.3 Stormwater Handbook. Website: https://scvurppp.org/2024/10/28/c-3-stormwater-handbook-2024/. Accessed October 17, 2025.

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.

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 to the project site is provided by Great Oaks Water Company (Great Oaks). The proposed project would connect to existing domestic water lines within Glider Drive and Cozy Drive. Great Oaks Water Company primarily relies on groundwater supplies.[20] As further discussed below in Section 4.2.9, Utilities and Service Systems, the proposed project would not create water demand beyond what is already planned for the City and, therefore, would not significantly impact water supplies, which include groundwater supplies.

The project site is within the Santa Clara Groundwater Basin, which is managed by the Santa Clara Valley Water Management District. The Santa Clara Valley Groundwater Basin, Santa Clara Subbasin is not an adjudicated basin. In 2019, the California Department of Water Resources determined that the Santa Clara Valley Groundwater Basin, Santa Clara Subbasin is not in a condition of critical overdraft and designated it as low priority. The proposed project would replace the existing elementary school and sports fields with 80 residential units, open space, and bioretention areas. Pervious surface area at the project site would increase from 179,200 square feet to 211,465 square feet. However, all stormwater that reaches the pervious surfaces of the site would be directed to either a water quality basin in the POPOS parcel or bioretention areas on individual lots, where groundwater recharge could occur. Lastly, the proposed project would not require the pumping or use of groundwater during construction activities. 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.

[20] Great Oaks Water Company. 2021. 2020 Urban Water Management Plan. Website: https://greatoakswater.com/OtherPDFs/DRAFT%20Great%20Oaks%20Water%20Company%202020%20Urban%20Water%20Management%20Plan.pdf. Accessed July 8, 2025.

As described above, the proposed project would be required to adhere to SPC-9 regarding construction-related water quality. and would follow BMPs at the project site.

The proposed project would not alter the course of a river or stream. However, by removing existing elementary school buildings and sports fields and replacing it with townhomes and associated streets and landscaping, the existing drainage pattern would be altered.

Stormwater at the project site would be captured and conveyed to either a water quality basin or bioretention facilities on individual lots for treatment. Then it would drain into the existing storm drain system. All storm drain upgrades would be designed in accordance with the Santa Clara Valley C.3 Stormwater Handbook.[21] Per the Stormwater Capacity memo, the proposed system would provide adequate capacity for stormwater runoff such that the changed drainage pattern would not result in polluted runoff or erosion or siltation, including in flood scenarios. Impacts would be less than significant.

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

A tsunami or seiche originating in the Pacific Ocean would lose much of its energy passing through San Francisco Bay. Based on the mapping of tsunami inundation potential for the San Francisco Bay Area by California Geological Survey, areas most likely to be inundated are marshlands, tidal flats, and former bay margin lands that are now artificially filled but are still at or below sea level and generally within 1.5 miles of the shoreline. The project site is approximately 17 miles inland from San Francisco Bay shoreline and is approximately 166 to 168 feet above sea level. Therefore, the potential for inundation due to tsunami or seiche is considered low.

The Federal Emergency Management Agency identifies the project site is within an area of undetermined flood hazard.[22] However, the proposed project is within the Leroy Anderson Dam Inundation Zone with a maximum inundation depth of 10 to 20 feet.[23] However, impacts related to inundation related to dam failure cover a large region of the City and are not specific to the project site. As stated in the General Plan EIR, it is the responsibility of the California Department of Water Resources (DWR) and local agencies to minimize the risk of dam failure.[24]

The Santa Clara Valley Water District is executing a multi-year seismic retrofit project to improve the dam's reliability and safety. This project is being performed under the supervision of both the Federal Energy Regulatory Commission (FERC) and California Division of Safety of Dams. It is acknowledged that the dam inundation maps prepared by Valley Water in 2016 may not reflect the current risk of dam failure since FERC ordered Anderson Reservoir to be drained on February 20, 2020. Like the rest of San José, while potential inundation resulting from catastrophic dam failure

[21] Santa Clara Valley Urban Runoff Pollution Prevention Program. 2024. C.3 Stormwater Handbook. Website: https://scvurppp.org/2024/10/28/c-3-stormwater-handbook-2024/. Accessed October 17, 2025.
[22] Federal Emergency Management Agency (FEMA). 2024. Flood Map Service Center. Website: https://msc.fema.gov/portal/search?AddressQuery=2130%20Dry%20Creek%20Rd%2C%20san%20José%2C%20c. Accessed September 25, 2024.
[23] Santa Clara Valley Water District (Valley Water). 2020. Inundation Map of Hypothetical Fair Weather Failure of Anderson Dam. Website: https://www.valleywater.org/accordion/anderson-dam-and-reservoir. Accessed November 6, 2024.
[24] City of San José. 2011. Draft Program Environmental Impact Report for the Envision San José 2040 General Plan.

could damage property and structures at the project site and pose a severe hazard to public safety, the probability of such failure is extremely remote and therefore not considered a significant hazard.

Additionally, all proposed and existing stormwater facilities servicing the proposed project would provide adequate capacity for stormwater flow, including those resulting from flood inundation, and thus minimizing impacts on the release of polluted runoff into the environment. Impacts would be less than significant.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The City is within the Santa Clara Valley Groundwater Basin. The Santa Clara Valley Water District (Valley Water) serves as the Groundwater Sustainability Agency for this region. The 2021 Groundwater Management Plan for the Santa Clara Basin includes goals and policies that aim to maintain groundwater storage, protect water quality, enhance recharge, and promote conservation. The proposed project would be served by Great Oaks Water Company, which would have adequate water supply for its service area in a fifth dry year through 2045.25 The demands are expected to be met with existing groundwater supplies. For additional information related to water supplies, refer to Section 4.2.9, Utilities and Service Systems. The Santa Clara Valley Groundwater Basin, Santa Clara Subbasin is not an adjudicated basin. In 2019, the DWR determined that the Santa Clara Valley Groundwater Basin, Santa Clara Subbasin is not in a condition of critical overdraft and designated it as low priority. As the proposed project would disturb more than 1 acre of land, it would be required to comply with the NPDES permit. Additionally, the proposed project would be required to adhere to the SPC-9, which requires construction-related provisions for water quality. During project operation, the proposed bioretention and underground storm drain system would have adequate capacity to treat stormwater, preventing untreated stormwater from creating water quality impacts. As such, the proposed project would not conflict with or obstruct the implementation of the Santa Clara Valley Basin Groundwater Management Plan. Impacts would be less than significant.

4.2.6 - 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

[25] Great Oaks Water Company. 2021. 2020 Urban Water Management Plan. Website: https://greatoakswater.com/OtherPDFs/DRAFT%20Great%20Oaks%20Water%20Company%202020%20Urban%20Water%20Management%20Plan.pdf. Accessed July 8, 2025.

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.[26] The General Plan Conservation Element indicates that no mineral resource zones are located on the project site or within the surrounding area.[27] The site is designated as Public/Quasi-Public (PQP) 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. No impact would occur.

4.2.7 - Population and Housing

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)?

The proposed project would develop 80 new residential units (64 single-family detached homes and 16 single-family attached homes). According to the Department of Finance, the average household size in the City is 2.88 people.[28] As such, the proposed project could increase population by approximately 231 people.[29]

According to the California Department of Finance, the estimated population in the City for 2025 is approximately 979,415.[30] The City's 2023–2031 Housing Element projects that the population of the City will grow to 1,189,660, an increase of 210,245 people, by 2030.[31]

Furthermore, the 2023–2031 Regional Housing Needs Allocation for the City is 62,200 units, including 23,775 units to serve extremely-low, very-low, and low income households.[32] The proposed project would provide 80 residential units, including 11 Low Income Dwelling Units. Therefore, impacts would be less than significant.

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

There are no existing residences on-site. This precludes the possibility that the proposed project would displace people or housing. No impact would occur.

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[26] California Department of Conservation Division of Mine Reclamation Mines Online. 2018. Website: https://maps.conservation.ca.gov/mol/index.html. Accessed September 24, 2024.

[27] City of San José. 2024. Envision San José 2040 General Plan. Website: https://www.sanJoséca.gov/home/showpublisheddocument/22359/637928744399330000. Accessed September 24, 2024.

[28] California Department of Finance. 2025. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2025, with 2020 Benchmark. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed October 17, 2025.

[29] 80 units x 2.88 persons per household = 230.4 people.

[30] California Department of Finance. 2025. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2025, with 2020 Benchmark. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed October 17, 2025.

[31] 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 24, 2024.

[32] City of San José. 2024. 2023-2031 Regional Housing Needs Allocation (RHNA). Appendix A: Demographic Profile/Housing Needs. Table 1: Illustrative Regional Housing Needs Allocation from Draft Methodology. Website: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/housing-element. Accessed December 17, 2025.

4.2.8 - 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, Station #22 is located approximately 2.54 miles to the southwest of the project site. The SJFD currently services 1.2 million residents over 200 square miles.[33] The proposed project would develop 80 residential units and is estimated to increase the population by approximately 231 people. As described in Section 4.2.6, Population and Housing, this population increase would be 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 be also required to comply with the California Fire Code and the California Building Code. Impacts 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 1700 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.[34]

The project site is currently serviced by the SJPD. The nearest police station is the SJPD Main Station, located approximately 9 miles to the northeast. The proposed project would develop 80 townhomes and could increase the population by approximately 231 people. As described in Section 4.2.6, 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. Impacts would be less than significant.

c) Schools?

The project site would be served by following schools within the Oak Grove School District: Sakamoto Elementary School, located at 6280 Shadelands Drive, approximately 0.79 mile southwest of the project site; Bertha Taylor Elementary school, located at 410 Sautner Drive approximately 0.88 mile southeast of the project site; Bernal Intermediate School, located at 6610 San Ignacio Avenue,

[33] City of San José. 2024. Fire Department. Website: https://www.sanjoseca.gov/your-government/departments-offices/fire-department/public-education/wildfire-preparedness. Accessed September 24, 2024.

[34] San José Police Department. 2024. Department Information. Website: https:// www.sjpd.org/about-us/inside-sjpd/department-information. Accessed September 24, 2024.

approximately 1.92 miles southeast of the project site, and East Side Union High School District's Santa Teresa High School, located at 6150 Snell Avenue, approximately 340 feet northwest of the project site.

The project is estimated to generate approximately 24 new students for the Oak Grove Elementary School District and East Side Union High School District.[35] Furthermore, student enrollment in the district has been declining since 2020.

To estimate of student generation overall, U.S. Census numbers were utilized. The U.S. Census estimates that 21.4 percent of children are under the age of 18 in the City. Therefore, it is assumed that the same percentage of residents of the proposed project would be children attending school. The proposed project would generate a population of approximately 231 people. As such, the proposed project would result in result in approximately 50 additional students. As very young children and infants under 18 would not yet be school age, this is considered a conservative estimate. An increase in 50 students would does not represent a significant increase in student population that would require construction of new schools. Accordingly, students generated by the project could be accommodated by existing schools.[36]

The proposed project would be consistent with California Government Code Section 65996 which states that payment of school impact fees prior to issuance of a building permit reduces impacts to below a level of significance (Government Code § 65996(b)) and represents complete mitigation of any identified impacts. 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. Impacts would be less than significant.

d) Parks?

The proposed 80 residential units would generate an estimated permanent population of approximately 231 persons, resulting in the need for 0.69 acre of parkland to achieve the required Parkland Development Ordinance (PDO) ratio of 0.003 acre per person.[37,38] The proposed project would provide 0.68 POPOS parcel. Thus, the proposed project would not provide all of the required acreage on-site to meet the required PDO.[39]

However, the PDO and Parkland Impact Ordinance (PIO) allow new housing projects to either dedicate land for public parks, pay an in lieu of dedication, or meet this requirement through a combination of the two. Accordingly, the proposed project would also pay an in lieu dedication fee for the remainder of the parkland obligations, which would fund the acquisition and development of

[35] Oak Grove Elementary School District and East Side Union High School District do not currently have their own student generation factors for new residential developments. Therefore, for the purposes of this analysis, the student generation factor from adjacent Union School District is used. Union School District covers a similar urbanized areas as the project site. Union School District– https://www.unionsd.org/cinnabar**.** New student generation is calculated at 0.291 per new single-family units. 80 x 0.291 = 23.28, or ~24 students.

[36] Ed-Data. CA Department of Education, EdSource, & Fiscal Crisis and Management Assistance Team/California School Information Services (FCMAT/CSIS). 2025. Oak Grove Elementary. Census Day Enrollment–Charter/Non-Charter. Website: https://www.ed-data.org/district/Santa-Clara/Oak-Grove-Elementary. Accessed October 9, 2025.

[37] San José, California. Code of Ordinances. Chapter 14.25 – Park Impact Requirements.

[38] 80 units x 2.88 persons per household = 230.4 people, 231 persons * 0.003 acre per person = 0.6934 acre

[39] San José, California. Code of Ordinances. Chapter 14.25 – Park Impact Requirements.

parks in the City to serve residents, in lieu of providing the total required acreage on-site. 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 Santa Teresa Branch Library, approximately 1.4 miles northeast of the project site. The proposed project would develop 80 townhomes and could increase the population by approximately 231 people. As described in Section 4.2.6, Population and Housing, 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. Impacts would be less than significant.

4.2.9 - Utilities and Service Systems

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The proposed project would be served by existing utility infrastructure. Water would be provided by the Great Oaks Water Company (Great Oaks) with sanitary sewer and storm drain being provided by the City. Additionally, electricity would be provided by Pacific Gas and Electric Company (PG&E) and the proposed project would not use gas.

As described in Section 4.2.6, Population and Housing, the population increase of 231persons expected to result from the proposed project is within the total population increase projected in the City's Housing Element. As such, the City has already planned to service this increased population, including with water and wastewater services. The capacity to provide water services was confirmed by an email sent by the Great Oaks Water Company on October 9, 2025.[40] Impacts would be less than significant.

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

The proposed project would connect to existing water lines and system and no new utility lines would be built. The 2020 Urban Water Management Plan (UWMP) includes a supply and demand assessment for projected years between 2025 and 2045 for normal year, single dry year, and multiple years. For each scenario the UWMP indicates that the City would be able to meet the projected water demand based on the available supply. The demands are expected to be met with groundwater supplies.[41] The UWMP accounts for projected water demand based on water consumption by single- and multi- family residences, commercial, and others.[42]

[40] Ajlouny, Jared. Great Oaks Water Company. Personal communication: email. October 9, 2025.
[41] Great Oaks Water Company. 2021. 2020 Urban Water Management Plan. Website: https://greatoakswater.com/OtherPDFs/DRAFT%20Great%20Oaks%20Water%20Company%202020%20Urban%20Water%20Management%20Plan.pdf. Accessed July 8, 2025.
[42] Ibid.

The Great Oaks Water 2020 UWMP projected a multiple dry year water supply and demand of 9,116 million gallons in 2025, or approximately 25 million gallons per day (gpd).[43] The proposed project would develop 80 single-family residential units and result in a population growth of approximately 231 people according to the Department of Finance average persons per household in the City.[44] Based on a water use rate of 93 gallons per capita per day, the proposed project would result in an incremental water demand of 21,483 gpd, and approximately 7.8 million gallons per year to serve the proposed project.[45,46,47] As noted in the UWMP, the projected water use in 2025 is 3,363 million gallons. As such, the proposed project would represent a 0.2 percent increase in water use per year. This nominal increase in projected water use resulting from the proposed project can be reasonably considered a part of the existing demand projections in the UWMP. Furthermore, as noted in an email from the Great Oaks Water Company sent on October 9, 2025, the company would have the capacity to provide domestic, fire, and irrigation services to the proposed project (Appendix J).[48] Impacts would be less than significant.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Sewer service to the proposed project would be provided by the City of San José. The proposed project would connect to existing 6-inch sanitary sewer lines under Glider Drive and Cozy Drive and would also include construction of 8-inch sanitary sewer lines within the subdivision. The proposed project would generate approximately19,334.7 gallons per day of sewage.[49] Currently, the City has approximately 57 million gpd of excess treatment capacity at the San José/Santa Clara Regional Wastewater Facility (RWF).[50] The proposed project's sewage represents approximately 0.03 percent of the treatment capacity at RWF, which is a nominal amount. Given the proposed project's estimated sewage generation and the City's available treatment capacity at the RWF, there is sufficient treatment capacity at the RWF to serve the proposed project. Impacts would be less than significant.

[43] Great Oaks Water Company. 2021. 2020 Urban Water Management Plan. Website: https://greatoakswater.com/OtherPDFs/DRAFT%20Great%20Oaks%20Water%20Company%202020%20Urban%20Water%20Management%20Plan.pdf. Accessed July 8, 2025.

[44] California Department of Finance. 2025. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2025, with 2020 Benchmark. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed October 17, 2025.

[45] Great Oaks Water Company. 2021. 2020 Urban Water Management Plan. Website: https://greatoakswater.com/OtherPDFs/DRAFT%20Great%20Oaks%20Water%20Company%202020%20Urban%20Water%20Management%20Plan.pdf. Accessed July 8, 2025.

[46] 231persons * 93 gallons per day = 21,483 gallons per day

[47] 21,483 gallons per day * 365 days per year = 7,841,295gallons per year.

[48] Ajlouny, Jared. Great Oaks Water Company. Personal communication: email. October 9, 2025.

[49] Based on the general assumption that wastewater generated is approximately 90 percent of indoor water use

[50] City of San José. 2024. San José–Santa Clara Regional Wastewater Facility. Website: https:// www.sanjoseca.gov/your-government/departments-offices/environmental-services/water-utilities/regional-wastewater-facility. Accessed October 17, 2024.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

and

e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

The City generates approximately 1.7 million tons of solid waste annually.[51] According to Santa Clara County's Integrated Waste Management Plan (IWMP), the County has adequate disposal capacity beyond 2030.[52] Based on CalRecycle solid waste generation rates for single-family housing, the proposed project is estimated to generate approximately 978 pounds of solid waste per day.[53,54] The proposed project would generate an incremental increase in solid waste generation. Given that the County has adequate disposal capacity (greater than 15 years), the proposed project would not exceed the County's solid waste disposal capacity.[55] Furthermore, the proposed project would conform to City policies requiring reduction of solid waste generation, including the City's Zero Waste Strategic Plan and 75 percent diversion goal. Impacts would be less than significant.

4.2.10 Wildfire

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

During construction, it is expected that construction equipment and vehicles would access and exit 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 near Snell Avenue and Santa Teresa Boulevard, which are arterial roadways that connect to SR-85 and Almaden Expressway and could serve as potential evacuation routes during a disaster. Further, the proposed project would include

[51] City of San José. Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report. SCH: 2009072096. September 2011. Page 636. Website: https://www.sanjoseca.gov/home/showpublisheddocument/22039/636688304347700000. Accessed October 17, 2024.

[52] County of Santa Clara. 2024. Santa Clara County Integrated Waste Management Plan. June 2016. Website: https://files.santaclaracounty.gov/migrated/CalRecycle709-rev7.pdf. Accessed October 17, 2024.

[53] California Department of Resources Recycling and Recovery (CalRecycle). 2024. Residential Sector Generation Rates. Website: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates. Accessed October 17, 2024.

[54] 12.23 lbs per day * 80 residential units = 978.4 lbs per day

[55] County of Santa Clara. 2024. Santa Clara County Integrated Waste Management Plan. June 2016. Website: https://files.santaclaracounty.gov/migrated/CalRecycle709-rev7.pdf. Accessed October 17, 2024.

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 emergency vehicle access within and adjacent to the project site. Impacts 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).[56] The project site is located approximately 0.8 mile north of land identified as a High FHSZ within a State Responsibility Area (SRA). The nearest Very High FHSZ is located approximately 5.71 miles 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 from the rest of the City, which consistently range from 10 to 15 mph throughout the year.[57] Occasional wind events would not pose a significant additional risk related to wildfire spread. Furthermore, as part of the proposed project, homeowners and the homeowners association (HOA) would be required to comply with the provisions of Municipal Code Chapter 17.72 for minimizing overgrown or dead vegetation so as to not provide fuel for a wildfire. Impacts would be less than significant

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?

The project is located within an urbanized area and is not adjacent to any natural lands susceptible to wildfire. 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. 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.[58] The project site and 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. Impacts would be less than significant.

[56] California Department of Forestry and Fire Protection (CAL FIRE). 2024. Fire Hazard Severity Zones in State Responsibility Area. Website: https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed September 24, 2024.

[57] National Oceanic and Atmospheric Administration (NOAA). 2025. U.S. Wind Climatology. Maps. Website: https://www.ncei.noaa.gov/access/monitoring/wind/maps/202503. Accessed October 9, 2025.

[58] California Department of Conservation. 2024. Earthquake Zones of Required Investigation Map. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed September 24, 2024.

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 has determined that the proposed project in conjunction with other cumulative development would result in the following significant and unavoidable impacts:

- **Impact GHG-1:** The proposed project would generate 19.52 Vehicle Miles Traveled (VMT) per capita daily as estimated by the City's VMT Evaluation Tool, exceeding the residential threshold of 15 percent below existing VMT per capita, meaning it would not comply with Criterion A of the Bay Area Air District's 2022 GHG Significance thresholds.
- **Impact GHG-2:** The proposed project would have a significant and unavoidable VMT impact and, therefore, the proposed project would not be consistent with the State's goal to achieve carbon neutrality.
- **Impact GHG-CUM-1:** The proposed the proposed project would have a cumulatively considerable significant and unavoidable VMT impact. Therefore, the proposed project would not be consistent with Criterion A of the Bay Area Air District's 2022 GHG Significance thresholds or the State's goal to achieve carbon neutrality. As the analysis considers global, Statewide, and regional GHG emissions, there is a potentially significant cumulative impact.
- **Impact TRANS-2:** The proposed project would exceed the significant impact threshold of 11.39 daily VMT per capita. The project's daily VMT, as estimated by the City's VMT Evaluation Tool, is 19.52 per capita.
- **Impact TRANS-CUM-1**: The proposed project would have a potentially significant contribution to cumulative VMT impacts.

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 80 homes and related infrastructure. The proposed project would include 79 market-rate, and 11 affordable units, thereby providing 13 percent of the units for lower-income households.

Using a rate of 2.88 persons per household, the proposed project would contribute approximately 231 persons to the City population.[1] This would represent an increase of 0.02 percent relative to the City's population of979,451.[2] The 2023–2031 Housing Element projects that the population of San José 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.[3] Furthermore, according to the General Plan, the 2023-2031 Regional Housing Needs Allocation (RHNA) for the City is 62,200 units, including 15,775 units to serve extremely-low, very-low, and low- income households. The proposed project would provide 80 residential units, including 11 low income dwelling units. Therefore, the population associated with the proposed project 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.

[1] California Department of Finance. 2025. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2025, with 2020 Benchmark. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed October 17, 2025.

[2] Ibid.

[3] City of San José. 2023. 2023–2031 Housing Element Update, Appendix A: Housing Needs Data: San José. May. Website: https://www.sanJoséca.gov/home/showpublisheddocument/107428/638370206470200000. Accessed September 24, 2024.

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. 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 project would not construct roads outside of the project site or expand infrastructure 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), 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(d), 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 Chapter 4, Effects Found not to be Significant, Section 4.2.3, Energy, which addresses this topic in accordance with CEQA Guidelines Appendix F).

5.3.1 - Changes in Land Use That Would Commit Future Generations

The proposed project consists of the construction of 80 residential units. The site is located in a residential neighborhood, surrounded by existing single-family homes and related infrastructure and schools.

The site is already designated for development, zoned for residential uses, and is located within a developed area well served by utilities, public services, and public transportation. Transitioning to residential uses aligns with long-term planning goals and regional housing needs, particularly in light of RHNA allocations. Moreover, the proposed project does not preclude future reconfiguration or alternative uses, as the land remains within the jurisdiction of local planning authorities and subject to future discretionary review. Therefore, the project does not represent an irreversible commitment of resources or land use that would constrain future generations. a commitment to a course of action that would limit the options available to future generations.

5.3.2 - Irreversible Changes from Environmental Accidents

An irreversible change from an environmental accident would result if the proposed project would result in the release of hazardous materials into the environment as a result of accident conditions. Demolition of the existing elementary school and associated structures and improvements during construction would have the potential to create risk involving naturally-occurring asbestos and lead contained within building materials. This would include the removal of lead-based paint based on whether it is flaking, peeling, or blistering on building materials, per Occupational Safety and Health Administration (OSHA) regulations. Additionally, the project-specific Phase I ESA identified that potential presence of residual pesticide concentrations on the project site, which would also pose health risks to future residents of the project site if present.

As noted in Section 3.5 Hazards and Hazardous Materials, the proposed project would implement MM HAZ-1, which outlines procedures to follow upon the discovery of residual pesticide concentrations during construction activities. Additionally, the proposed project would abide by all applicable regulations during demolition, grading, and site preparation activities. These include compliance with all applicable OSHA regulations as well as the provisions of the Hazardous Materials Transportation Act, California Public Resources Code, and other State and local regulations that would reduce and limit the risk of an accident.

During operations. 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. Therefore, the proposed project would not result in irreversible changes from environmental accidents.

5.3.3 - Consumption of Nonrenewable Resources

During construction, the proposed project would involve the use of petroleum-based fuels such as diesel fuel and gasoline for the manufacture and transportation of building materials. However, as described in Chapter 4, Effects Found not to be Significant, Section 4.2.3 Energy, the construction schedule for the proposed project is designed to be already designed to be efficient to limit unnecessary equipment and fuel use. Furthermore, the proposed project would comply with all local and State regulatory requirements related to equipment age, operation, and design, and therefore would not result in the unnecessary use of nonrenewable resources during construction.

As described in Chapter 4, Effects Found not to be Significant, Section 4.2.3 Energy, the proposed project would comply with Title 24 standards designed to decrease overall per capita energy consumption and would incorporate elements from CALGreen to reduce reliance on fossil fuel use during operations. Additionally, the proposed project would be all-electric and would provide EV-ready stalls in garages, ensuring the efficient use of resources, including the reduced consumption of nonrenewable resources, during operations.

CHAPTER 6: ALTERNATIVES TO THE PROPOSED PROJECT

6.1 - Introduction

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15126.6, this Draft Environmental Impact Report (Draft EIR) describes a range of project alternatives that could attain most of the basic project objectives while avoiding or reducing any of the proposed project's significant adverse environmental effects. Important considerations for these alternatives analyses are noted below (as stated in CEQA Guidelines § 15126.6).

- Alternatives must be capable of reducing or avoiding any significant project impact, but are not required to reduce all impacts;
- 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

Potentially Significant Impacts That Would be Mitigated to Less Than Significant Levels

Impacts that would be mitigated to less than significant levels are summarized before:

Impact AIR-1 The proposed project could result in construction exhaust emissions that would result in potentially significant health risk impacts and could significantly contribute to cumulative nonattainment pollutant violations or expose sensitive receptors to substantial pollutant concentrations.

Impact AIR-3 The proposed project would have a cancer risk of 17.11 cases per 1 million, which would exceed the Bay Area Air Quality Management District (Bay Area Air District) threshold of 10 cases per 1 million during construction of the project.

Impact BIO-1 Removal of trees during construction could result in potentially significant impacts to nesting birds if construction occurs during the nesting season. Impacts could include nest abandonment or destruction.

Impact CUL-2 The proposed project could disturb previously undiscovered archaeological resources during earthmoving activities associated with project construction.

Impact CUL-3 The proposed project could disturb previously undiscovered human remains during earthmoving activities associated with project construction.

Impact CUL-CUM-1 Projects could disturb previously undiscovered cultural resources during earthmoving activities associated with project construction.

Impact HAZ-1 The project site may have pesticide contamination due to its previous dry farming use. Undulating topography was observed within the northern grassy area, which may be indicative of prior soil import and potential soil contamination. Soils removed or disturbed during project construction would create a potentially significant impact.

Impact HAZ-2 The project site may be contaminated with pesticides given its previous use for dry farming, meaning there could be a health risk for future residents.

Impact HAZ-CUM-1 The proposed project could contribute to cumulatively considerable potential health risk due to its previous use as a dry farming site and possible application of pesticides, which could create pose health risks to residents on-site.

Impact NOI-1 The project construction would last for more than 12 months, therefore, in compliance with General Plan Policy EC 1.7, mitigation is required 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.

Significant Unavoidable Impacts

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

Impact GHG-1 The proposed project would generate 19.52 Vehicle Miles Traveled (VMT) per capita daily as estimated by the City's VMT Evaluation Tool, exceeding the residential threshold of 15 percent below existing VMT per capita, meaning it would not comply with Criterion A of the Bay Area Air District 2022 GHG Significance thresholds.

Impact GHG-2 The proposed project would have a significant and unavoidable VMT impact and, therefore, the proposed project would not be consistent with the State's goal to achieve carbon neutrality.

Impact GHG-CUM-1 The proposed the proposed project would have a cumulatively considerable significant and unavoidable VMT impact. Therefore, the proposed project would not be consistent with Criterion A of the Bay Area Air District's 2022 GHG Significance thresholds or the State's goal to achieve carbon neutrality. As the analysis considers global, Statewide, and regional GHG emissions, there is a potentially significant cumulative impact.

Impact TRANS-2 The proposed project would exceed the significant impact threshold of 11.39 daily VMT per capita. The project's daily VMT, as estimated by the City's VMT Evaluation Tool, is 19.52 per capita.

Impact TRANS-CUM-1 The proposed project would have a potentially significant contribution to cumulative VMT impacts.

6.2 - Project Objectives

As stated in Chapter 2, Project Description, the underlying purpose of the proposed project is to redevelop an underutilized site with a new residential neighborhood that delivers high-quality, for-sale housing, including affordable homes, that advances the City of San José's housing, land use, and community development goals. The specific objectives of the proposed project are to:

- Expand housing supply to satisfy the City's Regional Housing Needs Allocation (RHNA) by providing a mix of market-rate and below-market-rate housing.
- Provide a walkable, tree-lined neighborhood environment with safe pedestrian circulation, sidewalks, and visual connectivity to the surrounding community.
- Enhance neighborhood livability through publicly accessible open space, including a privately owned and maintained park.
- Promote architectural quality and neighborhood compatibility by building a mix of attached and detached single-family homes.
- Promote development that minimizes displacement and ensures equitable access to housing.
- Revitalize a vacant and underutilized site in an established single-family neighborhood and promote infill development in the heart of a residential neighborhood.

6.3 - Alternatives Considered but Rejected from Further Analysis

The following alternatives were considered but rejected from further consideration:

6.3.1 - Adaptive Reuse

This alternative would preserve and repurpose one or more of the existing Glider Elementary School buildings, rather than demolishing all the structures. Possible options for reuse include community-serving facilities (e.g., child care, senior center, educational space). If a partial adaptive reuse is considered, the area of the site that currently contains accessory buildings, pavement and sports fields could accommodate a reduced number (e.g., 30–40) of new residential units, as well as the proposed 0.68-acre park and 2.09 acres of public right-of-way. This alternative would adhere to the same design standards as the proposed project and would have the same access and circulation pattern.

This alternative would partially meet the project objectives by providing up to 40 new residential units, approximately 50 percent fewer units than the proposed project. It could also support

community-serving uses consistent with the Public/Quasi-Public (PQP) General Plan designation. While the scope of the project would be reduced, this alternative would still have significant unavoidable impacts related to Greenhouse Gas Emissions and VMT. It is important to note that adaptive reuse often requires extensive retrofitting to meet current building codes, seismic safety standards, accessibility requirements, and energy efficiency mandates. In many cases, older structures, especially those that have been unused for extended periods of time, contain materials which must be abated at significant cost. As explained in Section 3.5 Hazards and Hazardous Materials, due to the age of on-site structures, there is the potential for lead-based paint, asbestos, and polychlorinated biphenyl (PCB), all of which have been banned or phased out due to potential health risks. Additionally, the layout and structural limitations of existing buildings may not support the alternative's operational needs without substantial reconstruction. The extensive retrofitting required for this alternative could also pose significant structural and regulatory challenges, potentially rendering the alternative impractical due to technical complexity, operational disruption, and extended timelines. Therefore, this alternative is rejected as infeasible.

6.3.2 - Off-site Location Alternative

Under this alternative, the same number of residential units and amount park space would be developed as under the proposed project; however, the development would be sited in a location within the City that is characterized by lower VMT.

CEQA Guidelines Section 15126.6(f)(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 proposed project would result in significant and unavoidable impacts with respect to VMT and associated greenhouse gas (GHG) emissions. The off-site location could be in a lower VMT area within the City, such as downtown, which would reduce VMT impacts and associated GHG emissions to a less than significant level. 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 to the proposed project.

The project applicant does not own or control another property that could accommodate the project. The feasibility of the project applicant 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 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.[1,2] Therefore, discussion of an alternative location for the proposed project is not required and this alternative is rejected from further consideration.

6.3.3 - No Project/ Development Under Existing Designations

This alternative would develop a project consistent with the existing General Plan land use designation and/or zoning designation.

The project site has a General Plan land use designation of PQP, which is intended for public land uses, such as schools, fire stations, libraries, or government buildings. However, the applicant is a private company and does not have the authority, mandate, or financial incentive to develop or operate public facilities. Public uses generally require coordination with public agencies, long-term public funding commitments, and governance structures that are not aligned with private development models.

For these reasons, an alternative that proposes development of public-serving facilities by a private company applicant is considered infeasible and is not carried forward for further analysis.

The project site is zoned R-1-8, which allows for up to 8 dwelling units per acre (du/ac), which provides opportunities to develop private projects on the site. If developed consistent with the current zoning, the 9.51 project site would have a maximum of 76 units, which would only differ from the proposed project by 4 units. This represents a reduction of just 5 percent and would not constitute a meaningful variation in environmental impacts or project outcomes compared to the proposed project. As such, it would not contribute to a reasonable range of alternatives for CEQA analysis, which is intended to explore substantially different approaches to achieving project objectives while reducing significant impacts.

Moreover, this alternative would not offer any environmental advantages over the proposed project. The scale, footprint, and infrastructure demands would remain virtually unchanged, and the slight reduction in units would not result in appreciable differences in traffic generation, air quality emissions, or utility usage. Therefore, this alternative would not provide a distinct or superior environmental outcome, nor would it offer a substantially different development scenario for comparative analysis.

Therefore, this alternative is rejected as infeasible and because it would not contribute to a reasonable range of alternatives.

6.4 - Alternatives Evaluated

6.4.1 - Alternative 1–No Project 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

[1] *Citizens of Goleta Valley v. Board of Supervisors* (1990). 52 Cal.3d 553.
[2] *Save Our Residential Env’t v. City of W. Hollywood* (1992). 9 CA4th 1745, 1753 n1.

expected to occur in the foreseeable future if the proposed project is not approved, based on current plans and consistent with available infrastructure and community services.

The No Project Alternative is defined as no changes from existing conditions. Under the No Project Alternative, the proposed 64 single-family detached homes and 16 single-family attached homes would not be constructed on the project site. The existing school 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. This alternative would retain the existing land uses on the project site maintaining the baseline conditions.

Under Alternative 1, short-term construction and long-term operational emissions would not occur as no construction or land use changes would take place, no new operations would be established, and no project-related traffic or stationary source emissions would be generated. As such, there would be no impacts with respect to air quality and no mitigation required. Air quality impacts resulting from Alternative 1 would be less than the proposed project.

Under Alternative 1, no tree removal or changes to related to plants, wildlife, or the habitat on the project site would occur. There would be no impacts with respect to biological resources and no mitigation required. Biological resources impacts resulting from Alternative 1 would be less than the proposed project.

Under Alternative 1, no demolition or ground disturbance would occur and there would be no potential to disturb historic resources, cultural resources, or human remains. As such, there would be no impact with respect to cultural resources and no mitigation required. Cultural resources impacts resulting from Alternative 1 would be less than the proposed project.

Under Alternative 1, there would be no construction, operation, or land use changes, so there would be no construction or operational greenhouse gas emissions at the project site. VMT would not be generated in excess of the City's threshold, preventing the significant and unavoidable impact. As such, there would be no impacts with respect to greenhouse gases and no mitigation required. Greenhouse Gas impacts resulting from Alternative 1 would be less than the proposed project.

Under Alternative 1, there would be no ground disturbance, no demolition, no construction, and no new operations on-site, so there would be no transport or use of hazardous materials. Any wildfire risks and emergency access/evacuation conditions would remain the same. As such, there would be no impacts with respect to hazards and hazardous materials and no mitigation required. Hazards and hazardous materials impacts resulting from Alternative 1 would be less than the proposed project.

Under Alternative 1, the existing land use designations and on-site uses would remain the same. There would be no conflict with any habitat or community conservation plan. There would be no impacts with respect to land use and no mitigation required. Land use impacts resulting from Alternative 1 would be slightly less than the proposed project.

Under Alternative 1, there would be no construction, operations, new sources of trip generation, or changes to land use. Therefore, noise-sensitive land uses would not experience any change in noise

levels. There would be no impacts with respect to noise and no mitigation required. Noise impacts resulting from Alternative 1 would be less than the proposed project.

Under Alternative 1, the existing sports fields would remain. As these are not officially open to the public, Alternative 1 would not provide the opportunity for the publicly available recreational facilities that the proposed project would provide. Accordingly, the public would not realize the benefits related to new publicly accessible open space provided by the proposed project. Still, because no changes would occur to the project site and no additional residents would be added to the site, no impacts related to recreational resources would occur which would be less than the proposed project.

Under Alternative 1, there would be no changes to traffic operations, transit, pedestrian facilities, changes to land use, or new sources of trip generation. VMT would not be generated in excess of the City's threshold, preventing the significant and unavoidable impact. There would be no impacts with respect to transportation and no mitigation required. Transportation impacts resulting from Alternative 1 would be less than the proposed project.

Under Alternative 1, no demolition or ground disturbance would occur and there would be no potential to disturb tribal cultural resources. As such, there would be no impact with respect to cultural resources and no mitigation required. Tribal cultural resources impacts resulting from Alternative 1 would be less than the proposed project.

The No Project Alternative would not achieve any of the proposed project's objectives, such as assisting the City with meeting its RHNA for market-rate and below-market-rate housing units.

In summary, while the No Project 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 related to housing and would not meet any objective to the same degree as the proposed project.

6.4.2 - Alternative 2–Reduced Density/Additional Park Acreage Alternative

The Reduced Density/Additional Park Acreage Alternative is defined as a smaller/less dense 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 whether the significant impacts of the proposed project can be avoided while at the same time achieving the project objectives.

Under the Reduced Density/Additional Park Acreage Alternative, 49 single-family detached and 14 single-family attached units would be developed, for a total of 62 units. This is 18 fewer units than the proposed project, with a resulting density of 6.52 du/acre. The privately owned and maintained privately owned and maintained, public accessible open space (POPOS) parcel would be 2.1-acres rather than the proposed 0.68 acre. Under this alternative 13 percent of the units (8 units) would still be reserved for deed restricted lower-income housing. A mock-up of this Alternative is included as Figure 6-1.

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Source: Wood Rodgers, Inc., 07/17/2025.

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Figure 6-1
Alternative 2 - Reduced Density, Additional Park Acreage

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Based on the average household size of 2.88 people,[3] the Reduced Intensity Alternative would increase the City's population by approximately 179 people, which would represent a reduction of 52 people compared to the proposed project.[4]

Under Alternative 2, short-term construction and long-term operational air emissions as well as project-related traffic and stationary source emissions would still occur, but there would be fewer emissions due to a smaller building footprint, smaller population, and fewer trips generated at the project site. Mitigation Measure (MM) AIR-1 would still be required to reduce impacts to a less than significant level. Air quality impacts resulting from Alternative 2 would be similar, but slightly less than the proposed project.

Under Alternative 2, the entire project site would still be developed, although more of it would be park space. There would still be changes to the existing habitat on the project site, and tree removal would occur, although more trees could be preserved than would be under the proposed project. Standard Permit Condition (SPC)-2 would still be required to reduce impacts to a less than significant level. Biological resources impacts resulting from Alternative 2 would be similar, but slightly less than the proposed project.

Under Alternative 2, demolition and ground disturbance would still occur, but there would be ground disturbance over a smaller area. There would be potential to disturb historic resources, cultural resources, or human remains due to the site's high sensitivity for archaeological resources, although the potential would be slightly less due to the smaller area of ground disturbance. MM CUL-2a and MM CUL-2b would still be required to reduce impacts to a less than significant level. Cultural resources impacts resulting from Alternative 2 would be similar, but slightly less than the proposed project.

Under Alternative 2, there would still be construction, operation, land use changes, and VMT generated at the project site. However, there would be fewer emissions due to a smaller building footprint, smaller population, and fewer trips generated at the project site. Because the project site is located in a high VMT area of the City, VMT per capita would still be generated in excess of the City's 11.39 daily VMT per capita threshold. MM TRANS-1 would still be required, and impacts would still be significant and unavoidable. Greenhouse Gas impacts resulting from Alternative 2 would be similar, but slightly less than the proposed project.

Under Alternative 2, there would still be demolition, ground disturbance, construction, and new operations on-site, but there would be less ground disturbance and construction due to a smaller building footprint. There would still be some transport and use of hazardous materials for project construction and small quantities of household hazard materials such as cleaners and paints during project operations. Wildfire risks and emergency access/evacuation would be similar to the proposed project. There is still potential that the project site may have pesticide contamination due to its previous dry farming use and MM HAZ-1 would still be required to reduce impacts to a less

[3] California Department of Finance. 2025. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2025, with 2020 Benchmark. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed October 17, 2025.

[4] 62 households x 2.88 people per household = 178.56 people, or ~179 people. (179 people –231 people) = -52 people differential.

than significant level. Hazards and hazardous materials impacts resulting from Alternative 2 would be similar, but slightly less than the proposed project.

Under Alternative 2, the land uses at the project site would change, but in the same ways as evaluated for the proposed project. There would still be no conflict with any habitat or community conservation plan. Land use impacts resulting from Alternative 2 would be the same as the proposed project.

Under Alternative 2, there would still be construction, operations, new sources of trip generation, and changes to land use. However, there would be less ground disturbance and construction due to a smaller building footprint and smaller number of units. MM NOI-1 would still be required to reduce impacts to a less than significant level. Impacts resulting from Alternative 2 would be similar, but slightly less than the proposed project.

Under Alternative 2, there would be more park space available than the proposed project. Impacts would be less than significant and no mitigation would be required. Impacts resulting from Alternative 2 would be similar, but slightly less than the proposed project.

Under Alternative 2, there would be changes to traffic operations, transit, pedestrian facilities, changes to land use, and new sources of trip generation. However, there would be fewer vehicle trips generated due to a smaller building footprint and smaller population at the project site. Because the project site is located in a high VMT area of the City, VMT per capita would still be generated in excess of the City's 11.39 daily VMT per capita threshold. MM TRANS-1 would still be required, and impacts would still be significant and unavoidable. Transportation impacts resulting from Alternative 2 would be similar, but slightly less than the proposed project.

Under Alternative 2, demolition and ground disturbance would still occur, but there would be ground disturbance over a smaller area. There would be potential to disturb tribal cultural resources due to the site's high buried site potential, although the potential would be slightly less due to the smaller area of ground disturbance. MM CUL-2a and MM CUL-2b would still be required to reduce impacts to a less than significant level. Tribal cultural resources impacts resulting from Alternative 2 would be similar, but slightly less than the proposed project.

This alternative would assist the City in satisfying its RHNA for market-rate and below-market-rate housing units but not to the same extent as the proposed project. It would meet the project objective to enhance neighborhood livability through publicly accessible open space to a greater extent than the proposed project by providing park space than the proposed project.

To summarize, while the Reduced Density, Additional Park Acreage Alternative would result in slightly lower VMT and GHG impacts, they would remain significant and unavoidable. Furthermore, it would not achieve the underlying purpose to the same extent as the proposed project and would not meet the project objectives to the same degree as the proposed project.

6.4.3 - Alternative 3–Reduced Trip Generation

Under the Reduced Trip Generation Alternative, 15 single-family detached homes would be developed. This is 65 fewer units than the proposed project. Under this alternative, none of the units would be reserved for deed restricted lower-income housing. The resulting density would be 1.68 du/ac. The POPOS parcel would be about 7.44 acres. A mock-up of this alternative is included as Figure 6-2.

Under Alternative 3, short-term construction and long-term operational air emissions as well as project-related traffic and stationary source emissions would still occur, but there would be fewer emissions due to a smaller building footprint, smaller population, and fewer trips generated at the project site. MM AIR-1 would still be required to reduce impacts to a less than significant level. Air quality impacts resulting from Alternative 3 would be similar, but slightly less than the proposed project.

Under Alternative 3, the entire project site would still be developed, although more of it would be park space. There would still be changes to the existing habitat on the project site, and tree removal would occur, although more trees could be preserved than would be under the proposed project. SPC-2 would still be required to reduce impacts to a less than significant level. Biological resources impacts resulting from Alternative 3 would be similar, but slightly less than the proposed project.

Under Alternative 3, demolition and ground disturbance would still occur, but there would be ground disturbance over a smaller area. There would be potential to disturb historic resources, cultural resources, or human remains due to the site's high sensitivity for archaeological resources, although the potential would be slightly less due to the smaller area of ground disturbance. MM CUL-2a and MM CUL-2b would still be required to reduce impacts to a less than significant level. Cultural resources impacts resulting from Alternative 3 would be similar, but slightly less than the proposed project.

Under Alternative 3, there would still be construction, operation, land use changes, and VMT generated at the project site. However, there would be fewer emissions due to a smaller building footprint and smaller population at the project site. Per the City's Policy 5-1 for Transportation Analysis, infill projects of 15 or fewer single-family detached residential units or of single-family attached residential projects of 25 or fewer units are presumed to have a less than significant VMT impact.[5] As such, an alternative that reduced the number of units to 15 single-family detached homes or 25 single-family attached homes would reduce the significant and unavoidable VMT-related GHG impacts to less than significant. MM TRANS-1 would not be required, and impacts would still be significant and unavoidable. Greenhouse Gas impacts resulting from Alternative 3 would be less than the proposed project.

[5] City of San José, California. 2022. Council Policy. Transportation Analysis Policy 5-1. Website: https://www.sanjoseca.gov/home/showpublisheddocument/96688/638176810753900000. Accessed July 18, 2025.

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Source: Wood Rodgers, Inc., 07/17/2025.

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Figure 6-2
Alternative 3 - Reduced Density to Below Trip Generation Threshold

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Under Alternative 3, there would still be demolition, ground disturbance, construction, and new operations on-site, but there would be less ground disturbance and construction due to a smaller building footprint. There would still be some planned transport and use of hazardous materials for project construction and small quantities of household hazard materials such as cleaners and paints during project operations. Wildfire risks and emergency access/evacuation would be similar to the proposed project. There is still potential that the project site may have pesticide contamination due to its previous dry farming use and MM HAZ-1 would still be required to reduce impacts to a less than significant level. Hazards and hazardous materials impacts resulting from Alternative 3 would be similar, but slightly less than the proposed project.

Under Alternative 3, the land uses at the project site would change, but in the same ways as evaluated for the proposed project. There would still be no conflict with any habitat or community conservation plan. Land use impacts resulting from Alternative 3 would be the same as the proposed project.

Under Alternative 3, there would still be construction, operations, new sources of trip generation, and changes to land use. However, there would be less ground disturbance and construction due to a smaller building footprint and smaller number of units. MM NOI-1 would still be required to reduce impacts to a less than significant level. Impacts resulting from Alternative 3 would be similar, but slightly less than the proposed project.

Under Alternative 3, there would be more park space available than the proposed project. Impacts would be less than significant and no mitigation would be required. Impacts resulting from Alternative 3 would be similar, but slightly less than the proposed project.

Under Alternative 3, there would be changes to traffic operations, transit, pedestrian facilities, changes to land use, and new sources of trip generation. However, there would be fewer vehicle trips generated due to a smaller building footprint and smaller population at the project site. Per the City's Policy 5-1 for Transportation Analysis, infill projects of 15 or fewer single-family detached residential units or of single-family attached residential projects of 25 or fewer units are presumed to have a less than significant VMT impact.[6] As such, an alternative that reduced the number of units to 15 single-family detached homes or 25 single-family attached homes would reduce the significant and unavoidable VMT-related Transportation impacts to less than significant. MM TRANS-1 would not be required, and impacts would still be significant and unavoidable. Transportation impacts resulting from Alternative 3 would be similar, but slightly less than the proposed project.

Under Alternative 3, demolition and ground disturbance would still occur, but there would be ground disturbance over a smaller area. There would be potential to disturb tribal cultural resources due to the site's high buried site potential, although the potential would be slightly less due to the smaller area of ground disturbance. MM CUL-2a and MM CUL-2b would still be required to reduce impacts to a less than significant level. Tribal cultural resources impacts resulting from Alternative 3 would be similar, but slightly less than the proposed project.

[6] City of San José, California. 2022. Council Policy. Transportation Analysis Policy 5-1. Website: https://www.sanjoseca.gov/home/showpublisheddocument/96688/638176810753900000. Accessed July 18, 2025.

This alternative would partially meet the project objectives by providing some new housing and open space but at a significantly reduced number compared to the proposed project. It would meet the project objective to enhance neighborhood livability through publicly accessible open space to a greater extent than the proposed project by providing park space than the proposed project.

To summarize, while the Reduced Trip Generation Alternative would reduce VMT and GHG impacts to a less than significant level, It would not achieve the underlying purpose to the same extent as the proposed project and would not meet all of the project objectives to the same degree as the proposed project.

6.5 - Environmentally Superior Alternative

CEQA Guidelines Section 15126(e)(2) requires identification of an environmentally superior alternative. If the No Project Alternative is environmentally superior, CEQA requires selection of the "environmentally superior alternative other than the No Project Alternative" from among the proposed project and the 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 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 SPCs would be required. Therefore, the No Project Alternative would be the next most environmentally superior alternative; however, it would not achieve any of the project objectives.

Beyond the No Project Alternative, the Reduced Trip Generation Alternative would be the next most environmentally superior alternative because it would reduce GHG and VMT impacts to a less than significant level. Aside from GHG and VMT-related mitigation, this Alternative would require the same mitigation measures and SPCs as the proposed project. It would meet the project objective to enhance neighborhood livability through publicly accessible open space to a greater extent than the proposed project by providing more park space than the proposed project. However, this alternative would develop 65 fewer residential units than the proposed project and would, therefore, not achieve the underlying purpose or project objective to expand housing supply 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

Environmental Topic Area	Proposed Project	Alternative 1–No Project Alternative	Alternative 2–Reduced Density/Additional Park Acreage Alternative	Alternative 3–Reduced Trip Generation
Air Quality	LTSM	NI <	LTSM <	LTSM <
Biological Resources	LTSM	NI <	LTSM <	LTSM <
Cultural Resources and Tribal Cultural Resources	LTSM	NI <	LTSM <	LTSM <
Greenhouse Gas Emissions	SU	NI <	SU <	LTS <
Hazards and Hazardous Materials	LTSM	NI <	LSTM <	LSTM <
Land Use	LTS	NI <	LTS =	LTS =
Noise	LTSM	NI <	LTSM <	LTSM <
Recreation	LTS	NI <	LTS <	LTS <
Transportation	SU	NI <	SU <	LTS <
Tribal Cultural Resources	LTSM	NI <	LTSM <	LTSM <

Notes:
LTS = Less than significant impact
LTSM = Less than significant impact with mitigation incorporated
NI = No impact
SU = Significant and unavoidable impact
> = Potentially greater than the proposed project
< = Potentially less than the proposed project
= Impacts would be similar or the same as the proposed project.
Source: FirstCarbon Solutions (FCS). 2025.

Table 6-2: Summary of Alternatives Meeting Project Objectives

Environmental Topic Area	Proposed Project	Alternative 1–No Project Alternative	Alternative 2–Reduced Density/Additional Park Acreage Alternative	Alternative 3–Reduced Trip Generation
Expand housing supply to satisfy the City's Regional Housing Needs Allocation (RHNA) by providing a mix of market-rate and below-market-rate housing.	Yes	No	Yes, to a lesser extent than the proposed project.	No
Provide a walkable, tree-lined neighborhood environment with safe pedestrian circulation, sidewalks, and visual connectivity to the surrounding community.	Yes	No	Yes, to a greater extent than the proposed project.	Yes, to a greater extent than the proposed project.

Environmental Topic Area	Proposed Project	Alternative 1–No Project Alternative	Alternative 2–Reduced Density/Additional Park Acreage Alternative	Alternative 3–Reduced Trip Generation
Enhance neighborhood livability through publicly accessible open space, including a privately owned and maintained park.	Yes	No	Yes, to a greater extent than the proposed project.	Yes, to a greater extent than the proposed project.
Promote architectural quality and neighborhood compatibility by building a mix of attached and detached single-family homes.	Yes	No	Yes	Yes
Promote development that minimizes displacement and ensures equitable access to housing.	Yes	No	Yes, to a lesser extent than the proposed project.	Yes, to a lesser extent than the proposed project.
Revitalize a vacant and underutilized site in an established single-family neighborhood and promote infill development in the heart of a residential neighborhood.	Yes	No	Yes	Yes
Source: FirstCarbon Solutions (FCS). 2025.				

CHAPTER 7: PERSONS AND ORGANIZATIONS CONSULTED/LIST OF PREPARERS

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