Initial Study/Mitigated Negative Declaration

3315 Sierra Road Residential

File No. PDC23-008 and ER23-079

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

February 2025

Table of Contents

Figures

Photos

Tables

Appendices

Appendix A: Construction Air Quality Assessment

Appendix B: Tree Inventory, Assessment and Project Report

Appendix C: Historic Resource Evaluation

Appendix D: Geotechnical Engineering Investigation

Appendix E: Geohazards Evaluation

Appendix F: GHGRS Checklist

Appendix G: Phase I/II Environmental Site Assessments

Appendix H: Construction Noise and Vibration Assessment

Appendix I: Transportation Analysis

All appendices are incorporated herein by reference.

Section 1.0 Introduction and Purpose

1.1 Purpose of the Initial Study

The City of San José, as the Lead Agency, has prepared this Initial Study for the 3315 Sierra Road Residential project (herein referred to as "Project") in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California. The applicant proposes to demolish the existing structures located at 3315 Sierra Road and construct 25 single-family residences with up to five accessory dwelling units (ADUs). This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 Public Review Period

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

Charlotte Yuen, Planner
City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, CA 95113-1905
(408) 535-5658
charlotte.yuen@sanjoseca.gov

1.3 Consideration of the Initial Study and Project

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

1.4 Notice of Determination

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

Section 2.0 Project Information

2.1 Project Title

3315 Sierra Road Residential Project

2.2 Lead Agency Contact

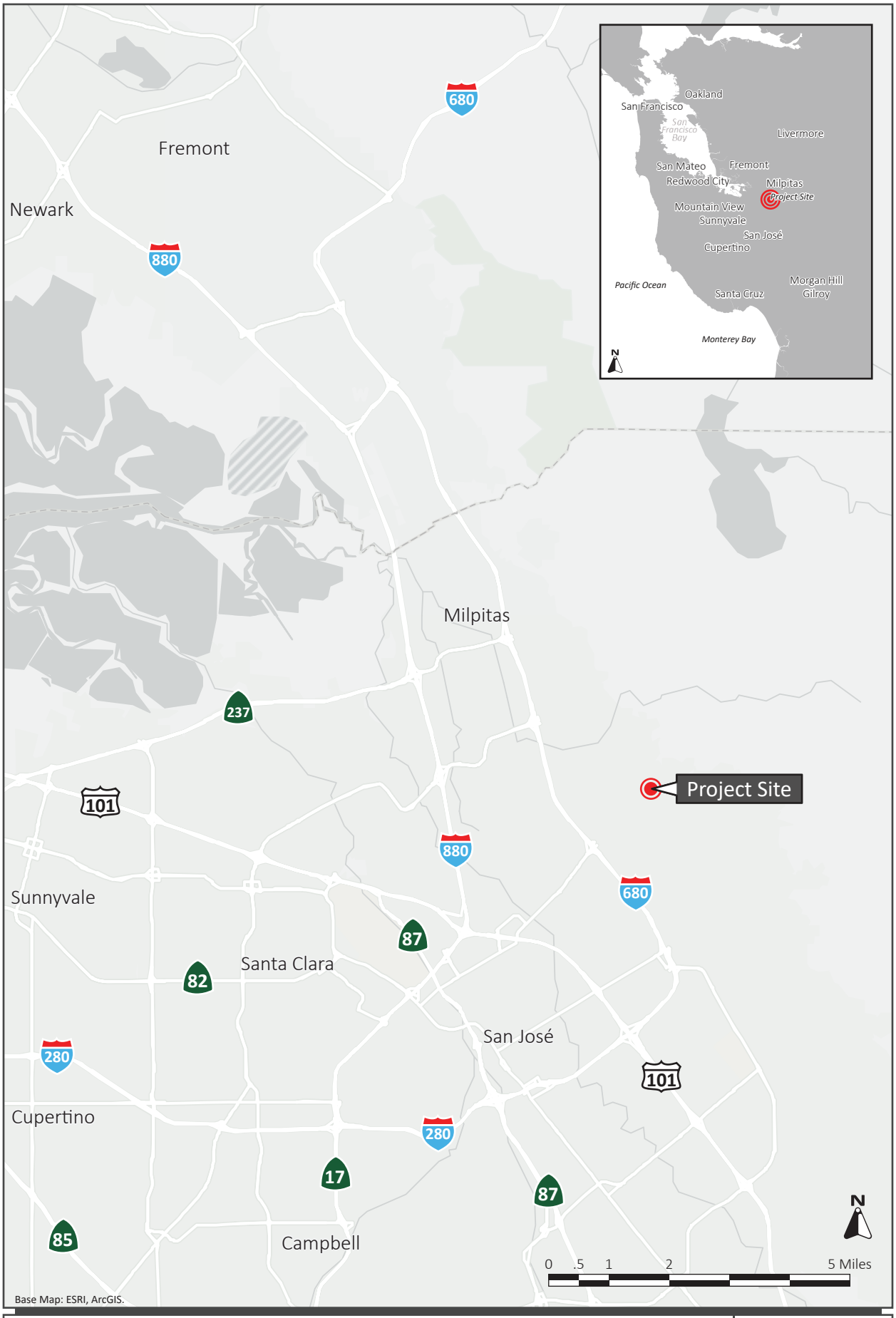
Charlotte Yuen, Planner
City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, CA 95113-1905
(408) 535-5658
charlotte.yuen@sanjoseca.gov

2.3 Project Applicant

Mary Gourlay
Robson Homes
2185 The Alameda
San José, CA 95126
MGourlay@robsonhomes.com

2.4 Project Location

The project site is located on Sierra Road across from Onslow Way, in the Berryessa neighborhood of the City of San José. Regional, vicinity, and aerial maps of the project site are shown on Figure 2.4-1, Figure 2.4-2, and Figure 2.4-3, respectively.



REGIONAL MAP | FIGURE 2.4-1

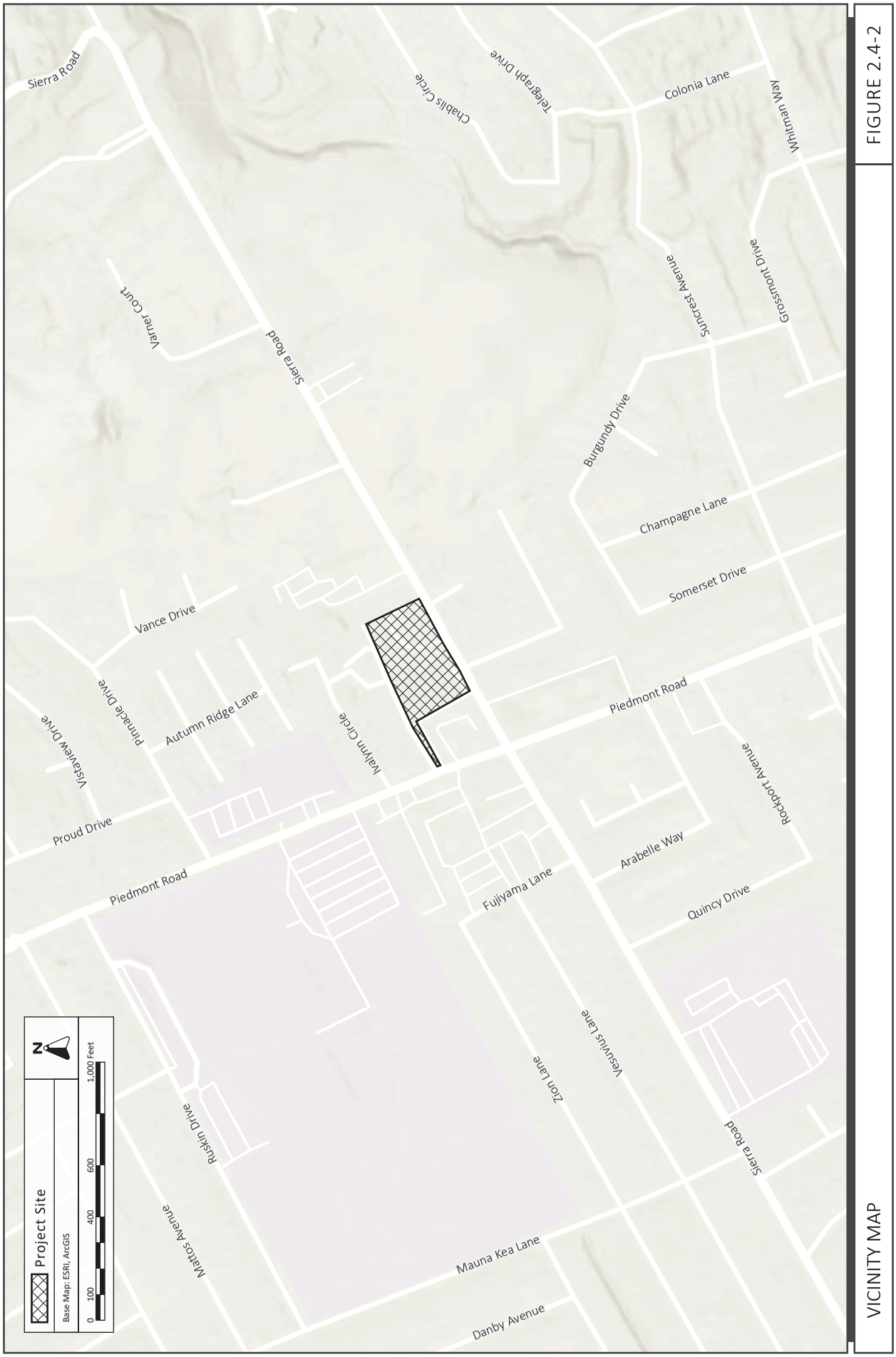


FIGURE 2.4-2

VICINITY MAP

AERIAL MAP AND SURROUNDING LAND USES | FIGURE 2.4-3

2.5 Assessor's Parcel Number

The Assessor's Parcel Number (APN) for the project site is 595-10-067.

2.6 General Plan Designation and Zoning District

The project site is designated Residential Neighborhood (RN) in the Envision San José 2040 General Plan (General Plan) and is within the (A) Agricultural zoning district.

2.7 Habitat Plan Designation

The project site is within the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) area and is designated as Urban-Suburban land cover.

2.8 Project-Related Approvals, Agreements, and Permits

- Rezoning
- Planned Development Permit (including tree removals)
- Tentative Map
- Building Permit
- Demolition Permit
- Grading Permit

Section 3.0 Project Description

3.1 Project Location

The project site is located at 3315 Sierra Road in the City of San José. The approximately 2.7-acre parcel (Assessor's Parcel Number 595-10-067) is located on the northeast corner of Piedmont Road and Sierra Road, in the Berryessa neighborhood. The project site currently operates as a distribution center and retail front for the Olivera Egg Ranch and is developed with three industrial buildings, a single-family residence[1], and five associated accessory structures. In its existing configuration, the site is accessible via a one-way-in, one-way-out driveway off Piedmont Road and four driveways off Sierra Road. There are a total of 19 trees on the project site, including 6 ordinance-sized trees.[2] Additionally, there are 27 trees immediately adjacent to the site, including 20 ordinance-sized trees.

To the north of the project site are multi-family residences, to the east and southeast are single-family residences, to the south are multi-family residences, and to the west a commercial development. A church and open space are also to the east of the project site. Surrounding land uses are shown in Figure 2.4-3.

3.1.1 General Plan and Zoning

The project site is designated Residential Neighborhood (RN) in the Envision San José 2040 General Plan (General Plan), which typically has a density of eight dwelling units per acre, with a maximum floor area ratio (FAR) of 0.7 and heights between one and two-and-a-half stories. The RN designation may permit higher densities up to 16 dwelling units per acre where the prevailing neighborhood density is higher. The prevailing neighborhood density in the project area is 16.2 dwelling units per acre.

The project site is zoned (A) Agricultural, which is intended for a wide range of agricultural and agricultural resource-related uses.

3.2 Proposed Development

The applicant would rezone the site to the R-1-8 Planned Development (PD) Zoning District in order to redevelop the site with 25 single-family units.[3] The detached single-family dwelling units would

[1] The residence has been vacant since 2007.

[2] Municipal Code Section 13.32.020 defines an "Ordinance tree" size tree as follows: "Tree" means any live or dead woody perennial plant characterized by having a main stem or trunk which measures thirty-eight (38) inches or more in circumference at a height of fifty-four (54) inches above natural grade slope. For purposes of this Chapter, a multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of fifty-four inches above natural grade slope. "Tree" shall include the plural of that term." A "Street tree" is defined as follows: "Street tree" shall mean any tree that is planted on a street."

[3] The new PD zoning would allow single-family residential consistent with the R-1-8 Single-Family Residential zoning district.

predominantly be two-stories and approximately 26 to 30 feet in height; however there are four units that would be two and a half stories (approximately 32 feet in height). The size of the units would range between 2,100 square feet and 3,335 square feet. There would be eight different unit plans available, with varying elevations. Up to five of the 25 dwelling units would also include an attached accessory dwelling unit (ADU). The detached ADUs would be up to 444 square feet. The project would have a net density of 10.96 dwelling units per acre.[4,5]

A conceptual site plan and renderings of the proposed development are shown on Figure 3.2-1 through Figure 3.2-9.

3.2.1 Site Access and Parking

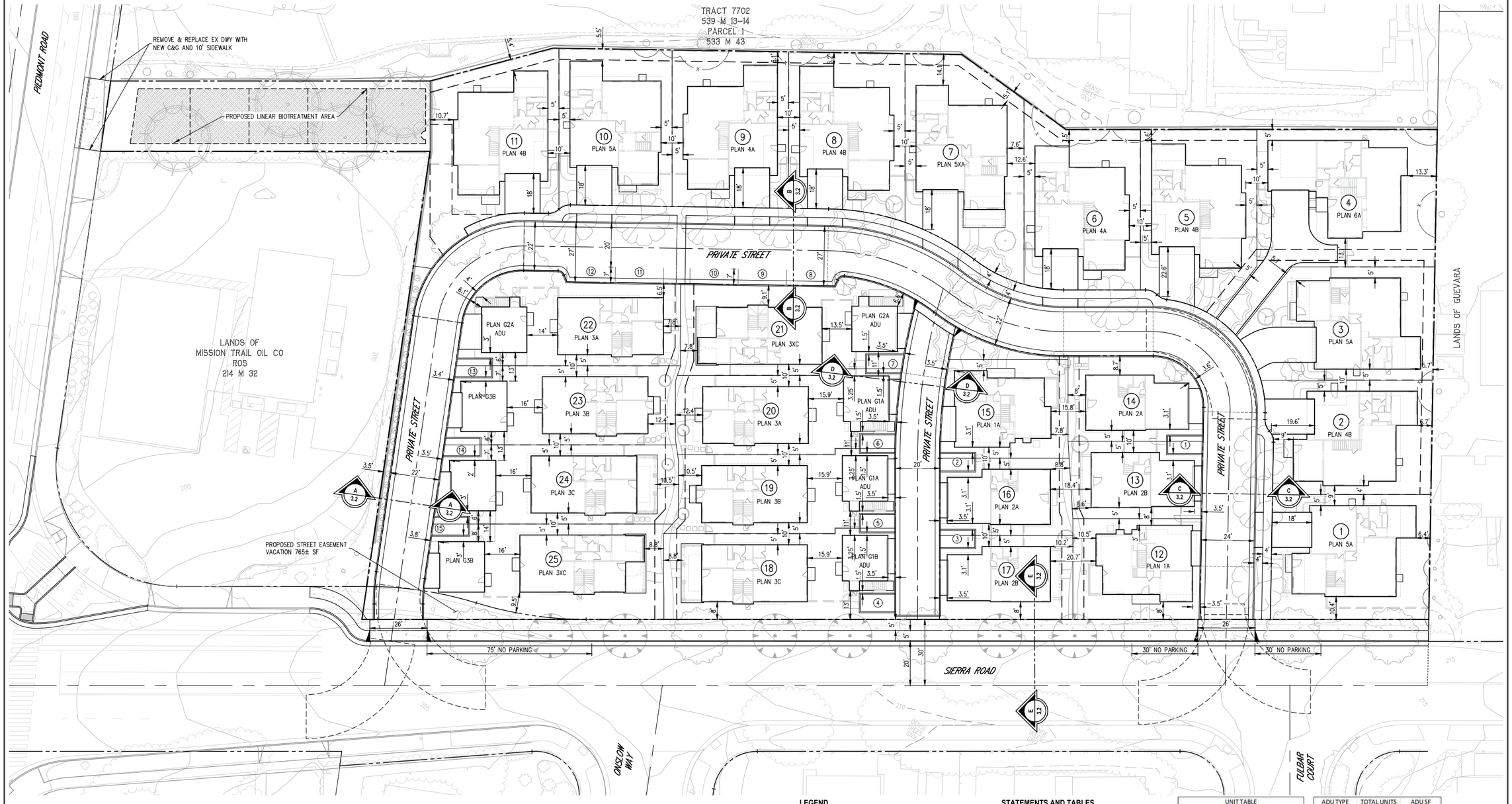
Access to the development would be provided via a private street from two new driveways off Sierra Road. Each residence would include a two-car garage. Seven of the units include an additional parking space for the ADUs and/or guests. An additional 13 parking spaces would be provided along the private street for use by guests and/or ADU residents.

3.2.2 Landscaping and Stormwater Controls

Each of the 25-single-family dwelling units would include a minimum of 50 to 960 square feet of private open space depending on the lot type.[6] The applicant would remove all 19 of the on-site trees. Additionally, the applicant proposes to remove 18 off-site trees. The applicant will plant 30 24-inch box and 29 15-gallon replacement trees on-site. A total of 22 24-inch box and 65 15-gallon replacement trees will be planted off-site, along the shared property line.

The applicant proposes to construct a sound wall along the site's western property line and a wall (and/or fence) along the northern property line. In addition, seven-foot-high fences would be constructed to separate the single-family dwelling units (refer to Figure 3.2-10).

[4] The net acreage of the site (not including the private street) is 2.28 acres, and therefore the density of the preliminary proposed project is 10.96 dwelling units per acre.
[5] Pursuant to State law, an ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning and does not count toward the allowable density (Gov. Code, § 65852.2, subd. (a)(1)(C)).
[6] The average open space provided for each lot would range between 274 square feet and 1,121 square feet.



LEGEND

R=30' R=50' — FIRE TRUCK TURNING TEMPLATE (MIN RADIUS)

(1) — STREET PARKING NUMBER

(1) — BUILDING NUMBER

STATEMENTS AND TABLES

RESIDENTIAL CALCULATIONS

GROSS AREA OF RESIDENTIAL:	2.71 ACRES
ONSITE STREET AREA:	0.43 ACRES
PUBLIC STREET DEDICATION:	0.0 ACRES
NET AREA OF RESIDENTIAL:	2.28 ACRES
TOTAL PROPOSED UNITS:	25 SINGLE FAMILY UNITS
NET DENSITY:	10.96 DU/ACRE
BUILDING COVERAGE:	0.94 ACRES (35% OF NET)

NOTE:
PRIVATE AND PUBLIC STREETS HAVE BEEN NETTED OUT FOR NET ACREAGE AND DENSITY CALCULATIONS.

UNIT TABLE		
UNIT TYPE	TOTAL UNITS	UNIT SF
PLAN 1A	2 UNITS	2102
PLAN 2A	2 UNITS	2254
PLAN 2B	2 UNITS	2346
PLAN 3A	2 UNITS	2512
PLAN 3B	2 UNITS	2547
PLAN 3C	2 UNITS	2580
PLAN 3XC	2 UNITS	2677
PLAN 4A	2 UNITS	3003
PLAN 4B	4 UNITS	3072
PLAN 5A	3 UNITS	3117
PLAN 5XA	1 UNIT	3117
PLAN 6A	1 UNIT	3334
TOTAL UNITS	25	

ADU TYPE	TOTAL UNITS	ADU SF
PLAN G1A	2 UNITS	444
PLAN G1B	1 UNIT	444
PLAN G2A	2 UNITS	444
TOTAL ADU	5	

0 10 20 40 Feet

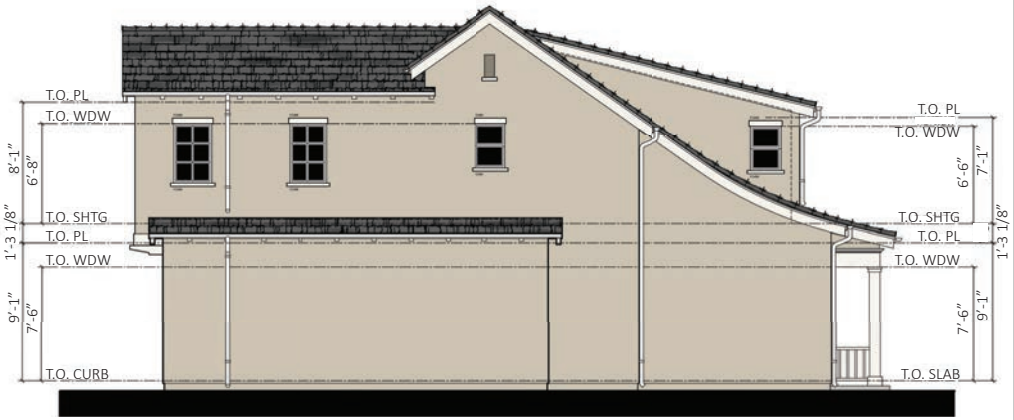
Source: Civil Engineering Associates, January 17, 2024.

CONCEPTUAL SITE PLAN | FIGURE 3.2-1

LEFT ELEVATION

FRONT ELEVATION

RIGHT ELEVATION



REAR ELEVATION

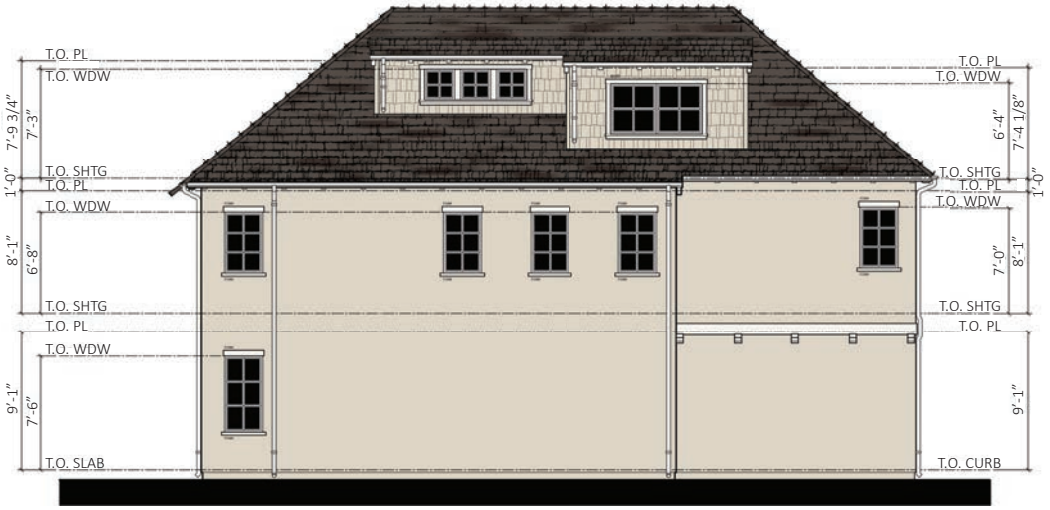
Source: Robert Hidey Architects, November 26, 2024.

CONCEPTUAL ELEVATION: PLAN 1A

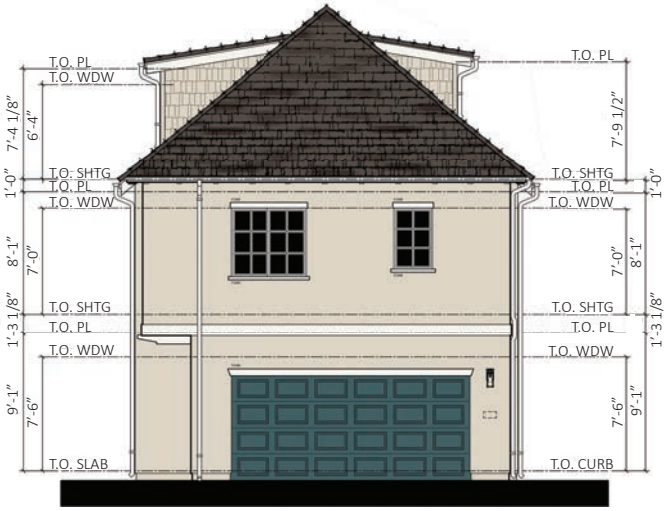
FIGURE 3.2-2

LEFT ELEVATION

FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

Source: Robert Hidey Architects, November 26, 2024.

CONCEPTUAL ELEVATION: PLAN 2A

FIGURE 3.2-3

LEFT ELEVATION

FRONT ELEVATION

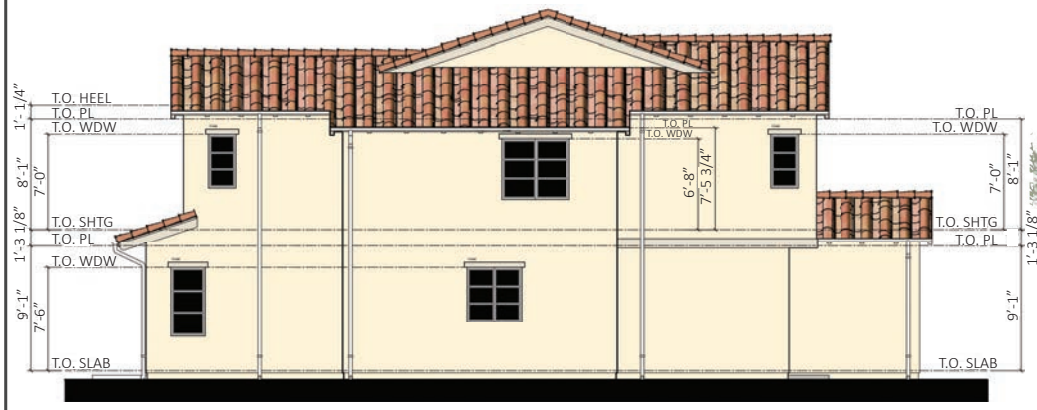
RIGHT ELEVATION

REAR ELEVATION

Source: Robert Hidey Architects, November 26, 2024.

CONCEPTUAL ELEVATION: PLAN 3A

FIGURE 3.2-4



LEFT ELEVATION

FRONT ELEVATION

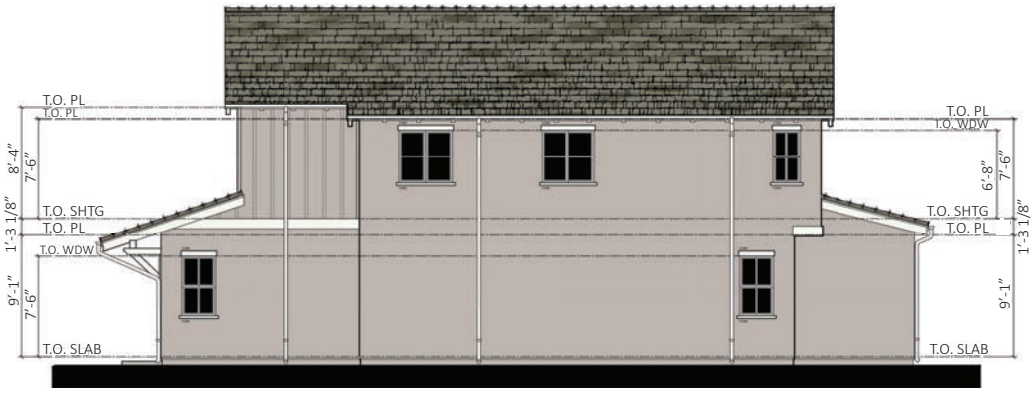
RIGHT ELEVATION

REAR ELEVATION

Source: Robert Hidey Architects, November 26, 2024.

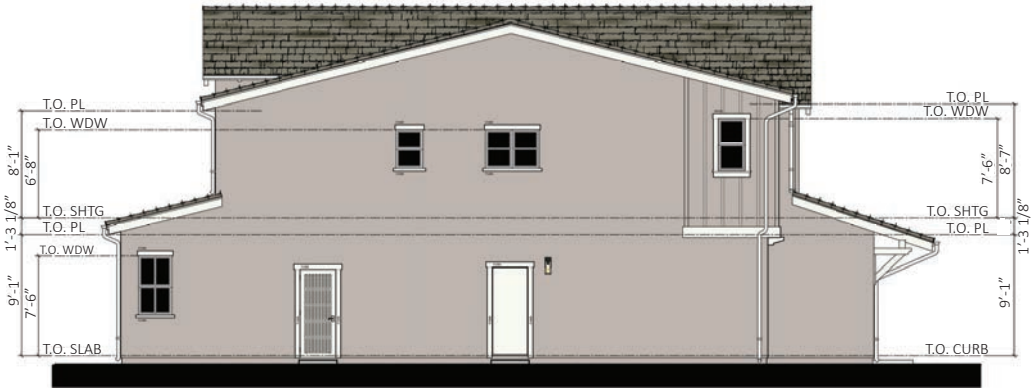
CONCEPTUAL ELEVATION: PLAN 4A

FIGURE 3.2-5



LEFT ELEVATION

FRONT ELEVATION



RIGHT ELEVATION

REAR ELEVATION

Source: Robert Hidey Architects, November 26, 2024.

CONCEPTUAL ELEVATION: PLAN 5A | FIGURE 3.2-6

LEFT ELEVATION

FRONT ELEVATION

RIGHT ELEVATION

REAR ELEVATION

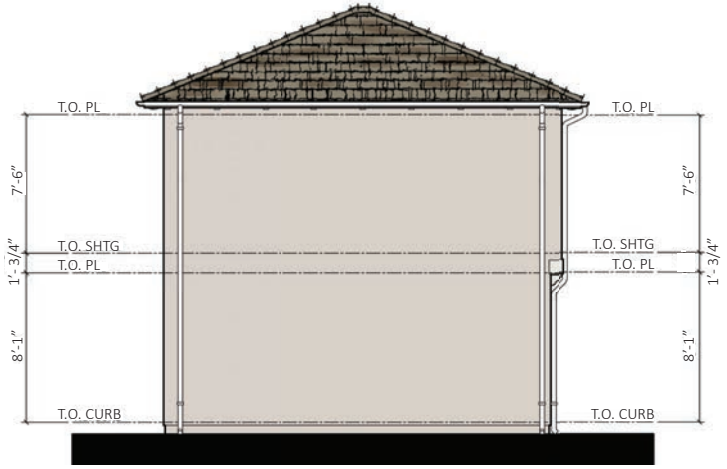
Source: Robert Hidey Architects, November 26, 2024.

CONCEPTUAL ELEVATION: PLAN 6A

FIGURE 3.2-7

LEFT ELEVATION

FRONT ELEVATION



RIGHT ELEVATION

REAR ELEVATION

Source: Robert Hidey Architects, November 26, 2024.

CONCEPTUAL ELEVATION: PLAN G1A

FIGURE 3.2-8

LEFT ELEVATION

FRONT ELEVATION

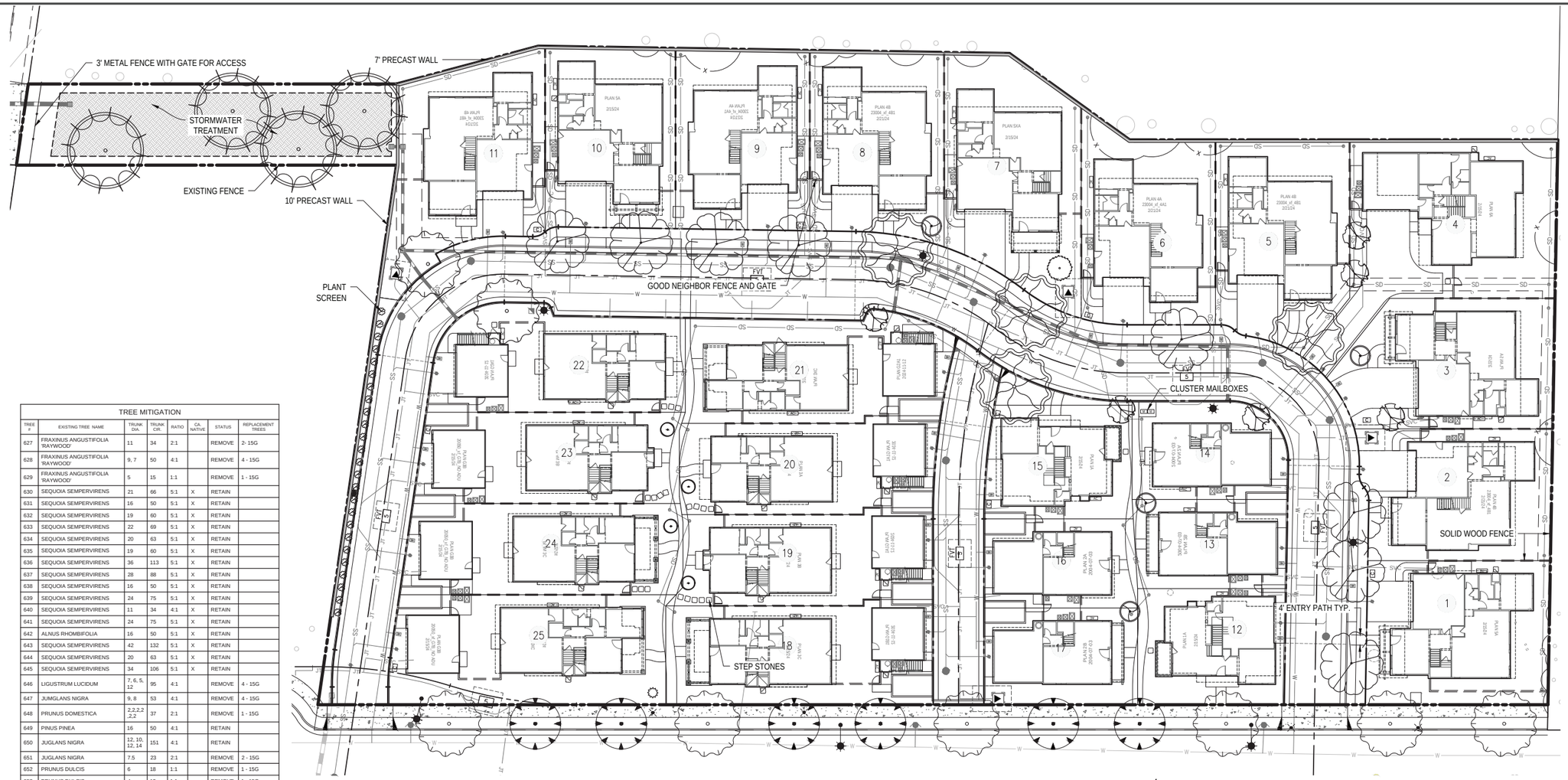
RIGHT ELEVATION

REAR ELEVATION

Source: Robert Hidey Architects, November 26, 2024.

CONCEPTUAL ELEVATION: PLAN G3A

FIGURE 3.2-9



TREE MITIGATION

TREE #	EXISTING TREE NAME	TRUNK DIA.	TRUNK CIR.	RATIO	CA. NATIVE	STATUS	REPLACEMENT TREES
627	FRAXINUS ANGUSTIFOLIA 'RAYWOOD'	11	34	2:1		REMOVE	2- 15G
628	FRAXINUS ANGUSTIFOLIA 'RAYWOOD'	9, 7	50	4:1		REMOVE	4 - 15G
629	FRAXINUS ANGUSTIFOLIA 'RAYWOOD'	5	15	1:1		REMOVE	1 - 15G
630	SEQUOIA SEMPERVIRENS	21	66	5:1	X	RETAIN	
631	SEQUOIA SEMPERVIRENS	16	50	5:1	X	RETAIN	
632	SEQUOIA SEMPERVIRENS	19	60	5:1	X	RETAIN	
633	SEQUOIA SEMPERVIRENS	22	69	5:1	X	RETAIN	
634	SEQUOIA SEMPERVIRENS	20	63	5:1	X	RETAIN	
635	SEQUOIA SEMPERVIRENS	19	60	5:1	X	RETAIN	
636	SEQUOIA SEMPERVIRENS	36	113	5:1	X	RETAIN	
637	SEQUOIA SEMPERVIRENS	28	88	5:1	X	RETAIN	
638	SEQUOIA SEMPERVIRENS	16	50	5:1	X	RETAIN	
639	SEQUOIA SEMPERVIRENS	24	75	5:1	X	RETAIN	
640	SEQUOIA SEMPERVIRENS	11	34	4:1	X	RETAIN	
641	SEQUOIA SEMPERVIRENS	24	75	5:1	X	RETAIN	
642	ALNUS RHOMBIFOLIA	16	50	5:1	X	RETAIN	
643	SEQUOIA SEMPERVIRENS	42	132	5:1	X	RETAIN	
644	SEQUOIA SEMPERVIRENS	20	63	5:1	X	RETAIN	
645	SEQUOIA SEMPERVIRENS	34	106	5:1	X	RETAIN	
646	LIGUSTRUM LUCIDUM	7, 6, 5, 12	95	4:1		REMOVE	4 - 15G
647	JUMGLANS NIGRA	9, 8	53	4:1		REMOVE	4 - 15G
648	PRUNUS DOMESTICA	2,2,2,2 ,2,2	37	2:1		REMOVE	1 - 15G
649	PINUS PINEA	16	50	4:1		RETAIN	
650	JUGLANS NIGRA	12, 10, 12, 14	151	4:1		RETAIN	
651	JUGLANS NIGRA	7,5	23	2:1		REMOVE	2 - 15G
652	PRUNUS DULCIS	6	18	1:1		REMOVE	1 - 15G
653	PRUNUS DULCIS	4	12	1:1		REMOVE	1 - 15G
654	PRUNUS DULCIS	1,1,1,1	12	1:1		REMOVE	1 - 15G
655	PRUNUS DULCIS	1,1,1,1 ,1	15	1:1		REMOVE	1 - 15G
656	ALBIZIA JULIBRISSIN	8	25	2:1		RETAIN	
657	CUPRESSUS SEMPERVIRENS	8	25	2:1		RETAIN	
658	CUPRESSUS SEMPERVIRENS	6	18	2:1		RETAIN	
659	CALLISTEMON VIMINALIS	8	28	2:1		RETAIN	
660	QUERCUS AGRIFOLIA	8	25	3:1	X	REMOVE	3 - 15G
661	CEDRUS DEODORA	10	31	2:1		RETAIN	
662	JUGLANS NIGRA	2,2,2,2 ,2,2	37	2:1		REMOVE	2 - 15G
663	JUGLANS NIGRA	29	91	4:1		REMOVE	4 - 15G
664	SCHINUS MOLLE	50	157	4:1		REMOVE	4 - 15G
665	PERSEA AMERICANA	8	25	2:1		REMOVE	2 - 15G
666	JUGLANS NIGRA	14, 10	75	4:1		REMOVE	4 - 15G
667	SCHINUS MOLE	8	25	2:1		REMOVE	2 - 15G
668	OLEA EUROPEA	2,2,2,2	25	1:1		REMOVE	1 - 15G
669	LYONOTHAMNUS FLORIBUNDUS SUBSP. ASPLENIFOLIUS	10	31	3:1		RETAIN	
670	LYONOTHAMNUS FLORIBUNDUS SUBSP. ASPLENIFOUUS	12	38	5:1	X	RETAIN	
671	SEQUOIA SEMPERVIRENS	13	41	5:1	X	RETAIN	
672	SEQUOIA SEMPERVIRENS	17	53	5:1	X	RETAIN	
673	SEQUOIA SEMPERVIRENS	38	119	5:1	X	RETAIN	
TOTAL: 44 - 15G REPLACEMENT TREES REQUIRED (OR 22 - 24" BOX TREES)						29 - 24"BOX AND 29 -15 GAL PROVIDED	

LEGEND

FENCE	GOOD NEIGHBOR, 7' TALL TYP.
GATE	PEDESTRIAN GATE
MAIL	CLUSTER MAILBOX UNITS
STEP STONES	TUMBLED STONE
TRASH BINS	
WALL	PRECAST SOUNDWALL,7' or 10' TALL

OFFSITE TREES

NAME	COUNT	WUCOLS	SIZE	NOTES
PISTACIA CHINENSIS 'KEITH DAVEY'	6	L	24"	STANDARD
QUERCUS AGRIFOLIA 24	6	VL	24"	STANDARD

0 10 20 40 80 Feet

SITE TREES

NAME	COUNT	WUCOLS	SIZE	NOTES
ACER NEGUNDO	4	M	15G	STANDARD
ACER PALMATUM VAR. DISECTUM 'EVER RED'	4	M	24"	MULTI
ARBUTUS 'MARINA'	8	L	24"	STANDARD
CERCIS RENIFORMIS 'OKLAHOMA'	4	L	24"	STANDARD
CITRUS AURANTIFOLIA	1	M	24"	
LAGERSTROEMIA X 'MUSKOGEE'	6	L	24"	STANDARD
PRUNUS CAROLINIANA 'BRIGHT N TIGHT'	25	L	15G	COLUMNS
PUNICA GRANATUM 'WONDERFUL'	1	L	24"	DWARF STANDARD
QUERCUS AGRIFOLIA 24	2	VL	24"	STANDARD
QUERCUS LOBATA	4	L	24"	STANDARD

Source: Design Focus, December 2, 2024.

CONCEPTUAL LANDSCAPE PLAN

FIGURE 3.2-10

Following completion of the project, 65 percent of the site (76,328 square feet) would be impervious surface. Project stormwater would connect to the Piedmont Road stormwater system after being filtered through a bioretention landscape. The project would replace the existing Piedmont Road driveway area with a bioretention area.

3.2.1 Utility Improvements

Utility services to the proposed project would be provided by the City of San José Sewers and Storm Drains Section, the San José Water Company, San José Clean Energy, and Pacific Gas & Electric (PG&E) via existing sewers, water lines, storm drains, and electrical and telecommunication lines in Sierra Road.

3.2.1 Roadway Improvements

The project would implement the following roadway, pedestrian, bicycle, and transit facility improvements (refer to section 4.17):

- Construct a 150-foot-long and 7-foot-wide Class II buffered northbound bike lane along Piedmont Road between Sierra Road and the existing driveway serving the gas station. The buffer would be 3 feet wide.
- Remove the pork-chop island on the northeast corner of the Piedmont Road/Sierra Road intersection and reconstruct/extend the curb line.
- Relocate the VTA bus stop along northbound Piedmont Road closer to the intersection of Piedmont Road/Sierra Road.

3.2.2 Green Building Features

Consistent with the City's Private Sector Green Building Policy, the project is required to be designed and constructed to achieve, at a minimum, the Build It Green's GreenPoint Rated checklist and meet a certification of 50 points. The project would meet this green building standard by incorporating such measures as installation of photovoltaic cells combined with all-electric energy use for all homes, high-efficiency lighting, low water use fixtures, and reduced exterior light pollution. The project's landscape would include a water-efficient irrigation system and low-water use plantings.

3.2.3 Construction

It is anticipated that the project would be constructed over an approximate 16-month period. Grading onsite would result in approximately 800 cubic yards of export and would require 7,398 cubic yards of import. It is assumed that approximately 616 hauling truck trips would be required. Construction equipment would be staged on the project site, as necessary.

Pursuant to Section 20.100.440 of the San Jose Municipal Code, construction is allowed within 500 feet of residences outside the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday if expressly allowed by a Development Permit or other planning approval. The project applicant requests extended construction hours on Saturdays between 8:00 a.m. and 5:00 p.m. as part of the Planned Development Permit application for the project. Construction activities on Saturday would be similar to weekday construction, however the project shall preclude demolition, rough grading, and roadway paving.

Section 4.0 Environmental Setting, Checklist, and Impact Discussion

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

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

The discussion for each environmental subject includes the following subsections:

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

4.1 Aesthetics

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in San José. Interstate 280 from the San Mateo County line to State Route (SR) 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.[7]

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

Local

Envision San José 2040 General Plan

The 2040 General Plan identifies "gateways", freeways, and rural scenic corridors where preservation and enhancement of views of the natural and man-made environment are crucial. The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to aesthetics and are applicable to the project.

Policy	Description
CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public

[7] California Department of Transportation. "Scenic Highways." Accessed June 13, 2023. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

Policy	Description
	street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
CD-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).

Municipal Code

The City's Municipal Code includes several regulations associated with protection of the City's visual character and control of light and glare. For example, Chapter 13.32 (Tree Removal Controls) regulates the removal of trees on private property within the City, in part to promote the scenic beauty of the city.

Several sections of the Municipal Code include controls for lighting of signs and development adjacent to residential properties. These requirements call for floodlighting to have no glare and lighting facilities to be reflected away from residential use so that there will be no glare.

The City's Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements.

City Design Guidelines and Design Review Process

Nearly all new private development is subject to a design review process (architecture and site planning). The design review process is used to evaluate projects for conformance with adopted design guidelines and other relevant policies and ordinances. The City prepared and adopted guidelines to assist those involved with the design, construction, review and approval of development in San José. Adopted design guidelines include: Residential, Industrial, Commercial, Downtown/Historic, and Downtown Design Guidelines.

City Council Policy 4-2: Public Streetlights

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. Light is to be directed downward and outward. New and replacement streetlights should also offer the ability to change the color of the light from full spectrum (appearing white or near white) in the early evening to a monochromatic light in the later hours of the night and early morning. At a minimum, full-spectrum lights should be able to be dimmed by at least 50 percent in late night hours.

City Council Policy 4-3: Outdoor Lighting on Private Developments

Council Policy 4-3 requires private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Low-pressure sodium lighting is required unless a photometric study is done, and the proposed lighting referred to Lick Observatory for review and comment. One of the purposes of this policy is to provide for the continued enjoyment of the night sky and for continuing operation of Lick Observatory, by reducing light pollution and sky glow.

4.1.1.1 *Existing Conditions*

Project Site

The approximately 2.7-acre project site is located in North San José, in the Berryessa neighborhood, at the northeast corner of Sierra Road to the south and Piedmont Road to the west. The project site is currently developed with three one-story industrial buildings, a one-and-a-half-story residential building, and five associated accessory structures (refer to Photos 1 & 2). The onsite buildings were all constructed during the 1930s through the 1980s and are vernacular[8] in character with no predominant architectural style. The project site operates as a distribution center and retail front for the Olivera Egg Ranch.

There are a total of 19 trees on the project site, including six ordinance-sized trees. Additionally, there are 27 trees up against the property line, including 20 ordinance-sized trees.

Surrounding Area

The project site is in an urban, developed area of San José. The project area is a mix of architectural styles, including stucco clad utilitarian commercial properties, contemporary multi-story apartment buildings, and one- and two-story single-family residential buildings. Single family residential buildings consisting of a mix of architectural styles are located to the south of the project site. A contemporary, three-story apartment building complex (Quail Hills) is also located to the south of the project site. Two-story town dwelling units are located to the north of the project site. To the west, there are two gas stations, and a variety of one-story commercial buildings. To the east of the project site is the Berryessa Alliance Church and larger undeveloped lots.

Scenic Views

The General Plan defines scenic vistas or resources in the City of San José as broad views of the Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the Baylands. Panoramic views of hillside areas, including the foothills of the Diablo Range, Silver Creek Hills, Santa Teresa Hills, and foothills of the Santa Cruz Mountains, are identified as key scenic features in the City. The project site offers views of the Diablo Range to the east (refer to Photo 3).

[8] Vernacular architecture is an architectural style that is designed based on local needs, availability of construction materials and reflecting local traditions.

Photo 1: View of Project Site from Sierra Road

Photo 2: View of Existing Single-Family Residence

PHOTOS 1 & 2

Photo 3: View of East Foothills

PHOTO 3

Scenic Corridors and Highways

The City's General Plan identifies Gateways and Urban Throughways (urban corridors) where preservation and enhancement of views of the natural and man-made environment are crucial.[9] Sierra Road (from its intersection with Piedmont Road) is a designated Rural Scenic Corridor.[10] Caltrans' California Scenic Highway Mapping System lists one Officially Designated Scenic Highway in Santa Clara County; there are no state-designated scenic highways in the City of San José.[11] In Santa Clara County, the one State-designated scenic highway is SR 9 from the Santa Cruz County line to the Los Gatos City Limit, approximately 14 miles southwest of the project site. Eligible State Scenic Highways (not officially designated) include: SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9, and the entire length of SR 152 within the County.[12] Interstate 280 from the San Mateo County line to SR 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway. The project site is 7.7 miles northeast of the SR 17 segment within San José.

Light and Glare

Sources of light and glare are abundant in the urban environment of the project site and project area, including but not limited to streetlights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows.

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒

[9] City of San José. *Envision San José 2040 General Plan FPEIR.* Page 739. September 2011.
[10] City of San José. "Scenic Corridors Diagram". Accessed June 14, 2023. https://www.sanjoseca.gov/home/showpublisheddocument/22565/636688980487230000.
[11] California Department of Transportation. "Scenic Highway Guidelines." Accessed June 15, 2023. https://dot.ca.gov/-/media/dot-media/programs/design/documents/scenic-hwy-guidelines-04-12-2012.pdf.
[12] California Department of Transportation. "Scenic Highways." June 14, 2023. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? 13 If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

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

The project site is flat and prominent views of the Diablo foothills are available. The project site is currently developed with several one-story industrial buildings and a residential building. The project would demolish the existing structures and construct 25 two- and two and half a half-story single-family detached dwelling units and up to five ADUs. The detached single-family dwelling units would be approximately 26 to 32 feet in height, which is consistent with other development in the area. Therefore, the project would not result in an adverse effect on a scenic vista since the project area already supports a mixture of commercial and residential buildings, ranging from one to two stories. **(Less than Significant Impact)**

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

The project site is not located along a State-designated scenic highway. The nearest state-designated highway is SR 9, located more than 14 miles southwest of the project site. Therefore, implementation of the proposed project would not damage any scenic resources, such as trees, rock outcroppings, and historic buildings within a State scenic highway. **(No Impact)**

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

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

The project site is located within an urbanized area of San José. Although the City's Zoning Ordinance does not include regulations governing scenic quality, the proposed project would comply with Title 20 of the City's Municipal Code and would be subject to design review conducted as part of the development permit review process to ensure that it conforms with all adopted design guidelines and other relevant policies and ordinances. For these reasons, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality of the City. **(Less than Significant Impact)**

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

Light and glare on the project site and within the vicinity of the project site is typical for urbanized areas, including headlights, streetlights, parking lot lights, security lights, and reflective surfaces such as windows. As required by City Council Policy 4-3, all project lighting would be fully shielded and not directed skyward. Further, the project would be subject to the light and glare related measures identified in the City's Single-Family Design Guidelines. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. **(Less than Significant Impact)**

4.2 Agriculture and Forestry Resources

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is identified as Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.[14]

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.[15]

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[16] Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.[17]

[14] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed June 14, 2023. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[15] California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.
[16] Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).
[17] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed June 14, 2023. http://frap.fire.ca.gov/.

4.2.1.2 *Existing Conditions*

The project site has operated as a distribution center and retail front for the Olivera Egg Ranch since the late 1950s. Prior to that, the site was developed with an apricot orchard. The project site is located within an urbanized area of Santa Clara County, and the project site is designated as Urban and Built-Up Land by the California Department of Conservation.[18] Common examples of Urban and Built-Up Land include urban residential, industrial, and commercial uses; golf courses; landfills; airports; sewage treatment; and water control structures. The site is not the subject of a Williamson Act contract.[19] No land adjacent to the project site is designated or used as farmland, timberland, or forest land.

4.2.2 Impact Discussion

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

[18] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed June 14, 2023. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[19] County of Santa Clara. *Williamson Act Properties*. Accessed June 14, 2023. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce.

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

As discussed in Section 4.2.1.2, there is no designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on or near the site. Therefore, the project would not convert designated farmland to non-agricultural use. **(No Impact)**

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

While the project site is not under a Williamson Act contract, it is zoned (A) Agricultural, which is intended for a wide range of agricultural and agricultural resource-related uses. As discussed in Section 4.2.1.2, the project site has operated as a distribution center and retail front for the Olivera Egg Ranch since the late 1950s. The project would demolish the existing structures and construct 25 single-family detached dwelling units and up to five ADUs consistent with the sites underlying General Plan land use designation (Residential Neighborhood). The applicant proposes to rezone the site to Planned Development. The new PD zoning would allow single-family residential consistent with the R-1-8 Single-Family Residential zoning district. For these reasons, the project would not conflict with zoning for an agricultural use or a Williamson Act contract. **(Less than Significant Impact)**

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

The project site is not zoned for forestland, timberland, or timberland zoned Timberland Production. The project would not impact these resources by conflicting with existing zoning for forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

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

The project site does not contain land uses that could serve as forest land. Therefore, the project would not result in the conversion of forest land to non-forest uses. **(No Impact)**

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

As previously discussed, the project site has operated as a distribution center and retail front for the Olivera Egg Ranch since the late 1950s. The project would demolish the existing structures and

construct 25 single-family detached dwelling units and up to five ADUs consistent with the sites underlying General Plan land use designation (Residential Neighborhood). The applicant proposes to rezone the site to Planned Development. The new PD zoning would allow single-family residential consistent with the R-1 Single-Family Residential zoning district. The project would not result in the conversion of forest land to non-forest uses. **(Less than Significant Impact)**

4.3 Air Quality

The following discussion is based, in part, on a Construction Air Quality and Health Risk Assessment prepared by Illingworth & Rodkin, Inc. A copy of the report, dated February 22, 2024, is attached to this Initial Study as Appendix A.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Criteria air pollutants are pollutants that have established federal or state standards for outdoor concentrations to protect public health. Pursuant with the federal and state Clean Air Act, the United States Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established and enforce the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS), respectively. The NAAQS and CAAQS address the following criteria air pollutants: ozone (O_3), nitrogen dioxide (NO_2), carbon monoxide (CO), particulate matter with a diameter of 10 microns or less (PM_{10}), particulate matter with a diameter of 2.5 micros or less ($PM_{2.5}$), sulfur dioxide (SO_2), and lead. The CAAQS also includes visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride.

Toxic Air Contaminants

Toxic air contaminants (TACs) include airborne chemicals that are known to have short- and long-term adverse health effects. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Unlike criteria air pollutants, which have a regional impact, TACs are highly localized and regulated at the individual emissions source level.

DPM is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[20] Chemicals in diesel exhaust, such as benzene and formaldehyde, are also TACs identified by the CARB.

An overview of the sources of criteria pollutants and TACs, as well as their associated health effects, is provided in Table 4.3-1 below.

[20] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed November 17, 2023. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

Table 4.3-1: Sources and Health Effects of Criteria Air Pollutants and Toxic Air Contaminants

Pollutants	Description and Sources	Primary Effects
Ozone (O_3)	O_3 is a secondary criteria air pollutant that is the result of a photochemical (sunlight) reaction between reactive organic gases (ROG) and nitrogen oxides (NO_x). Pollutants emitted by motor vehicles, power plants, industrial boilers, refineries, and chemical plants are the common source for this reaction. High O_3 levels are caused by the cumulative emissions of ROG and NO_x. These precursor pollutants react under certain meteorological conditions to form high O_3 levels. Commons sources of ROG and NO_x are vehicles, industrial plants, and consumer products.	Aggravation of respiratory and cardiovascular diseases Irritation of eyes Cardiopulmonary function impairment
Nitrogen Dioxide (NO_2)	NO_2 is a reactive gas that combines with nitric oxide (NO) to form NO_x. NO_2 the byproduct of fuel combustion with common sources of NO_2 being emissions from cars, trucks, buses, power plants, and off-road equipment. Sources of NO_2 include motor vehicle exhaust, high temperature stationary combustion, and atmospheric reactions.	Aggravation of respiratory illness Reduced visibility
Carbon Monoxide (CO)	CO is a colorless, odorless, and toxic gas that is the product of incomplete combustion of carbon-containing substances (e.g., when something is burned). Common outdoor sources of CO include mobile vehicles (passenger cars and trucks) and machinery that burn fossil fuels.	Interferes with oxygen delivery to the body's organ due to binding with the hemoglobin in the blood Fatigue, headaches, confusion, and dizziness
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Particulate Matter is any material that is emitted as liquid or solid particles or a gaseous material, such as dust, soot, aerosols, and fumes. PM_{10} and $PM_{2.5}$ are both small enough particulates to be inhaled into the human lungs, and $PM_{2.5}$ is small enough to deposit into the lungs, which poses an increased health risk compared to PM_{10}. Typical sources of particular matter include stationary combustion of solid fuels, construction activities, vehicles, industrial processes, and atmospheric chemical reactions.	Reduced lung function, especially in children Aggravation of respiratory and cardiorespiratory diseases Increased cough and chest discomfort Reduced visibility
Sulfur Dioxide (SO_2)	SO_2 is a pungent and colorless gaseous pollutant the is part of the sulfur oxides (SO_x) group and is the pollutant of greatest concern in the SO_x group. SO_x can react with other compounds in the atmosphere to form small particles. These particles contribute to particulate matter pollution. SO_2 is primarily formed from fossil fuel combustion at power plants and other industrial facilities. Sources of SO_2 include motor vehicles, locomotives, ships, and off-road diesel equipment that are operated with fuels that contain high levels of sulfur. Industrial processes, such as natural gas and petroleum extraction, oil refining, and metal processing.	Aggravation of respiratory illness Respiratory irritation such as wheezing, shortness of breath and chest tightness Increased incidence of pulmonary symptoms and disease, decreased pulmonary function

Pollutants	Description and Sources	Primary Effects
Lead	Lead is a naturally occurring element that can be found in all parts of the environment including the air, soil, and water. As an air pollutant, lead is present in small particles. The most common historic source of lead exposure was the past use of leaded gasoline in motor vehicles. The exhaust resulting from use of leaded gasoline would release lead emissions into the air. Now, major sources of lead in the air are from ore and metals processing plants and piston-engine aircraft operating on leaded aviation fuel. Other sources are waste incinerators, utilities, and lead-acid battery manufacturers. The highest air concentrations of lead are usually found near lead smelters.	Adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems and the cardiovascular system
Toxic Air Contaminants (TACs)	TACs include certain air pollutants known to increase the risk of cancer and/or other serious health effects that range from eye irritation, respiratory issues, and neurological damage. Sources of TAC include, but are not limited to, cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; and building materials and products.	Cancer Chronic eye, lung, or skin irritation Neurological and reproductive disorders

Sensitive Receptors

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

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the EPA is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously): PM, O_3, CO, SO_2, NO_2, and lead.[21]

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

[21] NO_x is the group of nitrogen compounds (NO_2 and nitric oxide [NO]) that typically represents NO_2 emissions because NO_2 emissions contribute the majority of NO_x exhaust emissions emitted from fuel combustion.

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

Diesel Risk Reduction Plan

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

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how federal and state air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan. The 2017 Clean Air Plan focuses on the following two related BAAQMD goals and how to achieve them:

Protect air quality and health at the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TAC; and
Protect the climate by reducing Bay Area GHG emissions 40 percent below 1990 levels by 2040 and 80 percent below 1990 levels by 2050.[22]

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures. The latest CEQA Air Quality Guidelines are the 2022 CEQA Air Quality Guidelines adopted on April 20, 2023 by the Air District Board of Directors.

[22] Bay Area Air Quality Management District. *Final 2017 Clean Air Plan.* April 19, 2017. Page 12.

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to air quality and are applicable to the project and are applicable to the project. In addition, goals and policies throughout the 2040 General Plan encourage a reduction in vehicle miles traveled through land use, pedestrian, bicycle, and transit access improvements; parking strategies that reduce automobile travel through parking supply and pricing management; and requirements for Transportation Demand Management programs for large employers.

Policy	Description
MS-10.1	Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
MS-10.5	In order to reduce vehicle miles traveled and traffic congestion, require new development within 2,000 feet of an existing or planned transit station to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.
MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
MS-11.2	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.
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.
MS-11.4	Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.
MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
MS-11.7	Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.
MS-11.8	For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes

Policy	Description
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.
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.
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's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.3.1.3 *Existing Conditions*

Air quality is determined by the concentration of various pollutants in the atmosphere. The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin.

The project is located in Santa Clara County, which is in the San Francisco Bay Area Air Basin. The Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM_{10}), and fine particulate matter ($PM_{2.5}$).

The closest sensitive receptors to the project site are the multi-family residences adjacent to the north and the single-family residences adjacent to the east of the project site as well as the single- and multi- family residences surrounding the site. Additionally, there are children located at the Piedmont Hills High School northwest of the project site.

4.3.2 Impact Discussion

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

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

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the air quality thresholds updated by BAAQMD in April 2023 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2 below. Table 4.3-3 below lists the BAAQMD health risk and hazards thresholds for single-source and cumulative-sources.

Table 4.3-2: BAAQMD Air Quality Significance Thresholds

Criteria Air Pollutant	**Construction Thresholds***	**Operation Thresholds**	**Operation Thresholds**
	Average Daily Emissions (pounds/day)	**Average Daily Emissions (pounds/day)**	**Annual Average Emissions (tons/year)**
ROG and NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	

Criteria Air Pollutant	Construction Thresholds*	Operation Thresholds	Operation Thresholds
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)

Notes: ROG = reactive organic gases; NO_X = oxides of nitrogen; PM_{10} = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; $PM_{2.5}$= fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; CO = carbon monoxide

* The Air District recommends for construction projects that require less than one year to complete, lead agencies should annualize impacts over the scope of actual days that peak impacts would occur rather than over the full year. Additionally, for phased projects that results in concurrent construction and operational emissions. Construction-related exhaust emissions should be combined with operational emissions for all phases where construction and operations overlap.

Source: Bay Area Air Quality Management District. *2022 California Environmental Quality Act Air Quality Guidelines*. April 2023. Pages 3-5 and 3-6.

Table 4.3-3: BAAQMD Health Risks and Hazards Thresholds

Health Risk	Single Source	Combined Cumulative Sources
Cancer Risk	10 per one million	100 per one million
Non-Cancer Hazard Index	1.0	10.0
Annual $PM_{2.5}$ Concentration	0.3 µg/m^3	0.8 µg/m^3 (average)

Notes: µg/m^3 = micrograms per cubic meter; $PM_{2.5}$= fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less

Thresholds are applicable to construction and operational activities.

Source: Bay Area Air Quality Management District. *2022 California Environmental Quality Act Air Quality Guidelines*. April 2023. Pages 3-5 and 3-6.

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

The BAAQMD CEQA Air Quality Guidelines set forth criteria for determining consistency with the CAP. In general, a project is considered consistent if, a) the plan supports the primary goals of the CAP; b) includes relevant control measures; and c) does not interfere with implementation of CAP control measures.

2017 Clean Air Plan

The proposed project would not conflict with the 2017 CAP because it would not result in the generation of construction criteria air pollutants and/or precursors that exceed the thresholds shown in Table 4.3-2 (refer to discussion below). In addition, the 25 single-family residences proposed would be below BAAQMD's operational criteria pollutant screening threshold of 421 dwelling units; therefore, it is assumed the project would not result in a significant operational criteria pollutant impact.[23] Thus, the project is not required to incorporate project-specific control

[23] Bay Area Air Quality Management District. *2022 CEQA Guidelines*. April 2023. Page 4-4.

measures listed in the 2017 CAP. Further, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. The project would comply with the 2017 Clean Air Plan.

Criteria Pollutant Emissions

Project construction and operation would generate regional criteria pollutants that would contribute to cumulative regional air quality impacts. In its CEQA Air Quality Guidelines, BAAQMD developed screening criteria to provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts. BAAQMD's construction-related criteria pollutant screening threshold for single-family residential development is 254 dwelling units, and the operational criteria pollutant screening threshold is 421 dwelling units.[24]

Construction

BAAQMD guidance requires construction criteria pollutant emissions be quantified for all construction projects that require demolition and excavation and/or are above BAAQMD construction screening size criteria. Therefore, the project's construction criteria pollutant emissions were modeled using the California Emissions Estimator model (CalEEMod) Version 2022. Construction emissions were modeled based on equipment list and schedule information provided by the applicant. Details about the equipment list, construction schedule, modeling, data inputs, and assumptions are included in Appendix A. Table 4.3-4 shows the estimated daily air emissions from construction of the proposed project.

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

Year	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
2024 (104 construction workdays)	0.40	4.60	0.16	0.14
2025 (311 construction workdays)	6.20	2.19	0.07	0.06
BAAQMD Threshold	54	54	54	54
Exceed Threshold?	No	No	No	No

As shown in Table 4.3-4 above, the project's construction period criteria pollutant emissions would not exceed the BAAQMD significance thresholds. The City requires, as a standard permit condition, the implementation of the following BAAQMD construction Best Management Practices (BMPs), which are routinely applied to construction projects throughout the Bay Area, to reduce construction air quality impacts:

[24] Bay Area Air Quality Management District. *2022 CEQA Guidelines*. April 2023. Page 4-4.

Standard Permit Condition – 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 all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
ii. Cover all haul trucks transporting soil, sand, or other loose material off-site.
iii. Remove all visible mud or dirt trackout onto adjacent public roads at least once per day using wet power vacuum street sweepers. The use of dry power sweeping is prohibited.
iv. Limit all vehicle speeds on unpaved roads to 15 mph.
v. Pave all new 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. Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.
viii. Wash off all trucks and equipment, including their tires, prior to leaving the site.
ix. Treat unpaved roads providing access to sites located 100 feet or further from a paved road with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
x. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than two minutes (A 5-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at all access points to the site.
xi. Maintain and properly tune all construction equipment in accordance with the manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
xii. Post a publicly visible sign with the name and phone number of an on-site construction coordinator to contact regarding dust complaints. The on-site construction coordinator shall respond and take corrective action within 48 hours. The sign shall also provide the City's Code Enforcement Complaints email and number and the Air District's General Air Pollution Complaints number to ensure compliance with applicable regulations.

The project, with the implementation of the standard permit condition listed above, would reduce fugitive dust emissions to a less than significant level by controlling dust and exhaust, limiting exposed soil surfaces, and reducing PM_{10} and $PM_{2.5}$ exhaust emissions from construction equipment. Therefore, the project would have a less than significant criteria pollutant emissions impact and would not conflict with or obstruct implementation of the Bay Area 2017 CAP.

Operation

Operational period criteria pollutant emissions associated with the project would be generated primarily from vehicles driven by future residents. The 25 single-family residences proposed would be below BAAQMD's operational criteria pollutant screening threshold of 421 dwelling units.[25] Per BAAQMD, if a project proposes less development than the screening criteria, it can be

[25] Bay Area Air Quality Management District. *2022 CEQA Guidelines*. April 2023. Page 4-4.

conservatively assumed the project would not result in a significant air quality impact. Therefore, emissions from project operation would not exceed BAAQMD's operational criteria air pollutant emissions thresholds.

For these reasons, the project would not disrupt or hinder the implementation of the 2017 BAAQMD CAP. **(Less than Significant Impact)**

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

As discussed under checklist question a), the project size is below the BAAQMD screening threshold for operational criteria air pollutant emissions, which conservatively means its operational emissions would not exceed BAAQMD's operational criteria air pollutant emissions thresholds. In addition, based on the project's computed construction criteria pollutant emissions (refer to Table 4.3-4) and the BAAQMD construction BMPs that would be implemented during construction activities, construction criteria pollutant impacts would also be below BAAQMD's emission thresholds. Because the project would have less than significant criteria pollutant impacts, it would not result in a cumulatively considerable contribution to any criteria pollutants for which the region is in non-attainment. **(Less than Significant Impact)**

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

Community Health Risk

Construction activity and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC and could pose a health risk to nearby sensitive receptors. A construction community health risk assessment was prepared to address project construction impacts on the surrounding off-site sensitive receptors within 1,000 feet of the project site.

Community Risk from Project Construction

The primary community risk impact issue associated with construction emissions are cancer risk from TACs and exposure to $PM_{2.5}$. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. The maximum modeled annual DPM and $PM_{2.5}$ concentrations were identified at nearby sensitive receptors to find the maximum exposed individuals (MEIs). The construction MEI was identified at a single-family home south of the construction site (as shown in Figure 4.3-1). Additionally, modeling was conducted to predict the cancer risks, non-cancer health hazards, and maximum $PM_{2.5}$ concentrations associated with construction activities at the nearby Piedmont Hills High School. The project's construction risk impacts are shown in Table 4.3-5 below.

Table 4.3-5: Construction Impacts at the Off-Site MEI and School Receptor

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ (ug/m_3)	Hazard Index
MEI			
Project Construction	4.84 (infant)	0.04	<0.01
BAAQMD Single-Source Threshold	10	0.3	1.0
Exceed Threshold?	No	No	NO
Piedmont Hills High School			
Project Construction	0.09 (child)	<0.01	<0.01
BAAQMD Single-Source Threshold	10	0.3	1.0
Exceed Threshold?	No	No	No

As shown in Table 4.3-5, the maximum cancer risks, annual $PM_{2.5}$ concentration and Hazard Index from project construction activities at the MEI location and nearby school would not exceed the BAAQMD single-source significance threshold.

Source: Illingworth & Rodkin, Inc., November 1, 2023.

LOCATIONS OF PROJECT CONSTRUCTION SITE, OFF-SITE SENSITIVE RECEPTORS, AND MAXIMUM TAC IMPACT (MEI) | FIGURE 4.3-1

Criteria Air Pollutants

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards, and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the 2022 BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, like the proposed project (see discussion under checklist questions a) and b), it is assumed to have no adverse health effect. **(Less than Significant Impact)**

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

Odors are generally considered an annoyance rather than a health hazard. Land uses that have the potential to be sources of odors that generate complaints include, but are not limited to, wastewater treatment plants, landfills, composting operations, and food manufacturing facilities. Construction of the proposed project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors; however, diesel exhaust have highly diffusive properties, and the odors would be localized and temporary. During operations, the proposed residential project would not generate objectionable odors. The project would, therefore, not create objectionable odors that would affect a substantial number of people off-site. **(Less than Significant Impact)**

4.3.3 Non-CEQA Effects

Per California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing air quality conditions affecting a proposed project.

Pursuant to General Plan policies MS-10.1, MS-11.1, and MS-11.2, a health risk assessment was prepared to ensure that future sensitive receptors on-site are not exposed to substantial TAC emissions. The same TAC sources identified previously were used in this health risk assessment.

Operational Community Risk Impacts – New Residences

Figure 4.3-2 below shows the project site and the nearby TAC and $PM_{2.5}$ sources, as well as construction risks from the nearby development. Table 4.3-6 below provides a summary of nearby TAC and $PM_{2.5}$ sources of air pollution.

Table 4.3-6: Impacts from Cumulative Sources to Project Site Receptors

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ (ug/m^3)	Hazard Index
Cumulative Roadways – BAAQMD Screening Raster Data	8.02	0.18	0.03
City of San Jose Fire Station #19 (Facility #19765 Generator), Project Site at 300 feet	0.02	-	-
Piedmont Shell (Facility #112260, Gas Dispensing Facility), Project Site at 240 feet	6.45	-	0.15
Rotten Robbie #43 (Facility #104098, Gas Dispensing Facility), AERMOD Modeled	8.80	-	0.07
BAAQMD Single-Source Threshold	**10**	**0.3**	**1.0**
Exceed Threshold?	No	No	No
Cumulative Total	23.29	0.18	0.22
BAAQMD Cumulative Source Threshold	**100**	**0.8**	**10.0**
Exceed Threshold?	No	No	No

As shown in Table 4.3-6 above, none of the sources exceeds the cancer risk single-source and cumulative thresholds at the project site.

Source: Illingworth & Rodkin, Inc., February 22, 2024.

PROJECT SITE, NEARBY CUMULATIVE SOURCES, AND ON-SITE MEIS | FIGURE 4.3-2

4.4 Biological Resources

The following discussion is based, in part, on a Tree Inventory, Assessment and Project Report prepared by Monarch Consulting Arborists. The report, dated February 17, 2023 (revised December 3, 2024), is attached to this Initial Study as Appendix B.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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

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

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. This includes direct and indirect acts, except for harassment and habitat modification, which are not included unless they result in direct loss of birds, nests, or eggs. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, State, and local regulations, and are generally subject to

regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

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

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

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

Envision San José 2040 General Plan

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

Policy	Description
CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

ER-6.3	Employ low-glaring lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.
ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species

City of San José Municipal Code

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

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

4.4.1.2 *Existing Conditions*

The approximately 2.7-acre project site operates as a distribution center and retail front for the Olivera Egg Ranch. The project site is currently developed with three one-story industrial buildings, a one-and-a-half-story residential building, and five utilitarian structures.

Habitats primarily associated with Bay Area special-status species, such as riparian, wetland, salt marsh, freshwater marsh, and serpentine grassland habitats, are not present on-site. The primary biological resources on the sites are trees. As part of the Tree Report (see Appendix B) completed for the project site, a tree survey was completed. There are a total of 46 trees on or adjacent to the site, including 19 on-site trees (six ordinance-sized) and 27 off-site trees (20 ordinance-sized). The trees are comprised of 17 different species. The species of tree and specification of each tree are summarized in Table 4.4-1 below and the locations of the trees are shown on Figure 4.4-1.

Table 4.4-1: Summary of On- and Off-site Trees

Tree Number	Common Name	Diameter (inches)	Condition	Status	On- or Off-Site	Proposed For Removal
627	Raywood ash	11	Good	--	On	Yes
628	Raywood ash	9, 7	Fair	Ordinance size	On	Yes
629	Raywood ash	5	Good	--	On	Yes
630	Coast redwood	21	Very Poor	Ordinance size	Off	Yes
631	Coast redwood	16	Very Poor	Ordinance size	Off	Yes
632	Coast redwood	19	Very Poor	Ordinance size	Off	Yes
633	Coast redwood	22	Very Poor	Ordinance size	Off	Yes
635	Coast redwood	19	Fair	Ordinance size	Off	Yes
636	Coast redwood	36	Fair	Ordinance size	Off	Yes
637	Coast redwood	28	Fair	Ordinance size	Off	Yes
638	Coast redwood	16	Fair	Ordinance size	Off	Yes
639	Coast redwood	24	Poor	Ordinance size	Off	Yes
640	Coast redwood	11	Fair	--	Off	Yes

Tree Number	Common Name	Diameter (inches)	Condition	Status	On- or Off-Site	Proposed For Removal
641	Coast redwood	24	Fair	Ordinance size	Off	Yes
642	Alder	16	Poor	Ordinance size	Off	Yes
643	Coast redwood	32	Good	Ordinance size	Off	Yes
644	Coast redwood	20	Good	Ordinance size	Off	Yes
645	Coast redwood	34	Good	Ordinance size	Off	Yes
646	Glossy privet	7, 6, 5, 12	Fair	Ordinance size	On	Yes
647	Black walnut	9, 8	Poor	Ordinance size	On	Yes
648	Plum	6	Poor	--	On	Yes
649	Stone pine	16	Poor	Ordinance size	Off	No
650	Black walnut	12, 10, 12, 14	Poor	Ordinance size	Off	No
651	Black walnut	7.5	Fair	--	On	Yes
652	Almond	6	Poor	--	On	Yes
653	Almond	4	Poor	--	On	Yes
654	Almond	4	Poor	--	On	Yes
655	Almond	5	Poor	--	On	Yes
656	Silk tree	8	Fair	--	Off	No
657	Italian cypress	8	Good	--	Off	No
658	Italian cypress	6	Good	--	Off	No
659	Bottle brush	8	Good	--	Off	No
660	Coast live oak	8	Fair	--	On	Yes
661	Deodar cedar	10	Good	--	Off	No
662	Black walnut	6	Dead	--	On	Yes
663	Black walnut	29	Poor	Ordinance size	On	Yes
664	Peruvian pepper	50	Very Poor	Ordinance size	On	Yes

Tree Number	Common Name	Diameter (inches)	Condition	Status	On- or Off-Site	Proposed For Removal
665	Avocado	8	Poor	--	On	Yes
666	Black walnut	14, 10	Fair	Ordinance Size	On	Yes
667	Peruvian pepper	8	Poor	--	On	Yes
668	Olive	4	Good	--	On	Yes
669	Catalina ironwood	10	Good	--	Off	No
670	Catalina ironwood	12	Good	Ordinance size	Off	No
671	Coast redwood	13	Good	Ordinance size	Off	Yes
672	Coast redwood	17	Good	Ordinance size	Off	Yes
673	Coast redwood	38	Good	Ordinance size	Off	Yes

Source: Civil Engineering Associates, November 27, 2024.

TREE DISPOSITION MAP | FIGURE 4.4-1

The project site is within the Habitat Plan study area and is designated as Urban-Suburban land.[26] Urban-Suburban land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres.

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☒	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
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?	☐	☐	☒	☐

[26] Santa Clara Valley Habitat Agency. "GIS Data & Key Maps." Accessed June 14, 2023. https://scv-habitatagency.org/193/GIS-Data-Key-Maps.

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

The environment surrounding the project site is developed and does not provide habitats suitable for candidate, sensitive, or special status species as identified in local or regional plans, policies, or regulations, or by the CDFW or USFWS. The proposed project would remove 19 of the on-site trees and 18 trees adjacent to the project site, which may provide nesting and/or foraging habitat for migratory birds, including raptors.

Migratory birds, like nesting raptors, are protected under the Migratory Bird Treaty Act and CDFW Code Sections 3503, 3503.5, and 3800. The CDFW defines "taking" as causing abandonment and/or loss of reproductive efforts through disturbance. Construction activities on the project site could result in the loss of eggs or nests. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

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

Mitigation Measures:

MM BIO-1.1: Prior to the issuance of any tree removal, demolition, grading, and/or building permits (whichever occurs first), the project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31 (inclusive).

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

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

MM BIO-1.4: Prior to any issuance of tree removal, demotion, or grading and/or building permits (whichever occurs first), the ornithologist shall submit a report indicating the results

of the survey and any designated buffer zones to the City's Director of Planning, Building and Code Enforcement or the Director's designee.

Implementation of mitigation measure MM BIO-1.1 would ensure that construction of the project takes place outside of the nesting season, thus avoiding any incidental loss of fertile eggs or nestlings, or nest abandonment. Alternatively, if demolition and construction cannot be scheduled between September 1 and January 31, the implementation of mitigation measures MM BIO-1.2 through MM BIO-1.4 would identify and protect all active nests within the project's area of effect from being disturbed during construction. For these reasons, the project with the implementation of mitigation measures MM BIO-1.1 through MM BIO-1.4 would not result in significant impacts to nesting birds. **(Less than Significant Impact with Mitigation Incorporated)**

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

There are no streams, creeks, waterways or wetlands located immediately adjacent to the site. The nearest riparian habitat to the project site is Sierra Creek, located approximately 900 feet southeast. The City's Riparian Corridor Policy and the Valley Habitat Plan Conditions on Covered Activities pertaining to riparian corridors do not regulate development for compatibility with a riparian corridor at such a distance. As a result, implementation of the project would not adversely affect any riparian habitat or other sensitive natural community.**(Less than Significant Impact)**

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

The project site and the area adjacent to the project site do not contain State or federally protected wetland areas. Therefore, the project would not impact state or federally protected wetlands. **(No Impact)**

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

The project site is developed with existing buildings and operates as a distribution center and retail front for the Olivera Egg Ranch. Migratory movements of animal species are most often associated with riparian corridors. The project site is not adjacent to any streams or waterways. The nearest waterway is Sierra Creek, which is approximately 900 feet southeast of the project site. For these reasons, the project would not interfere with migratory fish or wildlife species. **(Less than Significant Impact)**

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

The City of San José maintains the urban landscape by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). Removal of trees would be required to conform to the replacement requirements as identified in the Municipal Code Section 13.28.300, General Plan Policies MS-21.4, MS-21.5, MS-21.6 and CD-1.24 and City of San José Tree Removal Ordinance (Municipal Code Section 13.31.010 to 13.32.100).

Standard Permit Conditions:

Trees removed for the project shall be replaced at ratios required by the City, as stated in Table 4.4-2 below, as amended.

Table 4.4-2: 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

*x:x = tree replacement to tree loss ratio

Note: 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.

The project would remove a total of 19 on-site trees (including six ordinance-sized trees) and 18 ordinance-sized trees off-site that are on the property line. The existing trees to be removed on the project site would need to be removed due to their poor health conditions and/or to allow for the proposed improvements.

- A total of six on-site ordinance-sized trees and 18 off-site ordinance-sized trees would be removed and replaced at a 4:1 or 5:1 ratio. The total number and size of replacement trees required to be planted on-site is 44 15-gallon trees. The total number and size of replacement trees required to be planted off-site is 97 15-gallon trees.
- If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of

the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment

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

With implementation of the identified Standard Permit Conditions, the proposed project would not conflict with any ordinance protecting biological resources and would not result in a significant impact to trees and the community forest. **(Less than Significant Impact)**

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

The project site is located within the Santa Clara Valley Habitat Plan (SCVHP) and is designated as "Urban-Suburban" land. [27] Private development in the plan area is subject to the SCVHP if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County or one of the cities;
- The activity is described in Section 2.3.2 Urban Development or in Section 2.3.7 Rural Development;[28]
- In Figure 2-5 of the SCVHP, the activity is located in an area identified as "Private Development is Covered," or the activity is equal to or greater than two acres and;
  - The project is located in an area identified as "Rural Development Equal to or Greater than 2 Acres is Covered," or "Urban Development Equal to or Greater than 2 Acres is Covered" or,
  - The activity is located in an area identified as "Rural Development is not Covered" but, based on land cover verification of the parcel (inside the Urban Service Area) or development area, the project is found to impact serpentine, wetland, stream, riparian, or pond land cover types; or the project is located in occupied or occupied nesting habitat for western burrowing owl.

[27] Santa Clara Valley Habitat Agency. "GIS Data & Key Maps." Accessed June 14, 2023. http://www.hcpmaps.com/habitat/.

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

The project is designated as Urban-Suburban land in the Habitat Plan and, therefore, not subject to any land cover fee. The project would comply with the Habitat Plan by implementing the below standard permit condition.

Standard Permit Condition:

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

With implementation of the identified Standard Permit Condition, the project would not conflict with the provisions of the SCVHP. **(Less than Significant Impact)**

4.5 Cultural Resources

The following discussion is based upon an Archaeological Sensitivity Assessment prepared by Archaeological/Historical Consultants (AHC) in May 2023 and a Historic Resource Evaluation (HRE) prepared by TreanorHL in July 2023. A copy of the Archaeological Sensitivity Assessment, which is a confidential report, is on file with the City of San José Planning, Building, and Code Enforcement Department and is available upon request with appropriate credentials. A copy of the HRE is attached to this Initial Study as Appendix C.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

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

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

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

California Register of Historical Resources

The guidelines for identifying historic resources during the project review process under CEQA are set forth in Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5(a). These

provisions of CEQA create three categories of historical resources: mandatory historical resources; presumptive historical resources; and resources that may be found historical at the discretion of the lead agency. These categories are described below.

- **Mandatory Historical Resources***.* A resource the State Historical Resources Commission lists on the CRHR, or the State Historical Resources Commission determines to be eligible for listing in the CRHR, is defined by CEQA to be a historical resource. Resources are formally listed or determined eligible for listing by the State Historical Resources Commission in accordance with the procedures set forth in the provisions of state law relating to listing of historical resources.[29] If a resource has been listed in the CRHR, or formally determined to be eligible for listing by the State Historical Resources Commission under these procedures, it is conclusively presumed to be a historical resource under CEQA.
- **Presumptive Historical Resources**. A resource included in a local register of historic resources as defined by state law[30] or identified as significant in a historical resource survey meeting the requirements of state law,[31] shall be presumed to be historically or culturally significant. The lead agency must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- **Discretionary Historical Resources.** A resource that is not determined to be a significant historical resource under the criteria described above, may, in the discretion of the lead agency, be found to be a significant historical resource for purposes of CEQA, provided its determination is supported by substantial evidence in light of the whole record. The CEQA Guidelines further provide that generally, a lead agency should consider a resource historically significant if the resource is found to meet the criteria for listing on the CRHR, including the following:

    - Criterion 1 (Events): The resource is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the United States; or
    - Criterion 2 (Persons): The resource is associated with the lives of persons important to local, California, or national history; or
    - Criterion 3 (Architecture): The resource embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values, or

[29] Set forth in Public Resources Code Section 5024.1 and 14 California Code of Regulations (CCR) Section 4850, et. seq.

[30] Set forth in Public Resources Code Section 5020.1(k), a local register of historical resources is a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.

[31] Under Public Resources Code Section 5024.1(g), a resource can be identified as significant in a historical resources survey and found to be significant by the State Office of Historic Preservation (i.e., listed in the CRHR) if three criteria are met: (1) the survey has or will be included in the State Historic Resources Inventory; (2) the survey and documentation were prepared in accordance with State Office of Historic Preservation procedures and requirements; and (3) the State Office of Historic Preservation has determined the resource has a significance rating of Category 1 to 5 on Form 523.

- Criterion 4 (Information Potential): The resource has the potential to yield information important to the prehistory or history of the local area, California, or the nation.[32]

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

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

California Native American Historical, Cultural, and Sacred Sites Act

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

Public Resources Code Sections 5097 and 5097.98

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

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

[32] California Environmental Quality Act Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6. Accessed November 29, 2021. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

Historic Preservation Ordinance

The City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code) provides a framework for the City to identify, protect, and encourage the preservation of significant resources and foster civic pride in the City's cultural resources. The Historic Preservation Ordinance establishes processes for the designation of City Landmarks, City Landmark Districts and Conservation Areas, review of proposed exterior alterations to designated City Landmarks and properties within City Landmark Districts and Conservation Area, maintenance of a Historic Resources Inventory (HRI), and administration of Mills Act Contracts.

The City of San José also uses the significance criteria for City Landmark eligibility to evaluate properties that are 45 years or older that have not previously been determined to be a significant historical resource under CEQA (Discretionary Resource). Properties that meet the eligibility criteria for listing in the San José Historic Resources Inventory as a Candidate City Landmark have special historical, architectural, cultural, aesthetic, or engineering interest or value of a historical nature and are significant under at least one of the following criteria:

1. Its character, interest or value as a part of the local, regional, State or national history, heritage or culture
2. Its location as a site of a significant historic event
3. Its identification with a person or persons who significantly contributed to the local, regional, State or national culture and history
4. Its exemplification of the cultural, economic, social or historic heritage of the city of San José
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style
6. Its embodiment of distinguishing characteristics of an architectural type or specimen
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the city of San José
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation, or which is unique.

City Council's Development Policy on the Preservation of Historic Landmarks

The City Council's Policy on the Preservation of Historic Landmarks (as amended on May 23, 2006) calls for preservation of candidate or designated landmark structures, sites, or districts wherever possible. Proposals to alter such structures, sites, or districts must include a thorough and comprehensive evaluation of the historic and architectural significance of the structure, site, or district and the economic and structural feasibility of preservation and/or adaptive reuse. Every effort should be made to incorporate candidate or designated landmark structures into the future plans for their site and the surrounding area and to preserve the integrity of landmark districts. The policy affects any designated City Landmark structure, Contributing Structure in a City Landmark Historic District, structure listed on the National Register of Historic Places and/or the California Register of Historical Resources, a Contributing Structure in a National Register Historic District, or a structure that qualifies for any of the above (candidate), based on the applicable City, State, or

National qualification criteria. The policy also applies to new construction within designated City, State, and National Landmark districts for purposes of district integrity.

Envision San José 2040 General Plan

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

Policy	Description
LU-13.2	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-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.
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.
ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

4.5.1.2 *Existing Conditions*

Archaeological Resources

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay

Area is debated by scholars. Dates of the migration range between 3,000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay south through the Santa Clara Valley and down to Monterey and San Juan Bautista. Artifacts pertaining to the Ohlone occupation of San José have been found primarily along the City's major waterways. The project site is located approximately 0.1 miles from Sierra Creek, while the Penitencia Creek and Berryessa Creek are approximately 0.75 miles south and one mile north, respectively.

Prehistoric Resources

There are no previously identified prehistoric archaeological sites within ¼ mile of the project area. However, the numerous previous studies have been confined to pedestrian surveys and literature reviews rather than including subsurface testing. Given the project site is relatively flat, recent Holocene soils, lack of previously identified sites, and moderate distance to water, the project site has moderate sensitivity for prehistoric archaeological deposits.

Historic-Period Resources

Several factors can be used to infer an area's sensitivity for buried historic-era archaeological resources including surface scatters of artifacts, documentary sources, standing buildings or structures, and landscape features. The project site was developed with a single-family home in the 1930s and later operated as an egg ranch from the 1950s to present day. It is possible that at the time the home was constructed, San José did not have municipal waste collection service and household items would have been disposed of on-site. As a result, it is possible that stratified deposits of artifacts associated with the first occupant of the house are located on the site. Therefore, the project site has a moderate sensitivity for historic-era archaeological resources.

Historic Resources

The project site is located in North San José in the Berryessa Neighborhood. From the mid- to late 19th century, the project area was primarily agricultural and known for its fruit orchards growing apricots, prunes, cherries, apples, and pears. The Berryessa area remained primarily orchard land through the 1950s, when residential development began. By the 1960s, clusters of single-family houses were built to the south and west of the project site, and by 1987, nearly the entire neighborhood was developed with residential buildings. During this time, new roads were also constructed to facilitate residential growth.

By 1935, the project site was developed with a one-and-a-half story single-family house (Building 4). The remainder of the site continued to be developed with orchards. By 1955 Building 9 was constructed and around this time the Olivera Egg Ranch began operating on the project site. As the egg ranch continued to grow, additional buildings were constructed on the site and 1981 the remaining seven buildings were constructed. The project site continues to operate as a distribution center and retail front for the Olivera Egg Ranch.

On-Site Structures

The project site is developed with three one-story industrial buildings, a one-and-half-story single-family residence, and five associated accessory structures as shown on Figure 4.5-1.

Building 1

Building 1 is a metal-clad double-height one-story industrial building that was constructed in 1981. The building is rectangular in shape and sits on a cinder block and concrete foundation and has a low-pitched corrugated metal-clad gable roof. The west façade of the building has a rolling metal door. On the north façade of the building, there are three raised metal doors that can be accessed by concrete stairs with simple metal railings. The east façade of the building features a loading dock under a flat metal roof. Building 2 abuts the south façade. Details of the building elevations are shown on Figure 4.5-2.

Building 2

Building 2 is a one-story wood-frame industrial building that was constructed in 1975. The building is rectangular and has a sloping concrete foundation. The building has a corrugated metal-clad low-pitched gable roof with a stepped parapet on the west façade. The building is clad in vertical and horizontal wood. The building's western façade is characterized by two aluminum-sash sliding windows, a single wood door, and seven louvered vents. The building's eastern façade consists of two rolling doors and a loading dock. Details of the building elevations are shown on Figure 4.5-3.

Building 3

Building 3 is a one-story wood frame building that was constructed in 1965. The building is rectangular and consists of a corrugated metal-clad low-pitched gable roof. The west façade features the egg ranch storefront and a drive through service window. The free-standing Olivera Egg Ranch sign sits next to the drive through and is approximately 2.5 stories tall. Details of the building elevations are shown on Figure 4.5-4.

Building 4

Building 4 is a wood-frame one-in-a-half-story single-family house that was built in 1935. The house is clad in wood siding and has an asphalt shingle front gable roof with a moderate eave overhang. All the windows are aluminum-sash with simple wood surrounds. There is an adjacent two-car garage. A wood-frame rectangular shed sits to the north of the building. Details of the building elevations are shown on Figure 4.5-5.

Building 5

Building 5 is a one-story wood-frame accessory building that was constructed in 1960. The building is rectangular and clad in clapboard with a gabled roof. The building is characterized by a single wood door and glass louvered window that are sheltered by an asphalt-shingle shed roof supported with brackets. Details of the building elevations are shown on Figure 4.5-6.

Source: TreanorHL, September 20, 2022.

ONSITE STRUCTURES | FIGURE 4.5-1

WEST ELEVATION

NORTH ELEVATION

EAST ELEVATION

Source: TreanorHL, September 20, 2022.

BUILDING 1 ELEVATIONS | FIGURE 4.5-2

WEST ELEVATION

EAST ELEVATION

VIEW OF LOADING DOCK LOOKING FROM SIERRA ROAD

Source: TreanorHL, September 20, 2022.

BUILDING 2 ELEVATIONS | FIGURE 4.5-3

WEST ELEVATION

SOUTH ELEVATION

EAST ELEVATION

Source: TreanorHL, September 20, 2022.

BUILDING 3 ELEVATIONS | FIGURE 4.5-4

SOUTH ELEVATION

WEST ELEVATION

NORTH ELEVATION

EAST ELEVATION

Source: TreanorHL, September 20, 2022.

BUILDING 4 ELEVATIONS | FIGURE 4.5-5

SOUTH ELEVATION

WEST ELEVATION

EAST ELEVATION

Source: TreanorHL, September 20, 2022.

BUILDING 5 ELEVATIONS | FIGURE 4.5-6

Building 6

Building 6 is a one-story wood-frame clapboard-clad accessory structure that was built in 1960. The building is rectangular with a corrugated-metal gable roof. Details of the building elevations are shown on Figure 4.5-7**.**

Building 7

Building 7 is a double-height one-story wood-frame accessory structured that is clad in clapboard. Constructed in 1960, the building is rectangular and has a corrugated-metal gable roof. Details of the building elevations are shown on Figure 4.5-8.

Building 8

Building 8 is a large wood-frame warehouse that was constructed in 1960 and altered in 1985. The warehouse is rectangular and clad in plywood with a low-pitched corrugated-metal gable roof. Details of the building elevations are shown on Figure 4.5-9.

Building 9

Building 9 is a one-story wood-frame plywood-clad building that was constructed in 1955 and later altered in 1985. The building is rectangular with a corrugated-metal gable roof. Details of the building elevations are shown on Figure 4.5-10.

WEST ELEVATION

EAST ELEVATION

Source: TreanorHL, September 20, 2022.

BUILDING 6 ELEVATIONS | FIGURE 4.5-7

SOUTH AND WEST ELEVATIONS

NORTH AND EAST ELEVATIONS

Source: TreanorHL, September 20, 2022.

BUILDING 7 ELEVATIONS | FIGURE 4.5-8

SOUTH ELEVATION

WEST ELEVATION

Source: TreanorHL, September 20, 2022.

BUILDING 8 ELEVATIONS | FIGURE 4.5-9

SOUTH AND WEST ELEVATIONS

Source: TreanorHL, September 20, 2022.

BUILDING 9 ELEVATIONS

FIGURE 4.5-10

NRHP/CRHR Evaluation

The buildings at 3315 Sierra Road were evaluated for eligibility for listing against the significance criteria for the NRHP and the CRHR.

NRHP/CRHR Criterion A/1

The subject buildings are not associated with the development of the Berryessa Neighborhood or the Horticultural Era in San José in an individually significant way. While Olivera Egg Ranch has occupied the project site for over 50 years, the business itself was not found to be associated with the development of the poultry industry in the area or development of San José or the Bay Area in an individually significant way. Therefore, the property does not appear eligible for listing on the NRHP or CRHR under Criterion A/1.

NRHP/CRHR Criterion B/2

No persons of known historical significance appear to have been associated with the property. None of the owners or occupants, including the members of the Olivera family, have been identified as important to the history of San José or California. Therefore, the property does not appear eligible for listing on the NRHP or CRHR under Criterion B/2.

NRHP/CRHR Criterion C/3

The property was orchard land in the early 19th century and later developed as an egg ranch in the 1950s. Aside from the single-family house (Building 4), the other structures were constructed as industrial or commercial buildings. The nine on-site buildings are mostly utilitarian or vernacular in character without distinct architectural styles. Constructed in 1935, the two-story wood-frame house at 3315 Sierra Road is a modest vernacular house and does not embody characteristics of an architectural style. Buildings 1, 5, 6, 7, 8, and 9 are utilitarian structures. Building 2 also appears to be utilitarian with some characteristics of vernacular architecture including its wood cladding and shaped parapet. Building 3 is a commercial building without a definite style. The buildings are of common construction and materials with no notable or special attributes, and none possess high artistic value. Overall, the property does not embody the distinctive characteristics of a type, period, or method of construction. Therefore, the subject property does not appear to be eligible for the NRHR and CRHR under Criterion C/3.

NRHP/CRHR Criterion D/4

Archival research provided no indication that the subject property has the potential to yield information important to the prehistory or history of the local area, California, or the nation. The subject property does not appear eligible for listing on the NRHP or CRHR under Criterion D/4.

City of San José Candidate City Landmark Evaluation

The buildings were also evaluated for potential significance as a Candidate City Landmark under San José Municipal Code Section 13.48.100.H. The documentation and assessment of the buildings

concluded that the property is not eligible for listing on the San Jose Historic Resources Inventory because it does not meet any of the significance criteria as discussed below.

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

The property does not appear to be an important part of San Jose's or the region's history. The property is not eligible as a City Landmark under Criterion 1.

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

The property is not linked specifically to any significant historic events. The property is not eligible as a City Landmark under Criterion 2.

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

There is no person of significance individually associated with the property. None of the owners or occupants, including the members of the Olivera family, have been identified as contributors to the local, regional, state, or national culture or history. The property is not eligible as a City Landmark under Criterion 3.

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

The property is associated with the Olivera Egg Ranch, a business established in San José in the 1950s which has occupied the subject property over 50 years. Today, the 3315 Sierra Road site mainly acts as a distribution center and retail front for the Olivera Egg Ranch. The business was not found to have been associated with the development of the poultry industry in the area or any other important patterns of economic or social development of the Berryessa neighborhood or the City of San Jose. It does not exemplify the cultural, economic, social, or historic heritage of San Jose in an individually significant way. The property is not eligible as a City Landmark under Criterion 4.

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

The buildings and structures on the subject property do not exhibit a particular architectural style that can be associated with a group of people during a particular period in history.

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

As previously discussed, Buildings 1, 3, 5, 6, 7, 8, and 9 are utilitarian in character and do not embody features of an architectural type or style. Buildings 2 is an industrial building with some influences of vernacular architecture in its shaped parapet and wood cladding, however, it does not

exhibit distinguishing characteristics of an architectural type or style. Building 4 is a modest vernacular building that fails to be a distinctive architectural type or specimen in San José. The property is not eligible under as a City Landmark under Criterion 6.

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

No architect, designer or builder has been identified for the buildings. The property is not eligible as a City Landmark under Criterion 7.

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

The subject property did not make use of architectural innovations, but rather used typical building materials and details of the time. The building is not eligible as a City Landmark under Criterion 8.

In summary, the buildings located at 3315 Sierra Road are not eligible for listing in the NRHP or CRHR and are not eligible for listing in the San José HRI as a Candidate City Landmark. Therefore, the project site does not contain any historical resources under CEQA. There are no historic resources listed in the HRI in the project vicinity.[33]

4.5.2 Impact Discussion

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

[33] City of San José. Historic Resource Inventory. Accessed December 8, 2023. https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/historic-resources/historic-resources-inventory

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

As documented in Section 4.5.1.2, there are no historical resources present at the project site, as the existing development is not listed on or eligible for listing in the NRHP, the CRHR, or the local register of historic resources. As such the proposed project would not cause direct impacts to any historical resources under CEQA. **(No Impact)**

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

As discussed in Section 4.5.1.2, the project site has a moderate sensitivity for prehistoric archaeological deposits and historic-era archaeological resources. While unlikely, project construction has the potential to encounter unknown subsurface archaeological resources. In accordance with General Plan Policy ER-10.3, the project would be required to implement the below standard permit condition to reduce or avoid impacts to unknown subsurface cultural resources.

Standard Permit Condition:

- 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 Tribal representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of PBCE or the Director's designee, the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

Adherence to the standard permit condition described above would ensure that any objects encountered during ground-disturbing activities that meet the definition of a prehistoric or historic resource are appropriately identified and protected. Adherence with the above standard permit condition would ensure that the project has a less than significant impact on archaeological resources. **(Less than Significant Impact)**

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

Human graves are most often associated with prehistoric occupation sites. Although unlikely, it is possible that project construction activities, such as excavation and grading, could disturb undiscovered human remains at the project site. The City has standard permit conditions to ensure that the appropriate process is followed in the event of accidental discovery of human remains during project construction.

Standard Permit Condition:

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. 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 will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
    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 his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

By following the process set forth in this standard permit condition, the project would ensure that any human remains encountered during ground-disturbing activities are appropriately identified and treated and the impact reduced to a less than significant level. **(Less than Significant Impact)**

4.6 Energy

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

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

Executive Order B-55-18 To Achieve Carbon Neutrality

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

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately

every three years.[34] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[35]

California Green Building Standards Code

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

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars II program in 2022 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2026 through 2035. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[36]

Regional and Local

Climate Smart San José

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

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

[34] California Building Standards Commission. "California Building Standards Code." Accessed November 20, 2023. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[35] California Energy Commission (CEC). "2022 Building Energy Efficiency Standards." Accessed November 20, 2023. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.
[36] California Air Resources Board. "Advanced Clean Cars II." Accessed November 20, 2023. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 6,278.7 trillion British thermal units (Btu) in the year 2021, the most recent year for which this data was available.[37] Out of the 50 states, California is ranked second in total energy consumption and 49th in energy consumption per capita. The breakdown by sector was approximately 20 percent (14,732.2 trillion Btu) for residential uses, 19 percent (1,396.7 trillion Btu) for commercial uses, 23.2 percent (1,704.4 trillion Btu) for industrial uses, and 37.8 percent (2,785 trillion Btu) for transportation.[38] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2021 was consumed primarily by the non-residential sector (74 percent), followed by the residential sector consuming 23 percent. In 2021, a total of approximately 16,408 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[39]

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 95 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

Natural Gas

PG&E provides natural gas services within San José. In 2022, California's natural gas supply came from a combination of in-state production and imported supplies from other western states and Canada.[40] In 2021 residential and commercial customers in California used 33 percent of the state's natural gas, power plants used 0.01 percent, the industrial sector used 33 percent.[41] In 2021, Santa Clara County used less than one percent of the state's total consumption of natural gas.[42]

[37] United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed November 20, 2023. https://www.eia.gov/state/?sid=CA#tabs-2.
[38] Ibid.
[39] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed November 20, 2023. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[40] California Gas and Electric Utilities. 2022 *California Gas Report.* Accessed November 20, 2023. https://www.socalgas.com/sites/default/files/Joint_Utility_Biennial_Comprehensive_California_Gas_Report_2022.pdf.
[41] United States Energy Information Administration. "Natural Gas Consumption by End Use. 2021." Accessed November 20, 2023. https://www.eia.gov/state/?sid=CA#tabs-2.
[42] California Energy Commission. "Natural Gas Consumption by County." Accessed November 20 2023. http://ecdms.energy.ca.gov/gasbycounty.aspx.

Fuel for Motor Vehicles

In 2022, California produced 124 million barrels of crude oil and in 2019, and 11.7 billion gallons of gasoline were sold in California. [43], [44] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 25.4 mpg in 2021.[45] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in April 2022 to require all cars and light duty trucks achieve an overall industry average fuel economy of 49 mpg by model year 2026. [46,47]

Energy Use of Existing Development

The electricity and natural gas used by the existing buildings on-site are shown below in Table 4.6-1.

Table 4.6-1: Estimated Annual Energy Use of Existing On-Site Uses

Development	Electricity Use (kWh)	Natural Gas Use (kBtu)	Gasoline[1] (gallons per year)
Light Industrial	450,818	1,809,410	26,799
Single-Family	6,185	46,222	1,189
Total:	**457,003**	**1,855,632**	**27,988**

Source: California Emissions Estimator Model (CalEEMod) Version 2022.1.1.7. *3315 Siera Road Existing Conditions Custom Reports*. November 2023.

Notes:

[1] Gasoline use calculated based on estimated annual VMT of existing uses in CalEEMod divided by average U.S. fuel economy. Per the 2021 EPA Automotive Trends Report, the average U.S. Fuel Economy is 25.4 mpg for light-duty vehicles.

[43] U.S. Energy Information Administration. "Petroleum & Other Liquids, California Field Production of Crude Oil." Accessed November 20, 2023. https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca1&f=a

[44] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed November 20, 2023. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.

[45] United States Environmental Protection Agency. "The 2022 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." December 2022. https://www.epa.gov/system/files/documents/2022-12/420s22001.pdf

[46] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed November 20, 2023. http://www.afdc.energy.gov/laws/eisa.

[47] United States Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed November 20, 2023. https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026

4.6.2 Impact Discussion

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

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

Construction

Construction activities would include demolition, site preparation, grading, trenching, building construction, architectural coating, and paving. The proposed project includes several measures that would improve the efficiency of the construction process such as restricting equipment idle times to five minutes or less and requiring the applicant to post signs on-site reminding workers to shut off idle equipment (refer Standard Permit Conditions identified in Section 4.3 Air Quality). Additionally, the project would comply with the City's Construction and Demolition Diversion Program. For these reasons, the proposed project would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction.

Operation

The project would construct 25 single-family dwelling units and up to five ADUs. Table 4.6-2 summarizes the estimated energy use of the proposed project.

Table 4.6-2: Estimated Annual Energy Use of Proposed Development

Development	Electricity Use (kWh)	Natural Gas Use (kBtu)	Gasoline[1] (gallons per year)
Single-Family (25)	493,279	0	29,725
ADUs (12)[2]	154,072	0	10,282
Existing	*457,003*	*1,855,632*	*27,988*
Net Total:	**-190,348**	**-1,855,632**	**12,019**

Source: California Emissions Estimator Model (CalEEMod) Version 2022.1.1.7. *3315 Siera Road Existing Conditions Custom Reports*. November 2023.

Notes:

[1] Gasoline use calculated based on estimated annual VMT of existing uses in CalEEMod divided by average U.S. fuel economy. Per the 2021 EPA Automotive Trends Report, the average U.S. Fuel Economy is 25.4 mpg for light-duty vehicles.

[2] The analysis conservatively assumed up to 12 ADUs.

The project would be required to comply with the City's standard permit conditions, which include proof of enrollment in SJCE. Since the project includes the installation of photovoltaic cells, it would not require enrollment in TotalGreen.

Standard Permit Condition:

- Prior to issuance of any Certificate of Occupancy for the project, the occupant shall provide to the Director of the Department of Planning, Building, and Code Enforcement (PBCE), or Director's designee, proof of enrollment in the San José Community Energy (SJCE) GreenSource program (approximately 95 percent carbon free power) or TotalGreen program (approximately 100 percent carbon free power) assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act.

As shown in Table 4.6-2, the project would decrease energy compared to the existing development, with the exception of gasoline use. Further discussed in Section 4.17, the project will be required to implement MM TRN-1.1 through 1.4, which would encourage the use of shared ride modes, transit, walking, and biking, thereby reducing drive-alone vehicle trips and VMT. The proposed project would be required to be built in accordance with CALGreen requirements, which includes insulation and design provisions to minimize wasteful energy consumption. In addition, General Plan Action MS-2.11 requires development to incorporate green building practices through construction, architectural design, and site design techniques. The proposed project would be designed and constructed in compliance with the City of San José Council Policy 6-32 and the City's Green Building Ordinance. In addition, the project would enroll in SJCE's GreenSource program, which provides 95 percent carbon-free energy, consistent with the state's Renewables Portfolio Standard Program and SB 350. Therefore, implementation of the project would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during operation of the project. **(Less than Significant Impact)**

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

The project would be served by SJCE (Green Source level) and would be built in accordance with CALGreen requirements, Title 24 of the City's Municipal Code, City of San José Council Policy 6-32, and the City's Green Building Ordinance. Implementation of the proposed project would not conflict with or obstruct implementation of a State or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 Geology and Soils

The following discussion is based on a geotechnical investigation and geohazards evaluation prepared by Geo-Logic Associates, dated March 28, 2023 and July 10, 2024, respectively. The reports are included in this document in its entirety as Appendix D and E of this Initial Study.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code

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

California Division of Occupational Safety and Health Regulations

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

Public Resources Code Section 5097.5

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

Local

Envision San José 2040 General Plan

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

Policy	Description
EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
EC-4.2	Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 15.
EC-4.7	Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.
ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

City of San José Municipal Code

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

4.7.1.2 *Existing Conditions*

Regional Geology

The City of San José is located in the northern Santa Clara Valley, an alluvial basin underlain by sedimentary and metamorphic rocks of the Franciscan Complex. These alluvial deposits consist of unconsolidated to semi-consolidated sand, silt, clay, and gravel. The Santa Clara Valley is bounded by the Diablo Range to the east and the Santa Cruz Mountains to the west. The Valley was formed when sediments derived from both mountain ranges were exposed by tectonic uplift and regression of the inland sea which previously inundated this area. Soil types in this region include clay in the low-lying central areas, loam and gravelly loan in the upper portions of the valley and eroded rocky clay loam in the foothills.

On-Site Geologic Conditions

Soils and Topography

The project site is generally flat with a gentle down slope from the southeast to the north and west. The soils on-site consist of medium dense to very stiff/hard clayed sand and have intermediate plasticity with plasticity indices of 24 and 29. Pursuant to the CBC, soils with a PI of 16 or greater are considered expansive.

Seismicity and Hazards

The San Francisco Bay Area is considered to be the most seismically active region in the U.S. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong-to-very-strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. The nearest active fault is the Hayward fault (southeast extension), located approximately 0.5 miles northeast of the project site.

The project site is not within an Alquist-Priolo Earthquake Fault Zone. [48] There are no faults present on the project site, and the site is not in a Santa Clara County Fault Rupture Hazard Zone.[49] The geohazards evaluation completed for the project site (refer to Appendix E) confirmed no evidence of the presence of active faulting. However, due to the overall high seismic activity of the Bay Area, structures present on the project site would likely experience strong ground shaking during their occupation.

Liquefaction and Lateral Spreading

Liquefaction is a temporary loss of shear strength as a result of increased pore pressure due to strong ground shaking or cyclic loading. Liquefaction is defined by saturation of soil and loss of cohesion. It is associated with loose, high-plasticity soils and near-surface groundwater levels. Based on the site-specific geotechnical report prepared for the project, the potential for liquefaction is low on the site because of the lack of groundwater in the upper 50 feet at the site and the medium dense to dense relative density of the granular soils. The project site is also not within the County of Santa Clara liquefaction hazard zone.[50]

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying soil toward an open or “free” face such as an open body of water, channel, or excavation. This movement is often associated with liquefaction and commonly occurs on gentle slopes in seismically active regions. Lateral spread presents a significant hazard to the integrity of buildings and other structures. Areas of San José most prone to lateral spreading include lands adjacent to the steep banks of Guadalupe River and Coyote Creek.[51] The project site is not located near any waterways with steeply sloping banks where there is potential for lateral spreading.

Landslides

As noted above, the project site is relatively flat and the project site is not mapped within a County Landslide Hazard Zone.[52] However, large active to dormant landslide complexes are known to exist

[48] California Geological Survey. “California Earthquake Hazards Zone Application (EQ ZAPP)”. Accessed June 16, 2023. https://maps.conservation.ca.gov/cgs/EQZApp/app/
[49] County of Santa Clara. SCCMap. Accessed June 16, 2023. Santa Clara County - SCCMap (sccgov.org).
[50] County of Santa Clara. Geological Maps and Data. Accessed June 16, 2023. https://plandev.sccgov.org/ordinances-codes/geology-and-natural-hazards/geological-maps-and-data
[51] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Page 518.
[52] Ibid.

in the hills in the site vicinity; however, none of the references reviewed indicates the presence of landslide deposits on the site. The hillside area approximately 225 feet east of the project site and beyond is located within a Landslide zone. Based on the geohazards evaluation completed for the site (refer to Appendix E), no features on, under**,** or immediately adjacent to the site were identified that would indicate that there are landslide deposits on the site or that there is any potential for future distress or damage to future development on this due to static and/or seismically-induced landsliding.

Groundwater

Based on available groundwater data, historically high groundwater levels at the project site are greater than 50 below ground surface (bgs) (refer to Appendix D). Fluctuations in groundwater levels may occur due to seasonal changes, variation in rainfall, and underground drainage patterns.

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments from in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These sediments have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. According to the City's Paleontological Sensitivity Map*,* the project site is located in an area of high paleontological sensitivity at depth.[53]

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
- Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☒	☐
- Strong seismic ground shaking?	☐	☐	☒	☐

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
- Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
- Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?

Fault Rupture

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

Seismic Ground Shaking

The project site is located within the seismically active San Francisco Bay region. The faults in this region are capable of generating earthquakes of magnitude 7.0 or higher. During an earthquake, very strong ground shaking could occur at the project site. Consistent with the City's General Plan

and Municipal Code, to avoid and/or minimize potential damage from seismic shaking, the proposed project would be built using standard engineering and seismic safety design techniques. Consistent with these requirements, the following condition shall be implemented to ensure the proposed development is designed to address seismic hazards.

Standard Permit Condition:

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

With implementation of the above Standard Permit Condition, the proposed project would not result in significant seismic and seismic related impacts.

Liquefaction and Lateral Spreading

As discussed above, the project site is not located within a Liquefaction Hazard Zone. The project site is located approximately 900 feet from Sierra Creek. By subjecting the proposed project to review by the City of San José's Geologist and adhering to the Standard Permit Conditions described above, hazards posed by seismically induced liquefaction and lateral spreading would be reduced to less than significant.

Landslides

The project site is not located within a landslide hazard zone according to the County of Santa Clara's *Geologic Hazard Zones* Map.[54] As such, the proposed project would not pose a risk to human or building safety due to earthquake-induced landslides.

With implementation of standard permit conditions, the project would not directly or indirectly cause substantial adverse effects, including loss, injury, or death from fault rupture, seismic-related ground shaking or ground failure, or landsliding. **(Less than Significant Impact)**

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

Ground disturbance on the project site would occur during the demolition of the existing buildings and construction of the proposed buildings. These activities could increase the exposure of soil to

[54] County of Santa Clara. Geological Maps and Data. Accessed June 16, 2023. https://plandev.sccgov.org/ordinances-codes/geology-and-natural-hazards/geological-maps-and-data [54] Ibid

wind and water erosion. Construction of the proposed project would disturb approximately 2.7 acres. As described in Section 4.10, Hydrology and Water Quality, preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) is required prior to the start of construction of projects disturbing one or more acre. The mandatory SWPPP for the proposed project would include Best Management Practices to prevent erosion and the loss of topsoil during construction. Additionally, consistent with City requirements, the following Standard Permit Conditions shall be implemented to ensure that construction of the proposed project does not result in substantial erosion or soil loss.

Standard Permit Conditions:

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

The project would also be required by the City's Public Works Department to complete an erosion control plan for any grading occurring between October 1 and April 30. The erosion control plan shall be reviewed and approved by the City and ensure that grading operations do not impact local creeks and storm drainage systems.

The General Plan FEIR concluded that with the regulatory programs currently in place, the possible impacts of accelerated erosion during construction would be less than significant.[55] Because the project would comply with the regulations identified in the General Plan FEIR and adhere to the standard permit conditions above, the project would not result in substantial soil erosion. **(Less than Significant Impact)**

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

As discussed under checklist question a), the project site is not located on an unstable geologic unit or soil and would be constructed in accordance with a design-level geotechnical investigation (identified as a standard permit condition under checklist question a) to reduce any risk of landsliding, liquefaction, or other forms of ground failure. Additionally, the project shall implement the following standard permit condition requiring a grading permit. The purpose of the grading permit is to ensure that private property is graded so that it drains properly, not impacting adjacent properties and not creating erosion problems. Improper grading can result in localized flooding, landslides, and differential settlement. These problems not only affect the graded property, but can also impact adjacent properties.

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

Standard Permit Condition:

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

The project would not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse by employing standard design and engineering practices and adhering to the City's grading permit requirements that prevent on- and off-site flooding, landslides, and differential settlement. **(Less than Significant Impact)**

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

Pursuant to the CBC, soils with a PI of 16 or greater are considered expansive. The soils on-site consist of medium dense to very stiff/hard clayed sand and have intermediate plasticity with plasticity indices of 24 and 29. As discussed in the General Plan FEIR, compliance with the City's General Plan policies regarding soil and landslide hazards would reduce hazards associated with expansive soils and new development and redevelopment to a less than significant level.[56] Consistent with the General Plan policies identified in Section 3.7.1.1 and as previously noted, the project would be required as a standard permit condition to prepare a design-level geotechnical report and implement recommendations regarding the structural design and engineering techniques to reduce impacts from expansive soils (as well as other geologic hazards). Consistent with the conclusions of the General Plan FEIR, by conforming with state and local regulations and the recommendations of the design-level geotechnical report, the project would not create substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

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

The project would connect to the existing sanitary sewer system and would not require the use of septic tanks or alternative wastewater disposal systems. **(No Impact)**

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

[56] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 528.

The General Plan FEIR recognized that while development allowed under the General Plan could directly impact paleontological resources, implementation of General Plan policies and existing regulations and programs would reduce potential impacts to a less than significant level.[57] As such, the following standard permit condition would be applied to the project to reduce and avoid impacts to unidentified paleontological resources.

Standard Permit Condition:

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

Consistent with the conclusions of the General Plan FEIR, implementation of the standard permit conditions described above, the project would enable the identification and preservation of any undiscovered paleontological resources encountered during construction, and ensure that impacts to paleontological resources would be less than significant. **(Less than Significant Impact)**

[57] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report.* SCH: 2009072096. September 2011. Page 724.

4.8 Greenhouse Gas Emissions

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

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

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

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

4.8.1.2 *Regulatory Framework*

State

<u>Assembly Bill 32 and State Bill 32</u>

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of

GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources. The first Scoping Plan was approved by CARB in 2008 and must be updated at least every five years. Since 2008, there have been two updates to the Scoping Plan.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO_2e ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

2022 Scoping Plan

On December 15, 2022, CARB approved the 2022 Scoping Plan. The 2022 Scoping Plan provides a sector-by-sector guide on how to reduce man-made (i.e., anthropogenic) GHG emissions by 85 percent below 1990 levels and achieve carbon neutrality by 2045 over a 25-year horizon.[58] The primary focus of the 2022 Scoping Plan is to reduce the usage of fossil fuels by electricizing the transportation sector, procuring electricity from renewable resources, phasing out natural gas in land use developments, and building transit-oriented communities that encourage multi-modal transportation. If implemented successfully, the 2022 Scoping Plan would not only reduce GHG emissions but also reduce smog-forming air pollution (NO_x) by 71 percent and reduce fossil fuel demand by 94 percent. The 2022 Scoping Plan also details natural carbon capture and storage process along with mechanical carbon capture programs to address the remaining 15 of anthropogenic GHG emissions that will remain post-2045. To meet these goals, CARB also includes a revised goal of reducing state GHG emissions 48 percent below 1990 levels by 2030.

Senate Bill 375 and Plan Bay Area 2050

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

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2050.

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and

[58] CARB. *2022 Scoping Plan for Achieving Carbon Neutrality*. November 16, 2022. Page 5.

efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified priority development areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[59]

Play Bay Area 2050 includes a goal to increase the number of households that live within 0.5 mile of frequent transit by 2050. Plan Bay Area 2050 promotes strategies that support active and shared modes, combined with a transit-supportive land use patterns, which together are forecasted to lower the share of Bay Area residents that drive to work alone from 50 percent in 2015 to 33 percent in 2050, resulting in a decrease in GHG emissions. Plan Bay Area 2050 also includes goals to expand TDM initiatives that support and augment employers' commute programs, providing a path to emissions reductions.

SB 100

SB 100, known as The 100 Percent Clean Energy Act of 2018, was adopted on September 10, 2018. The overall goal is to have all retail electricity sold in California be procured from 100 percent renewable and zero-carbon resources by the year 2045. SB 100 also modified the renewables portfolio standard to 50 percent by 2025 and 60 percent by 2030.

Executive Order B-55-18 and Assembly Bill 1279

Executive Order B-55-18 was issued in September 2018. It ordered a new statewide goal of achieving carbon neutrality no later than 2045 and to maintain net negative emissions thereafter.

Assembly Bill 1279, also known as the California Climate Crisis Act, was approved on September 16, 2022 and codifies the statewide goal set by Executive Order B-55-18 of achieving net zero GHG emissions no later than the year 2045 and maintaining net negative emissions thereafter. In addition, this bill has a statewide goal of reducing anthropogenic GHG emissions by 85 percent below the 1990 levels by the year 2045. The bill requires CARB to work with relevant state agencies to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals, and implement strategies that enable CO_2 removal solutions and carbon capture, utilization, and storage technologies in California. The bill requires CARB to submit an annual report.

Advanced Clean Cars II Regulation

To continue reducing air pollutants and GHG emissions in the transportation sector, CARB adopted the Advanced Clean Cars II Regulations (Resolution 22-12) on August 25, 2022. The new regulation requires that by 2035 all new passenger cars, trucks, and SUVs sold in California will be zero emissions. This regulation bans the sale of new gasoline or diesel passenger cars, trucks, and SUVs in California from automakers. Beginning in the 2026, 35 percent of new vehicle sales must be zero-emission vehicles and plug-in hybrid electric vehicles and that percentage will increase per year. By

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

2030, 70 percent of new vehicle sales will be zero-emissions vehicles and by the 2035 model year 100 percent of new vehicle sales will be zero-emissions. CARB will limit the use of plug-in hybrid electric vehicles in the percentage requirements to keep the manufacturing of zero-emissions as the primary goal. Existing gasoline cars can continue to be driven and sold as used cars beyond 2035. CARB is required to track and report on the zero-emissions vehicle market development annually.

California Building Standards Code – Title 24 Part 11 and Part 6

The CALGreen Code is part of the California Building Standards Code under Title 24, Part 11.[60] The CALGreen Code encourages sustainable construction standards that incorporate planning/design, energy efficiency, water efficiency resource efficiency, and environmental quality. These green building standard codes are mandatory statewide and are applicable to residential and non-residential developments. The most recent CALGreen Code (2022 CALGreen Code) was effective as of January 1, 2023. However, projects that started the development process prior the January 1, 2023 are subject to the 2019 California Building Standards.]

The California Building Energy Efficiency Standards (California Energy Code) is under Title 24, Part 6 and is overseen by the CEC. This code includes design requirements to conserve energy in new residential and non-residential developments. This Energy Code is enforced and verified by cities during the planning and building permit process. Under the 2019 standards, single-family houses are predicted to be 53 percent more efficient than homes built under the 2016 standard due to more stringent energy-efficiency standards and mandatory installation of solar photovoltaic systems. Non-residential developments are estimated to use 30 percent less energy due to lighting upgrades.

Requirements for electric vehicle (EV) charging infrastructure are set forth in Title 24 of the California Code of Regulations and are regularly updated on a three-year cycle. 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. The 2022 CALGreen standards require deployment of additional EV chargers in various building types, including multi-family residential, hotel, and non-residential land uses. They include requirements for both EV capable parking spaces and the installation of EV supply equipment for multi-family residential and nonresidential buildings. The 2022 CALGreen standards also include requirements for both EV readiness and the actual installation of EV chargers.

CALGreen also requires new construction and demolition projects to have a diversion of at least 65 percent of the construction waste generated.

[60] Refer to https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreen#:~:text=CALGreen%20is%20the%20first%2Din,to%201990%20levels%20by%202020.

Regional and Local

2017 Clean Air Plan

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

BAAQMD CEQA Thresholds for Evaluating Climate Impacts from Land Use Projects and Plans

In April 2022, the BAAQMD Board of Directors adopted the Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans. The report includes BAAQMD's thresholds of significance for use in determining whether a proposed project or plan will have a significant impact on climate change and provides substantial evidence to support these thresholds. The April 2022 GHG thresholds replace the GHG thresholds set forth in the May 2017 BAAQMD CEQA Air Quality Guidelines and represent what is required of new land use development projects and plans to achieve California's long-term climate goal of carbon neutrality by 2045.

Envision San José 2040 General Plan

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

Policy	Description
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy system, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
CD-3.2	Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.

City of San José Reach Building Code

In 2019, the San José City Council approved Ordinance No. 30311 and adopted Reach Code Ordinances (Reach Code) to reduce energy related GHG emissions consistent with the goals of Climate Smart San José. The Reach Codes apply to new construction projects in San José. It requires new residential construction to be outfitted with entirely electric fixtures. Mixed-fuel buildings (i.e., use of natural gas) are required to demonstrate increased energy efficiency through a higher Energy Design Rating and be electrification ready. In addition, the Reach Codes require EV charging

infrastructure for all building types (above current CALGreen requirements) and solar readiness for non-residential buildings.

Climate Smart San José

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

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

San José 2030 Greenhouse Gas Reduction Strategy

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

4.8.1.3 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in weather patterns.

4.8.2 Impact Discussion

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

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

Construction Emissions

Construction activities on-site would result in temporary GHG emissions. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Project construction would occur over a period of approximately 16 months and would not result in a permanent increase in emissions. The proposed project would not interfere with the implementation of SB 32.

Operational Emissions

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

The proposed project would comply with the 2030 GHGRS, which is consistent with AB 32 goals, as discussed below under checklist question b. Therefore, the project would result in a less than significant GHG emissions impact. **(Less than Significant Impact)**

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

2030 Greenhouse Gas Reduction Strategy

As mentioned previously, projects that are consistent with an adopted GHGRS consistent with AB 32 goals would have a less than significant impact related to GHG emissions through 2030. 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. Future residents of the project would have the option to enroll in San José Clean Energy at the TotalGreen level. The proposed project also incorporates all applicable mandatory measures of the GHGRS (refer to Appendix F), including installing clean energy power generation sources, using 100 percent carbon-free electricity, installing high-efficiency appliances/fixtures and water-sensitive landscaping. For these reasons, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

4.9 Hazards and Hazardous Materials

The following discussion is based, in part, on a Phase I Environmental Site Assessment (ESA) and Subsurface Investigation prepared for the project site by Ramboll US Consulting, Inc., dated April 2022. This report is included as Appendix G of this Initial Study.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

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

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

Federal and State

<u>Federal Aviation Regulations Part 77</u>

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.

<u>Comprehensive Environmental Response, Compensation, and Liability Act</u>

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the

environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

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

The law authorizes two kinds of response actions:

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

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[61]

Resource Conservation and Recovery Act

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

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement

[61] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed November 20, 2023. https://www.epa.gov/superfund/superfund-cercla-overview.

authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[62]

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by State and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[63]

Toxic Substances Control Act

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

California Accidental Release Prevention Program

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

Asbestos-Containing Materials

Friable asbestos is any asbestos-containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA began phasing out use of friable asbestos products in 1973 and issued a ban in 1978 on manufacture, import, processing, and distribution of some asbestos-containing products and new uses of asbestos products.[64] The EPA is currently considering a proposed ban on on-going use of

[62] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed November 20, 2023. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.
[63] California Environmental Protection Agency. "Cortese List Data Resources." Accessed November 20, 2023. https://calepa.ca.gov/sitecleanup/corteselist/.
[64] United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed November 20, 2023. https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos

asbestos.[65] National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

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

Regional and Local

Municipal Regional Permit Provision C.12.f

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

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment methodology for applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.[66] Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single family homes and wood-frame structures are exempt from these requirements.

Local

Envision San José 2040 General Plan

The following General Plan policies are specific to hazards and hazardous materials and are applicable to the proposed project:

[65] Ibid.
[66] California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit.* November 2015.

Policy	Description
EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations, and guidelines.
EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
EC-7.7	Determine for any development or redevelopment site that is within 1,000 feet of a known, suspected, or likely geographic ultramafic rock unit (as identified in maps developed by the Department of Conservation – Division of Mines and Geology) or any other known or suspected locations of serpentine or naturally occurring asbestos, if natural occurring asbestos exists and, if so, comply with the Bay Area Air Quality Management District's Asbestos Air Toxic Control Measure requirements.
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.
EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, 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.
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.

Policy	Description
	Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any 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.
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's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.
TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.
TR-14.4	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as condition of approval of development in the vicinity of airports.

City of San José Emergency Operations Plan

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

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

The Norman Y. Mineta San José International Airport Comprehensive Land Use Plan (CLUP) is intended to safeguard the general welfare of the inhabitants within the vicinity of the airport and aircraft occupants. The CLUP establishes an airport land use planning area, referred to as the Airport Influence Area (AIA). The AIA is a composite of areas surrounding the airport that are affected by noise, height, and safety considerations. The CLUP includes land use compatibility guidelines, with topics such as noise and building height, to ensure that surrounding land uses and development do not interfere with the airport's continuing operations.

4.9.1.2 *Existing Conditions*

Site History

The project site is currently developed with three industrial buildings, a residential building, and five utilitarian structures. The project site has operated as a distribution center and retail front for the Olivera Egg Ranch since the 1950s. Prior to that, the site was developed with the existing single-

family residential building and an apricot orchard. The apricot orchard was removed from the site by the late 1960s. Vehicle maintenance operations were formerly conducted in the vehicle maintenance building, which has an approximately four-foot-deep concrete lined oil change pit. Vehicle maintenance operations reportedly ended in the 1980s; however, diesel exhaust fluid and oil drums are currently stored in the storage building. Vehicle fueling also occurred on site between 1980 and 1995 from three fuel underground storage tanks (USTs) reportedly located in the southern driveway, between the loading dock and the residence. The residence has not been occupied since approximately 2007.

Historic Agricultural Use

As previously discussed, the project site was historically used for agricultural purposes up until around 1968. As a result, pesticides and other agricultural chemicals were possibly applied to the site during this time. Shallow soil samples were collected at the site and analyzed for organochlorine pesticides. All organochlorine pesticide concentrations were below regulatory screening criteria for residential land use.

On-Site Sources of Contamination

Chemical Use and Storage

Chemical use and storage at the site include petroleum products and egg processing disinfectants. Petroleum products are located primarily in the Storage building where hydraulic oil, motor oil, used oil filters, and diesel exhaust fluid are stored in 55-gallon drums. A total of 11 55-gallon drums are stored in the storage building. Additionally, one 55-gallon drum of hydraulic oil is stored in the hazardous materials storage area in the northwest corner of the processing warehouse. Gear oil and hydraulic oil are stored in five-gallon buckets in the maintenance room, located adjacent to the east of the office.

Egg processing disinfectants[67] are stored in 55-gallon drums in the hazardous materials storage area in the northwest corner of the processing warehouse. The disinfectants are used during the egg processing operations in the central portion of the egg processing warehouse.

Miscellaneous chemical storage were also observed, including small quantities of welding gases, five-gallon buckets of paints, and household cleaners. Two rusted 55-gallon drums of unknown contents were also observed adjacent to the east of the former vehicle maintenance building.

Storage Tanks

There is one reported UST located between the storage building and chicken coop. The clarifier is used to sort solid waste from liquid waste that is being discharged to the sanitary sewer system. The wastewater and solids are from cleaning the chicken coops.

[67] Egg disinfectants include bleach, chlorinated egg wash (comprised of sodium hydroxide and sodium hypochlorite), an acid wash, and a pH booster.

There is also evidence of three historical USTs (a 12,000-gallon gasoline UST, a 1,000-gallon unleaded gasoline UST, and a 12,000-gallon diesel UST) installed at the site in 1980 or 1981. The USTs were reportedly removed from the site in 1995.

There is also a reported gasoline aboveground Storage Tanks (AST) located adjacent to the northwest corner of the backyard of the residence. The former gasoline AST was reportedly utilized at the site for fueling farm equipment and would have been removed from the site once the orchards were removed in the late 1960s.

Other Observations

An approximately 15 cubic yard stockpile of soil is located in the northeast corner of the site. The stockpile is reportedly from the 1980s when the current gravel road was constructed.

Soil Sampling Results

Soil was sampled from 13 soil borings and from the soil stockpile in February 2022. Eleven soil vapor wells were also installed. A summary of sample locations and depths are included in Appendix G of this Initial Study. A summary of the soil sampling is provided below:

- Chrysotile fibers that are indicative of natural occurring asbestos were detected in samples collected from base rock beneath roadways or shallow soil across the site.
- Arsenic was detected above residential screening criteria. The elevated concentrations of arsenic appear to be localized in extent. The detection of arsenic was determined to represent a de minimis condition.[68]
- Low concentrations of organochlorine pesticides were detected in shallow soil. None of the concentrations exceeded screening criteria for unrestricted residential land use. None of the concentrations of PCBs exceeded screening criteria for unrestricted residential land use.
- Total petroleum hydrocarbons (TPHs) were detected at levels below the screening criteria for unrestricted residential land use.

Soil Gas Sampling Results

Chloroform was detected slightly above the environmental screening level (ESL). The currently operating Olivera Egg Ranch uses a product called Chlorinated Egg Wash as a disinfectant, which is comprised of sodium hypochlorite. Sodium hypochlorite when mixed with chlorine may form chloroform. Chloroform is a byproduct of potable water treatment and as a result, detections of chloroform are often related to use of potable water at the site are not considered indicative of site contamination. The Phase I ESA determined that no further action or investigation is recommended. Low levels of benzene were also detected, likely related to past vehicle use and were characterized

[68] *De minimis* conditions are those that do not represent a material risk of harm to public health or the environment and that generally would not be the subject of enforcement action if brought to the attention of appropriate governmental agencies.

as low and of a similar magnitude to concentrations often found in soil vapor near areas of vehicle use. Therefore, it is possible that the concentrations detected are related to stormwater runoff from vehicle use areas on-site and not related to former UST operations. Ultimately, the benzene concentrations in soil gas are low and appear to be localized and not indicative of widespread contamination.

Asbestos Containing Materials and Lead Based Paints

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

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

Polychlorinated Biphenyls

Based on the Phase I ESA, there are no known equipment onsite that contain PCBs. However, given the buildings onsite were constructed prior to the 1979 federal ban on the manufacture of PCBs, it is possible that hydraulic oils, or other types of electrical equipment, such as capacitors, contain PCBs.

Off-Site Sources of Contamination

Federal and state databases were searched to determine the potential for the project sites to be affected by releases from off-site sources of contamination within one mile of the project sites. The Phase I ESA identified several sites within the vicinity of the project sites that are listed on various regulatory databases. However, none of these sites poses an environmental concern to the project sites based on one or more of the following: (1) the listed property holds an operating permit (which does not imply a release); (2) the site's distance from and/or topographic position relative to the site; and (3) the site has been remediated and granted "No Further Action" by the appropriate regulatory agency.

Airport Operations

The San José Mineta International Airport is located approximately five miles southwest of the project site. As previously mentioned, FAR Part 77 requires that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at

least 200 feet in height above ground. The project site is located outside the FAR Part 77 noticing requirement.[69]

Wildfires

The project site is located in an urbanized area of San José which is not located in or near SRAs or LRA lands classified as very high fire hazard severity zones.[70] According to maps prepared by the Santa Clara County FireSafe Council, the project site is located within a wildland-urban interface area.[71][72]

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☒	☐

[69] Norman Y. Mineta San José International Airport. Notice Requirement Criteria for Filing FAA Form 7460-1. September 2013.
[70] CalFire. "California Fire Hazard Severity Zone Viewer". Accessed June 15, 2023. https://egis.fire.ca.gov/FHSZ/
[71] City of San José. "Wildland-Urban Interface". Accessed June 15, 2023. https://www.sanjoseca.gov/your-government/departments-offices/fire-department/public-education/wildfire-preparedness/wildland-urban-interface
[72] Wildland-urban interface areas are areas that have a history of wildfire and are vulnerable to wildfire given their proximity to vegetative fuels. They are typically transitional areas, where structures and other human development meet or intermingle with undeveloped wildland.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

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

Construction

Construction of the project would involve the use of potentially hazardous materials, including vehicle fuels, oils, and fluids. All hazardous materials would be transported, contained, stored, used, and disposed of in accordance with manufacturers' instructions and would be handled in compliance with all applicable standards and regulations. Construction-related hazardous materials use would be temporary, and does not constitute routine transport, use, or disposal. The proposed project would include demolition of the existing structures on-site. Any hazardous materials (e.g., debris or soil containing lead-based paint or coatings) that would be removed from the site during project construction would be properly disposed of in accordance with established regulations described under checklist question b) below. In addition, the proposed project would be subject to the City's Standard Permit Conditions and mitigation measure MM HAZ-1.1 listed under checklist question b) below, which would reduce potential impacts associated with transportation and disposing contaminated soil and other hazardous materials, as necessary, to less than significant.

Operation

Once operational, the proposed homes would routinely store and use small quantities of cleaning supplies, maintenance chemicals, herbicides and pesticides. No other hazardous materials would be used or stored on the site. These materials would be managed in accordance with existing laws and

regulations that ensure that the routine transport, storage, use, and disposal of these materials would not result in a significant hazard to the public or environment.

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

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

Soil Contamination

As described in Section 4.9.1.2, the project site has been a distribution center and retail front for the Olivera Egg Ranch. Based on the soil sampling results, all concentrations of detected substances were below relevant screening criteria for residential uses, with the exception of arsenic. As noted in Section 4.91.2, the elevated concentrations of arsenic appear to be localized in extent. Soil gas sampling also detected chloroform, which is likely a byproduct of a product called Chlorinated Egg Wash, which is used as a disinfectant. Low levels of benzene were also detected, likely related to past vehicle use and are not indicative of widespread contamination. The results of the Subsurface Investigation have been reviewed by the RWQCB who have determined that the project site does not pose an environmental or public health risk that necessitates regulatory oversight.[73] The RWQCB recommends the applicant have a Risk Management Plan to address potential issues associated with the arsenic, chloroform and benzene during construction.

Impact HAZ-1: Development of the proposed project could result in an impact to construction workers from exposure to arsenic in the shallow soil and chloroform and benzene in soil gas in excess of risk-based screening levels.

Mitigation Measures:

MM HAZ-1.1: Prior to issuance of a demolition or grading permit (whichever occurs first) the applicant shall hire a qualified environmental professional to develop a Risk Management Plan (RMP) to address any potential issues with arsenic in the shallow soil and chloroform and benzene in soil gas during construction or redevelopment. The Risk Management Plan shall include appropriate procedures to mitigate potential risks during construction or redevelopment activities that could result in disturbing impacted media or encountering unknown environmental conditions. Disturbed soil shall be appropriately tested and handled during construction.

[73] RWQCB. *Request for Agency Oversight, Olivera Egg Ranch, 3315 Sierra Road, San Jose, Santa Clara County*. December 27. 2024.

The Risk Management Plan shall be provided to the Director of Planning, Building and Code Enforcement or the Director's designee, and Environmental Services Department (ESD) Municipal Environmental Compliance Officer prior to issuance of a grading permit.

Implementation of MM HAZ-1.1 would ensure that a Risk Management Plan is prepared and appropriate measures are implemented during construction to minimize potential risks during construction.

As discussed in Section 4.9.1.2, chrysotile fibers that are indicative of natural occurring asbestos were detected in samples collected across the site.

Impact HAZ-2: Grading and construction activities on the project site could result in the generation of asbestos-containing dust resulting in exposure to construction workers and nearby community.

Mitigation Measures:

MM HAZ-2.1: Prior to issuance of a grading permit, an Asbestos Dust Mitigation Plan (ADMP) shall be prepared and submitted to the Bay Area Air Quality Management District (BAAQMD) for approval. The ADMP must describe dust control measures during grading as well as long term dust control measures. The ADMP shall comply with the California Air Resources Board (CARB) Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, which could include measures such as the following:

- Track-out prevention and control measures;
- Active stockpiles shall be adequately wetted or covered with tarps;
- Control for disturbed surface areas and storage piles that remain inactive for more than seven days;
- Control for traffic on unpaved roads, parking lots, and staging areas;
- Control for earthmoving activities; and,
- Control for off-site transport.

Implementation of mitigation measure MM HAZ-2.1 would ensure that appropriate dust control measures were in place to reduce impacts from natural occurring asbestos during project construction.

Asbestos-Containing Materials and Lead-Based Paint

Due to the age of the buildings on the project site, it is reasonable to assume that ACMs and LBP materials are present on-site. When the existing structures are demolished, asbestos particles could be released and expose construction workers and nearby building occupants to harmful levels of

asbestos. If lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. If the lead-based paint is flaking, peeling, or blistering, it shall be removed prior to demolition. It would be necessary to follow applicable Cal/OSHA regulations and any debris containing lead must be disposed appropriately.

The project would be required to implement the following Standard Permit Conditions to reduce impacts due to the presence of ACMs and/or lead-based paint:

Standard Permit Conditions:

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

With implementation of the Standard Permit Conditions, the project would have a less than significant impact from ACMs and LBP.

Polychlorinated Biphenyls

No PCBs were observed during preparation of the Phase I ESA. However, based on the age of the on-site buildings, the building materials may contain PCBs. Demolition of the buildings could release PCBs in the environment. The proposed project would be required to submit a PCB Screening Assessment Form when applying for a demolition permit to demolish the existing buildings on-site.

With adherence to the City of San José permitting requirements and RWQCB regulations, demolition of the buildings containing PCBs would reduce potential hazardous materials impacts to construction workers, adjacent uses, and nearby residences to a less than significant level.

With implementation of the identified Standard Permit Conditions a, the proposed project would result in a less than significant hazard to the public and/or the environment. **(Less than Significant Impact with Mitigation Incorporated)**

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

The project site is located approximately 390 feet (less than 0.25 mile) from Piedmont Hills High School (located at 1377 Piedmont Road). As discussed under checklist question a), the proposed dwelling units would routinely store and use small quantities of cleaning supplies, maintenance chemicals, herbicides and pesticides. No other hazardous materials would be used or stored on the site. During construction, the project would implement the standard permit conditions identified under checklist question b) would not emit significant hazards or hazardous materials impacts from construction or operation. For this reason, the project would not result in hazards or hazardous materials impacts within proximity to existing schools. **(Less than Significant Impact)**

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

The project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As discussed above under checklist question b), the project would implement standard permit conditions and would not create a significant hazard to the public or environment. **(Less than Significant Impact)**

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

The project site is not located within two miles of a public airport or public use airport. The nearest airport, Mineta San José International Airport, is located approximately five miles southwest of the project site. Given the distance between this airport and the project site, the project site is not located within the AIA, safety zones, and 60 dBA community noise equivalent level (CNEL) aircraft noise contour identified in the CLUP for the San José International Airport. The project site is also located outside the FAR Part 77 noticing requirement.[74] The project site is not located within an

[74] Norman Y. Mineta San José International Airport. Notice Requirement Criteria for Filing FAA Form 7460-1. September 2013.

airport land use plan area or within two miles of any airport and, therefore, no people residing or working in the project area would be exposed to safety hazards or excessive noise from airport operations. **(No Impact)**

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

The City's Emergency Operations Plan (EOP) principally is designed to establish the foundational policies and procedures that define how the City will effectively prepare for, respond to, recover from, and mitigate against natural or human-caused disasters. This includes assigning City departmental roles and responsibilities during disaster response and recovery activities, establishing communication and coordination procedures, and the logistics for disseminating information and resources, among other similar items. Construction and operation of the project, which would be done in accordance with City building and fire codes and regulations, would not impair implementation of or physically interfere with the City's adopted EOP, which is not tied to access onto or through the project site. In addition, emergency vehicles would be able to access the site via Sierra Road. As discussed under checklist question d) in Section 3.17 Transportation, the project would meet the San José Fire Department (SJFD) requirements that all portions of the buildings be within 150 feet of a SJFD access road and a minimum of three feet clearance from the property line to all sides of the buildings is provided. Additionally, the project would be constructed in accordance with current building and fire codes to ensure structural stability and safety. The SJFD would review the final site design for consistency with applicable fire department standards. For these reasons, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

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

As discussed in Section 3.9.1.2 Existing Conditions, the project site is located in an urbanized area of San José and is not located in or near State responsibility areas or lands classified as very high fire hazard severity zones. The project site is located in a wildland-urban interface area and the project would be constructed consistent with the CBC, which established minimum standards for materials in order to protect buildings in wildland-urban interface area. Therefore, the project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(Less than Significant Impact)**

4.10 Hydrology and Water Quality

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

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

Under Section 303(d) of the federal Clean Water Act, the SWRCB and RWQCBs are required to identify impaired surface water bodies that do not meet water quality standards and develop total maximum daily loads (TMDLs) for contaminants of concern. The list of the state's identified impaired surface water bodies, known as the "303(d) list" can be found on the on the SWRCB's website.[75]

National Flood Insurance Program

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

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a SWPPP must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the

[75] California State Water Resources Control Board. "2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)." May 11, 2022. Accessed June 15, 2023. https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.

requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in May 2022 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.[76] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if: (1) the post-project impervious surface area is less than, or the same as, the pre-project impervious surface area; (2) the project is located in a catchment that drains to a hardened (e.g., continuously lined with concrete) engineered channel or channels or enclosed pipes, which extend continuously to the Bay, Delta, or flow-controlled reservoir, or, in a catchment that drains to channels that are tidally influenced; or

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

(3) the project is located in a catchment or subwatershed that is highly developed (i.e., that is 70 percent or more impervious).[77]

Municipal Regional Permit Provision C.12.f

Provision C.12.f of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.[78] Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family residential and wood frame structures are exempt.

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood control agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. Well construction and deconstruction permits, including borings 45 feet or deeper, are required under Valley Water's Well Ordinance 90-1. Under Valley Water's Water Resources Protection Ordinance, projects within Valley Water property or easements are required to obtain encroachment permits.

2021 Groundwater Management Plan

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

Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by the District's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water

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

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

and in-lieu groundwater recharge through the provision of treated surface water and raw water, acquisition of supplemental water supplies, and water conservation and recycling.[79]

Local

Envision San José 2040 General Plan

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

Policy	Description
EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
EC-5.3	Preserve designated floodway areas for non-urban uses.
EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
ER-8.4	Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
ER-9.6	Require the proper construction and monitoring of facilities that store hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or tidal flooding.
MS-3.5	Minimize area dedicated to surface parking to reduce rainwater that comes into contact with pollutants.
MS-20.3	Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.

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

Policy	Description
IN-1.1	Provide and maintain adequate water, wastewater, and stormwater services to areas in and currently receiving these services from the City.
IN-3.4	Maintain and implement the City's Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis (SCIA) Guidelines to: Prevent sanitary sewer overflows (SSOs) due to inadequate capacity so as to ensure that the City complies with all applicable requirements of the Federal Clean Water Act and State Water Board's General Waste Discharge Requirements for Sanitary Sewer Systems and National Pollutant Discharge Elimination System permit. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. Maintain reasonable excess capacity in order to protect sewers from increased rate of hydrogen sulfide corrosion and minimize odor and potential maintenance problems. Ensure adequate funding and timely completion of the most critically needed sewer capacity projects. Promote clear guidance, consistency and predictability to developers regarding the necessary sewer improvements to support development within the City.
IN-3.7	Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.

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

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy No. 6-29 requires new development and redevelopment projects to implement post-construction BMPsand Treatment Control Measures (TCMs). This policy also established specific design standards for post-construction TCMs for projects that create or replace 10,000 square feet or more of impervious surfaces.

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

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

Construction Dewatering Waste Discharge Requirements

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

4.10.1.2 *Existing Conditions*

Hydrology and Drainage

The project site is located in the Coyote Creek Watershed, as identified in the General Plan. The Coyote Watershed drains approximately 320 square miles via Coyote Creek and its tributaries to the San Francisco Bay. [80]

The project site is currently developed with three industrial buildings, a residential building, and five utilitarian structures. Existing 36-inch storm drains and storm drain catch basins and manholes are present in Sierra Road.

Surface Water Quality

As noted above, stormwater runoff from the project vicinity drains into the Sierra Creek via the storm drain system in Sierra Road. Sierra Creek is not listed on the California 303(d) list.[81]

Groundwater

Based on available groundwater data, historically high groundwater levels at the project site are greater than 50 bgs (refer to Appendix D). Fluctuations in groundwater levels may occur due to seasonal changes, variation in rainfall, and underground drainage patterns.

Flooding

The project site is located within Flood Zone X (unshaded), which is an area of minimal flood hazard.[82]

Seiche, Tsunami, and Mudflows

A seiche is defined as a standing wave generated by rapid displacement of water within an enclosed body of water (such as a reservoir, lake, or bay) due to an earthquake that triggers land movement within the water body or land sliding into or beneath the water body. The nearest enclosed water

[80] City of San José. *Envision San José 2040 General Plan, Appendix G.* December 2010.
[81] California State Water Resources Control Board. "2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)." May 11, 2022. Accessed June 15, 2023. https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.
[82] Federal Emergency Management Agency. Flood Insurance Rate Map. Map Number 06085C0088J. February 19, 2014.

body capable of generating a seiche is the San Francisco Bay, located approximately 12 miles to the west of the project site.

A tsunami is a large tidal wave caused by an underwater earthquake or volcanic eruption. Tsunamis affecting the Bay Area can result from off-shore earthquakes within the Bay Area. The project site is approximately 12 miles south from the shoreline of the San Francisco Bay Area and is not located in a Tsunami Hazard Area.[83]

A mudflow is a large rapid (up to approximately 50 miles per hour) mass of mud formed by loose earth and water. Hillsides and slopes of unconsolidated material could be at risk to mudflows if these areas become saturated. The project site is not within a Landslide Zone per the EZRI maps prepared by CGS.[84]

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
- result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐

[83] California Department of Conservation. "Santa Clara County Tsunami Hazard Area". Accessed June 15, 2023. https://www.conservation.ca.gov/cgs/tsunami/maps/santa-clara

[84] California Geological Survey. "Earthquake Zones of Required Investigation". Accessed June 15, 2023. https://maps.conservation.ca.gov/cgs/EQZApp/app/.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
- impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

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

Construction-Related Impacts

Construction of the proposed project, including grading and excavation activities, could result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system.

The project would disturb more than one acre of soil; therefore, it is required to obtain a NPDES General Permit for Construction Activities. Prior to initiating grading activities, the project applicant will file a NOI with the SWRCB and prepare a SWPPP prior to commencement of construction. In addition, the project is required to comply with the City's Grading Ordinance. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The plan must detail the BMPs that would be implemented to prevent the discard of stormwater pollutants. The project site is located in a subwatershed lesser than or equal to 65 percent impervious; however, the project would not be subject to the HMP requirements since the project would reduce impervious areas compared to existing conditions.[85]

Pursuant to City requirements, the following Standard Permit Conditions have been included in the project to reduce potential construction-related water quality impacts.

[85] City of San José. Public GIS Viewer. Accessed June 16, 2023. https://gis.sanjoseca.gov/maps/publicgisviewer/

Standard Permit Conditions:

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

Compliance with the requirements of the City's Grading Ordinance and the City's standard permit conditions would ensure that non-significant quantities of soil and construction byproducts enters the storm drain system and local waterways as a result of the project.

Post-Construction Impacts

Following construction, the site would be 65 percent impervious (76,323 square feet) and 35 percent pervious (41,739 square feet). This is a decrease in impervious surfaces compared to existing conditions (94,714 square feet). Construction of the project would result in the replacement of more than 10,000 square feet of impervious surface area; therefore, the project would be required to comply with the MRP. This requires the project to incorporate site design, source control and runoff treatment controls to reduce the rates, volumes and pollutant loads of runoff from the project.

The project would reduce and treat surface runoff through the bioretention areas described in Section 3.2.2. In addition to the requirements of Provision C.3, the project would be subject to the San José Public Works Department standard permit conditions identified above, which mandates compliance with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29). The project, in compliance with the City's Grading Policy, the City's Post Construction Urban Runoff

Policy 6-29, and RWQCB's MRP NPDES Permit/C.3 requirements, would result in the same less than significant impacts on water quality.

With implementation of the identified Standard Permit Conditions listed above, the proposed project would result in a less than significant impact on water quality during project construction and operation. **(Less than Significant Impact)**

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

Groundwater depths at the project site are greater than 50 bgs. Construction of the project would not require any subsurface excavation activities or exporting of soil beyond what is necessary to grade existing surfaces and install utilities, all of which would occur at relatively shallow depths well above the highest recorded groundwater elevations. Therefore, the project would not encounter groundwater or require dewatering of subsurface groundwater.

The project would rely on existing sources of water and the City's existing water delivery system. Although the project would increase the demand for water within the City, this increase would not result in a substantial depletion of aquifers relied upon for local water supplies (see discussion under checklist question b) in Section 4.19 Utilities and Service Systems).

The project site is located near the Penitencia Recharge System identified in the SCVWD's Groundwater Management Plan.[86] All stormwater runoff generated by the project site would be treated via the bioretention areas before entering the storm drain system. In addition, as discussed below under checklist question c), the implementation of the project would result in a decrease in impervious surfaces compared to existing conditions. A decrease in impervious surfaces results in a corresponding decrease in surface runoff, thus resulting in an increase in infiltration on the sites. For these reasons, the project would not establish groundwater wells to supply the site, deplete groundwater supply, or interfere with groundwater recharge. **(Less than Significant Impact)**

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

[86] Santa Clara Valley Water District. *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins*. November 2021.

There are no watercourses located on the project site (the nearest waterway is Sierra Creek, located approximately 900 feet southeast), therefore, the development of the project would not alter the course of any waterways.

Currently the project site is 80 percent impervious (94,714 square feet) and 20 percent pervious (23,353 square feet), respectively. Following construction, the site would be 65 percent impervious (76,328 square feet) and 35 percent pervious (41,739 square feet). The project would result in a net reduction of impervious surfaces. Since the project would result in less impervious surface on the sites, the project would result in a corresponding reduction in the amount of surface runoff compared to existing conditions. Post-construction stormwater runoff from the project's impervious surfaces would be directed towards landscaped areas and bioretention throughout the project site for treatment. The project's stormwater treatment system would reduce the rate of stormwater runoff entering the City's storm drainage system. Because the project would result in reduced runoff volumes compared to the existing conditions, the project would not negatively impact the capacity of the existing storm drain system or cause off-site flooding.

With adherence to the requirements of Provision C.3 of the MRP, the Construction General Permit, and the City's standard permit conditions, the project would not create substantial new sources of polluted runoff. Additionally, the project would improve the quality of stormwater runoff leaving the sites and entering the City's storm drainage system. Finally, the project would be required to manage erosion and sedimentation during construction in accordance with the City's Municipal Code and the Construction General Permit. **(Less than Significant Impact)**

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

The proposed uses would store small amounts of fuel, cleaning chemicals, and maintenance chemicals, pesticides, and herbicides; however, no other routine use, storage, or disposal of hazardous materials are proposed. For this reason and the fact that the risk of flooding on the site is not significant (i.e., the site is not located within a 100-year floodplain, or subject to seiches or tsunamis), the project would result in a less than significant risk for releasing pollutants due to inundation. In addition, the project would comply with Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the RWQCB Municipal Regional NPDES Permit requirements to reduce the impacts of stormwater runoff on post-construction water quality. **(Less than Significant Impact)**

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

As discussed in checklist question a), the project would comply with the City's Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the RWQCB Municipal Regional NPDES Permit requirements, and would implement the City's standard permit conditions addressing construction- and operational-related surface runoff quality. Thus, the project would not conflict with or obstruct implementation of the San Francisco Bay Basin Plan.

The project site is within the Santa Clara Plain groundwater subbasin and this subbasin has not been identified in the GMP as being overdrafted. Implementation of the project would not interfere with any actions set forth by Valley Water in its GMP in regard to groundwater recharge, transport of groundwater, and/or groundwater quality. In addition, as discussed under checklist question b), the project would not substantially decrease groundwater supplies or substantially interfere with groundwater recharge.

The project with the implementation of standard permit conditions identified under checklist question a) would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

4.11 Land Use and Planning

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

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

Policy	Description
IP-1.7	Ensure that proposals to rezone and prezone properties conform to the Land Use / Transportation Diagram, and advance Envision General Plan Vision, goals and policies.
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 characteristics that require special consideration due to those constraints.
IP-1.9	Consider and address potential land use compatibility issues, the form of surrounding development, and the availability and timing of infrastructure to support the proposed land use when reviewing rezoning or prezoning proposals.

4.11.1.2 *Existing Conditions*

The project site is designated Residential Neighborhood (RN) in the Envision San José 2040 General Plan (General Plan), which permits residential developments with densities ranging from five to 16 dwelling units per acre with a floor area ratio (FAR) of 0.7 and heights between one and two-and-a-half stories.

The project site is zoned (A) Agricultural, which is intended for a wide range of agricultural and agricultural resource-related uses.

4.11.2 Impact Discussion

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

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

a) Would the project physically divide an established community?

A physical division of an established community typically refers to the construction of a physical feature (such as a wall, roadway, or railroad tracks) or the removal of a means of access (such as a local roadway or bridge) that would impair mobility within an existing community or between communities.

The project would redevelop and existing parcel with 25 single-family detached dwelling units. Five of the 25 dwelling units would also include an ADU. The project would include construction of a new private street that would provide access to the 25 dwelling units and ADUs. The proposed project does not include any features that would physically divide the community (e.g., roadway, railway, or highway). The proposed project would be consistent with the existing uses in the project area and, would not physically divide an established community. **(No Impact)**

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The project site has a Residential Neighborhood (RN) General Plan designation and is requesting to rezone the site to Planned Development (PD). Under the proposed PD zoning, single-family residential uses would be permitted consistent with the R-1 Single-Family Residential zoning district. The site's land use designation and zoning district corresponds to a permitted density of 8 to 16 dwelling units per acre, a FAR of 0.7, and heights between 1 and 2.5 stories (equivalent to 35 feet).

The applicant proposes to construct 25 single-family residences, which is equivalent to 9.7 dwelling units per acre. The residences would be two and two and a half stories, with a maximum height of 32 feet. In total, the FAR of the proposed development would be 1.0. Accordingly, the project would be consistent with the buildout of the General Plan as analyzed in the General Plan FEIR.

As documented under checklist question f) in Section 4.4 Biological Resources above, the proposed project is considered a covered activity under the Habitat Plan, and with implementation of the standard permit condition (i.e., conformance with applicable Habitat Plan conditions and fees), the project would not conflict with provisions of the Habitat Plan.

With implementation of SCVHP standard permit conditions, the project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

4.12 Mineral Resources

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

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

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

4.12.1.2 *Existing Conditions*

The Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is not on or adjacent to Communications Hill, which is located approximately 7.6 miles southwest of the project site.

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒

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

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

As discussed above in Section 4.12.1.2, the Communications Hill area is the only area within the City of San José that is designated as containing mineral deposits of regional significance. The project site is approximately 8.2 miles north of Communications Hill. **(No Impact)**

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

The project site is not in an area of San José or Santa Clara County with known mineral resources. **(No Impact)**

4.13 Noise

The following discussion is based on a Construction Noise and Vibration Assessment completed by Illingworth & Rodkin, Inc. The report dated October 31, 2023, is attached as Appendix H to this Initial Study.

4.13.1 Environmental Setting

4.13.1.1 *Regulatory Framework*

Noise

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

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, DNL, or CNEL.[87] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

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

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

4.13.1.1 *Regulatory Framework*

State and Local

California Building Standards Code

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

Envision San José 2040 General Plan

The General Plan includes the following noise policies applicable to the proposed project. The City's noise and land use compatibility guidelines are shown in Table 4.13-1, below.

Policy	Description
EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan). The acceptable exterior noise level objective is established for the City, except in the environs of the San Jose International Airport and the Downtown, as described below: For single-family residential uses, use a standard 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

Policy	Description
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: Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
EC-1.7	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.
EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

Table 4.13-1: Land Use Compatibility Guidelines for Community Noise in San José

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

	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
	Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.
	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

City of San José Municipal Code

Section 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

The Zoning Ordinance limits noise levels to 55 dBA L_{eq} at any residential property line and 60 dBA L_{eq} at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval.

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

The Norman Y. Mineta San José International Airport CLUP is intended to safeguard the general welfare of the inhabitants within the vicinity of the airport and aircraft occupants. The CLUP establishes an airport land use planning area, referred to as the AIA. The AIA is a composite of areas surrounding the airport that are affected by noise, height, and safety considerations. The CLUP includes land use compatibility guidelines, with topics such as noise and building height, to ensure that surrounding land uses and development do not interfere with the airport's continuing operations.

4.13.1.2 *Existing Conditions*

The project site is located is located on the northeast corner of Piedmont Road and Sierra Road, in the Berryessa neighborhood. The project site is surrounded by single-family and multi-family residences to the north and south, and a church, commercial and open space to the east. The ambient noise environment in San José is predominantly the result of transportation-related noise sources. Major roadways in the project vicinity include Piedmont Road and Sierra Road. Noise measurements indicate ambient noise levels of 59 dBA DNL along Berryessa Road.[88]

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

[88] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 314.

4.13.2.1 *City of San José Standards*

Construction Noise

For temporary construction-related noise to be considered significant, construction noise levels would have to substantially increase ambient noise levels at sensitive receptors. The City of San José considers large or complex projects involving substantial noise-generating activities and lasting more than 12 months significant when within 500 feet of residential land uses or within 200 feet of commercial land uses or offices. After a period of 12 months, a significant temporary noise impact would occur if construction noise levels would exceed 80 dBA Leq at residential land uses near the site or 90 dBA Leq at commercial land uses near the site, as defined in General Plan Policy EC-1.7.

Operational Noise

Development allowed by the General Plan would result in increased traffic volumes along roadway throughout San José. The City of San José considers a significant noise impact to occur where existing noise sensitive land uses would be subject to permanent noise level increases of 3.0 dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level, or five dBA DNL or more where noise levels would remain normally acceptable, as defined in General Plan Policy EC-1.2.

Construction Vibration

The City of San José relies on guidance developed by Caltrans to address vibration impacts from development projects in San José. A vibration limit of 12.7 millimeters per second (mm/sec; 0.5 inch/sec) PPV is used for buildings that are structurally sound and designed to modern engineering standards. A conservative vibration limit of 5.0 mm/sec (0.2 inches/sec) PPV has been used for buildings that are found to be structurally sound but where structural damage is a major concern. For historic buildings or buildings that are documented to be structurally weakened, a conservative limit of 2.0 mm/sec (0.08 inches/sec) PPV is used to provide the highest level of protection.

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction Noise Impacts

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating. Most demolition and construction noise falls within the range of 80 to 90 dBA at a distance of 50 feet from the source.

Construction of the project is planned to occur between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, over a period of 16 months. Saturday construction is also proposed between the hours of 9:00 a.m. and 5:00 p.m. Estimated construction noise levels are presented in Table 4.13-2 below.

Table 4.13-2: Estimated Construction Noise Levels at Residential Property Lines

Phase of Construction	Calculated Worst-Case [a] Hourly Average Noise Levels, dBA L_{eq}					
	3604 Ivalynn Circle Residence (210 ft[b])	3592 Ivalynn Circle Residence (150 ft[b])	3581 Ivalynn Place Residence (130 ft[b])	3575 Ivalynn Place Residence (190 ft[b])	3319 Sierra Rd (230 ft[b])	South Residences (160 ft[b])
Demolition	74	77	79	75	74	77
Site Preparation	68	71	72	68	67	70
Grading/ Excavation	73	76	77	74	73	76
Trenching	72	74	76	72	71	74
Building – Exterior	71	74	75	72	70	73
Building – Interior/ Architectural Coating	64	67	68	65	63	67
Paving	64	67	68	65	63	67

[a] These noise levels represent all equipment per phase operating simultaneously and propagated to the surrounding property lines.

[b] The distances shown in the table were conservatively measured from the center of the project site to the receiving property lines.

As shown in Table 4.13-2, construction noise at the nearest residences would range from 63 to 79 dBA and would not exceed the exterior threshold of 80 dBA L_{eq} at surrounding residential land uses. However, per Policy EC-1.7 of the City's General Plan, the temporary construction impact would be significant because the project would involve substantial noise generating activities continuing for more than 12 months and would occur within 500 feet of residential uses.

Impact NOI-1: Construction of the proposed project would result in noise generating activities above the City's noise construction threshold by exceeding 12 months and occurring within 500 feet of residential uses.

Mitigation Measures:

MM NOI-1.1: Prior to the issuance of any demolition or grading permits, a qualified acoustical consultant shall develop a construction noise logistics plan. The construction noise logistics plan shall include noise reduction measures to prevent substantial noise disturbances of affected sensitive receptors. A typical construction noise logistics plan shall include, but not be limited to, the following measures to reduce construction noise levels as low as feasible:

- A temporary eight-foot noise barrier shall be constructed along the north and east property line of the project site to shield adjacent residential land uses from ground-level construction equipment and activities. The noise barrier shall be solid over the face and at the base of the barrier in order to provide a five dBA noise reduction. The noise barrier is required for the construction period prior to the Building Interior/Architectural Coating phase to meet the construction noise standards. This temporary noise barrier shall be constructed if the project's solid sound wall and good neighbor fence (minimum five feet), respectively are not constructed first. Temporary noise barrier fences having a minimum surface density of two lbs/ft^2 (e.g. such as ¾" plywood) provide a five dB noise reduction if the noise barrier interrupts the line-of-sight between the noise source and the receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- If stationary noise-generating equipment such as power generators or pumps must be located near sensitive receptors (within 50 feet), adequate muffling (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
- Substitute nail guns for manual hammering and electrically powered tools for noisier pneumatic tools, where feasible.
- Assign a designated "noise disturbance coordinator" who would respond to any local 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 within 24 to 48 hours.

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 at least one week prior to start of construction and prior to each "noisy" phase of construction including demolition, site grading, roadway paving, and framing.

Implementation of MM NOI-1.1 would reduce the level of construction noise to nearby sensitive receptors through the development of construction noise logistics plan. This includes the construction of a noise barrier long the project boundary with the adjacent residences if the project's sound wall and good neighbor fences, respectively, were not constructed first, muffled and/or enclosed stationary noise-generating equipment, utilizing quieter models of noise-generating equipment, such as electrically powered tools. In addition to MM NOI-1.1, the project would be required to comply with the City's standard permit conditions, which include measures to avoid or reduce short-term noise impacts associated with construction of the project.

Standard Permit Conditions:

The project applicant shall implement the following noise minimization measures:

- Construct 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.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.

With the implementation of MM NOI-1.1, GP Policy EC-1.7, Zoning Code requirements, and the above standard permit conditions, temporary construction noise would be less than significant.

Operational Noise Impacts

Based on General Plan Policy EC-1.2, a significant impact would occur if the permanent noise level increase due to project-generated traffic was 3 dBA CNEL and equaled or exceeded the "normally acceptable" level of 60 dBA, or if the noise level increase from the project was 5 dBA CNEL or greater and remained within the "normally acceptable" range.

Based on a review of the Transportation Analysis prepared for the project (refer to Appendix I), the project would not double existing traffic volumes (which is the threshold where traffic would result in a 3 dBA noise increase), and at most would result in a noise level increase of zero to 1 dBA DNL along roadway segments within the project vicinity. Since operation of the project would not result in a permanent 3 dBA DNL increase in ambient noise levels, the project) would not substantially increase ambient noise levels as defined by General Plan Policy EC-1.2.
(Less than Significant Impact)

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

The construction of the project may generate vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include demolition, site preparation, grading, trenching, building exterior and interior work and paving.

According to General Plan Policy EC-2.3, a continuous vibration limit of 0.2 in/sec PPV is used to minimize damage at buildings of conventional construction and a continuous vibration limit of 0.08 in/sec PPV is used to minimize the potential for cosmetic damage to historical structures. The vibration limits contained in this policy are conservative and designed to provide the ultimate level of protection for existing buildings in San José. There are no historic buildings located within 500 feet of the project site.

Construction vibration levels were calculated at each of the surrounding buildings in the project vicinity. The project would potentially generate vibration levels exceeding the 0.2 in/sec PPV threshold at two residences: 3581 Ivalynn Place and 3319 Sierra Road. Project construction activities would generate vibration levels up to 0.368 in/sec PPV at 3581 Ivalynn Place. Project construction activities would potentially generate vibration levels up to 1.233 in/sec PPV at the 3319 Sierra Road residence near the project site. Maximum vibration levels of 1.233 in/sec PPV or lower would result in about 25 percent probability of cosmetic/threshold damage. This vibration level would result in a less than five percent probability of minor or major damage to the buildings immediately adjacent to the project site. Neither cosmetic, minor, or major damage would occur at conventional buildings located 30 feet or more from the project site.

Impact NOI-2: The project would exceed the City's vibration limit of 0.2 in/sec PPV for buildings of conventional construction at 3581 Ivalynn Place and 3319 Sierra Road.

Mitigation Measures:

MM NOI-2.1: Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs first), the project applicant shall contract with a qualified acoustical Professional to prepare a construction vibration monitoring plan that includes measures to reduce vibration impacts to achieve vibration limit of 0.2 in/sec PPV. During construction, the project applicant shall implement the following vibration reduction measures:

- Prohibit the use of heavy vibration-generating construction equipment within 30 feet of adjacent residential buildings.
- Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 30 feet of adjacent residential buildings. Only use the static compaction mode when compacting materials within 15 feet of residential buildings.
- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of adjacent residential buildings.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

Implementation of MM NOI-2.1 would reduce construction vibration generated by the project below the City's vibration limits and to a less than significant level by implementing a vibration monitoring plan and best available vibration suppression techniques that would ensure that construction-related vibration is below the City's threshold of 0.2 in/sec PPV. **(Less than Significant Impact with Mitigation Incorporated)**

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The nearest airport, Mineta San José International Airport, is located approximately five miles southwest of the project site. Given the distance between this airport and the project site, the project site is not located within 60 dBA CNEL aircraft noise contour identified in the CLUP for the Mineta San José International Airport. Therefore, the project would not expose people residing or working in the project area to excessive noise levels due to airport operations or aircraft.
(No Impact)

4.13.3 Non-CEQA Effects

Per California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing noise conditions affecting a proposed project. Ambient daytime noise levels in the area are estimated to range from 50 to 55 dBA L_{eq}. These noise levels are appropriate for residential uses, and typical construction techniques for walls, windows, and doors are anticipated to be adequate to protect future residences from existing noise sources, primarily roadway noise on surrounding streets. Nonetheless, to ensure interior noise standards are met within future residential units, the following condition would be applied to the project.

Standard Permit Conditions:

- The project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential unit. The project applicant shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

4.14 Population and Housing

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[89] The City of San José Housing Element and related land use policies were last updated in June 2023.

Regional

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[90]

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

[89] California Department of Housing and Community Development. "Projected Housing Needs - Regional Housing Needs Allocation" Accessed June 14, 2023. https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/projected-housing-needs-regional-housing-needs-allocation.

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

4.14.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 959,352 in January 2023, with an average of 2.91 persons per household. Full build out of the General Plan includes 120,000 new dwelling units and 382,200 new jobs by 2040. Development approved under the General Plan is projected to increase the City's residential population to 1,313,811.

The project site is currently developed with three industrial buildings, one residential building, and five utilitarian structures.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

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

The project would construct 25 single-family detached homes (including up to five ADUs), which would result in approximately 82 residents on-site.[91,92] As discussed under checklist question b) in Section 4.11 Land Use and Planning, the proposed project is consistent with the site's land use designation, and therefore is consistent with the buildout analyzed in the General Plan FEIR. Additionally, the project does not include any employment-generating uses (e.g., retail, commercial,

[91] The average number of residents is calculated from 2.86 persons per household from the State of California Department of Finance. Source: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/.
[92] 25 proposed single-family homes x 2.86 persons/household + 5 ADUs x 2 persons/ADU = 82 new residents.

office, etc.) or the extension of roads or other infrastructure that could indirectly induce unplanned population growth. **(Less than Significant Impact)**

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

The project would demolish one existing vacant single-family residence in order to construct 25 single-family detached dwelling units and up to five ADUs. The existing dwelling unit has been vacant since 2007.[93] The displacement of existing residential uses, therefore, would not necessitate the construction of replacement housing elsewhere. **(Less than Significant Impact)**

[93] Ramboll US Consulting, Inc. *Phase I Environmental Site Assessment and Subsurface Investigation*. April 2022.

4.15 Public Services

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

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

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

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

Regional and Local

Countywide Trails Master Plan

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

Envision San José 2040 General Plan

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

Policy	Description
PR-1.1	Provide 3.5 acres of per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.3	Provide 500 square feet per 1,000 population of community center space.
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.
ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.
ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: 1. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. 3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models. 4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community. 5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
ES-3.8	Use the Land Use/Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.

Policy	Description
ES-3.10	Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.
ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
ES-3.13	Maintain emergency traffic preemption controls for traffic signals.
ES-3.15	Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.
ES-3.18	Maintain a program consistent with requirements of State law to inspect buildings not under authority of the Office of the State Fire Marshall.

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects exceeding 50 units, the City decides whether the project will dedicate land for a new public park site or provide a fee in-lieu of land dedication. Affordable housing including low, very-low, and extremely-low income units are subject to the PDO and PIO at a rate of 50 percent of applicable parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

ActivateSJ Strategic Plan

The ActivateSJ Strategic Plan was developed by the City of San José's as a replacement to the Greenprint 2009 Plan. The Plan serves as an outline of goals and policies of the city's Department of Parks, Recreation, and Neighborhood Services, and is intended to act as a 20-year strategic plan in alignment with the Envision San José 2040 General Plan. The ActivateSJ Strategic Plan will be updated at five-year intervals. The Plan identifies five major guiding principles, Stewardship, Nature, Equity & Access, Identity, and Public Life, to achieve the City's goal of connecting people through parks, recreation, and neighborhood services.

4.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services in San José are provided by the SJFD. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The

SJFD protects 206 square miles and approximately 1.2 million residents in both City and county areas. There are 33 fire stations that service the residents of San José. The SJFD has established the goal of responding to Priority 1 incidents (emergencies) within eight minutes, 80 percent of the time, and Priority 2 incidents (non-emergencies) within 13 minutes, 80 percent of the time. For 2021-2022, the SJFD responded to Priority 1 incidents within the set time standard 71 percent of the time. [94]

The closest fire station to the project site is Fire Department Station 19, located 0.09 miles southwest of the project site at the intersection of Sierra and Piedmont roads.

Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately 4.8 miles southwest of the project site (16 minute drive time per Google Maps). SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is directly served by the SJPD Foothill Division. The Foothill Division includes covers approximately 42 square miles.[95]

The SJPD has established the goal of responding to Priority 1 calls (present or imminent dangers to life or major damage to/loss of property) within six minutes and responding to Priority 2 calls (involving injury or property damage, or the potential for either to occur) within 11 minutes. In 2021-2022, the citywide average response time for Priority 1 calls was 7.3 minutes, and the average response time for Priority 2 calls was 23.9 minutes.[96]

Schools

The project site is located within the attendance boundaries of the Berryessa Union School District (which serves students from transitional kindergarten through eighth grade) and the East Side Union High School District (which serves students from grades nine through 12).[97] The project site is serviced by Noble Elementary (located at 3466 Grossmont Drive, approximately 0.5 miles to the southeast from the project site), Piedmont Middle (located at 955 Piedmont Road, approximately 0.5 miles to the southwest), and Piedmont Hills High School (located at 1377 Piedmont Road, approximately 0.1 miles to the northwest).

Parks

The City of San José provides parklands, open space, and community facilities for public recreation and community services in the project area. The nearest parks to the project site are Noble and

[94] City of San José. *Annual Report on City Services 2021-2022*. December 2022.
[95] San José Police Department. "SJPD Foothill Division". Accessed June 15, 2023. https://www.sjpd.org/about-us/organization/bureau-of-field-operations/foothill-division
[96] City of San José. *Annual Report on City Services 2021-2022*. December 2022.
[97] City of San José. "Public Information Search". Accessed June 15, 2023. https://portal.sanjoseca.gov/deployed/sfjsp?interviewID=PublicPropertySearch

Penitencia Creek parks, located approximately 0.4 and 0.5 miles south of the project site, respectively.

Libraries and Community Centers

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 24 branch libraries.[98] The nearest library is the Berryesa Branch Library, located approximately 0.5 miles south of the site.

The City of San José operates 48 community centers within the City limits. The nearest community center to the site is the Beryessa Community Center, approximately 0.5 miles southwest of the site.

4.15.2 Impact Discussion

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

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services?

The project site is currently operates as a distribution center and retail front for the Olivera Egg Ranch and is developed three industrial buildings, a single-family residence[99], and five associated

[98] City of San José Public Library. "FY 2021/2022 Fact Sheet". Accessed June 15, 2023. https://www.sjpl.org/sites/default/files/2022-12/2021-22%20SJPL%20Fact%20Sheet.pdf

[99] The residence has been vacant since 2007.

accessory structures. The applicant proposes to demolish the existing structures and construct 25 two-story single-family residences with up to five ADUs. The project would intensify development at the project site, thus increasing the demand for fire protection services.

Although the site would increase demand for fire protection services in comparison with the existing development, the proposed development is consistent with the planned build-out analyzed in the General Plan FEIR, which concluded would not have a significant impact on fire department services. The General Plan also includes policies that address the provision of fire services within the City. Implementation of these policies provide mitigation for additional fire services required within the City as a result of implementation of the General Plan. Therefore, the project would not require the construction of new or expanded fire facilities.

As discussed under checklist question d) in Section 4.17 Transportation, the project would meet the SJFD requirements that all portions of the buildings be within 150 feet of a SJFD access road and a minimum of three feet clearance from the property line to all sides of the buildings is provided. In addition, the project would provide adequate fire suppression infrastructure as required by General Plan Policy ES-3.11 Further, the project would be constructed in accordance with current state and local building and fire codes to ensure structural stability and safety. The SJFD would review the final site design for consistency with applicable fire department standards. The project would not result in a significant impact on fire protection facilities and services. **(Less than Significant Impact)**

b) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services?

As discussed under checklist question a), the project would intensify development at the project site; therefore, the project would increase the demand for police protection services. This increase in demand would be diminished with compliance with applicable City policies, such as General Plan Policy ES-3.9, that promote public and property safety. Furthermore, as the proposed development is consistent with the build-out analyzed in the City's General Plan FEIR, which concluded would not have a significant impact on police protection services, the project would not warrant new or expanded police facilities. The project's incremental increase in police protection services compared to existing conditions would not require new or expanded police protection facilities (the construction of which could cause significant environmental impacts) in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. In addition, SJPD would review the final site design, including proposed landscaping, access, and lighting, to ensure that the project provides adequate safety and security measures. The project would not result in a significant impact on police protection facilities or services. **(Less than Significant Impact)**

c) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools?

The project would generate additional K-12 students due to the increase in housing units on-site. Based on the Berryessa Union School District's student generation rate for single-family dwelling units, the project would generate approximately two elementary students and one middle school student.[100][101] The project would generate approximately five high school students.[102][103] Table 4.15-1 below summarizes the student capacity and enrollment numbers for the schools that would serve the proposed project.

Table 4.15-1: Local School Facilities

Local School	Capacity	Current Enrollment (2022-2023)
Noble Elementary School	600 students	384 students
Piedmont Middle School	1,100 students	635 students
Piedmont Hills High School	N/A	1,948 students

Sources: Franklin, Kevin. Assistant Superintendent, Berryessa Union School District. Personal Communication. June 20, 2023. Davis, Ginny. Principal, Piedmont Hills High School. Personal Communication. August 3, 2023.

As shown above, Noble Elementary School and Piedmont Middle School have substantial capacity to serve additional students. Piedmont Hills High School does not cap enrollment for students who live within the school's attendance boundaries.[104] Therefore, the five additional students generated by the project would be accommodated at Piedmont Hills High School.

State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to issuance of a building permit. The affected school district(s) are responsible for implementing the specific methods for mitigating school effects under the Government Code, including setting the school impact fee amount consistent with State law. The school impact fees and the school districts' methods of implementing measures specified by Government Code Section 65996 would partially offset project-related increases in student enrollment. The project would be required to pay school impact fees pursuant to Government Code section 65996 which would reduce impacts to public school facilities. **(Less than Significant Impact)**

[100] Berryessa Union School. Developer Fee Justification Study. March 3, 2023.
[101] Assumes a student generation factor of 0.056 for grade K-6 and 0.002 for grades 7-8.
[102] East Side Union High School District. School Fee Justification Study. June 12, 2020.
[103] Assumes a student generation rate of 0.1886 per single-family unit.
[104] Davis, Ginny. Principal, Piedmont Hills High School. Personal Communication. December 3, 2023.

d) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks?

The City of San José has a PDO which requires new housing projects to provide 3.0 acres of neighborhood/community serving parkland per 1,000 population, provide recreational facilities onsite, and/or pay an in-lieu fee. The proposed project would result in 82 people on-site. The project would be required to pay the applicable PDO/PIO fees. The project's PDO/PIO fees would be used for neighborhood serving elements (such as playgrounds/tot-lots and basketball courts) within 0.75 miles of the project site, and/or community serving elements (such as soccer fields and community gardens) within a three-mile radius of the project site, consistent with General Plan Policies PR-2.4 and PR-2.5.

Since the proposed project would be required to comply with payment of the PDO/PIO fees, implementation of the project would not result in significant impacts to park and recreational facilities in San José. **(Less than Significant Impact)**

e) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities?

Development approved under the General Plan is projected to increase the City's residential population to 1,313,811. The existing and planned library facilities in the City would provide approximately 0.68 square feet of library space per capita for the anticipated population under build out of the General Plan by the year 2035, which is above the City's service goal of 0.59 square feet of library space per capita.[105] As discussed above in Section 4.14 Population and Housing, the growth resulting from the project is consistent with the buildout scenario analyzed in the General Plan FEIR. Accordingly, while the project would increase the use of local libraries, the project would not require the construction of new library facilities beyond what was analyzed in the General Plan FEIR.

As of 2021, San José had 558,000 square feet of community space.[106] Assuming a population of 959,352, the City would provide approximately 580 square feet for every 1,000 people.[107] The City

[105] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report.* SCH: 2009072096. September 2011.
[106] City of San José. *ActivateSJ Strategic Plan (2020-2040)*. January 2020.
[107] Existing population as of January 1, 2023 (959,256) plus 96 residents generated by the project. Source: California Department of Finance. https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/.

has a service goal of 500 square feet of community center space for every 1,000 people. Accordingly, the project would not result in the City failing to meet its service goal for community space and the construction of new community facilities. **(Less than Significant Impact)**

4.16 Recreation

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

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

Regional and Local

Countywide Trails Master Plan

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

Envision San José 2040 General Plan Policies

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

Policy	Description
PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.3	Provide 500 SF per 1,000 population of community center space.

ActivateSJ Strategic Plan

The ActivateSJ Strategic Plan was developed by the City of San José's as a replacement to the Greenprint 2009 Plan. The Plan serves as an outline of goals and policies of the city's Department of Parks, Recreation, and Neighborhood Services, and is intended to act as a 20-year strategic plan in alignment with the Envision San José 2040 General Plan. The ActivateSJ Strategic Plan will be updated at five-year intervals. The Plan identifies five major guiding principles, Stewardship, Nature, Equity & Access, Identity, and Public Life, to achieve the City's goal of connecting people through parks, recreation, and neighborhood services.

4.16.1.2 *Existing Conditions*

The City of San José provide parklands, open space, and community facilities for public recreation and community services in the project area. The nearest parks to the project site are Noble and Penitencia Creek parks, located approximately 0.4 and 0.5 miles south of the project site, respectively.

4.16.2 Impact Discussion

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

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

As discussed under checklist question d) in Section 4.15 Public Services, the project would result in new residents on the project site that would increase demand on parks and other recreational facilities. The project would comply with the City's PDO/PIO to offset its impact on parks and recreational facilities to a less than significant level. **(Less than Significant Impact)**

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

As discussed under checklist question d) in Section 4.15 Public Services, while future residents might use nearby parks and recreational facilities, this increase in use would be negligible and would not require the construction or expansion of parks and recreational facilities. The project does not include recreational facilities. Therefore, no recreational facilities would be constructed that might have an adverse physical effect on the environment. **(Less than Significant Impact)**

4.17 Transportation

The information in this section is based in part on a Local Transportation Analysis prepared by Hexagon Transportation Consultants, Inc. in November 2024. This report is included in Appendix I of this Initial Study.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

Senate Bill 743

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

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

Regional and Local

Congestion Management Program

VTA oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and

transportation demand management plan, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP-designated intersections.

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, Transportation Analysis Policy, the City of San José uses VMT as the metric to assess transportation impacts from new development. 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 Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access and recommend transportation improvements. The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1; however, it does negate the City's Protected Intersection policy as defined in Policy 5-3.

Envision San José 2040 General Plan

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

Policies	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand. Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems. The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i)

Policies	Description
	market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1. Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
TR-5.3	Development 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.
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.
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.
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.

4.17.1.2 *Existing Conditions*

Roadway Network

Regional and local roadways providing access to the project site are described below.

- Interstate 680 (I-680) is a north-south freeway that begins at US 101 in San Jose, where I-280 transitions to I-680, and ends at I-80 in Solano County. I-680 provides access to the project site via a full interchange at Berryessa Road and partial interchanges at N. Capitol Avenue and Hostetter Road.

- Piedmont Road is a north-south oriented two-lane Local Connector Street that begins at Penitencia Creek Road and extends northward into Milpitas where it transitions into Evans Road at Calaveras Road. Piedmont Road provides access to the project site via its intersection with Sierra Road.
- Berryessa Road is an east-west City Connector Street that begins where it transitions from Suncrest Avenue at its intersection with Piedmont Road. Berryessa Road provides access to the project site via its intersection with Piedmont Road.
- Sierra Road is predominantly an east-west oriented Local Connector Street. East of Piedmont Road (along the project frontage), Sierra Road is a two-lane undivided local street with parking on both sides. Sierra Road provides direct access to the project site and extends into the east foothills where it ultimately becomes a Rural Scenic Corridor.

Pedestrian Facilities

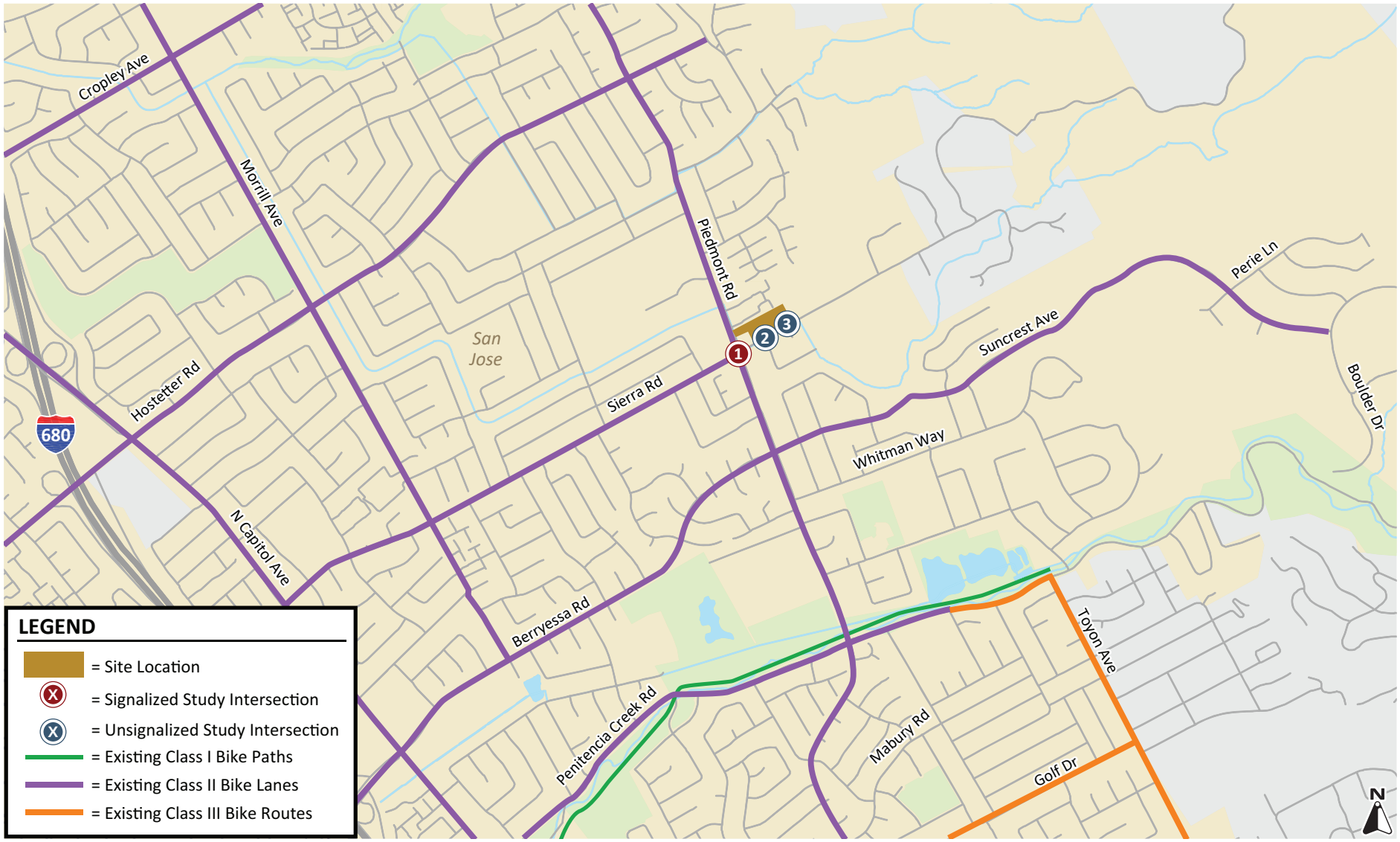
Sidewalks are found along Piedmont Road, Berryessa Road and Sierra Road in the vicinity of the project site. However, sidewalks are intermittent along Sierra Road east of the project site. The existing network of sidewalks provides good connectivity for pedestrians between the project site and other surrounding land uses and transit stops. Crosswalks, ADA compliant curb ramps, and pedestrian signal heads and push buttons are located at the nearby signalized intersections of Piedmont Road/Sierra Road and Piedmont Road/Berryessa Road.

Bicycle Facilities

Bicycle facilities are divided into four classes:

- Class I bicycle facilities are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path.
- Class II bicycle facilities are striped bike lanes on roadways that are marked by signage and pavement markings. Piedmont Road, Sierra Road, and Berryessa Road all have Class II bicycle facilities.
- Class III bicycle facilities are bike routes and only have signs and/or Sharrows (bike route lane markings) to help guide bicyclists on recommended routes to certain locations.
- Class IV bicycle facilities are on-street bikeways that incorporate physical barriers (e.g., raised curbs, flexible bollards, vehicle parking, grade separation, etc.) to separate bicycles from the flow of vehicular traffic. There are no Class IV bicycle facilities in the vicinity of the project site.

The Penitencia Creek multi-use trail system (Class I bikeway) runs alongside Penitencia Creek and separates bicyclists from motor vehicle traffic. Access to the four-mile multi-use trail is provided via N. Piedmont Road, about a half-mile south of the project site. This trail system provides access to Penitencia Creek Park and Alum Rock Park. Figure 4.17-1 shows the existing bicycle facilities in the area.



Source: Hexagon Transportation Consultants, Inc.

EXISTING BICYCLE FACILITIES

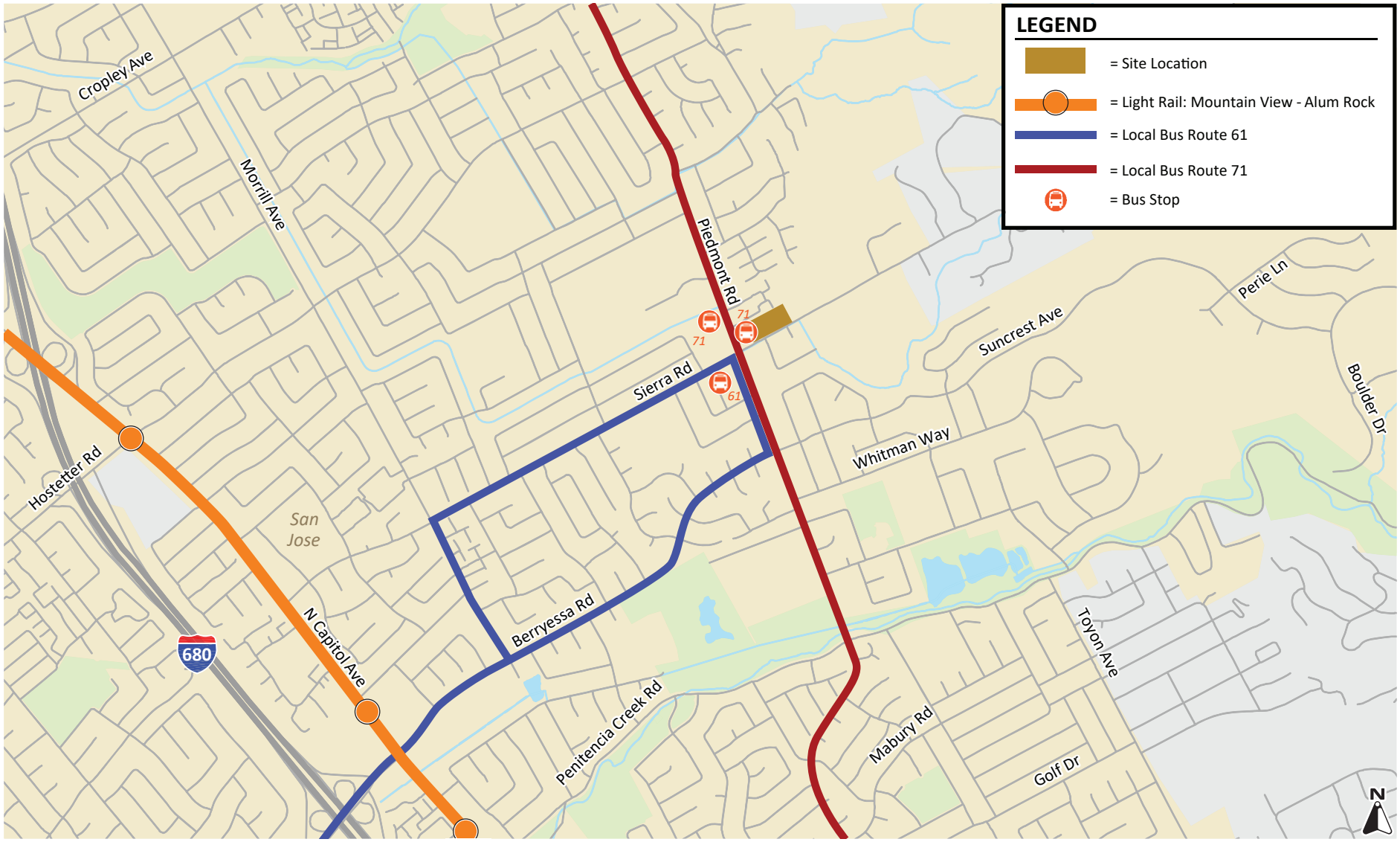
FIGURE 4.17-1

Transit Facilities

Existing transit services near the project site are provided by the Santa Clara Valley VTA. Local bus routes 61 and 71 (see Figure 4.17-2). These local bus routes are described below.

Local bus route 61 operates along Sierra Road and Berryessa Road with stops on Sierra Road within walking distance of the project site. Route 61 provides frequent bus service between Good Samaritan Hospital and the Piedmont Road/Sierra Road intersection with 15-minute headways during the weekday a.m. and p.m. peak commute hours of the day. Bus route 61 stops along Berryessa Road at N. Capitol Avenue near the Berryessa light rail transit (LRT) station.

The VTA currently operates the 42.2-mile LRT line system extending from south San Jose through downtown to the northern areas of San Jose, Santa Clara, Milpitas, Mountain View and Sunnyvale. The service operates nearly 24 hours a day with 15-minute headways during much of the day. The Berryessa LRT station is served by the Mountain View-Alum Rock LRT Line (Orange Line). Local bus route 71 operates along Piedmont Road with stops located within walking distance of the project site. Route 71 provides service between the Milpitas BART station and Eastridge Mall with 30-minute headways during the weekday a.m. and p.m. peak commute periods of the day.



Source: Hexagon Transportation Consultants, Inc.

EXISTING TRANSIT FACILITIES

FIGURE 4.17-2

4.17.2 Impact Discussion

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

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

Pedestrian and Bicycle Facilities

The project would reconstruct the existing sidewalks along the project frontage. The proposed five-foot-wide sidewalk and five-foot-wide parking strip is consistent with the sidewalk configuration adjacent to the existing residential development along the south side of Sierra Road (directly across the street). As described under checklist question b), the project would be required to remove the pork chop island on the northeast corner of the Piedmont Road/Sierra Road intersection and reconstruct/extend the curb line. These multimodal infrastructure improvements would enhance off-site pedestrian connectivity, slow down the westbound right-turn vehicle movement, shorten the pedestrian crossing distance on Sierra Road, and make pedestrians more visible to drivers, thereby improving the pedestrian safety at the intersection. Providing these multimodal improvements would create a safer environment and promote walking and biking as alternatives to driving for the project and for existing development in the area.

The project would not remove any bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities. The City of San José Better Bike Plan 2025 identifies Piedmont Road as having a Class IV separated bikeway. As described under checklist question b), the project would be required to construct a 150-foot-long Class II buffered bike lane with new shoulder striping along northbound Piedmont Road between Sierra Road and the existing driveway serving the gas station. These multi-modal infrastructure improvements would encourage bicycling for the project and for existing development in the area, resulting in fewer drive-alone commute trips.

Transit Facilities

As discussed in Section 4.17.1.2, local bus routes 61 and 71 provide service to the project area with stops on Piedmont Road and Sierra Road within walking distance of the project site. Due to the convenient transit stop locations, it is reasonable to assume that some residents would utilize the transit services provided in the area. It is estimated that the increased transit demand generated by the proposed project could be accommodated by the current available ridership capacities of the transit services in the area.

Based on the above, the project would not conflict with a program, plan, ordinance, or policy regarding bicycle and pedestrian facilities. **(Less than Significant Impact)**

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

City Council Policy 5-1 has established screening criteria to determine which projects require a detailed VMT analysis. Within the screening criteria, residential projects or components of projects would be exempt from VMT analysis under the following conditions: 1) the site is located within a Planned Growth Area as defined by the General Plan; 2) the site is located within 0.5 miles of an existing major transit stop or an existing stop along a high-quality transit corridor; 3) the project has a minimum of 35 units per acre; 4) the project would not negatively impact transit, bike or pedestrian infrastructure. The project does not meet the screening criteria because the project is not located within a Planned Growth Area according to the City's General Plan. Therefore, a detailed CEQA transportation analysis (i.e., VMT analysis) was prepared for the residential project.

The San José VMT Evaluation Tool was used to estimate the residential project VMT based on the project location (APN), type of development, project description, and proposed trip reduction measures. The VMT threshold for residential uses is the existing citywide average daily VMT level (13.40 per capita) minus 15 percent, or 11.39 daily VMT per capita.

The results of the VMT evaluation indicate that the project would generate 13.59 VMT per capita, which exceeds the City's residential threshold of 11.39 VMT per capita. Therefore, the project would result in a significant VMT impact without mitigation.

Impact TRN-1: The project would exceed the City's residential threshold of 11.39 VMT per capita resulting in a significant impact.

Mitigation Measures:

Prior to the issuance of the Certificate of Occupancy, the project applicant shall implement the following mitigation measures MM TRN-1.1 through MM TRN-1.5:

MM TRN-1.1: **Bike Access Improvements.** The project shall construct a 150-foot-long II buffered bike lane along northbound Piedmont Road between Sierra Road and the existing driveway serving the gas station.

MM TRN-1.2: **Pedestrian Network Improvements and Traffic Calming Measures.** The project shall remove the pork-chop island on the northeast corner of the Piedmont Road/Sierra Road intersection and reconstruct/extend the curb line (i.e., square off the corner and remove the westbound right-turn pocket on Sierra Road). The corner would be reconstructed to include new ADA compliant curb ramps with truncated domes. Some restriping would also be necessary.

MM TRN-1.3: **Transit Accessibility.** The project shall relocate the Piedmont and Sierra VTA bus stop (Stop ID 65526) along northbound Piedmont Road closer to the intersection of Piedmont Road/Sierra Road.[108] The project may have to implement additional bus stop improvements (I.e., new bus pad, metal bench) that will need to be coordinated with VTA.

MM TRN-1.4: **School Pool Program.** The project shall implement a School Pool Program. The purpose of this program would be to match parents of the proposed residential development who transport students to schools without a bussing program, including private schools, charter schools, and neighborhood schools where students cannot walk or bike. The school pool program would be open to all families of the development.

School pool program information will be provided to new homeowners or renters in welcome packets. A Transportation Demand Management (TDM) webpage and/or periodic newsletters with current school pool program information will also be made available for continued reference by homeowners and renters. Residents interested in the program will be able to connect with other interested residents to schedule carpools either directly or through one of the 511.org online services. The developer will be responsible for initially creating a TDM webpage or newsletter for the project and providing a welcome packet to each homeowner or renter upon move-in. The Home Owner's Association (HOA) will be responsible for maintaining the TDM webpage and/or newsletters to ensure the information remains current.

MM TRN-1.5: **Voluntary Travel Behavior Change Program.** The project shall implement a voluntary travel behavior change program. The project HOA will be responsible for facilitating a voluntary travel behavior change program that

[108] Removal of the pork-chop island and extension of the curb line on the northeast corner of the intersection would make this transit improvement possible.

targets individual attitudes and behaviors towards travel and helps individuals analyze and alter their travel choices to encourage the use of shared ride modes, transit, walking, and biking. These programs will include an annual resident travel survey and year-round communications. These programs may also feature mass communication campaigns such as community travel surveys, green trip competitions, and web-based tools that promote cost savings, pro-environmental, and pro-healthy impacts of travel choices (the Voluntary Travel Behavior Change Program).

All homeowners and renters of the proposed development shall be provided with the information/tools/access to take full advantage of the Voluntary Travel Behavior Change Program. Accordingly, 100 percent of the residents would qualify as "participants" in this TDM program. A TDM/Transportation Coordinator, likely an employee of the HOA Management Company, shall administer the Voluntary Travel Behavior Change Program.

Mass communication campaigns will keep the homeowners and renters informed of transportation options available to them. Communications may include emails, newsletters, postcards, and/or fliers. Travel surveys are a way to investigate residential travel modes, trip purposes, trip frequency, and perceptions toward alternative travel options, routes, services, and benefits. The results of the residential travel surveys will provide quantitative data (e.g., mode split) and qualitative data (e.g., resident perception of alternative transportation programs). The travel surveys will be conducted annually and will help to determine the effectiveness of the program and whether any changes should be made. Survey data will indicate where to focus ongoing TDM marketing with a goal of maintaining the project's commitment to use alternative transportation.

Implementation of mitigation measure MM TRN-1.1 would encourage bicycling for the project and for existing development in the area, resulting in fewer drive-alone commute trips and providing a Class II buffered bike lane would improve bicycle travel and safety along Piedmont Road and promote bicycling as an alternative to driving, thereby reducing VMT. Implementation of MM TRN-1.2 would enhance off-site pedestrian connectivity, slow down the westbound right-turn vehicle movement, shorten the pedestrian crossing distance on Sierra Road, and make pedestrians more visible to drivers, thereby improving the pedestrian safety at the intersection and promoting walking and biking as alternatives to driving for the project and for existing development in the area. Implementation of MM TRN-1.3 would relocate the bus stop closer to the intersection, which would encourage existing and future residents to utilize transit as an alternative to driving, thereby reducing VMT. Implementation of MM TRN-1.4 would reduce the total number of vehicle trips traveling between homes and schools. Implementation of MM TRN-1.5 would encourage the use of shared ride modes, transit, walking, and biking, thereby reducing drive-alone vehicle trips and VMT.

With the implementation of mitigation measure MM TRN-1.1 through 1.5, the project's VMT would be reduced to 11.37 per capita, which would be below the City's threshold of 11.39 VMT per capita.

(Less than Significant Impact with Mitigation Incorporated)

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

The proposed project would introduce 25 single-family dwelling units and up to five ADUs in an area with existing single- and multi-family development. Therefore, the proposed project would not create incompatible uses on roads around the project site.

Vehicular access to the project site would be provided via two full-access driveways on the north side of Sierra Road. The west project driveway would be offset slightly from Onslow Way, and the east project driveway would be offset slightly from Fulbar Court. Both driveways are shown to be 26 feet wide and would meet the City's residential driveway width standard.

There are no existing landscaping, roadway curvature, or other visual obstructions along the project frontage that would obscure sight distance at the project driveways. For Sierra Road, which has a posted speed limit of 35 mph, the Caltrans stopping sight distance is 300 feet (based on a design speed of 40 mph). This means that a driver must be able to see 300 feet down Sierra Road to locate a sufficient gap to turn out of the project driveways. This also gives drivers traveling along Sierra Road adequate time to react to vehicles exiting the project driveways.

Street parking is currently allowed along the project frontage on Sierra Road and would continue to be permitted with the project. The project would implement red curb restricting street parking adjacent to the proposed project driveways to ensure adequate sight distance. Therefore, no street parking spaces would be situated within 30 feet of the project driveway. Drivers exiting the project driveways onto Sierra Road would be able to see at least 300 feet in both directions. Therefore, it can be concluded that sight distance would be adequate at the project driveways.
Based on the above, the project would not introduce increased hazards from new geometric design features or incompatible uses. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

The proposed project would not result in changes to surrounding circulation systems or established evacuation routes. The City requires consistency with applicable fire department standards before building permits are approved. The City of San Jose Fire Department requires that all portions of the buildings be within 150 feet of a fire department access road and requires a minimum of 3 feet clearance from the property line along all sides of the building. According to the site plan, the project would meet the fire access requirements. Therefore, the proposed project would have a less than significant impact on emergency access. **(Less than Significant Impact)**

4.17.3 Non-CEQA Effects

While the evaluation of project CEQA impacts on the transportation system is based on vehicle miles traveled (VMT), in accordance with the City of San José Transportation Policy (Council Policy 5-1), the following discussion is included for informational purposes because City Council Policy 5-1 requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

4.17.3.1 *Trip Generation*

Trips that would be generated by the project were estimated using the ITE average trip rates for "Single-Family Detached Housing" (ITE Land Use 210) and "Multifamily Housing Low-Rise" (ITE Land Use 220) located in a General Urban/Suburban setting. The multifamily housing low-rise trip generation rates were used to estimate trips generated by the proposed ADUs.

After applying the ITE trip rates to the proposed residential project and applying the appropriate trip reductions, the project would generate 317 gross daily vehicle trips, with 23 gross trips occurring during the a.m. peak hour and 30 gross trips occurring during the PM peak hour. The breakdown of project trips is presented in Table 4.17-1 below.

Table 4.17-1: Project Trip Generation

Land Use	Daily Trips	a.m. Peak Hour			p.m. Peak Hour		
		In	Out	Total	In	Out	Total
Single-Family Detached[1]	236	5	13	18	15	9	24
ADU[2]	101	1	5	6	5	3	8
Location-Based Vehicle Mode Share (6%)[3]	-20	0	-1	-1	-1	-1	-1
Project Trips	**317**	**6**	**17**	**23**	**19**	**11**	**30**
Exiting Uses to be Removed – Commercial Buildings[4]	-385	-11	-8	-19	-29	-29	-58
Net New Trips	**-68**	**-5**	**9**	**4**	**-10**	**-18**	**-28**

Source: Hexagon Transportation Consultants. *Transportation Analysis for 3315 Sierra Road.* October 2023.

Notes:

[1] Project trip generation estimates based on average rates contained in the ITE Trip Generation Manual, 11th Edition, for Single-Family Detached Housing (Land Use 210) located in a General Urban/Suburban setting. Rates are expressed in trips per dwelling unit (DU).
[2] Project trip generation estimates based on average rates contained in the ITE Trip Generation Manual, 11th Edition, for Multifamily Housing Low-Rise (Land Use 220) located in a General Urban/Suburban setting. Rates expressed in trips per dwelling unit (DU).
[3] A 6% reduction was applied to the residential project based on the location-based vehicle mode share percentage outputs (Table 17 of the TA Handbook) produced from the San Jose Travel Demand Model for the place type: Suburban with Single-Family Homes.
[4] The a.m. and p.m. peak hour trips generated by the existing commercial building (Olivera Egg Ranch) to be removed are based on driveway counts conducted on July 6, 2023. Existing daily trips were estimated (10 x average of a.m. and p.m. counts).

4.17.3.2 *Intersection Operations*

Intersection levels of service were evaluated based on the standards of the City of San José. The results of the analysis show that the signalized study intersection (Piedmont Road and Sierra Road) is currently operating at an acceptable level of service (LOS C) during both the a.m. and p.m. peak hours of traffic and would continue to do so under background and background plus project conditions (refer to Appendix I for detailed intersection level of service calculations).

4.17.3.3 *Intersection Queuing*

The results of the queuing analysis show that adequate vehicle storage is currently provided and would continue to be provided under background and background plus project conditions to accommodate the maximum vehicle queues that would develop for the westbound left-turn and right-turn movements at the Piedmont Road/Sierra Road intersection.

4.18 Tribal Cultural Resources

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

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

Under AB 52, TCRs are defined as follows:

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

4.18.1.2 *Existing Conditions*

There are no known TCRs on the project site. A Sacred Lands File Search request was submitted to the NAHC for the project area. A response was received on March 17, 2023, stating that the search results were negative.

As discussed in Section 4.4 Cultural Resources, the project area has a moderate sensitivity for buried Native American archaeological deposits and a moderate sensitivity for buried archaeological deposits. No tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified on the project site based on available information. In addition, any prehistoric surface features or landscapes are likely to have been modified due to development of the project site and area.

AB 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be significantly impacted by a project. Where a project may have a significant impact on a tribal cultural resource,

the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the Lead Agency. In 2017, the City had sent a letter to tribal representatives in the area to welcome participation in the consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City. The Ohlone Tribe submitted a request in July of 2018 for notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the City of San José. Then, in response to a more specific verbal request in a meeting with City staff and the representative on July 12, 2018, clarification was received that such notification be sent only for projects in the City of San José that involve ground disturbing activities in Downtown, and that such requests may be sent via e-mail only. In addition, on May 28, 2021, the Tamien Nation requested notification of all projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report within the City of San José.

On May 11, 2023, the City send out AB 52 notifications for the project. The City did not receive any requests to consult pursuant to AB 52.

4.18.2 Impact Discussion

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

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

The project area has a moderate sensitivity for buried Native American archaeological deposits and a moderate sensitivity for buried archaeological deposits. No tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified on the project site based on available information. In addition, any prehistoric surface features or landscapes are likely to have been modified due to development of the project site and area. The project would implement the standard permit conditions under checklist question b) in Section 4.5 Cultural Resources to reduce the potential for adverse impacts to buried cultural resources (including TCRs) to a less than significant level. **(Less than Significant Impact)**

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

The project sites do not contain any known TCRs. Refer to the discussion under checklist question a). With the implementation of the standard permit condition identified under checklist question b) in Section 3.5 Cultural Resources would not cause a substantial adverse change in the significance of a tribal cultural resource. **(Less than Significant Impact)**

4.19 Utilities and Service Systems

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The San José Water Company, the water retailer serving the site, adopted its most recent UWMP in 2021.

Assembly Bill 939

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

Assembly Bill 341

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

Assembly Bill 1826

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

Senate Bill 1383

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

and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025. CalRecycle released an analysis titled "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals" in August of 2020, which recommended maintaining the disposal reduction targets set forth in SB 1383.[109]

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

In January 2023, the State of California adopted the most recent version of the California Green Building Standards Code (CALGreen), establishing mandatory green building standards for all new and qualifying remodeled structures in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

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

Local

Envision San José 2040 General Plan

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

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

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

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

San José Zero Waste Strategic Plan/Climate Smart San José

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

San José Sewer System Management Plan

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

Private Sector Green Building Policy

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

Construction and Demolition Diversion Deposit Program

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

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

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

4.19.1.2 *Existing Conditions*

Water Service and Supply

Water service is provided to the City of San José by three water retailers, San Jose Water Company (SJW), the City of San José Municipal Water System, and the Great Oaks Water Company. Water service to the project sites is provided by the SJW. The service area of SJW is 139 square miles,

including most of the cities of San José and Cupertino, the entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. Potable water provided to the service area is sourced from groundwater, imported treated water, and local surface water. The project site currently operates as a distribution center and retail front for the Olivera Egg Ranch and is developed with three industrial buildings, a single-family residence, and five associated accessory structures. It is estimated that the existing uses onsite use approximately 26,279 gallons of water per day (gpd).[110]

The South Bay Water Recycling's (SBWR) is the regional permit holder for recycled water in San José, Santa Clara and Milpitas, ensuring compliance with State regulations for recycled water quality and use. SBWR's recycled water system consists of over 150 miles of pipeline, five pump stations, and 10 million gallons of storage in reservoirs. Recycled water is used to irrigate large landscape areas and other non-potable applications. There are no recycled water lines in the project vicinity.

Sanitary Sewer/Wastewater Treatment

Wastewater from the project site is treated at the San José-Santa Clara Regional Wastewater Facility (RWF), which is administered and operated by the City's Department of Environmental Services. The RWF has the capacity to treat 167 million gallons per day (mgd) of wastewater during dry weather and treats 110 mgd on average.[111] The City of San José currently generates approximately 69.8 mgd of dry weather average flow, leaving 38.8 mgd of excess treatment capacity at the RWF for the City's wastewater treatment demands.[112]

Wastewater from the project site is conveyed to the City's sewer system via an six-nch diameter main line in Sierra Road. The General Plan FEIR states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purposes of this analysis, wastewater flow rates are assumed to be 95 percent of the total on-site water use. The existing use is assumed to generate approximately 22,337 gallons of wastewater per day.[113]

Storm Drainage

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. The project site is located within an urbanized area served by an existing storm drainage system. Currently, the project site is approximately 80 percent (approximately 94,714 square feet) covered with impervious surfaces. Surface runoff from the project site flows into a 36-

[110] California Emissions Estimator Model (CalEEMod) Version 2022.1.1.7. *3315 Siera Road Existing Conditions Custom Reports*. November 2023.
[111] San José-Santa Clara Regional Wastewater Facility. "San José-Santa Clara Regional Wastewater Facility Fact Sheet." Accessed July 5, 2023. https://www.sanjoseca.gov/home/showpublisheddocument/32061/637267825445900000.
[112] City of San José. *Envision San José 2040 General Plan Integrated Draft Program Environmental Impact Report.* SCH: 2009072096. September 2011. Page 648.
[113] Based upon the California Emissions Estimator Model (CalEEMod) standard wastewater generation rate of 85% of total water usage.

inch diameter storm drain line in Sierra Road. Surface runoff from the Sierra Road storm drains discharge into the Coyote watershed.

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California IWMB in 1996 and was reviewed in 2004 and 2007. Based on the IWMP, the County has adequate landfill capacity. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. According to the IWMP, the County has adequate disposal capacity beyond 2030. [114] Solid waste generated within the County is transported to Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road landfills. The City has an existing contract with Newby Island Sanitary Landfill (NISL). The NISL has approximately 12.4 million cubic yards (12,415,831 cubic yards or 9,311,873 tons)[115] of airspace remaining and an estimated closure date of 2041.[116] The City of San José currently generates approximately 1.7 million tons of solid waste annually.[117] Approximately 60 percent of the waste generated is diverted and the remaining 40 percent is sent to the landfill. Of the amount landfilled, approximately 260,000 tons comes from residential sources, 254,000 tons comes from commercial, industrial and institutional sources, and 195,000 tons comes from construction and demolition sources.[118]

The existing uses on the project site generate approximately 52 tons of solid waste per year.

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐

[114] City of San José. *Envision San José 2040 General Plan Draft Program EIR*. June 2011. Page 631.
[115] CalRecycle. "Facility Information Toolbox (FacIT) Archived." April 15, 2023. https://www2.calrecycle.ca.gov/Docs/Home/GetDocument?publicKey=106232&opt=dln.
[116] Boccaleoni, Anthony. Republic Services. Personal Communication. May 12, 2023.
[117] City of San José. *Envision San José 2040 General Plan Integrated Draft Program Environmental Impact Report.* SCH: 2009072096. September 2011. Page 633.
[118] Ibid.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

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

Water Facilities

The project proposed to demolish the existing Olivera Egg Ranch in order to construct 25 single-family dwelling units and up to five ADUs. The project would connect to existing water lines in Sierra Road. As described under checklist question b) below, there are sufficient water supplies available to serve the area and new or expanded water infrastructure would not be required to meet the water needs of the project. Therefore, the project would not result in significant environmental effects due to construction or relocation of water utilities.

Wastewater Treatment Facilities

Under existing conditions, the existing use generates 22,337 gallons of wastewater per day. The project would generate approximately 12,035 gallons of wastewater per day, which represents a decrease from existing conditions.[119] The City currently has approximately 38.8 mgd of excess wastewater treatment capacity. The proposed project could be served by the available capacity. Relocation or the construction of new or expanded wastewater facilities would not be required.

[119] Illingworth & Rodkin. *3315 Sierra Road Residential Development Construction Health Risk Assessment.* November 2023.

Storm Drainage Facilities

The project would connect to existing storm drain lines in Sierra Road. The project would replace the existing Piedmont Road driveway area with a bioretention area. Additionally, as discussed in Section 4.10 Hydrology and Water Quality, the project would reduce the amount of impervious surface area on the site, which would reduce the amount of runoff compared to existing conditions. The project would be required to comply with the NPDES Municipal Regional Permit and all applicable plans, policies, and regulations for the treatment of stormwater. Therefore, implementation of the proposed project would have a less than significant impact on the City's storm drainage system such that no new or expanded facilities would be required.

Other Utilities

The project would utilize existing utility connections to connect to the City's electric and telecommunications systems. The project would not connect to the existing natural gas lines because no natural gas infrastructure would be constructed, and the building would be 100 percent electric. Although the project would increase the demand on existing facilities in the City, relocation of existing or construction of new facilities would not be needed to serve the proposed project. As a result, the proposed project would have a less than significant impact on these facilities.

The proposed project would not result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities. **(Less than Significant Impact)**

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

SJW provides water to the project area. Their most recent Urban Water Management Plan (adopted in June 2021) determined that there would be adequate supplies to meet system demands under single year conditions and multiple dry year conditions through 2045. The project would have a water demand of 14,159 gallons per day[120], a decrease of 12,120 gallons per day compared to existing conditions. The proposed project would be consistent with the growth forecasted in the General Plan and analyzed in the 2020 UWMP. For these reasons, the project would not substantially increase water demand in the City. **(Less than Significant Impact)**

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

[120] Illingworth & Rodkin. *3315 Sierra Road Residential Development Construction Health Risk Assessment.* November 2023.

Under existing conditions, the project site generates 22,337 gallons of wastewater per day. The project would generate 12,035 gallons of wastewater per day[121], which represents a decrease of 11,303 gallons per day compared to existing conditions. The City currently has approximately 38.8 mgd of excess wastewater treatment capacity. For these reasons, the project would not result in a substantial increase in the amount of wastewater generated and would not exceed the City's allocated capacity at the Facility. **(Less than Significant Impact)**

d) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

The project is estimated to generate 29 tons of solid waste per year, a net decrease of 23 tons per year compared to existing conditions. As mentioned previously, NISL had approximately 12.4 million cubic yards of capacity remaining as of May 2023. Given NISL's remaining capacity, the City's contract with NISL, the amount of waste the City disposes at NISL, and the amount of waste the project is estimated to generate, there is sufficient capacity at NISL to serve the project. Furthermore, the proposed project would be required to comply with existing federal, state, and local programs and regulations. Therefore, implementation of the project would not generate solid waste in excess of state or local standards. **(Less than Significant Impact)**

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

The project would be required to comply with the San Jose Zero Waste Strategic Plan/Climate Smart, existing regulations and programs, and applicable General Plan policies; therefore, the proposed project would not result in significant impacts on solid waste disposal capacity in excess of State or local standards or in excess of NISL capacity. **(Less than Significant Impact)**

[121] Ibid.

4.20 Wildfire

4.20.1 Environmental Setting

4.20.1.1 *Regulatory Framework*

State and Regional

Fire Hazard Severity Zones

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

California Fire Code Chapter 47

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

California Public Resources Code Section 4442 through 4431

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

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and

- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

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

Fire Management Plans

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

Local

Envision 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to wildfire.

Policy	Description
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.
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.
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 Code.

San José Fire Department Wildland-Urban Interface Fire Conformance Policy

Buildings proposed to be built within the SJFD WUI shall comply with all WUI materials and construction methods per CBC Chapter 7A and CRC Section R337.[122] The applicant shall, prior to construction, provide sufficient detail to demonstrate that the building proposed to be built complies with this policy. Building Permit Plans are also to be approved by the SJFD.

4.20.1.2 *Existing Conditions*

The proposed project is located in an urbanized area of San José which is not located in or near SRAs or LRA lands classified as very high fire hazard severity zones.[123] According to maps prepared by the Santa Clara County FireSafe Council, the project site is located within a wildland-urban interface area.[124]

4.20.2 Impact Discussion

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

[122] San José Fire Department. *Wildland-Urban Interface (WUI) Fire Conformance Policy.* January 1, 2017. https://www.sanjoseca.gov/Home/ShowDocument?id=9345.
[123] CalFire. "California Fire Hazard Severity Zone Viewer". Accessed June 15, 2023. https://egis.fire.ca.gov/FHSZ/
[124] City of San José. "Wildland-Urban Interface". Accessed June 15, 2023. https://www.sanjoseca.gov/your-government/departments-offices/fire-department/public-education/wildfire-preparedness/wildland-urban-interface

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The project site is located in a wildland-urban interface area. Factors that contribute to the risk of wildland fire include dense and fire-prone vegetation, poor access to firefighting equipment because of slopes or inadequate roads, and lack of adequate water pressure and service in fire-prone locations.

a) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

Construction and operation of the project, which would be done in accordance with City building and fire codes and regulations, would not impair implementation of or physically interfere with the City's adopted EOP, which is not tied to access onto or through the project site. In addition, emergency vehicles would be able to access the site via Sierra Road. As discussed under checklist question d) in Section 3.17 Transportation, the project would meet the SJFD requirements that all portions of the buildings be within 150 feet of a SJFD access road and a minimum of three feet clearance from the property line to all sides of the buildings is provided. Additionally, the project would be constructed in accordance with current building and fire codes to ensure structural stability and safety. The SJFD would review the final site design for consistency with applicable fire department standards. For these reasons, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

b) Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

According to a study on the "Influence of Slope on Fire Spread Rate" conducted by the USDA Forest Service[125], slopes of zero to 10 degrees do not contribute to acceleration of fire. The project site is relatively flat and there are no significant slopes directly adjacent to the project site that contribute to the spreading of wildfire and its related hazards. However, wind is still a contributing factor to wildfire risk in the project as well as the long dry summers and highly flammable fuel throughout the area.

The project would avoid exacerbating wildfire risks by complying with the standards set forth in the California Public Resources Code Section 4442 through 4431, which include restrictions on the type of equipment that can be used in fire prone areas to reduce the risk of causing wildfire during construction activities (refer to Section 4.20.1.1). As discussed in checklist question a), the project would project would meet the SJFD requirements that all portions of the buildings be within 150

[125] B.W. Butler, W.R. Anderson, and E.A. Catchpole. Influence of Slope on Fire Spread Rate. USDA Forest Service Proceedings RMRS-P-46CD. 2007. Accessed February 16, 2024. Influence of slope on fire spread rate | US Forest Service Research and Development (usda.gov)

feet of a SJFD access road and a minimum of three feet clearance from the property line to all sides of the buildings is provided. Additionally, the project would be constructed in accordance with current building and fire codes to ensure structural stability and safety.

Therefore, the project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to increased risk from pollutant concentrations due to a wildfire or the uncontrolled spread of a wildfire. **(Less than Significant Impact)**

c) Would the project 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?

Access to the development would be provided via a private street from two new driveways off Sierra Road. Other roadway improvements would include construction of a Class IV bikeway along Piedmont Road, removal of the pork-chop island on the northeast corner of the Piedmont Road and Sierra Road intersection, and relocation of the VTA bus stop. The project would connect to existing utilities. The construction of these improvements would comply with the standards set forth in the California Public Resources Code Section 4442 through 4431. Thus, the installation and maintenance of the proposed infrastructure would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. **(Less than Significant Impact)**

d) Would the project 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?

As discussed in Section 4.7 Geology and soils, the project site is not susceptible to significant risk of landslides.[126] Further, the project site is located within Flood Zone X (unshaded), which is an area of minimal flood hazard.[127] As discussed above under checklist question b), the project site is relatively flat and not adjacent to any steep slopes. Therefore, the project would not 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. **(Less than Significant Impact)**

[126] County of Santa Clara. Geological Maps and Data. Accessed June 16, 2023. https://plandev.sccgov.org/ordinances-codes/geology-and-natural-hazards/geological-maps-and-data [126] Ibid
[127] Federal Emergency Management Agency. Flood Insurance Rate Map. Map Number 06085C0088J. February 19, 2014.

4.21 Mandatory Findings of Significance

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☒	☐	☐
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

As discussed in prior sections of this Initial Study, the proposed project would not degrade the quality of the environment with the implementation of the identified Standard Permit Conditions and mitigation measures.

As discussed in Section 4.4 Biological Resources, the project would not impact sensitive habitats or any special-status species. The project would be required to implement Mitigation Measure BIO-1.1 through BIO-1.4 to avoid abandonment of raptor and other protected migratory bird nests. In addition, the project would be required to implement Standard Permit Conditions for tree protection. The project would require discretionary approval by the City and would be subject to applicable SCVHP conditions and fees. To avoid impacts to as yet unidentified archaeological

resources and human remains, the proposed project would implement the Standard Permit Conditions discussed in Section 4.5 Cultural Resources.

To reduce significant seismic and seismic-related impacts, the project would be constructed in conformance with the recommendations of a site-specific geotechnical investigation (refer to Section 4.7 Geology and Soils). The project would also implement the identified Standard Permit Conditions listed in Section 4.7 Geology and Soils to reduce construction-related erosion impacts. As discussed in Section 4.9 Hazards and Hazardous Materials, with the implementation of MM HAZ-1.1 and standard permit conditions, the project would reduce impacts from ACMs, LBP, and PCBs, as well as ensure that potentially contaminated materials are properly handled to avoid chemical releases into the environment. As discussed in Section 4.10 Hydrology and Water Quality, the project would implement Standard Permit Conditions to ensure that soil disturbance and dewatering activities do not result in the violation of any water quality standards or waste discharge requirements that could degrade surface or groundwater quality.

As discussed in Section 4.13 Noise, the project would implement the City's standard permit conditions and MM NOI-1.1 to reduce construction noise and MM NOI-1.2 to reduce construction vibration generated by the project below the City's vibration limit.

Based on the above, with the implementation of standard permit conditions and mitigation measures, the project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.**(Less than Significant Impact with Mitigation Incorporated)**

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

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

The project would not impact agricultural or forestry resources or mineral resources, therefore, the project would have no contribution to cumulative impacts to these resources. Nor would the project contribute to any cumulative impacts associated with wildfire risk, as the project site is not

located in or near a state responsibility area or lands classified as very high fire hazard severity zones.

The geographic area for cumulative aesthetic impacts for the project is the immediate surrounding area. There are no other projects adjacent to the site in which the project would contribute towards a cumulative aesthetic impact. For this reason, the project would not contribute to a significant cumulative aesthetic impact.

In general, an individual project's impact on air quality, energy, GHGs, and VMT are evaluated at a cumulative level. That is, if a project results in a significant impact to air quality (specifically criteria air pollutants), energy, GHGs, and VMT, the project would be considered to have a significant cumulative impact to those resources. In addition, the BAAQMD thresholds used by the City of San José were developed such that a project-level impact would also be a cumulatively considerable impact. The project would not result in a significant emissions of criteria air pollutants or GHG emissions under BAAQMD thresholds and, therefore, would not make a substantial contribution to cumulative air quality or GHG emissions impacts (see sections 4.3 Air Quality and 4.8 Greenhouse Gas Emissions). The project's consumption of electricity and gasoline was assessed in comparison with consumption at the state and county level (see Section 4.6 Energy) and was found to result in less than significant impacts with adherence to local, state, and federal policies. Therefore, the proposed project would not make a substantial contribution to cumulative energy use impacts. As discussed in Section 4.17 Transportation, the project with incorporate of mitigation measures (MM TRN-1.1 through 1.5) would result in a less than significant VMT impact. Therefore, the project would not contribute to cumulative VMT impacts.

The General Plan EIR concluded that buildout of the General Plan would result in less than significant cumulative impacts to public services (including recreational facilities) with future development complying with the City's PDO/PIO, state law requiring the payment of school impact fees, and applicable General Plan policies.[128] The project is consistent with the General Plan and would pay the applicable PDO/PIO fees required by the City and school impact fees required by California Government Code Section 65996, and compliance with General Plan Policies ES-3.9 and ES-3.11 pertaining to public and property safety design and adequate fire suppression infrastructure. For this reason, the project would result in the same less than significant cumulative public services and recreation impacts identified in the General Plan EIR.

Land uses in the City are primarily regulated through the City's General Plan and Municipal Code. As discussed in Sections 4.11 Land Use and 4.14 Population and Housing, the project is consistent with the General Plan designation for the site, would comply with the Municipal Code, and comply with applicable General Plan policies, mitigation measures and standard permit conditions described throughout this Initial Study to reduce environmental impacts to a less than significant level. Furthermore, the project would not contribute to unplanned population/housing growth beyond what is planned in the General Plan and, therefore, would not increase the severity of the

[128] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Page 868.

previously identified significant cumulative and unavoidable population and housing impact in the General Plan EIR.[129]

The project is consistent with the General Plan and, therefore, the project's utility demand is accounted for in the General Plan EIR. As such, the project in compliance with General Plan policies pertaining to water efficiency, City's Zero Waste Strategic Plan and CALGreen pertaining to waste reduction, and the City Council Policy No. 6-29 and MRP C.3 pertaining to maximizing infiltration, would result in the same less than significant cumulative utility impact as identified in the General Plan EIR.[130]

The geographic area for cumulative biology, cultural resources, tribal cultural resources, geology and soils, hazards and hazardous materials, and hydrology and water quality impacts is generally the surrounding area of the project site because it would affect common resources and impacts would be limited to the immediate vicinity. There are no other projects adjacent to the site in which the project would contribute towards a cumulative impact. The General Plan EIR concluded that future development, such as the proposed project, would comply with the existing state, regional, and local regulations including the MBTA, Fish and Game Code, City's Tree Removal Ordinance, NHPA, CRHR, California Native American Historical, Cultural, and Sacred Sites Act, PRC Sections 5097 and 5097.98, CBC, MRP provisions, PCB/ACM/LBP regulatory screening requirements, NPDES permit requirements, General Plan policies, and Municipal Code regulations identified in Section 4.4 Biological Resources, Section 4.5 Cultural Resources, 4.7 Geology and Soils, 4.9 Hazards and Hazardous Materials, and 4.10 Hydrology and Water Quality of this document to reduce impacts to biology, cultural resources, tribal cultural resources, geology and soils, hazards and hazardous materials, and hydrology and water quality to a less than significant level. The project would comply with the same regulations identified in the General Plan EIR, as well as implement City standard permit conditions and project-specific mitigation measures (such as BIO-1.1, BIO-1.2, BIO-1.3, and BIO-1.4). For this reason, the project would not result in new or substantially more severe significant cumulative impacts than disclosed in the General Plan EIR for these resources.[131,132,133,134,135]

[129] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Page 873.
[130] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Pages 870-871.
[131] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Page 866.
[132] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Pages 871-872.
[133] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Page 866.
[134] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Page 867.
[135] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Pages 866-867.

Cumulative Health Risk Impacts

A community health risk assessment typically considers all substantial sources of TACs located within 1,000 feet of a project site. These sources include rail lines, highways, busy surface streets, and stationary sources identified by BAAQMD. A review of BAAQMD's geographic information systems (GIS) screening maps identified the existing health risks at the MEI. The screening-level impacts from nearby roadways were estimated using the roadway mapping tool, with impacts primarily coming from Piedmont Road. The stationary screening tool identified three existing stationary sources of TACs that affect the project MEI (refer to Figure 4.21-1). Table 4.21-1 below shows the cumulative community risk impacts.

Table 4.21-1: Cumulative Community Risk Impacts from Combined TAC Sources at MEI

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ (ug/m_3)	Hazard Index
Project Construction	4.84 (infant)	0.04	<0.01
Cumulative Roadways – BAAQMD Screening Raster Data	5.45	0.15	0.02
City of San José Fire Station #19 (Facility #19765 Generator), MEI at 580 feet	0.01	-	-
Piedmont Shell (Facility #112260, Gas Dispensing Facility), MEI at 530 feet	1.73	-	0.04
Rotten Robbie #43 (Facility #104098, Gas Dispensing Facility), AERMOD Modeled	1.46	-	<0.01
Cumulative Total	13.49	0.19	<0.08
BAAQMD Cumulative Source Threshold	100	0.8	10.0
Exceed Threshold?	No	No	No

As shown Table 4.21-1, the project would not exceed the cumulative-source thresholds for cancer risk, annual $PM_{2.5}$ concentration, and Hazard Index.

Given the above discussion, the proposed project would not result in cumulatively considerable contributions to significant cumulative impacts. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

Source: Illingworth & Rodkin, Inc.

PROJECT SITE, 1,000-FT INFLUENCE AREA, AND NEARBY TAC AND $PM_{2.5}$ SOURCES | FIGURE 4.21-1

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, hazardous materials, and noise. As documented throughout this Initial Study, implementation of the General Plan policies, Standard Permit Conditions, and mitigation measures that have been identified would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact with Mitigation Incorporated)**

Section 5.0 References

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

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

Bay Area Air Quality Management District. *Final 2017 Clean Air Plan.* April 19, 2017.

Bay Area Air Quality Management District. *2022 CEQA Guidelines*. April 2023.

Berryessa Union School. Developer Fee Justification Study. March 3, 2023.

Boccaleoni, Anthony. Republic Services. Personal Communication. May 12, 2023.

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

California Air Resources Board. "Advanced Clean Cars II." Accessed November 20, 2023. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii

California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed November 17, 2023. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

California Building Standards Commission. "California Building Standards Code." Accessed November 20, 2023. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed June 14, 2023. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.

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

California Department of Conservation. "Santa Clara County Tsunami Hazard Area". Accessed June 15, 2023. https://www.conservation.ca.gov/cgs/tsunami/maps/santa-clara

California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed June 14, 2023. http://frap.fire.ca.gov/.

California Department of Housing and Community Development. "Projected Housing Needs - Regional Housing Needs Allocation" Accessed June 14, 2023. https://www.hcd.ca.gov/planning-

and-community-development/housing-elements/building-blocks/projected-housing-needs-regional-housing-needs-allocation

California Department of Transportation. "Scenic Highways." Accessed June 13, 2023. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

California Department of Transportation. "Scenic Highway Guidelines." Accessed June 15, 2023. https://dot.ca.gov/-/media/dot-media/programs/design/documents/scenic-hwy-guidelines-04-12-2012.pdf.

California Department of Transportation. "Scenic Highways." June 14, 2023. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed November 20, 2023. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.

California Energy Commission (CEC). "2022 Building Energy Efficiency Standards." Accessed November 20, 2023. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.

California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed November 20, 2023. http://ecdms.energy.ca.gov/elecbycounty.aspx.

California Energy Commission. "Natural Gas Consumption by County." Accessed November 20 2023. http://ecdms.energy.ca.gov/gasbycounty.aspx.

CalFire. "California Fire Hazard Severity Zone Viewer". Accessed June 15, 2023. https://egis.fire.ca.gov/FHSZ/

California Gas and Electric Utilities. 2022 *California Gas Report.* Accessed November 20, 2023. https://www.socalgas.com/sites/default/files/Joint_Utility_Biennial_Comprehensive_California_Gas_Report_2022.pdf.

California Geological Survey. "California Earthquake Hazards Zone Application (EQ ZAPP)". Accessed June 16, 2023. https://maps.conservation.ca.gov/cgs/EQZApp/app/

California Geological Survey. "Earthquake Zones of Required Investigation". Accessed June 15, 2023. https://maps.conservation.ca.gov/cgs/EQZApp/app/.

California Environmental Quality Act Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6. Accessed November 29, 2021.

http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

California Environmental Protection Agency. "Cortese List Data Resources." Accessed November 20, 2023. https://calepa.ca.gov/sitecleanup/corteselist/.

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

CalRecycle. "Facility Information Toolbox (FacIT) Archived." April 15, 2023. https://www2.calrecycle.ca.gov/Docs/Home/GetDocument?publicKey=106232&opt=dln.

California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit.* November 2015.

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

California State Water Resources Control Board. "2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)." May 11, 2022. Accessed June 15, 2023. https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.

City of San José. *ActivateSJ Strategic Plan (2020-2040)*. January 2020.

City of San José. *Annual Report on City Services 2021-2022*. December 2022.

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

City of San José. "Public Information Search". Accessed June 15, 2023. https://portal.sanjoseca.gov/deployed/sfjsp?interviewID=PublicPropertySearch

City of San José. "Scenic Corridors Diagram". Accessed June 14, 2023. https://www.sanjoseca.gov/home/showpublisheddocument/22565/636688980487230000.

City of San José. "Wildland-Urban Interface". Accessed June 15, 2023. https://www.sanjoseca.gov/your-government/departments-offices/fire-department/public-education/wildfire-preparedness/wildland-urban-interface

City of San José. Public GIS Viewer. Accessed June 16, 2023. https://gis.sanjoseca.gov/maps/publicgisviewer/

City of San José Public Library. "FY 2021/2022 Fact Sheet". Accessed June 15, 2023. https://www.sjpl.org/sites/default/files/2022-12/2021-22%20SJPL%20Fact%20Sheet.pdf

County of Santa Clara. *Williamson Act Properties*. Accessed June 14, 2023. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce.

County of Santa Clara. SCCMap. Accessed June 16, 2023. Santa Clara County - SCCMap (sccgov.org).

County of Santa Clara. Geological Maps and Data. Accessed June 16, 2023. https://plandev.sccgov.org/ordinances-codes/geology-and-natural-hazards/geological-maps-and-data

Federal Emergency Management Agency. Flood Insurance Rate Map. Map Number 06085C0088J. February 19, 2014.

Norman Y. Mineta San José International Airport. Notice Requirement Criteria for Filing FAA Form 7460-1. September 2013.

Ramboll US Consulting, Inc. *Phase I Environmental Site Assessment and Subsurface Investigation*. April 2022.

RWQCB. *Request for Agency Oversight, Olivera Egg Ranch, 3315 Sierra Road, San Jose, Santa Clara County*. December 27. 2024.

San José Police Department. "SJPD Foothill Division". Accessed June 15, 2023. https://www.sjpd.org/about-us/organization/bureau-of-field-operations/foothill-division

San José-Santa Clara Regional Wastewater Facility. "San José-Santa Clara Regional Wastewater Facility Fact Sheet." Accessed July 5, 2023.

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

Santa Clara Valley Habitat Agency. "GIS Data & Key Maps." Accessed June 14, 2023. https://scv-habitatagency.org/193/GIS-Data-Key-Maps.

Santa Clara Valley Water District. *2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins*. November 2021.

San Francisco Bay Regional Water Quality Control Board. *Request for Agency Oversight, Olivera Egg Ranch, 3315 Sierra Road, San Jose, Santa Clara County*. December 27, 2024.

United States Energy Information Administration. "State Profile and Energy Estimates, 2020." Accessed November 20, 2023. https://www.eia.gov/state/?sid=CA#tabs-2.

United States Energy Information Administration. "Natural Gas Consumption by End Use. 2021." Accessed November 20, 2023. https://www.eia.gov/state/?sid=CA#tabs-2.

U.S. Energy Information Administration. "Petroleum & Other Liquids, California Field Production of Crude Oil." Accessed November 20, 2023. https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca1&f=a

United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed November 20, 2023. http://www.afdc.energy.gov/laws/eisa.

United States Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed November 20, 2023. https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026

United States Environmental Protection Agency. "The 2022 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." December 2022. https://www.epa.gov/system/files/documents/2022-12/420s22001.pdf

United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed November 20, 2023. https://www.epa.gov/superfund/superfund-cercla-overview.

United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed November 20, 2023. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act

United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed November 20, 2023. https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos

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

Section 6.0 Lead Agency and Consultants

6.1 Lead Agency

City of San José

Department of Planning, Building and Code Enforcement

200 East Santa Clara Street
San José, CA 95113

Christopher Burton, *Director*
Reema Mahamood, *Supervising Planner – Environmental Review*
Charlotte Yuen– *Environmental Review*

6.2 Consultants

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

Akoni Danielsen, *Principal*
Natalie Noyes, *Senior Project Manager*
Mimi McNamara, *Project Manager*
Ryan Osako, *Graphic Artist*

Archaeological/Historical Consultants

Daniel Shoup, *Principal*
Molly Fierer-Donaldson, *RPA*

Hexagon Transportation Consultants, Inc.
Transportation Consultants

Brian Jackson, *Senior Associate*

Illingworth & Rodkin, Inc.
Acoustical and Air Quality Consultant

Michael Thill, Principal
James Reyff, *Principal*
Adwait Ambaskar, Consultant
Casey Divine, *Consultant*

TreanorHL

Kimberly Butt
Elizabeth Graux

Section 7.0 Acronyms and Abbreviations

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	Asbestos-Containing Material
ADU	Accessory dwelling unit
A/HC	Archaeological/Historical Consultants
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
APN	Assessor's Parcel Number
AST	Aboveground storage tank
ATCM	Asbestos Airborne Toxic Control Measure
BAAQMD	Bay Area Air Quality Management District
Bay Area	San Francisco Bay Area
Bgs	Below ground surface
BMPs	Best Management Practices
Btu	British Thermal Unit
CAAQS	California Ambient Air Quality Standard
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CalEEMod	California Emissions Estimator model
CALGreen	California Green Building Standards
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	Chlorofluorocarbon

CFR	Code of Federal Regulations
CGS	California Geological Survey
CH_4	Methane
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Plan
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
CO_2	Carbon Dioxide
CO_2e	Carbon Dioxide Equivalents
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
dBA	A-weighted decibel
DNL	Day/Night Average Sound Level
DPM	Diesel Particulate Matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EO	Executive Order
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
ESL	Environmental screening level (
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gases
GHGRS	Greenhouse Gas Reduction Strategy
GWh	Gigawatt Hour
GWP	Global Warming Potential

GWMP	Groundwater Management Plan
Habitat Plan	Santa Clara Valley Habitat Plan
HMP	Hydromodification Management Plan
HRE	Historic Resource Evaluation
HRI	Historic resources inventory
HSWA	Hazardous and Solid Waste Amendments
LBP	Lead based paint
L_{eq}	Energy-Equivalent Sound/Noise Descriptor
L_{max}	Maximum A-weighted noise level during a measurement period
LID	Low impact development
LOS	Level of Service
LRA	Local Responsibility Area
MBTA	Migratory Bird Treaty Act
MEI	Maximum exposed individuals
MLD	Most Likely Descendant
$MMTCO_2e$	Million Metric Tons of Carbon Dioxide Equivalent
MND	Mitigated Negative Declaration
mpg	Miles per Gallon
MRP	Municipal Regional Stormwater Permit
MSL	Mean Sea Level
MTC	Metropolitan Transportation Commission
N_2O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standard
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NISL	Newby Island Sanitary Landfill (
NO_2	Nitrogen Dioxide
NOA	Naturally Occurring Asbestos

NOD	Notice of Determination
NO_x	Nitrogen Oxides
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O_3	Ozone
OPR	Office of Planning and Research
PCB	Polychlorinated Biphenyls
PCF	Perfluorocarbon
PD	Planned Development
PDA	Priority Development Areas
PDO	Park Dedication Ordinance
PIO	Park Impact Ordinance
PG&E	Pacific Gas and Electric Company
PM	Particulate Matter
PM_{10}	Particulate matter with a diameter of 10 microns or less
$PM_{2.5}$	Particulate matter with a diameter of 2.5 microns or less
PPV	Peak Particle Velocity
R&D	Research and Development
RAP	Removal Action Plan
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Needs Allocation
ROG	Reactive Organic Gases
RTP	Regional Transportation Plan
RWF	an José-Santa Clara Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SB	State Bill
SCS	Sustainable Communities Strategy
SCVHP	Santa Clara Valley Habitat Plan
SF_6	Sulfur Hexafluoride
SFHA	Special Flood Hazard Area

SFPUC	San Francisco Public Utilities Commission
SHMA	Seismic Hazards Mapping Act
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SMP	Site Management Plan
SO_x	Sulfur Oxides
SR	State Route
SRA	State Responsibility Area
STC	Sound Transmission Class
SWRCB	State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
TAC	Toxic Air Contaminants
TCM	Treatment Control Measure
TMDL	Total maximum daily loads
Title 24	Title 24, Part 6 of the California Code of Regulations
TPH	Total petroleum hydrocarbon
TSCA	Toxic Substances Control Act
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
UST	Underground storage tank
UWMP	Urban Water Management Plan
VMT	Vehicle Miles Traveled
VTA	Santa Clara Valley Transportation Authority
Williamson Act	California Land Conservation Act
WUI	Wildland-Urban Interface
ZNE	Zero Net Carbon Emission