Initial Study

San José Buddhist Church Betsuin Expansion

File Nos. PDC23-104, PD23-016, ER23-176

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

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

May 2025

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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 San José Buddhist Church Betsuin Expansion Project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The project applicant proposes to construct a new two-story building with classrooms, administrative areas, a multi-purpose room, a library, a conference room, and storage space, which would house alternating uses of a religious school, preschool, language school, and a privately-operated community center. The project would also include a shed structure that would be separate from the building. 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:

Bethelhem Telahun, Planner II
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113
Phone: (408) 535-5624, Email: Bethelhem.Telahun@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 will file a Notice of Determination, 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 Notice of Determination 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

San José Buddhist Church Betsuin Expansion Project (File Nos. PDC23-104, PD23-016, and ER23-176)

2.2 Lead Agency Contact

Bethelhem Telahun, Planner II
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113
Bethelhem.Telahun@sanjoseca.gov
(408) 535-5624

2.3 Project Applicant

Steve Onishi
San José Buddhist Church
640 North Fifth Street
San José, CA 95112
sjbc@sjbetsuin.org

2.4 Project Location

The 1.17-acre site is located between North Fourth Street and North Fifth Street in the Japantown neighborhood in the City of San José. The location is depicted in in the following figures:

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

2.5 Assessor's Parcel Numbers

- 249-41-009
- 249-41-022
- 249-41-023
- 249-41-024
- 249-41-025
- 249-41-075

REGIONAL MAP | FIGURE 2.4-1

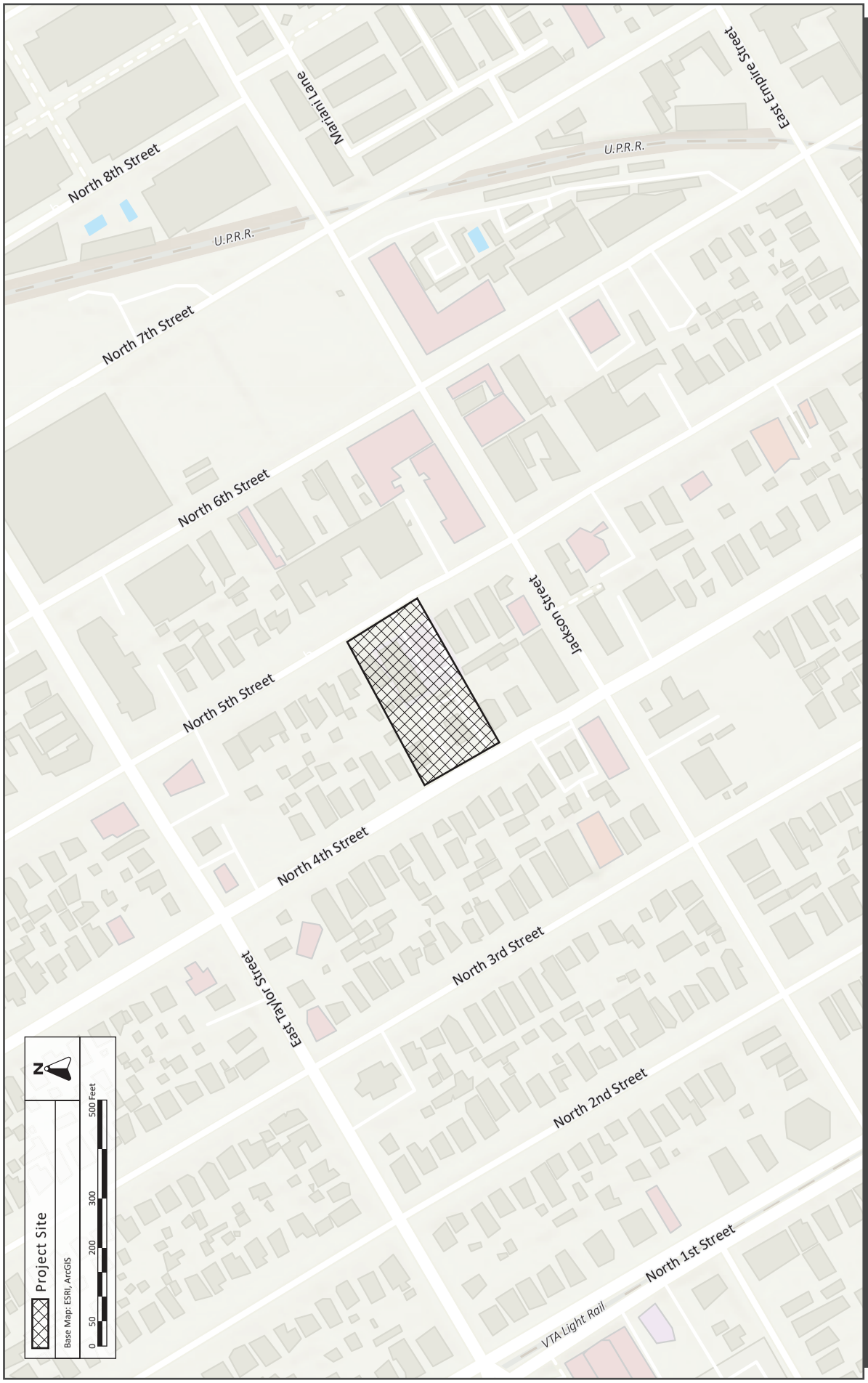


FIGURE 2.4-2

VICINITY MAP

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

2.6 General Plan Designation and Zoning District

Assessor's Parcel Number	General Plan Designation	Zoning District
249-41-009	RN	R-M
249-41-022	RN	R-M
249-41-023	RN	R-M
249-41-024	RN	R-M
249-41-025	RN	R-M
249-41-075	PQP	PQP

Notes: RN = Residential Neighborhood
PQP = Public/Quasi Public
R-M = Multiple Residence

2.7 Habitat Plan Designation

Habitat Plan: Urban – Suburban

2.8 Project-Related Approvals, Agreements, and Permits

- Planned Development Rezoning
- Planned Development Permit
- Tentative Map
- Tree Removal Permit
- Demolition, Building, and Grading Permit(s)

Section 3.0 Project Description

3.1 Project Location

The approximately 1.17-acre site is comprised of six parcels [Assessor's Parcel Numbers (APNs) 249-41-009, -022, -023, -024, -025 and -075) located between North Fourth Street and North Fifth Street in the City of San José. As shown in Figure 2.4-3, the project site is located in the Japantown neighborhood and is bounded by residences to the north and south, North Fifth Street and the San José Buddhist Church Betsuin to the east, and North Fourth Street and residential to the west. Japantown is identified as an eligible historic district. For the purposes of this analysis, the site boundary along North Fifth Street will be referenced as the eastern boundary of the site.

The project site is currently developed with a two-story classroom building, four, one-story single-family residences, and an accessory building (totaling approximately 8,536 square feet). The existing capacity at the school is currently 24 students. The residences at 624 and 642 North Fourth Street are currently unoccupied, while the residence at 645 North Fifth Street is used as meeting space and as a workshop by the school.[1] Vehicular access to the site is provided via seven driveways: four driveways on North Fourth Street and three driveways on North Fifth Street. Currently, there are 10 trees located on-site and seven street trees located immediately adjacent to the site.[2]

3.1.1 Proposed Project

As proposed, the project applicant would demolish the existing structures and construct a larger school development. The applicant proposes a two-story building which would include classrooms, administrative areas, a multi-purpose room, a library, a conference room, and storage space (totaling 10,771 square feet). The preschool classrooms and multi-purpose room would be located on the ground floor. The second floor would consist of five classrooms, the conference room, and the library. The school capacity would increase from 24 students to 30 students. One teacher would also be added to the staff.

The library would be used for small meetings and the book club. The conference and multi-purpose rooms would be used for small meetings and events. In addition to the preschool, the classrooms would serve as meeting spaces for cub scouts, boy scouts, girl scouts, as well as the Dharma School, and Japanese Language School.[3] An estimated 50 attendees are expected for cub scouts, Japanese Language School, and Dharma School, while approximately 25 attendees are anticipated for girl scouts. Up to 70 attendees are expected for boy scouts and up to 20 attendees for other

[1] Note there are two separate residential structures located on the same parcel at 642 North Fourth Street.
[2] HMH Engineers. Arborist Report. May 31, 2022.
[3] The preschool hours of operation would be 7:00 AM to 6:00 PM, Monday through Friday. The boy scouts meeting would take place Wednesday evenings from 6:00 PM to 8:30 PM while the cub scouts and girl scouts meeting would take place Friday evenings from 6:00 PM to 8:30 PM. The Japanese Language School and Dharma School hours of operations would be 9:00 AM to 12:00 PM on Saturdays and 9:30 AM to 11:00 AM on Sundays, respectively.

meetings/events. In addition, the project would include an approximately 1,950-square foot shed structure that would be separate from the building. The shed would be used for additional storage and as a workshop. The two-story building and shed structure would be located along the southern portion of the site and the surface parking lot would be located along the northern portion of the site.

The two-story building would have a maximum height of 26 feet and two inches and would have a Floor Area Ratio (FAR) of 0.27. A preschool play area, courtyard plaza, and garden are proposed at the center of the site. Refer to Figures 3.1-1 and 3.1-2 for the ground floor site plan and elevations, respectively.

The project applicant is also proposing to merge all six existing parcels into one parcel.

3.1.2 General Plan and Zoning Designations

The project site is designated *Residential Neighborhood* (*RN*) and *Public/Quasi Public* (*PQP*) under the City's General Plan and has two zoning designations, *Multiple Residence* (*R-M*) and *Public/Quasi Public (PQP)*. The parcel at 639 North Fifth Street (APN 249-41-075) is located within the *PQP* General Plan designation and Zoning District while the remaining parcels are located in the *RN* General Plan designation and *R-M* Zoning District.

The *RN* General Plan designation is intended to preserve the existing character of these single-family residential neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. Development proposed under the *RN* General Plan designation will typically have a density of approximately eight dwelling units per acre (du/ac) or match the existing neighborhood character. The *PQP* designation under the General Plan and zoning district is intended to be used in a way that serves the public. Such uses in this district include schools, colleges, research institutions, corporation yards, homeless shelters, libraries, government offices, airports, and other similar publicly-oriented institutional land uses. The *R-M* zoning district is intended to reserve land for the construction, use and occupancy of higher density residential development and higher density residential-commercial mixed-use development.

Per General Plan Policy IP-1.4, for contiguous properties in single ownership that have multiple land use designations, the boundary between designations may be undulating or "wavy" line. When such boundary occurs on the Land Use/Transportation Diagram it means that some flexibility may be allowed in the location of the designated uses. The same general land area and allocation of uses should be maintained, but the designated uses may be relocated on the site if they are compatible with surrounding land use designations, and do not impact the viability of developing the rest of the site. This policy also applies to a single property with multiple land use designations. The portion of the site where the two-story school and the detached one-story shed is proposed is inconsistent with the *R-M* zoning district; therefore, a *Planned Development* Rezoning would be required to allow for approximately 0.44 acres of *PQP* uses on-site.[4]

The proposed project includes a *Planned Development* Rezoning from the PQP and the R-M Zoning Districts to the *PQP(PD)* Planned Development Zoning District. The percentage of the *PQP*-based and *R-M*-based zoning would be proportional to the amount of area designated *PQP* and Residential Neighborhood in the Envision San José 2040 General Plan Land Use Diagram. The entire site would be rezoned to *PQP(PD)*, but the Planned Development Zoning divides the site into two portions. The southern portion of the site ("Portion 1") would allow all uses of the *PQP* Zoning District, as amended, and the remainder of the site ("Portion 2") would allow all uses of the R-M Zoning District, as amended. The proposed classroom building and shed structure would be located within Portion 1, while the playground, garden, parking lot, and outdoor seating area would be located within Portion 2 (refer to Figure 3.1-3).

3.1.3 Site Access, Circulation, and Parking

All four existing driveways on North Fourth Street would be removed. The project applicant proposes to consolidate the two existing one-way driveways on North Fifth Street to one, two-way driveway (approximately 26 feet wide) which would serve as the main driveway. The project would include a 12-foot wide curb cut on the southern end of the site on North Fifth Street for truck loading.

A total of 50 vehicular parking spaces would be provided in a surface lot along the northern and western portion of the site. It is assumed that the six faculty members would use six parking spaces and the remainder of the parking spaces would be used by parents and/or evening meeting attendees for cub scouts, girl scouts, boy scouts, and miscellaneous meetings or events.

The project would include two long-term bicycle parking spaces and 10 short-term bicycle spaces. In addition, the project would include two, two-wheeled motorized vehicle parking spaces near the project driveway.

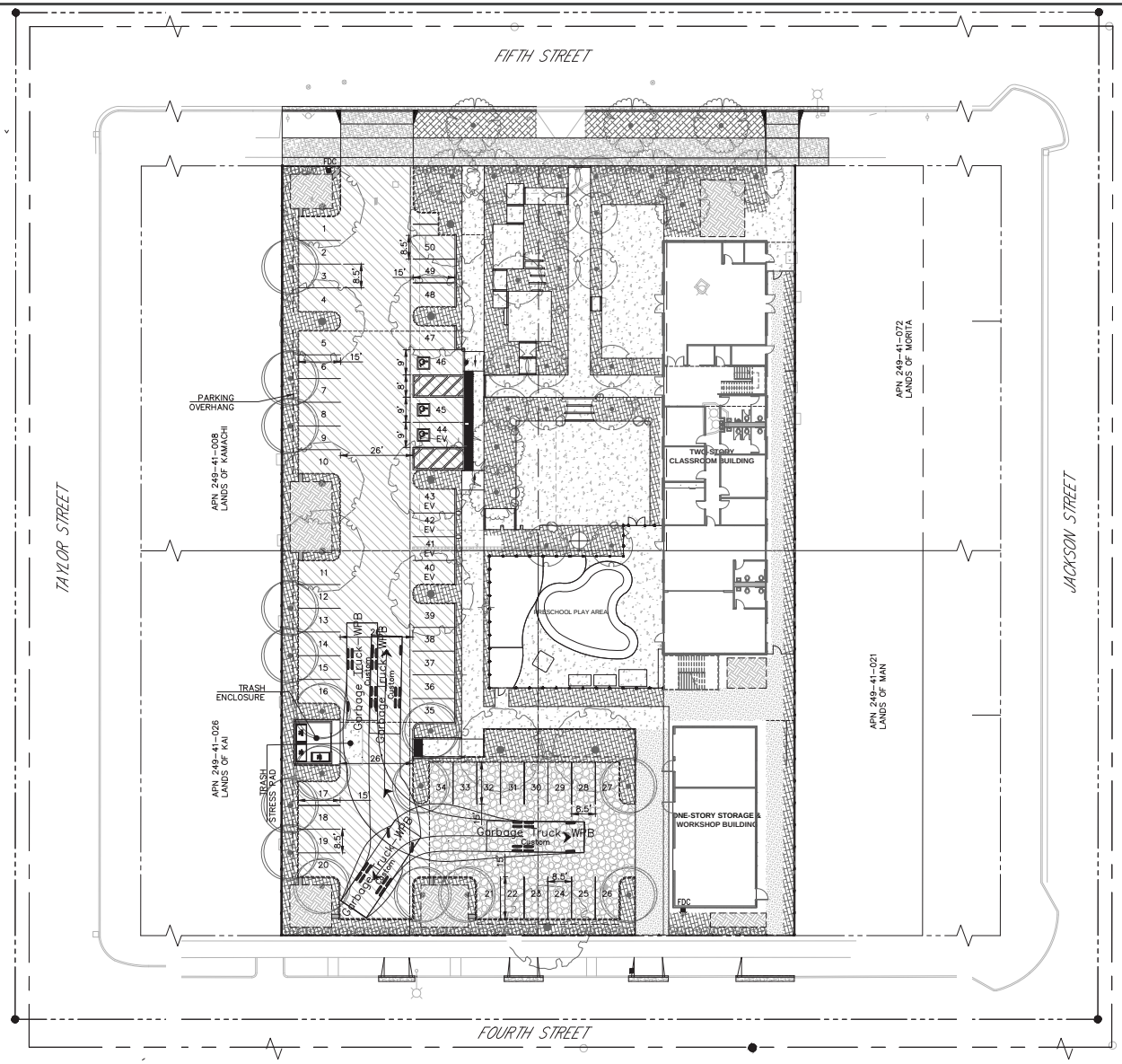
The project applicant proposes to reconstruct the existing sidewalks and curb along North Fifth Street and widen the sidewalk from 17 feet to 20 feet.

3.1.4 Landscaping

As proposed, the project includes the removal of eight trees; two of which are street trees and six of which are located on-site. Based on the City's tree replacement ratios, the project applicant would be required to plant a total of 17 trees (refer to Section 4.4, Biological Resources, for more information). Other project landscaping would include stormwater treatment planters.

3.1.5 Off-site Improvements

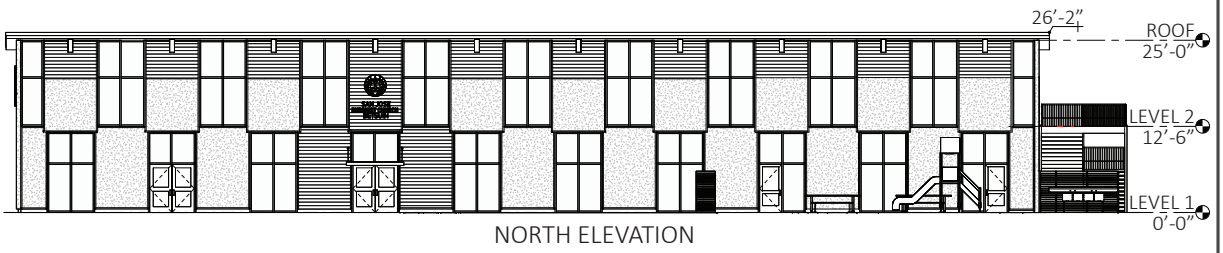
There is currently no storm main along the project frontage. The project includes the construction of a new 15-inch storm reinforced concrete pipe (RCP) main extension along North Fourth Street as part of its storm drain improvements. The storm main extension would be approximately 524 feet long.



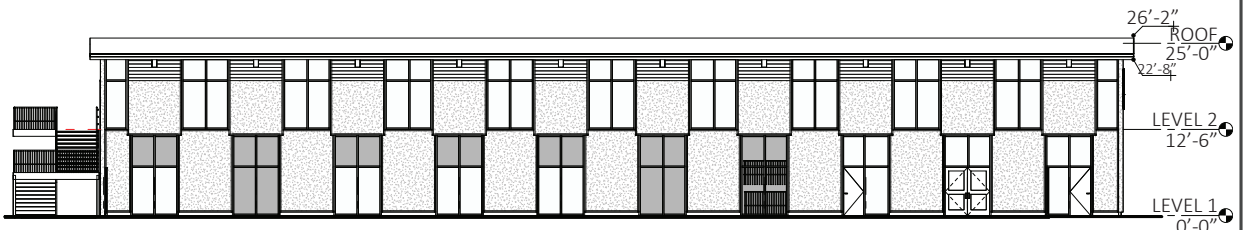
Source: Aedis Architects, November 5, 2024.

GROUND FLOOR SITE PLAN

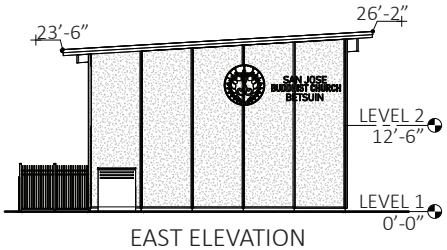
FIGURE 3.1-1



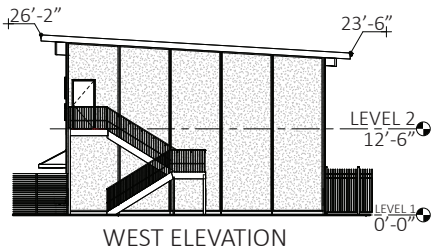
NORTH ELEVATION



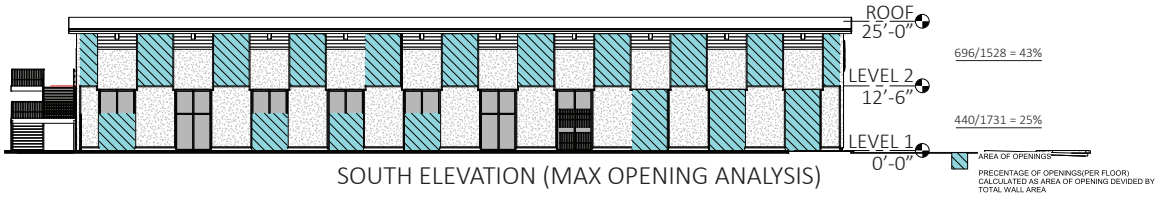
SOUTH ELEVATION



EAST ELEVATION



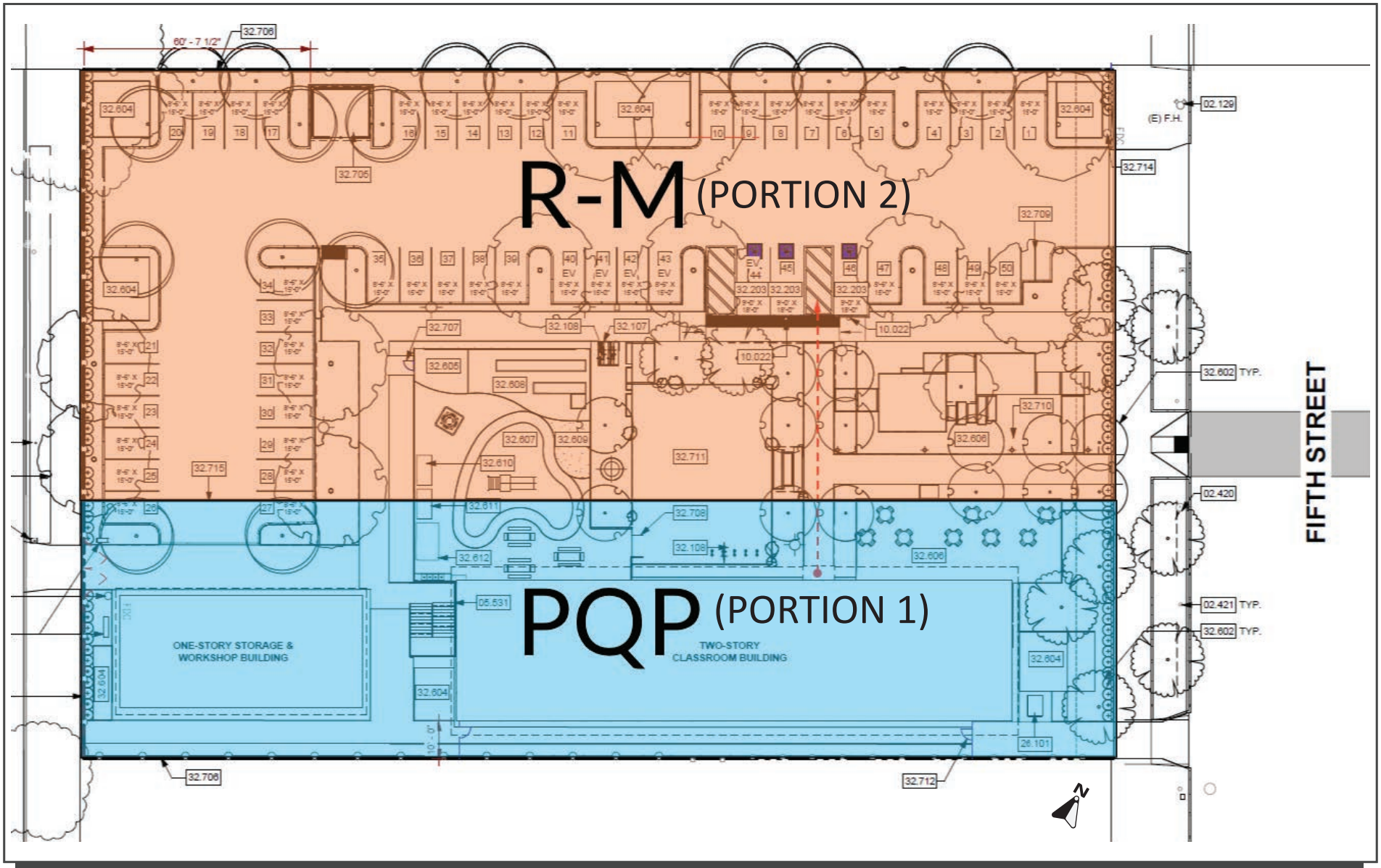
WEST ELEVATION



SOUTH ELEVATION (MAX OPENING ANALYSIS)

Source: Aedis Architects, June 25, 2024.

ELEVATIONS | FIGURE 3.1-2



PROPOSED REZONING MAP | FIGURE 3.1-3

3.1.6 Construction

Construction of the proposed project would occur over a period of nine months or 186 construction workdays from 7:00 AM to 4:00 PM, Monday through Friday. It is estimated that approximately 334 cubic yards of soil would be exported and approximately 344 cubic yards of soil would be imported as fill.

3.1.7 Green Building Measures

The project would be built in accordance with the most recent California Green Building Standards Code (CALGreen) requirements at the time of building permit application. CALGreen includes design provisions intended to minimize wasteful energy consumption. The project includes solar panels on the roof and battery storage to provide on-site renewable energy. The project would participate in San José Clean Energy (SJCE) at the TotalGreen level (100 percent renewable energy).[4]

[4] Charney, Michael. Spectrum Project Management Group. Personal Communication. July 19, 2024.

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). Mitigation measures are 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 (I-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.[5]

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, I-280 from the San Mateo County line to SR 17, and the entire length of SR 152 within the County.

City of San José

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to 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-1.2	Install and maintain attractive, durable, and fiscally- and environmentally- sustainable urban infrastructure to promote the enjoyment of space developed for public use. Include attractive landscaping, public art, lighting, civic landmarks, sidewalk cafes, gateways, water features, interpretive/way-finding signage, farmers markets, festivals, outdoor entertainment, pocket parks, street furniture, plazas, squares, or other amenities in spaces for public use. When resources are available, seek to enliven the public right-of-way with attractive street furniture, art, landscaping and other amenities.

[5] California Department of Transportation. "Scenic Highways." Accessed July 10, 2024. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

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. 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-4.4	In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.
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).

City of San José 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 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. 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.

City Council Policy 4-2

City Council Policy 4-2, Lighting, 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

City Council Policy 4-3, Private Outdoor Lighting on Private Developments, requires private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward.

4.1.1.2 *Existing Conditions*

Project Site

The approximately 1.17-acre site is currently developed with a two-story classroom building, four single-family residences, and an accessory building. The residential structures at 624 and 642 North Fourth Street are currently unoccupied, while the residence and accessory building at 645 North Fifth Street is used as meeting space and as a workshop by the school.[6] The buildings are set back from North Fourth Street and North Fifth Street by sidewalks and street trees.

The two-story, rectangular-shaped classroom building, at 639 North Fifth Street, was constructed in 1956 and is primarily stucco. The building is of Japanese-inspired modern design with a flat-topped hip roof and is located at the center of the project site. As shown in Photo 1, access to the first and second floor classrooms is provided by a staircase located on the southern building façade. The southeastern corner of the first floor is set back further from the rest of the building with seating and overhang space. There are square posts along the southern façade of the first floor that support the exterior hallway on the second floor. The school's parking lot is located immediately south of the building. Located north of the school, at 645 North Fifth Street, is a one-story, vernacular-style residential building constructed in 1901. As mentioned previously, this residence is currently being used as meeting space and a workshop by the school. The residence is primarily stucco with a hipped roof and is well-maintained (Photo 2). A gable roof is located above the main entrance to the residence on the eastern building façade. Main access to the site is provided via a driveway located to the east.

To the west of the classroom building and associated parking lot are currently unoccupied single-family residences located at 624 and 642 North Fourth Street (Photos 3 and 4). Both structures were constructed in 1908 and are currently boarded up and fenced off from the surrounding properties. The one-and-a-half story, single-family residence at 624 North Fourth Street is a Craftsman-style building with a gable roof and primarily stucco exterior. The front door is on a recessed porch with square columns. The front residence at 642 North Fourth Street is of a folk Victorian architectural style. The residence consists of horizontal wood siding and a front-gable roof. The rear residence at 642 North Fourth Street is a rectangular, Ranch-style house with stucco cladding and a side-gable roof. This structure has a brick chimney. Three large shipping containers are located adjacent to the residence.

[6] Note there are two separate residential structures located on the same parcel at 642 North Fourth Street.

Surrounding Land Uses

Development in the area consists of commercial businesses and residences ranging from one to six stories in height. The site is bounded by residences to the north and south, North Fifth Street and the San José Buddhist Church Betsuin to the east, and North Fourth Street to the west.

The building immediately north of the project site is a one-story single-family residence with a gable roof and stucco walls, and a detached garage at the rear. The residence is set back from the roadway by sidewalks, street trees, and landscaping. The residences located on both sides of North Fifth Street utilize similar building construction and site layout.

Located immediately east of the site is North Fifth Street, a two-lane street. Across North Fifth Street to the east is the San José Buddhist Temple Betsuin, constructed in 1937, which utilizes traditional Japanese architectural style and includes gardens that are open to the public. The San José Buddhist Temple Betsuin consists of a hip and gable roof and the entire building is elevated slightly off the ground (Photo 5). The temple is set back further from the roadway by pagoda statues, landscaping, a concrete pathway, and sidewalks. There are stairs that provide access to the main entrance along the western building façade. To the northeast are two six-story apartment complexes located within 400 feet of the project site, which are currently the tallest buildings in the immediate area.

There are both single-family and multi-family residences located south of the site. The single-family residences along North Fourth Street are one- to one-and-a-half stories in height with gable roofs, full porches with steps, and raised first floors (Photo 6). The multi-family residences are two stories tall and primarily consist of vertical wall cladding. Entrance to the units is provided at the center of the site.

North Fourth Street is a two-lane street located west of the site. The development along the west side of North Fourth Street utilize similar building construction and site layout. Further south of the site, along Jackson Street, is commercial development.

Scenic Views

Scenic vistas in the City are defined as broad views of the Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. Per the City's General Plan, views of hillside areas, including the foothills of the Diablo Range, Silver Creek Hills, Santa Teresa Hills, and Santa Cruz Mountains are considered key scenic features in the City.[7] The project site and surrounding area are relatively flat and surrounded by urban development; therefore, none of these scenic features are visible from the project site. Natural scenic resources, such as rock outcroppings, are not present on the project site or in the project area.

[7] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* September 2011. Page 739.

Photo 1: View of the project site, looking northwest from North Fifth Street.

Photo 2: View of the project site, looking southwest from North Fifth Street.

PHOTOS 1 & 2

Photo 3: View of the project site, looking east from North Fourth Street.

Photo 4: View of the project site, looking northeast from North Fourth Street.

PHOTOS 3 & 4

Photo 5: View of the San José Buddhist Temple Betsuin, looking southeast from the project site.

Photo 6: View of the surrounding development, looking southeast on North Fourth Street.

PHOTOS 5 & 6

Light and Glare

Sources of light and glare on and around the project site include, but are not limited to, parking lot lights, vehicle headlights, internal/external building lights, streetlights, 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?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[8] 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?

As mentioned in Section 4.1.1.2, scenic vistas in the City are defined as broad views of the Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. The project site is relatively flat and no scenic vistas are visible from the project site. The project site is currently developed with a two-story classroom building, four single-family residences, and an accessory building. The project would include demolition of the existing buildings and construction of a larger school development consisting of a two-story building and shed structure. The project would be similar in height to the existing on-site development and would not diminish scenic views. Therefore, the proposed project would not result in a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

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

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

As stated in Section 4.1.1.1, there are no officially state-designated scenic highways within the City. The nearest state scenic highway is a portion of SR 9, located approximately 9.5 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)**

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

The project site is located in a fully urbanized area of the City surrounded by residential and commercial development and the San José Buddhist Temple. While the City's Zoning Ordinance does not include regulations governing scenic quality, the project would be required to comply with Title 20 of the City's Municipal Code and be subject to the City's design review process to ensure compliance with all adopted design guidelines. For these reasons, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

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

The proposed project would include internal/external building lights, courtyard lighting, and parking lot lights. The proposed project would be required to comply with applicable General Plan policies to reduce/avoid light and glare and City Council Policies 4-2 and 4-3. Council Policy 4-2 requires dimmable, programmable lighting for new streetlights, which would control the amount and color of light shining on streets and sidewalks and Council Policy 4-3 requires private development to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. As mentioned in checklist question c, the project would go through a design review process and would be reviewed for consistency with the City's adopted design guidelines. Therefore, the project would not create a new source of substantial light or glare which would adversely affect views in the surrounding area. **(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.

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments.

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[9]

4.2.1.2 *Existing Conditions*

Based on the *California Important Farmland Finder Map*, the project site is designated as "urban and built-up land."[10] Common examples of "urban and built-up land" include residential, institutional, commercial, landfill, golf course, airports, and other utility uses. The project site is located in a developed area of San José where there are no agricultural or open space lands are present.

[9] Forest Land is land that can support 10 percent native tree cover and allows for management of forest resources (California Public Resources Code Section 12220(g)); Timberland is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing trees to produce lumber and other products, including Christmas trees (California Public Resources Code Section 4526); and Timberland Production is land used for growing and harvesting timber and compatible uses (Government Code Section 51104(g)).

[10] California Department of Conservation. *California Important Farmland Finder.* Accessed August 30, 2023. https://maps.conservation.ca.gov/DLRP/CIFF/.

4.2.2 Impact Discussion

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

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

Based on the *California Important Farmland Finder Map*, the project site is designated "urban and built-up land."[11] Therefore, implementation of the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. **(No Impact)**

[11] California Department of Conservation. *California Important Farmland Finder.* Accessed August 30, 2023. https://maps.conservation.ca.gov/DLRP/CIFF/.

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

The project site is not zoned for agricultural use nor is the project site under a Williamson Act contract. Therefore, implementation of the proposed project would not conflict with existing zoning for agricultural operations or conflict with a Williamson Act contract. **(No Impact)**

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

The project site is not zoned as forest land, timberland, or timberland zoned Timberland Production. Therefore, implementation of the project would not conflict with existing zoning or cause rezoning of 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 is located in an urbanized area that does not contain forest land. Therefore, implementation of the project would not result in the conversion of forest land to non-forest use. **(No Impact)**

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

As mentioned under checklist question d, the project site is located within an urbanized area and would not result in the unplanned conversion of farmland or forest land to non-agricultural or non-forest use, respectively. **(No Impact)**

4.3 Air Quality

The following discussion is based, in part, on a Construction Health Risk Assessment (HRA) prepared by Illingworth & Rodkin, Inc. in January 2024.[12,13] This report is attached as Appendix A to this document.

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 (U.S.) 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

[12] The number of parking spaces decreased since the HRA was first completed. The decrease in parking spaces would not change the conclusions of the analysis. In addition, the approximately 1,950-square foot shed structure was not included in the analysis. If the construction activities (i.e., schedule, equipment quantities, equipment usage, etc.) are not changing, then the land use adjustments would have negligible changes to the construction emissions and health risk levels. Therefore, the conclusions of the HRA would remain the same. Divine, Casey. Illingworth & Rodkin, Inc. Personal Communication. May 22, 2024.

[13] The proposed RCP main extension is a small component of the project and would not make a measurable difference for construction health risk impacts when compared to the rest of the construction activities. In addition, the work is proposed along North Fourth Street, which is located further away from the maximum exposed individuals. Divine, Casey. Illingworth & Rodkin, Inc. Personal Communication. March 28, 2025.

are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[14]

Chemicals in diesel exhaust, such as benzene and formaldehyde, 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.

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

Pollutants	Description and Sources	Primary Effects
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
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, atmospheric reactions.	• Aggravation of respiratory illness • Reduced visibility
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
$PM_{2.5}$ and 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
SO_2	SO_2 is a pungent and colorless gaseous pollutant that 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	• Aggravation of respiratory illness

[14] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed June 17, 2024. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

Pollutants	Description and Sources	Primary Effects
	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.	• Respiratory irritation such as wheezing, shortness of breath and chest tightness • Increased incidence of pulmonary symptoms and disease, decreased pulmonary function
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
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 U.S. 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.[15]
CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

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 District[16] 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 Bay Area Air District, must prepare air quality plans specifying how federal and state air quality standards will be met. The Bay Area Air District's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on the following two related Bay Area Air District 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

[15] 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.
[16] Formally known as the Bay Area Air Quality Management District (BAAQMD).

- Protect the climate by reducing Bay Area GHG emissions 40 percent below 1990 levels by 2040 and 80 percent below 1990 levels by 2050.[17]

CEQA Air Quality Guidelines

The Bay Area Air District 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 (Bay Area) Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by the Bay Area Air District within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, Bay Area Air District rules, methods of analyzing impacts, and recommended mitigation measures. The latest CEQA Air Quality Guidelines are the 2022 CEQA Air Quality Guidelines adopted in April 2022 (revised April 2023) by the Air District Board of Directors.

Local

Envision San José 2040 General Plan

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

Policy	Description
MS-10.1	Assess projected air emissions from new development in conformance with the 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,

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

Policy	Description
	industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
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*

The Bay Area Air Basin is designated a non-attainment area for the federal O_3 and $PM_{2.5}$ standards and for the state O_3, PM_{10}, and $PM_{2.5}$ standards.[18,19] The Bay Area is designated as an attainment area for both the NAAQS and CAAQS for CO, SO_2, and NO_2. As the regional air district, the Bay Area Air District is responsible for attaining the NAAQS and CAAQS for these pollutants. As part of an effort to attain and maintain ambient air quality standards for O_3, PM_{10}, and $PM_{2.5}$, the Bay Area Air District has established thresholds of significance for these air pollutants and their precursors that apply to both construction period and operational period impacts. Controlling the emissions of these precursor pollutants is the focus of the Bay Area Air District's attempt to reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys where temperatures are higher, there is less wind circulation, and sources of the precursor pollutants (i.e., ROG and NO_x) are prominent. In the Bay Area, most particulate matter is generated from the following activities: combustion, factories, construction, grading, demolition, agriculture, and motor vehicles. Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide emissions and localized emissions.

The nearest sensitive receptors are the multi-family residences located approximately five feet south of the project site. There are additional residences located approximately 10 feet north and approximately 65 feet west of the project site.

[18] Bay Area Air Quality Management District. "Air Quality Standards and Attainment Status." Last Updated January 5, 2017. Accessed July 16, 2024.

[19] The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of SO_2 or lead. These criteria pollutants are not discussed further.

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.

Thresholds of Significance

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the air quality thresholds updated by the Bay Area Air District 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 Bay Area Air District CEQA Air Quality thresholds for criteria air pollutants and fugitive dust used in this analysis are identified in Table 4.3-2 below lists the Bay Area Air District health risk and hazards thresholds for single-source and cumulative-sources.

Table 4.3-2: Bay Area Air District 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	

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: Bay Area Air District 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 $\mu g/m^3$	0.8 $\mu g/m^3$ (average)

Notes: $\mu g/m^3$ = 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 Bay Area Air District CEQA Air Quality Guidelines set forth criteria for determining consistency with the 2017 CAP. In general, a project is considered consistent if, a) the plan supports the primary goals of the 2017 CAP; b) it includes relevant control measures; and c) it does not interfere with implementation of 2017 CAP control measures. As shown in Table 4.3-4 below, the proposed

project would be consistent with the 2017 CAP measures intended to reduce automobile trips, as well as energy and water usage and waste.

Table 4.3-4: 2017 CAP Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Measures		
Trip Reduction Programs	Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	The project is exempt from the City's Transportation Demand Management (TDM) requirements (refer to Section 4.17, Transportation, for more information). The project site is located in proximity to VTA bus and light rail. The proposed project would include eight bicycle parking spaces (two long-term bicycle spaces and six short-term bicycle spaces) which meets the City's bicycle parking requirement. Therefore, the project is consistent with this measure.
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	As mentioned above, the project would meet the City's bicycle parking requirement. The existing pedestrian facilities in the area currently provide adequate pedestrian connectivity with safe routes and the site and transit stops. As part of the project, the project applicant proposes to reconstruct the existing sidewalks and curb along North Fifth Street and widen the sidewalk from 17 feet to 20 feet. Therefore, the project is consistent with this measure.
Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	The project is consistent with this measure (refer to the discussion under Trip Reduction Programs above).
Building Measures		
Green Buildings	Identify barriers to effective local implementation of CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/ enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would comply with the California Building Standards Code (CBSC), which includes CALGreen, and the City's Reach Code Ordinance (Reach Code). The project includes solar panels on the roof and battery storage to provide on-site renewable energy. Therefore, the project is consistent with this measure.

Control Measures	Description	Project Consistency
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/roofing upgrades for commercial and residential multifamily housing.	The project would be required to comply with the most recent CBSC requirements which would increase building efficiency over standard construction. Solar panels are proposed on the roof. Therefore, the project is consistent with this measure.
Natural and Working Lands Measures		
Urban Tree Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	Any trees removed would be replaced in accordance with the City's tree replacement policy. Therefore, the project is consistent with this measure.
Waste Management Measures		
Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The proposed project would comply with the City's Construction and Demolition Diversion Program during construction which ensures that at least 75 percent of construction waste generated by the project is recovered and diverted from landfills. Therefore, the project is consistent with this measure.

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

Construction Criteria Pollutant Emissions

The California Emissions Estimator model (CalEEMod) Version 2022 was used to estimate annual construction period emissions. The following proposed land uses were input into CalEEMod, which included 10,771 square feet entered as "Daycare Center" and 53 parking spaces entered as "Parking

Lot".[20] Project-specific information including equipment quantities, average hours per day, total number of workdays, and schedule were provided by the applicant. The construction schedule assumes that the project would begin construction in March 2025 for a period of nine months (up to 186 construction workdays). Construction truck traffic and worker trips were estimated by CalEEMod (refer to Appendix A of this document). Table 4.3-5 shows the estimated daily air emissions from construction of the proposed project.

Table 4.3-5: Construction Emissions from the Project

Description	ROG	NO_x	PM_{10}	$PM_{2.5}$
Construction Emissions Per Year (Tons)				
2025	0.10	0.41	0.02	0.02
Average Daily Construction Emissions Per Year (Pounds Per Day)				
2025 (186 construction workdays)	1.09	4.43	0.18	0.16
Bay Area Air District Thresholds (pounds per day)	*54*	*54*	*82*	*54*
Threshold Exceeded?	**No**	**No**	**No**	**No**

As shown in the table above, project construction period emissions would not exceed the Bay Area Air District significance thresholds for ROG, NO_x, $PM_{2.5}$, and PM_{10}.

Operational Criteria Pollutant Emissions

The Bay Area Air District developed screening criteria to provide a conservative indication of whether a project would result in potentially significant criteria pollutant impact. The screening size for "Daycare Center" land use type is 232,000 square feet.[21] Development below the screening size is assumed to have a less than significant operational impact. The project would have a total gross square footage of 12,721 square feet which is below the Bay Area Air District operational criteria pollutant screening size. As a result, implementation of the proposed project would have a less than significant operational criteria pollutant impact.

Cumulative Criteria Pollutant Emissions

Per the Bay Area Air District CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size to, by itself, result in non-attainment of ambient air quality standards. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

[20] A daycare center is a facility where care for preschool age children is provided, normally during the daytime hours. Daycare facilities generally include classrooms, offices, eating areas and playgrounds. California Air Pollution Control Officers Association. *California Emissions Estimator Model User Guide Version 2022.1*. April 2022. Accessed March 11, 2024. https://www.caleemod.com/documents/user-guide/CalEEMod_User_Guide_v2022.1.pdf.
[21] There are no screening levels available for preschools; therefore, the operational screening criteria for "Daycare Center" was used.

As discussed above, the proposed project would not, by itself, exceed the Bay Area Air District significance threshold for construction criteria pollutant emissions nor would the project exceed the screening size for operational criteria pollutant emissions. As a result, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment.

The project would have a less than significant impact on construction and operational criteria pollutants and the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less than Significant Impact)**

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

Dust Generation

Construction activities on-site would temporarily generate dust and equipment exhaust that would affect nearby sensitive receptors. The project shall implement the following Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions.

Standard Permit Conditions:

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

- Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
- Cover all haul trucks transporting soil, sand, or other loose material off-site.
- Remove all visible mud or dirt track out onto adjacent public roads at least once per day using wet power vacuum street sweepers. The use of dry power sweeping is prohibited.
- Limit all vehicle speeds on unpaved roads to 15 miles per hour (mph).
- Pave all new roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.
- Wash off all trucks and equipment, including their tires, prior to leaving the site.
- Treat unpaved roads providing access to sites located 100 feet or further from a paved road with a six- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- 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 five-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.

- 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.
- 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.

With implementation of the identified Standard Permit Condition above, fugitive dust emissions from project construction would be further reduced. Therefore, implementation of the project would have a less than significant air quality impact.

Project Construction – Community Risk Impacts

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust which could pose as a health risk to nearby sensitive receptors. A health risk assessment was prepared to evaluate potential health effects to nearby sensitive receptors (within 1,000 feet of the project site) from construction emissions of DPM and $PM_{2.5}$.[22] The CalEEMod model was used which provides PM_{10} exhaust emission (DPM) and fugitive $PM_{2.5}$ dust emission estimates. The U.S. EPA AERMOD dispersion model was used to predict construction-related DPM and $PM_{2.5}$ concentrations at existing sensitive receptors (e.g., residences) in the vicinity of the project construction area (refer to Appendix A of this document for more information).

The cancer risk and $PM_{2.5}$ maximum exposed individuals (MEIs) were identified at the multi-family building, approximately five feet south of the project site, on two different levels. The cancer risk MEI was identified on the second floor (15 feet above ground) while the annual $PM_{2.5}$ MEI was identified on the ground floor (five feet above ground). As shown in Figure 4.3-1 below, sensitive receptors are designated in green and the MEI from construction is designated in red. The construction risk impacts at the off-site MEIs are summarized in Table 4.3-7.

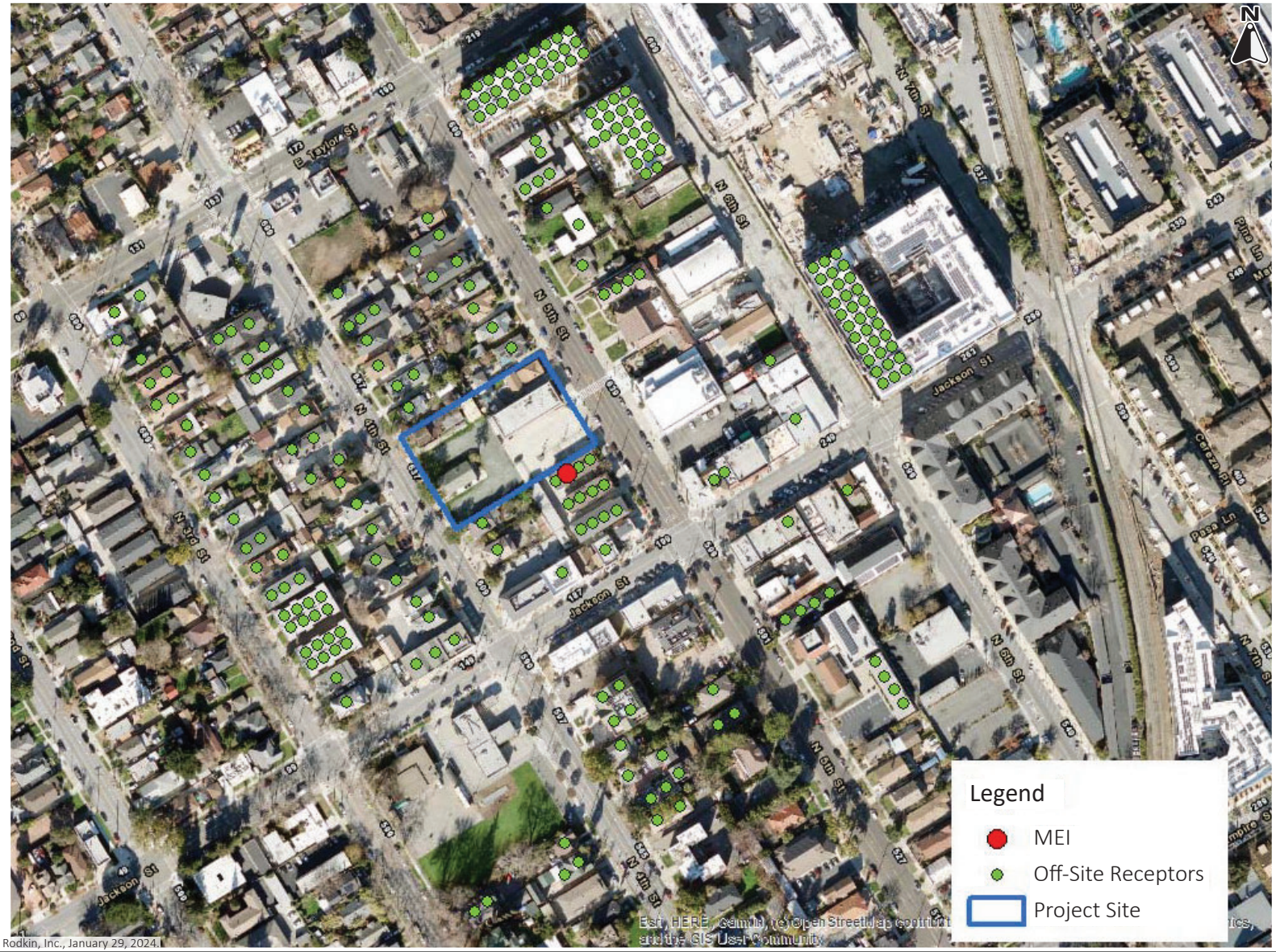
Table 4.3-6: Construction Risk Impacts at Off-Site MEIs

Source	**Cancer Risk[1] (per million)**	**Annual $PM_{2.5}$[1] ($\mu g/m^3$)**	**HI**
Project Construction (unmitigated)	**23.38 (infant)**	**0.32**	0.03
Bay Area Air District Single-Source Threshold	*>10.0*	*>0.3*	*>1.0*
Significant?	***Yes***	***Yes***	***No***

Note: [1] The maximum cancer risk and $PM_{2.5}$ concentration occur at the same receptor location on different floors.

Source: Illingworth & Rodkin, Inc. *San José Buddhist Church Betsuin Lotus Preschool Construction Health Risk Assessment.* January 29, 2024.

[22] DPM is identified by California as a TAC due to the potential to cause cancer.



Source: Illingworth & Rodkin, Inc., January 29, 2024.

LOCATIONS OF OFF-SITE RECEPTORS AND MEI | FIGURE 4.3-1

As shown in the table above, the MEI would have a cancer risk of 23.38 cases per one million (for infants), which exceeds the Bay Area Air District significance threshold of 10 cases per one million. The adult cancer risk at the location of the MEI would be 0.38 cases per one million. The maximum annual $PM_{2.5}$ concentration would be 0.32 $\mu g/m^3$ without mitigation which exceeds the Bay Area Air District significance threshold of 0.3 $\mu g/m^3$. The maximum hazard index (HI) concentration would be 0.03, which is below the 1.0 HI threshold.

Impact AIR-1: Construction activities associated with the proposed project would expose the project's off-site maximum exposed individuals (MEIs) to a cancer risk of 23.38 cases per one million for infants and an annual particulate matter with a diameter of 2.5 micros or less ($PM_{2.5}$) of 0.32 micrograms per cubic meter ($\mu g/m^3$) which exceeds the Bay Area Air District significance thresholds of 10 cases per one million for cancer risk and annual $PM_{2.5}$ of 0.3 $\mu g/m^3$, respectively.

Mitigation Measure

In addition to the Standard Permit Conditions listed above and in conformance with General Plan Policies MS-10.1 and MS-13.1, the following mitigation measure would be implemented during all demolition and construction activities to reduce toxic air contaminant (TAC) emissions impacts to the MEIs.

MM AIR-1.1: Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the project applicant shall submit a construction operations plan for review and approval to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee, demonstrating that the offroad equipment used for construction of the project would achieve a fleetwide average of at least 60 percent reduction in diesel particulate matter (DPM) emissions. The plan to achieve the 60 percent reduction would include the following, or an equivalent alternative that meets the required reduction:

- All diesel-powered off-road equipment (larger than 25 horsepower) operating on-site for more than two days continuously or 20 hours total shall, at a minimum, meet the United States (U.S.) Environmental Protection Agency (EPA) Tier 4 final emission standards for fine particulate matter ($PM_{2.5}$) and coarse particulate matter (PM_{10}).
    - Alternatively, equipment that meet U.S. EPA emissions for Tier 3 engines and is equipped with California Air Resources Board-certified Level 3 Diesel Particulate Filters that altogether achieve a 60 percent reduction in DPM emissions would meet this requirement.

As an alternative to the measures above, the project applicant could commission a construction operations plan from a qualified air quality specialist that would achieve a reduction in construction DPM emissions of 60 percent or greater. The plan shall be submitted to the City of San José Director of PBCE or the Director's designee for review and approval prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest). The plan could include a combination of the following measures:

- Installation of electric power lines during early construction phases to avoid use of diesel portable equipment,
- Use of electrically powered equipment,
- Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
- Change in construction build out plans to lengthen phases, and
- Implementation of different building techniques that result in less diesel equipment used.

With implementation of Mitigation Measure AIR-1.1 and the identified Standard Permit Conditions listed above, the infant residential cancer risk would be reduced to 5.61 cases per one million and the maximum $PM_{2.5}$ concentration would be reduced to 0.26 µg/m^3 which would be below the Bay Area Air District significance thresholds of 10 cases per one million and $PM_{2.5}$ of 0.3 µg/m^3, respectively.

Project Operation – Community Risk Impacts

Project traffic associated with operation of the project could result in community risk impacts. Projects with the potential to cause or contribute to increased cancer risk from traffic include those that use high numbers of diesel-powered on-road trucks or off-road diesel equipment on-site (e.g., a distribution center, a quarry, or a manufacturing facility). Project-generated traffic would consist mostly of light-duty vehicles that are not a source of substantial TACs or $PM_{2.5}$. Based on the Local Transportation Analysis (LTA), the project is estimated to generate an average of 197 daily trips, a net increase of 87 trips compared to existing conditions. The project applicant would construct a larger school development which would not generate enough trips to be considered a significant TAC source; therefore, the project traffic emissions would be negligible.

Criteria Pollutant Emissions

In a 2018 decision (*Sierra Club v. County of Fresno*), the State Supreme Court determined that 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. Air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in non-attainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, the Bay Area Air District considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect. The proposed project would result in a less than significant project-level operational and construction criteria pollutant impact as discussed above under checklist question b; therefore, the project would not expose sensitive receptors to substantial criteria pollutant concentrations.

With implementation of Mitigation Measure AIR-1.1 and the identified Standard Permit Conditions listed above, the project would result in a less than significant community risk impact from project construction. As discussed above, the project would have a less than significant impact from project operation and implementation of the project would not expose receptors to substantial criteria pollutant concentrations. **(Less than Significant Impact with Mitigation Incorporated)**

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

The 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, the odors would be localized and temporary and would not adversely affect a substantial number of people off-site.

Operation of the proposed project would include the use of cleaning supplies and maintenance chemicals which would generate temporary odors in the areas of use. Schools, including the project, would not generate odors that would affect adjacent receptors. Therefore, implementation of the proposed project would not result in odors that would adversely affect a substantial number of people. **(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 and MS-11.1, a health risk assessment was prepared to ensure that future users of the site (e.g., students, visitors, and faculty members) are not exposed to substantial TAC emissions.

Community health risk assessments typically look at all substantial sources of TACs located within 1,000 feet of the project site that can affect sensitive receptors on the project site. These sources

include rail lines, freeways or highways, streets, and stationary sources identified by the Bay Area Air District. A review of the area indicates the nearby roadways, and the Union Pacific Railroad (UPRR) line are sources of mobile TAC emissions within 1,000 feet of the project site. Nearby stationary sources were identified using the Bay Area Air District's Permitted Stationary Sources 2021 geographic information system website, which identifies the location of nearby stationary sources and their estimated risk and hazard impacts. Four stationary sources were identified; three of which are diesel generators, and one is a gas station. Figure 4.3-2 below shows the project site and the nearby TAC and $PM_{2.5}$ sources and Table 4.3-7 summarizes nearby TAC and $PM_{2.5}$ sources of air pollution near the project site.

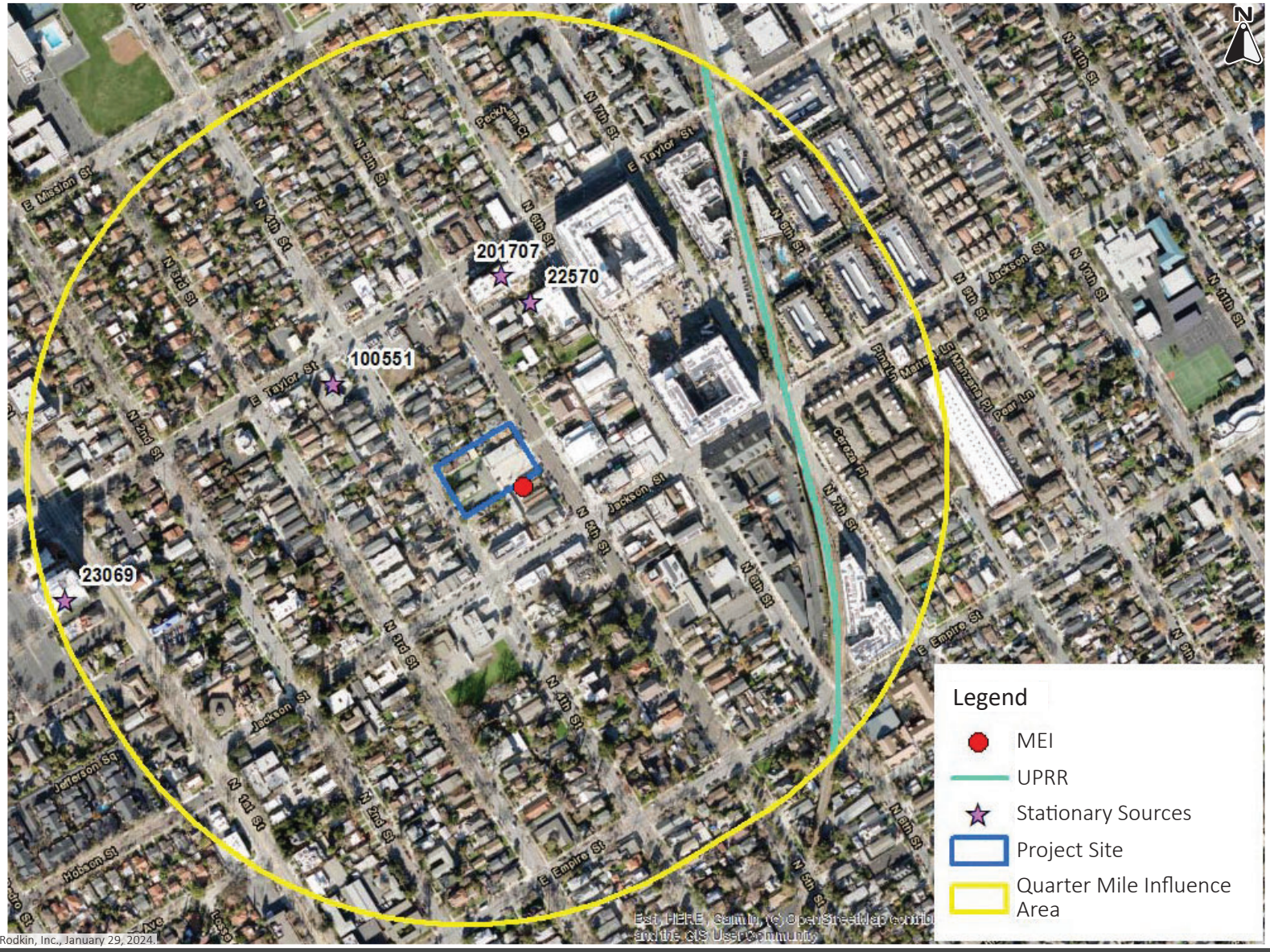
Table 4.3-7: Community Risk Impacts to Project Receptors

Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**HI**
Local Roadways	<10.0	<0.30	0.05
UPRR Line	0.95	<0.01	<0.01
Facility ID#22570, Generator (315 feet)	0.20	<0.01	<0.01
Facility ID#23069, Generator (over 1,000 feet)	0.02	<0.01	--
Facility ID#201707, Generator (400 feet)	1.14	<0.01	<0.01
Facility ID#100551, Gas Station (325 feet)	3.08	--	0.31
Bay Area Air District Single-Source Threshold	*>10.0*	*>0.3*	*>1.0*
Significant?	***No***	***No***	***No***
Cumulative Total[1]	20.87	<0.34	<0.39
Bay Area Air District Cumulative-Source Threshold	*>100*	*>0.8*	*>10.0*
Significant?	***No***	***No***	***No***

Note: [1] Cumulative roadway would result in up to 15.48 cases per million for cancer risk and 0.30 $\mu g/m^3$ for annual $PM_{2.5}$.

Source: Illingworth & Rodkin, Inc. *San José Buddhist Church Betsuin Lotus Preschool Construction Health Risk Assessment.* January 29, 2024.

As shown in the table above, the existing mobile and stationary TAC sources would be below the Bay Area Air District single-source and cumulative-source thresholds of significance for cancer risk, annual $PM_{2.5}$ concentration, and HI. Therefore, the project would be consistent with General Plan Policies MS-10.1 and MS-11.1.



Source: Illingworth & Rodkin, Inc., January 29, 2024.

PROJECT SITE AND NEARBY TAC AND $PM_{2.5}$ SOURCES | FIGURE 4.3-2

4.4 Biological Resources

The following discussion is based upon an Arborist Report prepared by HMH Engineers in May 2022. This report is attached as Appendix B to this document.

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 U.S. 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 U.S. 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.

Tree Removal Ordinance

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

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

Envision San José 2040 General Plan

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

Policy	Description
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 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.
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-21.7	Manage infrastructure to ensure that the placement and maintenance of street trees, streetlights, signs and other infrastructure assets are integrated. Give priority to tree placement in designing or modifying streets.
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. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.
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.

4.4.1.2 *Existing Conditions*

The project site is located in an urbanized area of San José that consists of predominantly urban adapted birds and animals. There are trees and shrubs located on-site and along the street frontages. No sensitive habitats or wetlands are present on or adjacent to the site. The project site has a land cover designation of Urban-Suburban.[23] A total of 17 trees were surveyed; seven of which are street trees and 10 on-site trees. Tree nos. 3 and 7 are native trees. Table 4.4-1 below provides a summary of the trees surveyed and the location of the trees is shown on Figure 4.4-1.

Table 4.4-1: Tree Survey

Tree No.	Scientific Name	Common Name	Circumference (inches)	Diameter (inches)
1*	***Platanus × hispanica***	**Plane Tree**	**91**	**29**
2*	***Platanus × hispanica***	**Plane Tree**	**46**	**15**
3*,+	*Alnus rhombifolia*	White Alder	35	11
4*	***Magnolia grandiflora***	**Southern Magnolia**	**60**	**19**
5*	***Magnolia grandiflora***	**Southern Magnolia**	**53**	**17**
6	***Quercus ilex***	**Holly Oak**	**50**	**16**
7+	***Sequoia sempervirens***	**Coast Redwood**	**97**	**31**
8	*Prunus sp.*	Plum	13	4
9	*Prunus armeniaca*	Apricot	25	8
10	*Prunus armeniaca*	Apricot	25	8
11	*Platanus × hispanica*	Plane Tree	31	10
12	*Platanus × hispanica*	Plane Tree	28	9
13	*Platanus × hispanica*	Plane Tree	28	9
14	*Platanus × hispanica*	Plane Tree	35	11
15*	*Acer rubrum*	Red Maple	25	8
16*	*Acer rubrum*	Red Maple	22	7
17	*Citrus sp.*	Lemon Tree	35	11

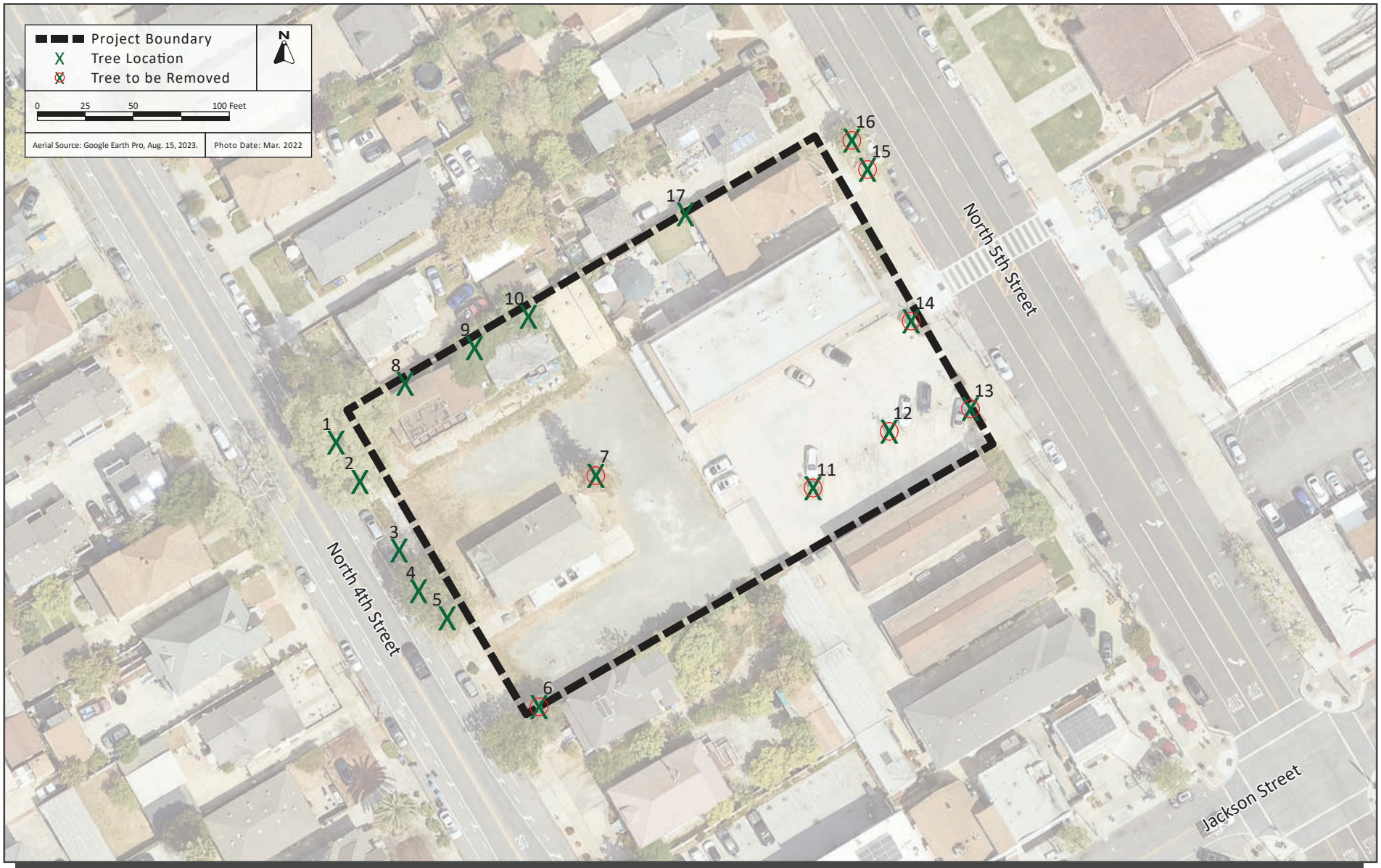
Notes: Ordinance-sized trees are 38+ inches in circumference (12.1+ inches in diameter)

***** denotes street trees.
+ denotes native trees.

Bold denotes ordinance-sized trees.

Source: HMH Engineers. *Arborist Report*. May 31, 2022.

[23] Santa Clara Valley Habitat Agency. "Geobrowser v2.0" Accessed July 30, 2024. https://scvha.maps.arcgis.com/apps/webappviewer/index.html?id=f2268679c2fa49489e3f7d6e8377837e.



TREE LOCATION MAP

FIGURE 4.4-1

4.4.2 Impact Discussion

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

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

Vegetation on-site consists of trees and shrubs. Based on the tree disposition plan provided by the applicant, the project applicant proposes to remove two street trees and six on-site trees. Any trees removed could result in the loss of nesting and/or foraging habitat for migratory birds. In addition, construction activities could disrupt active nests on-site or in the immediate project area. 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. 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 disrupt nesting raptors, or other birds, resulting in the loss of fertile eggs or nest abandonment.

Mitigation Measure

In accordance with the MBTA, CDFW, and General Plan Policies ER-5.1 and ER-5.2, the following mitigation measure is included to reduce impacts to raptors and migratory birds during construction.

MM BIO-1.1: Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st, inclusive.

If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the breeding season, unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period. During this survey, the qualified ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist shall designate a construction-free buffer zone (typically 250 feet) to be established around the nest. The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.

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

With implementation of Mitigation Measure BIO-1.1, impacts to nesting birds and raptors would be reduced to a less than significant level. **(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 riparian or sensitive natural communities located on-site or in the immediate vicinity. The nearest riparian habitat is Guadalupe River, located approximately 0.5 miles west of the site. Due to the distance between the project site and the nearest riparian habitat, implementation of the project would not result in a substantial adverse effect on any riparian habitat or 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?

There are no waterways or federally protected wetlands, as defined by Section 404 of the Clean Water Act (CWA), located on or adjacent to the project site. Therefore, the proposed project would not have a substantial adverse effect on any wetland habitat. **(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 proposed project is located in an urbanized area where there are no natural habitats or waterways on or adjacent to the site that support special-status species. The project site is not located on a wildlife nursery site. Therefore, the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. **(Less than Significant Impact)**

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

As mentioned under checklist question a, the project applicant proposes to remove two street trees (tree nos. 15 and 16) and six on-site trees (tree nos. 6, 7, and 11-14). Tree no. 7 is a native tree. Tree replacement ratios would not apply for street trees as they are overseen by DOT. The project would be required to conform to the following Standard Permit Conditions.

Standard Permit Conditions:

Tree Replacement. 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 to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon

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.

*x:x = tree replacement to tree loss ratio

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

Six trees on-site would be removed. One tree would be replaced at a 5:1 ratio, one tree would be replaced at a 4:1 ratio, and the remaining four trees would be replaced at a 2:1 ratio. The project would be required to plant a total of 17 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 (PBCE) 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.

The proposed project would be required to comply with the identified Standard Permit Conditions. Therefore, the proposed project would not conflict with any ordinance protecting biological resources and would not conflict with a tree preservation policy or ordinance. **(Less than Significant Impact)**

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

The project site is located within the Habitat Plan and is designated as "Urban-Suburban" land. Private development in the plan area is subject to the Habitat Plan 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;[24]
- 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 Two Acres is Covered," or "Urban Development Equal to or Greater than Two 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.

The proposed project would require discretionary approval by the City and is consistent with the activity described in Section 2.3.2 of the Habitat Plan. The project site is, however, 1.17 acres in size (below the 2.0-acre threshold) and is not subject to any land cover fee. Consistent with the Habitat Plan, the project applicant shall implement the following Standard Permit Condition.

Standard Permit Condition:

- **Santa Clara Valley Habitat Plan.** The project is 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-ScreeningForm?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.

[24] 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).

With the implementation of the above Standard Permit Condition, the proposed project would be consistent with the provisions of the Habitat Plan. **(Less than Significant Impact)**

4.5 Cultural Resources

The following discussion is based upon a Literature Search prepared by PaleoWest in August 2023. A copy of the Literature Search is on file at the Department of PBCE and is available for review with appropriate credentials.

The following discussion is also based on a Historic Resources Evaluation and Impact Analysis prepared by TreanorHL in October 2024. Copies of these reports are attached as Appendices C and D of this document.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

The National Register of Historic Places (NRHP) is a comprehensive inventory of known historic resources throughout the U.S. The NRHP is administered by the National Park Service and includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. A historic resource listed in, or formally determined to be eligible for listing in, the NRHP is, by definition, included in the California Register of Historical Resources (CRHR).[25]

National Register Bulletin Number 15, How to Apply the National Register Criteria for Evaluation, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context." The NRHP identifies four possible context types, of which at least one must be applicable at the national, state, or local level. As listed under Section 8, "Statement of Significance," of the NRHP Registration Form, these are:

A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
B. Property is associated with the lives of persons significant in our past.
C. Property embodies the 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 and distinguishable entity whose components lack individual distinction.
D. Property has yielded, or is likely to yield, information important to prehistory or history.

Second, for a property to qualify under the NRHP's Criteria for Evaluation, it must also retain "historic integrity of those features necessary to convey its significance." While a property's significance relates to its role within a specific historic context, its integrity refers to "a property's physical features and how they relate to its significance." To determine if a property retains the

[25] Refer to Public Resources Code Section 5024.1(d)(1).

physical characteristics corresponding to its historic context, the NRHP has identified seven aspects of integrity: 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

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.[26] 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[27] or identified as significant in a historical resource survey meeting the requirements of state law,[28] 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:

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

[27] 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.

[28] 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 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 U.S.; 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
- 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.[29]

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 Section 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 Section 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

[29] CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed September 14, 2023. https://ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

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.

Regional and Local

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 City of San José's HRI 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.

Envision San José 2040 General Plan

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

Policy	Description
LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.
LU-14.1	Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.
LU-16.4	Require development approvals that include demolition of a structure eligible for or listed on the Historic Resources Inventory to salvage the resource's building materials and architectural elements to allow re-use of those elements and materials and avoid the energy costs of producing new and disposing of old building materials.
ER-9.2	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-10.1	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-10.3	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*

Prehistoric Period

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 3000 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.

The Ohlone people were hunter/gatherers focused on hunting, fishing, and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay. The customary way of living, or lifeway, of the Costanoan/Ohlone people disappeared by about 1810 due to

disruption by introduced diseases, a declining birth rate, and the impact of the California mission system established by the Spanish in the area beginning in 1777.

Artifacts pertaining to the Ohlone occupation of San José have been found along the City's major waterways. The nearest waterway to the project site is Guadalupe River, located approximately 0.5 miles west.

A Literature Search was completed for a nearby site at 640 North Fifth Street and within a 0.25-mile radius (which includes the project site) to identify potential archaeological deposits below the ground surface (bgs). The Literature Search determined that there is potential for encountering historic-era and pre-historic era resources on the project site and surrounding area.

Historic - Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area during which explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California led to the establishment of the California Missions and, in 1777, the Pueblo de San José de Guadalupe.

The pueblo was originally near the old San José City Hall. Because the location was prone to flooding, the pueblo was relocated in the late 1780's or early 1790's south to what is now downtown San José. The current intersection of West Santa Clara Street and Market Street in downtown San José was the center of the second pueblo. The second pueblo is located approximately 1.0 miles southwest of the project site.

Historic - Post-Mission Period to Early 20th Century

In the mid-1800's the project area began to be redeveloped as America took over the territory from Mexico and new settlers began to arrive in California as a result of the gold rush and the expansion of business opportunities in the west. San José Japantown was established circa 1890 as large numbers of Japanese immigrants came to Santa Clara Valley seeking agricultural jobs.

The block bounded by East Taylor Street to the north, North Seventh Street to the east, North Sixth Street to the west, and Jackson Street to the south was previously named "Hellanville." Hellanville, also referred to as Heinlenville, was established near the project area after Chinatown on Market Street was burned down in 1887. The community in Hellanville consisted of some families, but mostly farm workers. The Central Pacific Railroad tracks were extended from the downtown area and through the neighborhood in 1891. In the 1890s, the Japanese community emerged south of Hellanville, near Jackson Street and Sixth Street, which led to the establishment of Japanese businesses (e.g., boarding houses, bathhouses, barbershops, restaurants, and gambling houses) on and around the project block in 1915.

The project area started to redevelop with residential and commercial development in the late 19th century which continued until the early 20th century. The residence at 645 North Fifth Street was constructed in 1901. Based on an 1891 Sanborn map, a residential structure was constructed at 624 North Fourth Street, however, the structure was redeveloped with a new residence with a different footprint in 1908. Similarly, the residence at 642 North Fourth Street was redeveloped with the current residence circa 1908. By 1915, the Southern Pacific Railroad purchased the Central Pacific Railroad line. The 1915 Sanborn Map shows residences, a Japanese Church, and a single building labeled "Japanese Lodge" located along Jackson Street.

During the World War II period, people of Japanese ancestry were forced to leave San José and Santa Clara Valley in the internment process which left the Japantown largely vacant until owners and residents were allowed to return in 1945. Between 1945 and 1949, the Japanese American population resettled back to Japantown and reestablished the community, doubling the population. During this time, other cultural groups began to move into the neighborhood. By 1950, all structures located along Jackson Street, except for the Japanese Church, remained in the area.

From 1891 until 1956, the property located at 639 North Fifth Street site was developed with three residences and several accessory structures. These structures were replaced with the current two-story classroom building and parking lot in 1956. The building was originally a one-story structure. Based on a building permit, the second story was added in 1963. The building currently serves as a Sunday school facility for the San José Buddhist Church Betsuin and contains classrooms where Dharma School and Japanese Language classes are held.

In the 1980s, many buildings in Japantown were redeveloped and new residential buildings were constructed. Many wood-frame buildings in Japantown were replaced with steel-frame buildings or underwent renovations.

Eligible Japantown National Register Historic District and Japantown City Landmark District

San José's Japantown is significant for its cultural ties to the Japanese community. It is one of three examples of an intact Japantown community in California. The boundaries of the eligible Japantown National Register Historic District are East Taylor Street to the north, Sixth Street to the east, Empire Street to the south, and Fourth Street to the west (with a few properties located on both sides of Taylor Street between Fifth Street and Sixth Street and a few properties located on both sides of Jackson Street between Third Street and Fourth Street). The boundaries of the eligible Japantown City Landmark District are the same boundaries as the eligible Japantown National Register Historic District, but extend further west down Jackson Street to North Second Street (with a few resources located on Third Street and Second Street). There are a total of 62 existing properties that contribute to the eligible Japantown National Register Historic District. There are a total of 65 existing properties that contribute to the eligible Japantown City Landmark District.[30]

[30] 66 contributors were identified, however, 65 are extant.

In addition, landscaped yards and features, plaques, and street furniture contribute to the district. As discussed in the Impact Analysis, numerous mid-century modern buildings represent the post-World War II resettlement era and are the strongest element of architectural integrity in Japantown.[31]

On-Site Structures

The project site is currently comprised of six parcels developed with four residences and a classroom building. A summary description of these buildings and their historical resource evaluations are provided below.

624 North Fourth Street

Description

The property is developed with a one-and-a-half-story residential building with a basement and attic. The residence, constructed in 1908, has a gable roof covered with asphalt shingles and stucco clad walls. The primary entrance to the residence is provided by a recessed porch with square columns. The door at the center of the western façade has been removed. The eastern façade of the building includes a shed roof porch addition. A stucco clad chimney is located on the northern side of the building. Notable features include the bay window on the western building façade, the covered porch, the interior chimney, the simple wood trim, and the half-timbering.[32]

624 North Fourth Street is listed on the City's HRI as an Identified Structure.

Significance in the Eligible Japantown District

The residence is located outside the boundaries of the eligible Japantown National Register and City Landmark Historic Districts.

Individual Eligibility for Listing in the California Register of Historical Resources

While located outside the eligible Japantown National Register and City Landmark Historic Districts, the residence is more than 50 years old and was, therefore, evaluated for individual historic significance in order to analyze potential project impacts.

Criterion 1

While the house at 624 North Fourth Street is associated with the increase in residential and commercial development from the early 20th century, it is not individually representative of any

[31] TreanorHL. *San José Buddhist Church Betsuin, San José, California Historic Resources Evaluation.* October 30, 2024. Page 5.

[32] Half-timbering is defined as a structure with timber frames and spaces between the timber panels and filled in with nonstructural material such as brick, plaster, etc.

important patterns of development within San José. The residence does not reflect development or the pattern of immigration to the City in any individually significant way. Therefore, it is not associated with significant events under Criterion 1 of the CRHR.

Criterion 2

This residence is not known to be associated with persons of local significance. The residence, therefore, is not individually eligible under Criterion 2 of the CRHR based on personage.

Criterion 3

While the residence consists of characteristics of Craftsman-style architecture, it is not a distinguished example among many Craftsman-style residences constructed in the early 20th century. In addition, the residence does not exemplify a distinctive design within the context of Craftsman style and utilizes common construction and materials. The residence is not individually eligible under Criterion 3 of the CRHR.

Criterion 4

Based on archival research, the residence does not have the potential to yield information important to the prehistory or history of the area, state, or nation. Therefore, the residence is not individually eligible under Criterion 4 of the CRHR.

San José City Landmark Evaluation

While located outside the eligible Japantown National Register and City Landmark Historic Districts, the individual significance of the residence was also evaluated for listing in the HRI as a Candidate City Landmark in order to analyze potential project impacts.

The documentation and assessment of the property at 624 North Fourth Street concluded that the residence does not meet any of the City of San José's significance criteria for listing as a Candidate City Landmark as discussed below.

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

   The residence does not possess special character, interest, or value to the local, regional, state, or national history, trends in history, or culture of the community. While the residence is associated with residential development from the early 20th century, it is not associated with the City's history in an individually significant way. Therefore, the residence is not eligible for listing under this Criterion 1.

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

   The residence is not located at the site of a significant historic event and is not eligible under Criterion 2.

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

   The residence is not associated with any person(s) who significantly contributed to the local, regional, state, or national history. Therefore, the residence is not eligible under Criterion 3.

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

   While the residence is associated with residential development in Japantown during the early 20th century, it does not exemplify cultural, economic, social, or historic heritage of San José. Therefore, the residence is not eligible 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 architectural design of the residence does not portray a group of people during a particular period in history. Therefore, the residence is not eligible under Criterion 5.

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

   The residence at 624 North Fourth Street has no notable features. While the residence contains characteristics of a Craftsman-style architecture (e.g., wide eave overhang, asymmetrical façades, and partial length porch), it is one of the many single-family residences constructed during the early 20th century in San José. Therefore, the residence is not eligible 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.

   The residence was not built by a notable architect or master builder and is not eligible 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 residence does not contain any unique or architectural innovations and utilizes common construction and materials. Therefore, the residence is not eligible under Criterion 8.

In summary, the residence at 624 North Fourth Street is not eligible for listing in the CRHR or the San José HRI as a Candidate City Landmark.

642 North Fourth Street

Description

The residence is developed with a one-story, vernacular-style house with Folk Victorian details.[33] The wood-frame residential building, constructed circa 1908, consists of horizontal wood siding and a steeply pitched, gable roof. There are two additions at the rear of the residence with shed roofs. All the windows are boarded up. An almost full-width entry porch with square wood supports and simple decorative features are present along the western building façade. The condition of the residence is poor due to the deterioration of most of the wood and roof. Notable features include the front porch, wood cladding, brick chimney, and wood trim.

Another residential structure is located at the rear of the main residence. The one-story, Ranch-style residence is of wood-frame construction with stucco cladding and a low-pitched, side-gable roof. All window and door openings are boarded up and a brick chimney is located at the eastern end of the building. The most notable feature of the residence is the brick chimney.

The residence at 642 North Fourth Street is listed on the City's HRI as an Identified Structure and was not selected for inclusion in the intensive-level Japantown historic resources survey completed in 2006.

The residence is located outside the boundaries of the eligible Japantown National Register and City Landmark Historic Districts.

Individual Eligibility for Listing on the California Register of Historical Resources

While located outside the eligible Japantown National Register and City Landmark Historic Districts, the residence is more than 50 years old and was, therefore, evaluated for individual historic significance in order to analyze potential project impacts.

Criterion 1

The residence at 642 North Fourth Street is one of many residential developments from the early 20th century, it is not individually representative of any important patterns of development within San José. The residence does not reflect the development or growth of the neighborhood in any individually significant way. Therefore, it is not associated with significant events under Criterion 1 of the CRHR.

[33] The character-defining features of the Folk Victorian architectural style include wood-frame construction, one-story massing, and simple front-gabled roof with a steep roof pitch.

Criterion 2

While the residence was occupied by various tenants, none of the tenants were identified as important figures in the history of San José or state. Therefore, the residence is not individually eligible under Criterion 2 of the CRHR based on personage.

Criterion 3

While the residence includes characteristics of Folk Victorian style, such as a gable roof, raised floor, and full porch with steps, it does not exemplify a distinctive design within the context of this style. In addition, the residence utilizes common construction and materials. The residence is not individually eligible under Criterion 3 of the CRHR.

Criterion 4

Based on archival research, the residence does not have the potential to yield information important to the prehistory or history of the area, state, or nation. Therefore, the residence is not individually eligible under Criterion 4 of the CRHR.

San José City Landmark Evaluation

While located outside the eligible Japantown National Register and City Landmark Historic Districts, the individual significance of the residence was also evaluated for listing in the HRI as a Candidate City Landmark in order to analyze potential project impacts.

The documentation and evaluation of the residence at 642 North Fourth Street concluded that it does not meet any of the significance criteria for listing on the City of San José's HRI as a Candidate City Landmark as discussed below.

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

   The residence does not possess special character, interest, or value to the local, regional, state, or national history, trends in history, or culture of the community. While the residence is associated with residential development from the early 20th century, it is not associated with the City's history in an individually significant way. Therefore, the residence is not eligible for listing under Criterion 1.

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

   The residence is not located at the site of a significant historic event and is not eligible under Criterion 2.

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

   The residence is not associated with any person(s) who significantly contributed to the local, regional, state, or national history. Therefore, the residence is not eligible under Criterion 3.

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

   While the residence is associated with residential development in Japantown during the early 20th century, it does not exemplify cultural, economic, social, or historic heritage of San José. Therefore, the residence is not eligible under this 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 architectural design of the residence does not portray a group of people during a particular period in history. The residence consists of Folk Victorian characteristics; however, it is not a good representation of this architectural style. Therefore, the residence is not eligible under Criterion 5.

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

   The residence at 642 North Fourth Street has no notable features. While the residence contains Folk Victorian characteristics, it is one of the many single-family residences constructed during the early 20th century in San José. As mentioned previously, the residence utilizes common construction and materials. Therefore, the residence is not eligible 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.

   The residence was not built by a notable architect or master builder and is not eligible 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 residence does not contain any unique or architectural innovations. As mentioned previously, the residence utilizes common construction and materials. Therefore, the residence is not eligible under Criterion 8.

In summary, the residence at 624 North Fourth Street is not individually eligible for listing in the CRHR or the San José's HRI I as a Candidate City Landmark.

639 North Fifth Street

Description

The property is developed with a two-story classroom building with a flat-topped hip roof and overhanging enclosed eaves. The building is clad in stucco. The primary building façade faces a parking lot. The classrooms on the second floor can be accessed via an exterior hallway. The stairways are located near the eastern and western ends of the school. Notable features include a large circular decorative sign on the second floor and the use of wood posts and beams. This building was originally intended to house returning Japanese evacuees.

The classroom building at 639 North Fifth Street is listed in the City of San José's HRI as a contributor to the eligible Japantown National Register District and to the eligible Japantown City Landmark District.

Significance in the Eligible Japantown Historic District/s

In 1954, three lots were purchased to construct a hostel and social hall to house returning evacuees from the internment camps. The hostel was converted to classrooms in 1958. The building was originally a one-story structure. The second story was added in 1963. In 1986, interior and exterior alterations were made to the building. This property is owned by the San José Buddhist Church Betsuin and continues to serve its intended purpose, which reinforces Japanese religion and culture in Japantown. The building's Japanese inspired architecture reflects the cultural identity of the group that built it and the surrounding neighborhood. Therefore, the two-story classroom building is classified as a contributing structure to the eligible Japantown Historic District/s.

Individual Eligibility for Listing on the California Register of Historical Resources

While the classroom building is a contributor to the eligible Japantown National Register and City Landmark Historic Districts, it was also evaluated for individual historic significance in order to analyze potential project impacts.

Criterion 1

The site was previously occupied by three residences and several accessory structures until 1954. During this time, several cultural groups started to settle in the area. The San José Buddhist Church Betsuin demolished the residences and accessory structures and constructed the current classroom building from 1955 to 1956. As mentioned previously, the site was used as a hostel and social hall which was later converted to classrooms. Since the existing building was constructed 10 years after World War II, it is not associated with the resettlement period of Japantown. Therefore, it is not associated with significant events under Criterion 1 of the CRHR.

Criterion 2

No persons of known historical significance are associated with the site. Therefore, the classroom building is not individually eligible under Criterion 2 of the CRHR based on personage.

Criterion 3

While the classroom building is a mid-20th century building with Japanese-inspired elements (e.g., flat roof and wood detailing), it does not exemplify a distinctive design that makes it stand out. Similar to other buildings on-site, the classroom building utilizes common construction and materials. Therefore, the classroom building is not individually eligible under Criterion 3 of the CRHR.

Criterion 4

Based on archival research, the building does not have the potential to yield information important to the prehistory or history of the area, state, or nation. Therefore, the classroom building is not individually eligible under Criterion 4 of the CRHR.

San José City Landmark Evaluation

While the classroom building is a contributor to the eligible Japantown National Register and City Landmark Historic Districts, it was also evaluated for individual significance for listing in the City of San José's HRI as a Candidate City Landmark in order to analyze potential project impacts.

The documentation and evaluation of the classroom building at 639 North Fifth Street concluded that it does not meet any of the significance criteria for listing in the City of San José's HRI as a Candidate City Landmark as discussed below.

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

   The classroom building does not possess special character, interest, or value to the local, regional, state, or national history, trends in history, or culture of the community. While the classroom building is associated with mid-20th century development of Japantown, it is not associated with the resettlement period post World War II. Therefore, the classroom building is not an important part of the City's history in an individually significant way and the classroom building is not eligible for listing under Criterion 1.

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

   The classroom building is not located at the site of a significant historic event and is not eligible under Criterion 2.

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

   The classroom building is not associated with any person(s) who significantly contributed to the local, regional, state, or national history. Therefore, the classroom building is not eligible under Criterion 3.

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

   While the use of the original building was intended for returning Japanese evacuees, it is not associated with the early settlement or resettlement periods after World War II. The existing classroom building does not exemplify cultural, economic, social, or historic heritage of Japantown or the City of San José. Therefore, the classroom building is not eligible 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 architectural design of the classroom building does not portray a group of people during a particular period in history. While the classroom building includes Japanese-inspired elements, it is largely vernacular. Therefore, the classroom building is not eligible under this Criterion 5.

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

   The classroom building at 639 North Fifth Street is a mid-20th century vernacular building with Japanese-inspired elements. These elements, the flat roof and wood detailing, are not distinguishing enough to make it an architectural type or specimen. The classroom building utilizes common construction and materials. Therefore, the classroom building is not eligible 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.

   The classroom building was not built by a notable architect or master builder and is not eligible 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 classroom building does not contain any unique or architectural innovations. As mentioned above, the classroom building utilizes common construction and materials. Therefore, the classroom building is not eligible under Criterion 8.

In summary, the classroom building at 639 North Fifth Street is not individually eligible for listing in the CRHR or the City of San José's HRI as a Candidate City Landmark.

645 North Fifth Street

Description

The property is developed with a one-story vernacular residence with a basement. The wood-frame residence was constructed in 1901 and consists of Craftsman-style elements. The residence has stucco cladding and a steeply pitched, hipped main roof with a front-gable roof. A driveway is located south of the residence which provides access to the rear garage. A shed roof addition is attached to the garage. The southern building façade consists of a single opening at the foundation level which provides light and air to the basement. A brick chimney is also visible on this façade. Notable features include the enclosed eaves, the brick chimney, the covered entry door, and foundation level openings.

645 North Fifth Street was not selected for inclusion in the intensive-level Japantown historic resources survey completed in 2006 and is not listed on the City of San José's HRI.

Significance in the Eligible Japantown District

While the residence is located within the boundaries of the eligible Japantown National Register and City Landmark Historic Districts, the residence is not a contributor to the eligible Japantown National Register and City Landmark Historic Districts.

Individual Eligibility for Listing in the California Register of Historical Resources

The residence is more than 50 years old; therefore, it was evaluated for individual historic significance in order to analyze potential project impacts.

Criterion 1

The neighborhood's development began in the late 19th century. During the early 20th century, several cultural groups started to settle in the area. The existing residence on-site is not individually representative of any important patterns of development within San José. In addition, the residence does not stand out among other buildings that were built during this period. Therefore, it is not associated with significant events under Criterion 1 of the CRHR.

Criterion 2

While the residence was occupied by various tenants, none of the tenants were identified as important figures in the history of San José or state. Therefore, the residence is not individually eligible under Criterion 2 of the CRHR based on personage.

Criterion 3

The residence utilizes common construction and materials with no notable or special attributes. Therefore, the residence is not individually eligible under Criterion 3 of the CRHR.

Criterion 4

Based on archival research, the residence does not have the potential to yield information important to the prehistory or history of the area, state, or nation. Therefore, the residence is not individually eligible under Criterion 4 of the CRHR.

San José City Landmark Evaluation

While the residence is a not a contributor to the eligible Japantown National Register and City Landmark Historic Districts, it was evaluated for individual significance for listing in the City of San José's HRI as a Candidate City Landmark in order to analyze potential project impacts.

The documentation and evaluation of the residence at 645 North Fifth Street concluded that it does not meet any of the significance criteria for listing in the City of San José's HRI as a Candidate City Landmark as discussed below.

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

   The residence does not possess special character, interest, or value to the local, regional, state, or national history, trends in history, or culture of the community. While the residence is associated with early 20th century development and immigration in the City, it is one of many properties that represents this development pattern. Therefore, the residence is not an important part of the City's history in an individually significant way and the residence is not eligible for listing under Criterion 1.

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

   The residence is not located at the site of a significant historic event and is not eligible under Criterion 2.

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

   The residence is not associated with any person(s) who significantly contributed to the local, regional, state, or national history. Therefore, the residence is not eligible under Criterion 3.

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

   The residence does not exemplify cultural, economic, social, or historic heritage of Japantown or the City of San José. Therefore, the residence is not eligible 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 architectural design of the residence does not portray a group of people during a particular period in history. While the residence includes Japanese-inspired elements, it is largely vernacular. Therefore, the residence is not eligible under Criterion 5.

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

   The vernacular residence consists of elements that are typical of its type and period. The residence utilizes common construction and materials. The residence does not include any distinguishing characteristics that would make it an architectural type or specimen. Therefore, the residence is not eligible 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.

   The residence was not built by a notable architect or master builder and is not eligible 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 residence does not contain any unique or architectural innovations. As mentioned above, the residence utilizes common construction and materials. Therefore, the residence is not eligible under Criterion 8.

In summary, the residence at 625 North Fifth Street is not individually eligible for listing in the CRHR or the City of San José's HRI as a Candidate City Landmark.

Off-Site Structures

Within 200 feet of the site, there are 13 contributing properties listed on the City's HRI located within the eligible historic district. These properties are summarized in the following table.

Table 4.5-1: Buildings within 200 Feet Listed on the City's HRI

Address	Year Built	Listing in HRI
605-607 North Fifth Street	1949	Contributing Structure
630 North Fifth Street	--	Contributing Structure
640 North Fifth Street	1937	Contributing Structure, Individually eligible in CRHR and NRHP
649 North Fifth Street	1946	Contributing Structure
650 North Fifth Street	1948	Contributing Structure
655 North Fifth Street	1941	Contributing Structure
659 North Fifth Street	1940	Contributing Structure
662 North Fifth Street	1950	Contributing Structure
169-171 Jackson Street	1955	Contributing Structure,
201 Jackson Street	--	Contributing Structure
197 Jackson Street	--	Contributing Structure, Structure of Merit
193 Jackson Street	--	Contributing Structure
205 Jackson Street	1915	Contributing Structure

Note: -- denotes buildings listed in the City's HRI do not have the date of construction listed.

Source: City of San José. "Historic Resources Inventory." Accessed July 23, 2024. https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/historic-resources/historic-resources-inventory.

4.5.2 Impact Discussion

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

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

Impacts to Contributing Resources

While none of the buildings proposed for demolition were determined to be individually significant historical resources, 639 North Fifth Street is a contributing property to the eligible Japantown National Register Historic District, and the eligible City Landmark Historic District and is considered a historical resource under CEQA. Because the district is a cultural district, its significance is based on its association with the Japanese community and its history in the neighborhood. The architectural style/significance of the contributing buildings in the eligible historic districts is not a primary consideration. While the project would include demolition of the contributing structure at 639 North Fifth Street and construction of a larger school development, the cultural themes, use, function, and association of the new buildings to the Japanese community would be maintained under the proposed project. Nevertheless, demolition of the contributing structure at 639 North Fifth Street could result in a potential impact to the eligible historic district that is analyzed below using the Secretary of the Interior's Standards for the Treatment of Historic Properties and National Register aspects of historic integrity.

Secretary of the Interior's Standards for Rehabilitation

The two-story classroom building located at 639 North Fifth Street is a contributor to the eligible Japantown National Register and City Landmark Historic Districts. Therefore, the proposed project was assessed for conformance with the Secretary of the Interior's Standards for Rehabilitation (Standards) to evaluate potential impacts to the eligible historic district. The Standards analysis is outlined below.

Standard 1 – A property will be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

While the project includes demolition of the existing two-story classroom building, the site would be redeveloped with a larger school development. Similar to the existing development, the proposed project would function as a community gathering place, school, and office. The project would continue to serve the Japanese community and be associated with the San José Buddhist Church Betsuin. Therefore, the proposed project conforms with Standard 1.

Standard 2 – The historic character of a property will be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property will be avoided.

The demolition of the existing two-story classroom building would have a minimal effect on the overall historic character of the district as 96 percent of the eligible Japantown National Register and City Landmark Historic Districts would remain (refer to Appendix D for more information). Along with the existing one- to three-story commercial and residential buildings and landscape features, the overall spaces, spatial relationships, and district features would be retained, and the

project would not result in an impact to the historic character of the remaining contributors; therefore, the proposed project conforms with Standard 2.

Standard 3 – Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, will not be undertaken.

The eligible district would continue to be recognized as a physical record of its time and place, and the use of the property would continue the cultural associations with the Japanese community and the San José Buddhist Church. The proposed project would not create a false sense of historical development due to its contemporary design; therefore, the proposed project conforms with Standard 3.

Standard 4 – Changes to a property that have acquired historic significance in their own right will be retained and preserved.

The eligible Japantown National Register and City Landmark Historic Districts consists of contributing and non-contributing structures from the late 19th and early 20th centuries. While some of these properties have changed over time, the district still retains its rich cultural heritage as seen in its remaining buildings, structures, and landscapes. The proposed project would add a compatible addition to the district that would continue the cultural associations; therefore, the proposed project conforms with Standard 4.

Standard 5 – Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property will be preserved.

The proposed new construction would include one to three story buildings clad in fiber cement board that would be simple and contemporary in design. Therefore, the materials, features, finishes, and construction techniques that characterize the eligible district would remain and would not be diminished by the new construction. Therefore, the proposed project conforms with Standard 5.

Standard 6 – Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features will be substantiated by documentary, physical, or pictorial evidence.

The project does not include repair of deteriorated historic features. The building at 639 North Fifth Street would be demolished and replaced with a contemporary building similar in height, scale, and massing. The proposed one-story storage and workshop building would also be comparable in size, scale, and massing to one-story structures in the eligible Japantown National Register and City Landmark Historic Districts. Therefore, the project conforms with Standard 6.

Standard 7 – Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Chemical or physical treatments are not proposed.

Standard 8 – Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

There are no known archaeological resources located on-site. In accordance with General Plan Policy ER-10.3, the project would be required to implement the identified Standard Permit Condition listed under checklist question b below to reduce or avoid impacts to subsurface cultural resources.

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

The project includes demolition of the two-story classroom building, a contributing building in the eligible Japantown National Register and City Landmark Historic Districts and the construction of a larger school development. The architecture of the eligible historic district/s is described as eclectic and illustrates different eras of growth of the Japanese American community.[34] The new construction would be compatible with the eligible district since the new two-story building would be similar in scale and massing to the existing two-story classroom building. The existing building features a large rectangular footprint and is oriented on the site with the short end parallel to North Fourth and Fifth Streets. The new building is also two stories, minimal in ornament, and similar to the existing building in height and width. While situated in a different location on the property, the proposed new building would be oriented in the same manner.

The new building would be differentiated from the existing classroom building on-site as it would utilize less Japanese-inspired architectural details. The proposed building is designed with a flat roof, wood-textured fiber cement board cladding, exposed glulam beams [35], cross laminated timber and an aluminum storefront system. The windows would be full-height and staggered between the first and second floors. In addition, the proposed accessory building would be utilitarian in design, featuring a flat roof and several door openings. The design of the shed would not reflect the architectural styles of any existing buildings.

Landscaped yards in the eligible Japantown National Register and City Landmark Historic Districts are a distinctive element of its historic character. They are particularly prominent in front of churches and cultural buildings and include trees, flowering plants, and shrubs were often used

[34] TreanorHL. *San José Buddhist Church Betsuin, San José, California Impact Analysis.* October 30, 2024. Page 12.
[35] A glulam beam, or glued laminated timber beams, is a structural wood beam made by gluing together multiple layers of lumber.

amongst stones, pebbles, sand, dirt or gravel. The project includes various trees and shrubs along the northeast and northwest portions of the site on the sidewalk along North Fifth Street and the parking lot. Trees and shrubs would also be located within the site, between the building, shed structure, parking lot, courtyard plaza, and the playground. The courtyard would be a focal point for landscaping and would feature furniture and additional areas of greenery composted of a variety of trees and shrubs.

The overall layout of the project would not destroy the spatial relationship that characterizes the eligible Japantown National Register and City Landmark Historic Districts. The proposed new construction would match the existing classroom building and contributing buildings in the eligible district in scale and massing, and the new construction is differentiated in design and materials. Therefore, the project conforms with Standard 9.

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

The project would construct a larger school development with a 10-foot setback from the north and south property line. Removal of the new construction would not impair the historic integrity of the eligible Japantown National Register and City Landmark Historic Districts. Therefore, the proposed project conforms with Standard 10.

As currently proposed, the project would conform with all 10 Standards and General Plan Policy LU-13.7.

Aspects of Integrity

Since the project would construct a new larger school development within the eligible Japantown Historic District, it could result in integrity impacts on the district. Therefore, an integrity analysis was prepared and evaluated with regard to the seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association.

Location *is the place where the historic property was constructed or the place where the historic event occurred.*

Analysis: The eligible Japantown Historic District would retain its boundaries and all remaining properties would remain in the same locations. Therefore, the eligible Japantown Historic District would retain its integrity of location.

Design *is the combination of elements that create the form, plan, space, structure, and style of a property.*

Analysis: Contributors to the eligible Japantown Historic District range from one- to three stories in height and are a mix of residential and commercial. As mentioned in the Impact Analysis, the mid-

century modern buildings that represent the period of World War II resettlement are the strongest element of architectural integrity in Japantown. The district is defined by its topographical features and vegetation. The project would include embedded boulders, cast-in-place concrete steppers, a Japanese garden, courtyard plaza with trees and shrubbery in wooden planter boxes, and a playground adjacent to the new building.

The larger school development would be consistent with the heights and use of the buildings in the district. With the addition of the new two-story building and shed structure, the district would retain its integrity of design.

Setting *is the physical environment of a historic property.*

Analysis: Japantown still retains its character that existed since the early 20th century. Japanese American businesses, residences, and cultural sites still remain within the district boundaries. Therefore, the district would retain its integrity of setting.

Materials *are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.*

As mentioned previously, the proposed building would utilize wood-textured fiber cement board cladding. The proposed larger school development would be simple in design and would not alter the physical elements of the district that convey its historic significance. Therefore, the district would retain its integrity of materials.

Workmanship *is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.*

The buildings in the district are comprised of one- to three-story vernacular buildings, many of which have been altered over the years. The new construction would be simple in design and would not affect the workmanship of the district. Therefore, the district would retain its integrity of workmanship.

Feeling *is a property's expression of the aesthetic or historic sense of a particular period of time.*

As mentioned previously, the buildings in the district are comprised of one- to three-story vernacular buildings and are a mix of residential and commercial development. Construction of the larger school development would be similar to the height and use of the existing building. The proposed wood-textured fiber cement board cladding would match the district since the cladding materials used vary throughout the district. Therefore, the district would retain its integrity of feeling.

Association *is the direct link between an important historic event or person and a historic property.*

With implementation of the project, 96 percent of the eligible Japantown Historic District would remain and continue to retain its association with the late 19th and early 20th century communities that existed in the neighborhood. Therefore, the district would retain its integrity of association.

While the project includes removal of two contributing structures, the eligible Japantown District would still retain its overall aspects of integrity. Therefore, implementation of the project would not impair the historic district's eligibility for listing in the NRHP, CRHR, or City's HRI.

Demolition of the classroom building, a contributing structure to the eligible historic district/s, would not alter the eligible district's historic integrity.

Impact CUL-1: The project would demolish the existing building at 639 North Fifth Street, a contributing property to the eligible Japantown National Register and eligible City Landmark Historic Districts.

Mitigation Measures

Consistent with General Plan Policies LU-15.4, LU-16.4 and LU-16.5, the following mitigation would be implemented to reduce impacts to the contributing structure to a less than significant level.

MM CUL-1.1: Relocation by a Third Party: Prior to the issuance of demolition or grading permits, whichever comes first, the Permitee shall advertise the building at 639 North Fifth Street for relocation by a third party. The Permittee shall be required to advertise the availability of the building for a period of no less than 60 days. The advertisements must include a newspaper of general circulation, a website, and notice on the project site. The Permittee must provide evidence (i.e., receipts, date and time stamped photographs, etc.) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee that this condition has been met prior to the issuance of demolition or grading permits, whichever comes first.

If a third party volunteers to relocate the building at 639 North Fifth Street, the following measures shall be completed:

1. The City's Director of PBCE or the Director's designee, based on consultation with the City's Historic Preservation Officer, must determine that the receiver site is suitable for the building.

2. Prior to relocation, the Permitee or third party shall hire a historic preservation architect and a structural engineer to undertake an existing condition study of the building. The purpose of the study shall be to establish the baseline condition of the building prior to relocation. The

documentation shall take the form of written descriptions and visual illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the City's Historic Preservation Officer prior to the structure being moved. Documentation already completed shall be used to the extent possible to avoid repetition in work.

3. To protect the building during relocation, the Permitee or third party shall engage a building mover who has experience moving similar historic structures. A structural engineer shall also be engaged to determine if the building needs to be reinforced/stabilized before the move.

   Once moved, the building shall be repaired and restored, as needed, by the Permitee or third party in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In particular, the exterior character-defining features (e.g., cantilevered roofs and overhangs, projecting eaves, canted windows, stucco siding, large expanses of windows, flat or shed roof forms, stacked roman brick cladding or brick veneer, and occasionally vertical wood siding) shall be restored in a manner that preserves the integrity of the features for the long-term preservation of these features. Upon completion of the repairs, a qualified architectural historian shall document and confirm that exterior renovations of the structure were completed in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and that all character-defining features were preserved. The Permitee shall submit a report to the City's Historic Preservation Officer documenting the relocation.

4. Salvage: If no third party relocates the building at 639 North Fifth Street, the Permitee shall make the building available to salvage companies or any other party that can facilitate the reuse of the historic building materials. The Permitee shall advertise the salvage opportunity for a period of no less than 30 days following the 60 advertisements for relocation. The advertisements shall include a newspaper of general circulation, a website, and notice on the project site. The Permitee must provide evidence (i.e., receipts, date and time stamped photographs, etc.) to the Director of PBCE or the Director's designee, that this condition has been met prior to the issuance of demolition or grading permits, whichever comes first.

MM CUL-1.2: Commemoration and Public Interpretation: Prior to the issuance of a certificate of occupancy, the Permitee shall retain a qualified historian to create a permanent interpretive program, exhibit, or display that tells the story of the historical development of the site as a hostel and social hall to house returning evacuees from the internment camps and later conversion to classrooms and support of the San José Buddhist Church Betsuin and Japanese religion and culture in Japantown. Commemoration and public interpretation could include, but is not limited to, video or interactive media that features historic photographs, interpretive text, or drawings. The exhibit/display shall be placed in a suitable publicly accessible location on the project site near the public right-of-way and if applicable at a public repository, such as the San José Public Library or a dedicated website. The final design of the commemorative interpretive program, exhibit, or display shall be determined in coordination with the City's Historic Preservation Officer and implemented following approval.

The final design of the commemorative interpretive program, exhibit, or display shall be determined in coordination with the City's Historic Preservation Officer.

With implementation of Mitigation Measures CUL-1.1 and CUL-1.2, the demolition of a contributing building to the eligible Japantown National Register and City Landmark Historic Districts would have a less than significant impact on historical resources.

Project Construction Vibration Impacts

Per General Plan Policy EC-2.3, a continuous vibration limit of 0.08 inch/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historical structures, and a continuous vibration limit of 0.2 inch/sec PPV shall be used to minimize damage at buildings of normal conventional construction. Construction of the proposed project would occur over a period of approximately nine months and would include demolition of the existing structures, site preparation, grading/excavation, trenching/foundations, building exterior/interior, and paving. Pile driving is not proposed. As discussed in Section 4.13, Noise, with implementation of Mitigation Measures NOI-1.1 to NOI-1.3, the project would have a less than significant construction vibration impact on historical buildings and buildings of conventional construction within 200 feet of the project site.

Demolition of the contributing building at 639 North Fifth Street would not result in a significant adverse impact to other contributing buildings in the eligible Japantown District/s with implementation of Mitigation Measures NOI-1.1 to NOI-1.3 to reduce construction vibration impacts on buildings within 200 feet of the project site. The eligible Japantown District would still retain its overall aspects of integrity and the project would not impair the historic district's eligibility for listing in the NRHP, CRHR, or City's HRI. **(Less than Significant Impact with Mitigation Incorporated)**

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

As mentioned in Section 4.5.1.2, there is potential for encountering historic-era and pre-historic era resources during project construction due to its distance between the Guadalupe River (0.5 miles west) and Coyote Creek (1.2 miles east) and historic occupation of the area. Consistent with General Plan Policy ER-10.3, the proposed project would implement the following Standard Permit Condition to reduce or avoid impacts to subsurface archaeological resources.

Standard Permit Condition:

- **Subsurface Cultural Resources.** If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

With implementation of the identified Standard Permit Condition, the proposed project would result in a less than significant impact to subsurface archaeological resources. **(Less than Significant Impact)**

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

Construction activities associated with the project would have the potential to disturb human remains. Consistent with General Plan Policy ER-10.2, the proposed project would be required to comply with the following Standard Permit Condition to ensure human remains would not be disturbed.

Standard Permit Condition:

- **Human Remains.** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 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:

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

With implementation of the identified Standard Permit Condition, impacts to human remains would be less than significant. **(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 Non-residential Buildings, as specified in Title 24, Part 6 was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments. The California Building Energy Efficiency Standards (California Energy Code) is under Title 24, Part 6 and is overseen by the California Energy Commission (CEC). This code includes design requirements to

conserve energy in new residential and non-residential developments. The California Energy Code is enforced and verified by cities during the planning and building permit process.

Title 24, Part 11 of the CBSC, also known as 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]

City of San José

Envision San José 2040 General Plan

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

Policy	Description
MS-2.3	Utilize solar orientation, (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.
MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.
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.

[36] California Air Resources Board. "Advanced Clean Cars II." Accessed June 13, 2024. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii.

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).
- SJCE
    - GreenSource (default program) provides 90-percent renewable energy and will increase in the future.
    - TotalGreen (enhanced/opt-in program) provides 100-percent renewable energy.
- One gigawatt of solar power will be installed in San José by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 6,852 trillion British thermal units (Btu) annually.[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 18 percent (1,204 trillion Btu) for residential uses, 17 percent (1,193 trillion Btu) for commercial uses, 22 percent (1,539 trillion Btu) for industrial uses, and 43 percent (2,916 trillion Btu) for transportation. This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County was consumed primarily by the non-residential sector (75 percent), followed by the residential sector consuming 25 percent. An annual total of approximately 17,102 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[38] 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 90 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.

[37] United States Energy Information Administration. "State Profile and Energy Estimates, 2022." Accessed June 17, 2024. https://www.eia.gov/state/?sid=CA#tabs-2.

[38] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed June 13, 2024. http://ecdms.energy.ca.gov/elecbycounty.aspx.

The existing buildings on-site (when operational) use approximately 40,550 kWh of electricity annually.[39,40]

Natural Gas

PG&E provides natural gas services within San José. California's natural gas supply came from a combination of in-state production and imported supplies from other western states and Canada.[41] 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.[42] Santa Clara County used 3.6 percent of the state's total consumption of natural gas annually.[43]

The existing buildings on-site (when operational) use approximately 331,188 kBtu of natural gas annually. [44,45]

Fuel for Motor Vehicles

In 2022, California produced 124 million barrels of crude oil and in 2019, 15.4 billion gallons of gasoline were sold in California. [46,47] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the U.S. has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 26.0 mpg currently.[48] 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 35.0 mpg by the year

[39] The structure at 645 North Fifth Street is currently used as meeting space and as a workshop. For the purposes of this analysis, it is conservatively assumed that the structure is used as a single-family residence (as opposed to a meeting space) and that all existing buildings on-site are currently occupied.
[40] Illingworth & Rodkin, Inc. *San José Buddhist Church Betsuin Lotus Preschool Construction Health Risk Assessment.* January 29, 2024.
[41] California Gas and Electric Utilities. 2022 *California Gas Report.* Accessed June 13, 2024. https://www.socalgas.com/sites/default/files/Joint_Utility_Biennial_Comprehensive_California_Gas_Report_2022.pdf.
[42] United States Energy Information Administration. "Natural Gas Consumption by End Use. 2021." Accessed June 13, 2024. https://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.
[43] California Energy Commission. "Gas Consumption by County." Accessed June 13, 2024. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[44] The structure at 645 North Fifth Street is currently used as meeting space and as a workshop. For the purposes of this analysis, it is assumed that the structure is used as a single-family residence.
[45] Illingworth & Rodkin, Inc. *San José Buddhist Church Betsuin Lotus Preschool Construction Health Risk Assessment.* January 29, 2024.
[46] U.S. Energy Information Administration. "Petroleum & Other Liquids, California Field Production of Crude Oil." February 28, 2023. https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca1&f=a.
[47] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed June 13, 2024. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.
[48] United States Environmental Protection Agency. "The 2023 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." December 2023. https://nepis.epa.gov/Exe/ZyPDF.cgi/P10191WZ.PDF?Dockey=P10191WZ.PDF.

2020, was updated in April 2022 to require all cars and light duty trucks to achieve an overall industry average fuel economy of 49.0 mpg by model year 2026. [49,50]

No VMT information is currently available for the existing uses. For the purposes of this analysis, it is assumed the project site does not currently use energy in the form of gasoline.

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 would occur over a period of approximately nine months. The proposed project includes a number of measures that would improve the energy efficiency of the construction process, such as posting signs reminding construction workers to either shut off equipment when not in use or reduce the equipment idling time to two minutes (a five-minute limit is required by the state airborne toxic control measure for diesel-fueled commercial motor vehicles). In addition, the project would be required to implement Mitigation Measure AIR-1 which requires the use of construction equipment meeting Tier 4 Final standards. Tier 4 engines are designed to be more energy efficient and would further reduce energy use during construction. The project would be required to divert 75 percent of nonhazardous construction and demolition debris (refer to Section 9.10.2480 of the San José Municipal Code). For these reasons, implementation of the project would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction.

[49] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed June 13, 2024. http://www.afdc.energy.gov/laws/eisa.

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

Operation

The proposed project would include demolition of the existing classroom building and four residential structures and construction of a larger school development. Table 4.6-1 summarizes the estimated energy usage of both the existing use and proposed project.

Table 4.6-1: Estimated Annual Energy Usage of Existing and Proposed Development

Development	Electricity Use (kWh)	Natural Gas Use (kBtu)	Gasoline (gallons per year)
Existing[1,2]			
School Building - 3,563 square feet	15,810	146,300	0
Single-Family Residences - four units	24,740	184,888	0
Parking Lot - 25 spaces	0	0	0
TOTAL	40,550	331,188	0
Proposed[3,4]			
School Building - 10,721 square feet	176,588	0	21,560
Parking Lot - 53 spaces	0	0	0
TOTAL	176,588	0	21,560
NET TOTAL (Existing - Proposed)	**+136,038**	**-331,188**	**+21,560**

Notes: The energy use of the proposed development was obtained from the Construction Health Risk Assessment (refer to Appendix A of this document). The assessment assumed participation in the SJCE at the GreenSource level which is the default program. The project proposes to participate in the SJCE at the TotalGreen level; therefore, the energy usage would be less than what is shown in the table.

[1] For the purposes of this analysis, it is assumed that the building at 645 North Fifth Street is used as a single-family residence, and it was conservatively assumed that all buildings on-site are currently occupied.

[2] No VMT information is currently available for the existing uses; therefore, it is conservatively assumed that the project site does not use energy in the form of gas.

[3] The project would include an all-electric system and no natural gas usage is proposed. Natural gas use was set to zero and was converted to electricity use.

[4] Annual VMT 560,549 / 26.0 mpg = 21,560 gallons of gasoline

Source: Illingworth & Rodkin, Inc. *San José Buddhist Church Betsuin Lotus Preschool Construction Health Risk Assessment.* January 29, 2024.

The proposed project would result in an increase in electricity usage of approximately 136,038 kWh, and an increase in gasoline consumption of approximately 21,560 gallons. The project would include an all-electric system and no natural gas usage is proposed.

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 project, as proposed, would be designed and constructed in compliance with the City of San José Council Policy 6-32. The project would provide eight bicycle parking spaces consistent with the City's bicycle parking requirement which would help reduce gasoline consumption. In addition, the project will provide solar panels on the building roof and battery storage to provide on-site renewable energy. Therefore, implementation of the project would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during operation of the project.

Implementation of the proposed 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 project construction or operation. **(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 participate in SJCE at the TotalGreen level (100 percent renewable energy) and would be built in accordance with CBSC, including CALGreen, requirements and General Plan Policy MS-14.4. Therefore, 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, in part, on a Geotechnical Investigation prepared by Cornerstone Earth Group in May 2022. A copy of this report is included as Appendix E of this document.

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 CBSC prescribes standards for constructing safe buildings. Part 2 of the CBSC contains the California Building Code (CBC) which includes 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.

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 are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

City of San José

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 geologic and seismic hazards and are applicable to the project.

Policy	Description
ES-4.9	Permit development only in those areas where potential danger to the health, safety, and welfare of persons in that area can be mitigated to an acceptable level.
EC-3.2	Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.
EC-3.3	The City of San José Building Official shall require conformance with state law regarding seismically vulnerable unreinforced masonry structures within the City.
EC-4.2	Approve development in areas subject to soils and geologic hazards, including un-engineered 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.

Policy	Description
EC-4.3	Locate new public improvements and utilities outside of areas with identified soils and/or geologic hazards (e.g., deep seated landslides in the Special Geologic Hazard Study Area and former landfills) to avoid extraordinary maintenance and operating expenses. Where the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures will be implemented.
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 soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 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.

San José Municipal Code

Title 24 of the San José Municipal Code includes the 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 17.04 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

4.7.1.2 *Existing Conditions*

Regional Geology

The City of San José is located within the Santa Clara Valley, a broad alluvial plain with alluvial soils extending several hundred feet below the ground surface (bgs). The Santa Clara Valley consists of a large structural basin containing alluvial deposits derived from the Diablo Range to the east and Santa Cruz Mountains to the west. The valley sediments were deposited as a series of coalescing alluvial fans by streams that drain the adjacent mountains.

Project Site Geologic Conditions

Topography and Soils

The soils on-site are comprised of undocumented fill and alluvial soil. The undocumented soil is approximately 1.5 to 4.5 feet bgs and consists of loose to medium dense, clayey sand with gravel, and stiff to hard, sandy lean clay with gravel. Debris consisting of brick and metal pieces were also identified in the fill. The undocumented fill has low soil expansion potential. Beneath the undocumented fill is alluvial soil that consists of medium stiff to very stiff clay and lean clay with sands. The alluvial soil layer is approximately 25 to 40 bgs and has low to moderate expansion potential.[51]

There are no unique geological features on or adjacent to the project site and the topography of the project area is relatively flat.

Groundwater

Groundwater on-site is estimated at a depth ranging from seven to 14 feet.[52] Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

Seismic Hazards

The San Francisco Bay Area is recognized by geologists as one of the most seismically active regions in the U.S. Significant earthquakes occurring in the Bay Area are generally associated with the San Andreas Fault system, which spans the Coast Ranges from the Pacific Ocean to the San Joaquin Valley. There are no active faults in the project area. The faults in proximity to the project are listed below.

Table 4.7-1: Faults Near the Site

Fault Name	Approximate Distance
Hayward (Southeast Extension)	5.3 miles north
Monte Vista-Shannon	7.8 miles west
Calaveras	8.1 miles east
Hayward (Total Length)	8.3 miles north
San Andreas	12.2 miles west
Sargent	15.3 miles south

Source: Cornerstone Earth Group. *Geotechnical Investigation SJBCB New Education Building*. May 17, 2022. Table 1.

[51] Cornerstone Earth Group. *Phase I Environmental Site Assessment*. May 3, 2022. Page 7.
[52] Ibid.

Liquefaction

Liquefaction is a result of seismic activity characterized by the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. The site is located within a state-designated Liquefaction Hazard Zone, as well as a Santa Clara County Liquefaction Hazard Zone.[53]

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. Lateral spread presents a significant hazard to the integrity of buildings and other structures. Areas of the City most prone to lateral spreading include lands adjacent to Guadalupe River and Coyote Creek. The project site is approximately 0.5 miles east of Guadalupe River. Due to this distance, the potential for lateral spreading on-site is low.

Landslide

The site is not located within a Landslide Hazard Zone.[54] The project area is relatively flat; therefore, the probability of landslides occurring at the site during a seismic event is low.

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments found 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, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These older sediments, often found at depths greater than 10 feet bgs, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates.

Based on Figure 3.11-1 of the General Plan FEIR (as amended), the project site has high paleontological sensitivity at depth.[55]

[53] Cornerstone Earth Group. *Geotechnical Investigation SJBCB New Education Building*. May 17, 2022. Page 6.
[54] County of Santa Clara. Geologic Hazards Zones, Map 19. 2012. Accessed September 2, 2021. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.
[55] City of San José. *Draft Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. Page 677.

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
- Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☒	☐
- Strong seismic ground shaking?	☐	☐	☒	☐
- Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
- Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

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

As described in Section 4.7.1.2, the project site is not located within an Alquist-Priolo Earthquake Fault Hazard Zone. As shown in Table 4.71, the nearest fault to the site is the southeast extension of the Hayward fault, located approximately 5.3 miles north of the site; therefore, the risk of fault rupture is low. In addition, the project site is not located near creeks or channels and is relatively flat; therefore, the potential for lateral spreading and landslides would be low during large seismic events. The site is, however, located within a state-designated Liquefaction Hazard Zone, as well as a Santa Clara County Liquefaction Hazard Zone.

Consistent with General Plan Policy EC-4.7 and the CBC, a site-specific Geotechnical Investigation was prepared which makes specific recommendations regarding earthwork, foundation, seismic design criteria, concrete slabs and pedestrian pavements, dewatering, vehicular pavements, and retaining walls. The site-specific Geotechnical Investigation determined that: 1) undocumented fill was encountered at depths of approximately 1.5 to 4.5 feet which consists of low to moderate expansion potential, 2) the site has shallow groundwater which could result in wet and unstable pavement and affect underground utility installation, and 3) the site was determined to be corrosive to metallic utilities (such as metal pipes).

Specific recommendations on these geotechnical issues were identified in the Geotechnical Investigation which would require the project applicant to:

- Design foundations to tolerate total and differential settlement,
- Remove all undocumented fill within the proposed building footprint or to a lateral distance equal to a fill depth below the perimeter footing (whichever is greater),
- Consider a design groundwater depth of seven feet,
- Provide slabs with sufficient reinforcement and be supported on either low expansive soil or layer of non-expansive fill, and
- Consider soil corrosivity when using non-expansive material or imported soil.

The proposed project would be built in conformance with these recommendations. For additional details regarding the Geotechnical Investigation recommendations, refer to Appendix E. In addition, the site-specific Geotechnical Investigation shall be submitted, reviewed, and approved by the City Geologist. Therefore, the project would not exacerbate existing geological hazards on-site such that it would impact (or worsen) off-site geological and soil conditions. **(Less than Significant Impact)**

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

The project would not include any substantial excavations (except for trenching for utilities) since no below-grade parking is proposed. Any ground-disturbing activities would increase exposure of soil to wind and water-related erosion and increase sedimentation. The City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. In accordance with General Plan Policy EC-4.5, the project would be required to prepare an Erosion Control Plan to ensure that any development activity does not impact adjacent properties, local creeks, and storm drainage systems. Furthermore, the project would be required to implement the following Standard Permit Conditions to reduce construction-related erosion impacts.

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 General Plan FEIR (as amended) concluded that with the regulatory programs currently in place, the impacts from erosion during construction would be less than significant. With implementation of the City's identified Standard Permit Conditions, the proposed project would have a less than significant impact on soil erosion and loss of topsoil. **(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 within a liquefaction zone. A site-specific Geotechnical Investigation was prepared which discusses site-specific ground failure hazards, such as liquefaction, and provides appropriate techniques to minimize risks to people and structures. As discussed in Appendix E, foundations should be designed to withstand the anticipated total and differential settlement.

Construction of the project would require excavation to a depth of 11 feet for utilities. Groundwater is estimated at a depth ranging from seven to 14 feet. Because excavation activities on-site would likely encounter groundwater, dewatering would be required. Consistent with the measure identified in the Downtown Strategy 2040 FEIR and City policy, the project would implement the following Standard Permit Condition to reduce and/or avoid impacts related to groundwater.

Standard Permit Condition:

- If dewatering is needed, the design-level geotechnical investigations to be prepared for individual future development projects shall evaluate the underlying sediments and determine the potential for settlements to occur. If it is determined that unacceptable settlements may occur, then alternative groundwater control systems shall be required.

With implementation of the recommendations identified in the site-specific Geotechnical Investigation and the Standard Permit Condition above, the proposed project would have a less than significant impact on the stability of the site geologic unit. **(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?

The soil on-site has low to moderate expansion potential. As recommended in the site-specific Geotechnical Investigation, the proposed slabs at grade should have sufficient reinforcement and be supported on low expansive soils or layers of non-expansive fill. If the footings extend through the areas of low expansive soil, it should extend below the zone of seasonal moisture fluctuation. As discussed under checklist question a, the proposed project would be built in conformance with the recommendations of the Geotechnical Investigation. Therefore, 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 site is located within an urbanized area of San José where sewers are available to dispose of wastewater from the project site. Therefore, the site would not need to support 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?

As described in Section 4.7.1.2, the project site is in an area with high sensitivity for paleontological resources at depth. The project would include excavation activities on-site including trenching for utilities at a depth of 11 feet, which could uncover unidentified paleontological resources on-site. The project would be required to comply with all applicable City regulatory programs pertaining to unknown buried paleontological resources including the following Standard Permit Condition to avoid impacts to as yet unidentified paleontological resources.

Standard Permit Condition:

- **Paleontological Resources.** If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement (PBCE) 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 Planning or the Director's designee of the PBCE.

With implementation of the identified Standard Permit Condition, the proposed project would have a less than significant paleontological resources impact. **(Less than Significant Impact)**

4.8 Greenhouse Gas Emissions

The following discussion is based upon a Greenhouse Gas (GHG) Compliance Checklist provided by the applicant in August 2023. The checklist is attached in Appendix F of this document.

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

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

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

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

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32 and State Bill 32

Under the California Global Warming Solutions Act, 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 accelerate 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.[56] 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.

[56] CARB. *2022 Scoping Plan for Achieving Carbon Neutrality*. December 2022. Page 5.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), the Bay Area Air District, 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 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.[57]

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.

Senate Bill 100

SB 100, known as The 100 Precent 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

EO 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.

AB 1279, also known as the California Climate Crisis Act, was approved on September 16, 2022, and codifies the statewide goal set by EO 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.

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

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-emission vehicles. This regulation bans the sale of new gasoline or diesel passenger cars, trucks, and SUVs in California from automakers. Beginning in 2026, 35 percent of new vehicle sales must be zero-emission vehicles and plug-in hybrid electric vehicles (EV) and that percentage will increase per year. By 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 EVs 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

The 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. The California Energy Code is enforced and verified by cities during the planning and building permit process.

The CALGreen Code is part of the CBSC under Title 24, Part 11. CALGreen 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. CALGreen also requires new construction and demolition projects to have a diversion of at least 65 percent of the construction waste generated.

Regional

2017 Clean Air Plan

To protect the climate, the 2017 Clean Air Plan prepared by the Bay Area Air District 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.

Bay Area Air District CEQA Thresholds for Evaluating Climate Impacts from Land Use Projects and Plans

On April 20, 2022, the Bay Area Air District 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 the Bay Area Air District'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 Bay Area Air District 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.

City of San José

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 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).
- SJCE
    - GreenSource (default program) provides 90-percent renewable energy.
    - TotalGreen (enhanced/opt-in program) provides 100-percent renewable energy.
- 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.

City of San José Reach Building Code

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

City of San José Municipal Code

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)

- Wood Burning Ordinance (Chapter 9.10)

City Council Policy 6-32

In October 2008, the City adopted the Private Sector Green Building Policy (City Council Policy 6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards.

San José 2030 Greenhouse Gas Reduction Strategy

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

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 GHGs and are applicable to the project.

Policy	Description
MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-2.11	Require new development to incorporate green building 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-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
MS-5.6	Enhance the construction and demolition debris recycling program to increase diversion from the building sector.

Policy	Description
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 systems, 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.
MS-21.1	Manage the Community Forest to achieve San José's environmental goals for water and energy conservation, wildlife habitat preservation, stormwater retention, heat reduction in urban areas, energy conservation, and the removal of carbon dioxide from the atmosphere.

4.8.1.3 *Existing Conditions*

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

The project site is developed with a two-story classroom building and four single-family residences. Most of the GHG emissions associated with the existing uses on-site result from the production of electricity and burning of natural gas to power the school and the emissions from vehicles traveling to and from the site.

4.8.2 Impact Discussion

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

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

Construction Emissions

Construction activities on-site would result in temporary GHG emissions. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. The proposed project includes several measures that would improve the efficiency of the construction process such as

restricting equipment idling times to five minutes or less and requiring the applicant to post clear signage reminding workers to shut off idle equipment (refer to Standard Permit Conditions identified in Section 4.3, Air Quality). Additionally, the project would be required to divert 75 percent of nonhazardous construction and demolition debris (refer to San José Municipal Code Section 9.10.2480). Neither the City of San José nor Bay Area Air District has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Project construction would occur over approximately nine months (186 construction workdays) and would not result in a permanent increase in emissions. Therefore, the proposed project would not interfere with the implementation of SB 32 in 2030.

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. The project is consistent with the General Plan land use designation for the site and planned development from build out of the City's General Plan. As discussed in checklist question b, the project would comply with the 2030 GHGRS and would result in a less than significant GHG emissions impact.

The proposed project would result in a temporary increase in GHG emissions during construction. Implementation of the project would comply with the 2030 GHGRS; therefore, the project would result in a less than significant GHG emissions impact. **(Less than Significant Impact)**

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

2030 Greenhouse Gas Reduction Strategy

As mentioned previously, projects that are consistent with the GHGRS would have a less than significant impact related to GHG emissions through 2030. The proposed project's consistency with the City's 2030 GHGRS is summarized below and in Appendix F of this document.

The proposed project is consistent with the City's General Plan land use designation and growth anticipated from build out of the General Plan. The proposed project would be required to comply with the most recent CBSC requirements and the City's Reach Code, as well as General Plan Action MS-2.11, which requires development to incorporate green building practices through construction, architectural design, and site design techniques. In addition, the project applicant would enroll in SJCE's TotalGreen program (i.e., 100 percent renewable energy) which is consistent with GHGRS #1 and #3.[58] The project applicant would be required to comply with the following Standard Permit Condition to show proof of enrollment in the SJCE.

[58] Charney, Michael. Spectrum Project Management Group. Personal Communication. July 19, 2024.

Standard Permit Condition:

- **Proof of Enrollment in SJCE.** 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, or Director's designee, proof of enrollment in the San José Community Energy (SJCE) TotalGreen program (approximately 100 percent carbon free power) assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act (CEQA). If it is determined the project's environmental clearance requires enrollment in the TotalGreen program, neither the occupant, nor any future occupant, may opt out of the TotalGreen program.

Consistent with GHGRS #2, no gas infrastructure is proposed. The project is not proposing to retrofit an existing building; therefore, GHGRS #4 would not be applicable to the project. The project includes space for organic waste, consistent with GHGRS #5. The proposed project would include long-term bicycle lockers and short-term bicycle racks in front of the building to help reduce vehicle miles traveled (consistent with GHGRS #6). Additionally, the proposed project would include high-efficiency appliances/fixtures to reduce water use and water-sensitive landscape design (consistent with GHGRS #7). Therefore, the project would result in a less than significant impact from GHG emissions.

Climate Smart San José

Climate Smart San José, adopted by the City, is a community-wide initiative intended to create a more sustainable, connected, and economically inclusive City. Climate Smart San José is aligned with General Plan growth patterns and General Plan policies which prioritize automobile-alternative transportation modes, encourage denser development, and ensure energy-efficient features are included in new buildings. As discussed above, the project would be built in compliance with the most recent CBSC requirements and the City's Reach Code. In addition, Action MS-2.11 of the General Plan requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. The project would participate in SJCE at the TotalGreen level. For these reasons, the project is consistent with the goals set forth in Climate Smart San José.

The project would be consistent with the City's 2030 GHGRS and Climate Smart San José; therefore, the project would not conflict with any plan, policy, or regulation adopted for reducing GHG emissions. **(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), a 2022 Soil, Soil Vapor, and Groundwater Quality Evaluation completed by Cornerstone Earth Group in May 2022 and October 2022, respectively, and a 2024 Soil, Soil Vapor, and Groundwater Quality Evaluation completed by Cornerstone Earth Group in March 2024. Copies of these reports are attached as Appendices G, H, and I to this document.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

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

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

Federal and State

Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the

chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

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

The law authorizes two kinds of response actions:

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

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[59]

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the U.S. 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

[59] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed July 18, 2024. 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.[60]

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).[61]

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 (LBP).

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.[62] The EPA is currently considering a proposed ban on on-going use of

[60] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed July 18, 2024. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.
[61] California Environmental Protection Agency. "Cortese List Data Resources." Accessed July 18, 2024. https://calepa.ca.gov/sitecleanup/corteselist/.
[62] United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed July 18, 2024. https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos.

asbestos.[63] 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 U.S. Consumer Product Safety Commission banned the use of LBP in 1978. Removal of older structures with LBP 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 LBP is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Regional

Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the U.S. 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 NPDES Permit (MRP) by the San Francisco Bay RWQCB on May 11, 2022, 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.[64] 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.

City of San José

Envision San José 2040 General Plan

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

[63]United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed July 18, 2024. https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos.
[64] California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit.* May 2022.

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. Requires proper disposal of hazardous materials and wastes at licensed facilities.
EC-6.6	Address through environmental review all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
EC-6.7	Do not approve land uses and development that use hazardous materials that could impact existing residences, schools, day care facilities, community or recreation centers, senior residences, or other sensitive receptors if accidentally released without the incorporation of adequate mitigation or separation buffers between uses.
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.

City of San José Emergency Operations Plan

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

4.9.1.2 *Existing Conditions*

Groundwater

Groundwater on-site is estimated at a depth ranging from seven to 14 feet.[65] Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors. Groundwater flows to the northwest.

[65] Cornerstone Earth Group. *Phase I Environmental Site Assessment*. May 3, 2022. Page 7.

Site History

The residence at 645 North Fifth Street was constructed in 1901. Based on an 1891 Sanborn map, a residential structure was constructed at 624 North Fourth Street, however, the structure was redeveloped with a new residence with a different footprint in 1908. The residence at 642 North Fourth Street was redeveloped with the current residence circa 1908. From 1891 until 1956, the 639 North Fifth Street site was occupied by three residences and several accessory structures. These structures were replaced with the current two-story classroom building and parking lot in 1956. The building currently serves a Sunday school facility for the San José Buddhist Church Betsuin and contains classrooms where Dharma School and Japanese Language classes are held.

Phase I Environmental Site Assessment

On-Site Sources of Contamination

The existing school at 639 North Fifth Street was identified on the Hazardous Waste Tracking System (HWTS) database as a hazardous waste generator. No additional information related to the hazardous material use or waste generation at the site was provided within regulatory agency records. The project site has not been occupied by businesses that use or store significant quantities of hazardous materials. In addition, Cornerstone did not observe any hazardous materials storage or use on-site (except for common building maintenance supplies) during their site reconnaissance. For these reasons, this listing would not be of significant environmental concern.

The project site was impacted by a petroleum hydrocarbon release at the former gasoline station at 197 East Jackson Street, approximately 130 feet south of the site. While the Leaking Underground Storage Tank (LUST) case associated with the off-site facility at 197 East Jackson Street was closed by the SCCDEH in 2019, the Phase I ESA concluded that concentrations of residual petroleum hydrocarbon contamination are still present beneath the site.

Based on the age of the on-site structures, it is possible that ACMs, LBP, and termite control pesticides may be present in the buildings. This is a Recognized Environmental Condition (REC).[66]

Off-Site Sources of Contamination

As mentioned above, while the off-site facility at 197 East Jackson Street is listed as a closed LUST case, residual petroleum hydrocarbons remain at the site. The Phase I ESA identified this off-site facility as a Controlled Recognized Environmental Condition (CREC).[67] No other hazardous material spill incidents have been reported in the site vicinity that would impact the project site.

[66] A REC refers to the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property; due to release into the environment; under conditions indicative of a release into the environment; or under conditions that pose a material threat of a future release into the environment.

[67] A CREC is a REC that has been addressed to the satisfaction of applicable regulatory agencies with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls or restrictions.

The Phase I ESA did, however, identify a former dry-cleaning business at 608 North Fourth Street. The former dry-cleaning business is located approximately 100 feet southeast and up-gradient of the site. While no reported spill incidents associated with the dry-cleaning business occurred, impacts to soil, soil vapor, and groundwater are typically associated with the use of dry-cleaning chemicals. While the presence of the former dry-cleaning business does not meet the definition of a REC, the Phase I ESA identified this as a potential environmental concern.

Soil, Soil Vapor, and Groundwater Quality Evaluation

In October 2022, a Soil, Soil Vapor, and Groundwater Quality Evaluation was prepared based on the potential environmental concerns identified in the May 2022 Phase I ESA.

A total of 13 soil samples were collected from the site in June 2022 and were analyzed for Organochlorine Pesticides (OCPs) and Total Lead. The concentrations of contaminants were compared to residential Environmental Screening Levels (ESLs). A few near-surface soil samples were additionally analyzed for soluble lead. The samples analyzed for soluble lead were compared to Soluble Threshold Limit Concentration (STLC) and/or Toxicity Characteristic Leaching Procedure (TCLP) hazardous waste criteria. Concentrations of OCP were either not detected above laboratory reporting limits or detected below its respective residential ESL. Lead was detected in all soil samples exceeding its residential ESL. Soluble lead was detected, but below the STLC and TCLP laboratory reporting limits.

Seven soil vapor samples were collected and analyzed for Volatile Organic Compounds (VOCs), Total Petroleum Hydrocarbons as gasoline (TPH-g), and fixed gases (e.g., methane, CO_2, and oxygen). One air sample was collected and analyzed for isopropyl alcohol. The soil vapor samples were compared to residential ESLs and Regional Screening Levels (RSLs) were used if a residential ESL was not established. At least one soil vapor sample detected both benzene and naphthalene at concentrations above its respective ESLs and one other soil vapor sample detected only benzene above its respective ESL. Oxygen in soil samples ranged from 21 to 22 percent which means that petroleum hydrocarbons and VOCs such as benzene and naphthalene would result in aerobic biodegradation.[68] The residential ESLs do not take into account the potential for biodegradation of petroleum hydrocarbons and VOCs; therefore, a bioattenuation[69] factor of 1,000 can be applied to the ESL if a bioattenuation zone is present. The evaluation concluded that the potential for vapor intrusion to affect future occupants would be low.

One groundwater sample was collected and analyzed for VOCs and TPH-g. Concentrations of VOCs and TPH-g were not identified exceeding their respective reporting limits.

Based on the recommendations of the 2022 Soil, Soil Vapor, and Groundwater Quality Evaluation, additional soil samples were collected at or near the prior sampling locations to analyze soil, soil

[68] Aerobic degradation involves the breakdown of organic matter by microorganisms when oxygen is present.
[69] The words "bioattenuation zone" and "biodegradation zone" are used interchangeably in both the 2022 and 2024 Soil, Soil Vapor, and Groundwater Quality Evaluation. To be consistent with the 2024 Soil, Soil Vapor, and Groundwater Quality Evaluation, the word "bioattenuation zone" is used.

vapor, and groundwater quality in September 2023. Consistent with the 2022 evaluation, concentrations of OCP were not detected above their respective ESLs and lead was detected in all soil samples exceeding its residential ESL. While the soil vapor samples collected from 2022 detected concentrations of benzene and/or naphthalene exceeding their respective residential ESLs, none of the samples collected in 2023 detected VOCs above residential ESLs.

Oxygen in soil samples ranged from 18 to 22 percent which indicates an aerobic subsurface environment. Consistent with the 2022 Soil, Soil Vapor, and Groundwater Quality Evaluation, the site conditions would meet the requirements of a bioattenuation zone and a bioattenuation factor of 1,000 can be applied. Based on the data and the presence of a bioattenuation zone on-site, the potential for vapor intrusion to affect future occupants would remain low.

Airport Operations

The Norman Y. Mineta San José International Airport is located approximately 1.1 miles northwest of the project site. Based on the Airport Land Use Compatibility Plan (ALUCP), the project site is not located within the Airport Influence Area (AIA) nor is the site located within the airport's safety zones.[70]

Wildland Fires

The proposed project is located in a developed area of the City that is not subject to wildland fires.

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?	☐	☐	☒	☐

[70] Walter B. Windus, PE. Aviation Consultant. "Airport Land Use Compatibility Plan Santa Clara County Norman Y. Mineta San José International Airport." March 27, 2024. Accessed July 22, 2024. https://stgenpln.blob.core.windows.net/document/ALUC_SJC_CLUP.pdf.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

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

Project Construction

The proposed project would include demolition of the existing buildings on-site that contain hazardous building materials which could result in adverse health effects to the public or the environment when not properly handled and disposed of. Any hazardous materials (e.g., any debris or soil containing LBP or ACM) that would be removed from the site during project construction would be required to comply with applicable regulatory standards for the transport and removal of lead or ACMs. The project applicant would also be required to implement the identified measures listed under checklist question b, which would reduce potential impacts associated with transporting and disposing of contaminated soil and other hazardous materials to a less than significant level. Therefore, implementation of the project would not create a significant hazard to the public or environment from the use, transport, or disposal of hazardous materials during project construction.

Project Operation

The larger school development would likely use limited amounts of cleaning supplies and maintenance chemicals during project operation. No other hazardous materials are used or stored on-site; therefore, the project would not create a significant hazard to the public or environment from the use, transport, or disposal of hazardous materials during operation of the project.

Based on the proposed use of the site, the project would not create a significant hazard to the public or environment from the use, transport, or storage of these chemicals during project construction or operation. **(Less than Significant Impact with Mitigation Incorporated)**

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?

On-Site Sources of Contamination

As mentioned previously, both the 2022 and 2024 Soil, Soil Vapor, and Groundwater Quality Evaluations concluded there is soil contamination at the site associated with previous on-site structures that used LBP. Construction activities would involve soil disturbance and could potentially result in the release of hazardous materials into the environment. This would be a potentially significant impact.

Impact HAZ-1: Construction activities associated with the proposed project could expose the public and/or the environment to hazardous materials from soil contamination associated with lead-containing paint used for the prior on-site structures.

Mitigation Measure

The project would be required to implement the following mitigation measure to reduce impacts from hazards and hazardous materials to a less than significant level.

MM HAZ-1.1: Prior to the issuance of any demolition, grading, or building permits, whichever occurs first, the applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health, the Regional Water Quality Control Board or Department of Toxic Substances Control to remediate the lead contaminated soil to ensure the future development does not pose a potential health risk to residences. A Site Management Plan, Remedial Action Plan (RAP) or equivalent document shall be prepared under regulatory oversight and approval by a qualified environmental consultant that identifies remediation measures. The plan and evidence of regulatory oversight approval shall be provided to the Director of the City of San José Department of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the Environmental Compliance Officer in the City of San José's Environmental Services Department for review prior to any demolition, grading permits or ground disturbing activities.

With implementation of Mitigation Measure HAZ-1.1 above, redevelopment of the project site would not significantly impact the public or the environment due to exposure to any hazards or contamination sources.

Asbestos-Containing Materials and Lead-Based Paint

Due to the age of the buildings on-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 LBP is still bonded to the building materials, its removal is not required prior to demolition. If the LBP is flaking, peeling, or blistering, it shall be removed prior to demolition. It would be necessary to follow applicable OSHA regulations and any debris containing lead must be disposed of appropriately.

The project would be required to implement the following Standard Permit Conditions to reduce impacts from ACMs and/or LBP.

Standard Permit Conditions:

- **Asbestos and Lead-Based Paint.** 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 LBP shall be removed in accordance with California Department of Industrial Relations, Division of Occupational Safety and Health (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 LBP 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.
- Materials containing more than one-percent asbestos are also subject to Bay Area Air District regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with the Bay Area Air District requirements and notifications.

With implementation of the identified Standard Permit Conditions, demolition of the existing buildings would reduce potential hazardous materials impacts (from ACMs and LBP) to construction workers, adjacent uses, and nearby residences to a less than significant level.

Polychlorinated Biphenyls

As discussed in Section 4.9.1.1, 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. Demolition of the existing two-story classroom building, which was constructed in 1956, could release PCBs in the environment and impact construction workers and surrounding sensitive receptor. In conformance with City of San José permitting requirements and consistent with RWQCB regulations, the project applicant shall submit a PCB Screening Assessment Form (Form) to the City of San José and comply with applicable abatement procedures prior to the issuance of the demolition permit for the existing two-story classroom building. The Form shall be prepared by a qualified/certified personnel, such as federal and/or state-certified inspectors/assessors. All related handling and disposal shall be conducted in conformance with City of San José permitting requirements and consistent with the RWQCB regulations.

By submitting the required PCB Assessment Form and all applicable abatement procedures, 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.

Off-Site Sources of Contamination

As mentioned previously, the Phase I ESA identified the former dry-cleaning business at 608 North Fourth Street as a potential environmental concern due to its proximity and hydraulic gradient from the site. In addition, the Phase I ESA disclosed that the residual petroleum hydrocarbon contamination from the former gasoline station at 197 East Jackson Street are still present beneath the site. As part of the Soil, Soil Vapor, and Groundwater Quality Evaluation, a groundwater sample was collected from the site to determine if the former dry-cleaning business impacted the site. The results of the sample did not identify any VOCs or TPH-g above laboratory reporting limits. Benzene and naphthalene were identified in the soil vapor samples at concentrations above its respective ESLs. The Soil, Soil Vapor, and Groundwater Quality Evaluation determined these VOCs are associated with the residual petroleum hydrocarbons in groundwater from the former LUST case associated with 197 East Jackson Street. The evaluation concluded that the potential for vapor intrusion to affect future occupants would be low due to aerobic biodegradation (refer to Section 4.9.3 for more information). No other hazardous material spill incidents have been reported in the site vicinity that would impact the project site. Therefore, redevelopment of the project site would not significantly impact the public or the environment due to exposure to any off-site hazards or contamination sources.

With implementation of the identified Standard Permit Conditions and Mitigation Measure HAZ-1.1, implementation of the project would reduce potential hazardous materials impacts to the public and/or the environment to a less than significant level. **(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?

There are no schools located within 0.25 miles of the project site. The nearest school is Grant Elementary School which is located approximately 0.4 miles east of the site. The project would not use or store hazardous materials in sufficient quantities to pose a health risk to any nearby school. As a result, implementation of the project would emit hazardous emissions or handle hazardous materials within one-quarter mile of an existing school or proposed school. **(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 included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.[71] Therefore, the proposed project would not create a significant hazard to the public or the 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 proposed project is located approximately 1.1 miles southeast of the Norman Y. Mineta San José International Airport. As mentioned in Section 4.9.1.2, the site is located outside the Norman Y. Mineta San José International Airport's AIA and safety zones.

FAR Part 77 requires the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the project site, any structure exceeding 58 feet in height above grade would require submittal to the FAA for airspace safety review. As the proposed project would have a maximum height of 26 feet and two inches, notification to the FAA is not required to determine the potential for the project to create an aviation hazard.[72] Therefore, the proposed project would not result in a substantial safety hazard for people residing or working in the area. **(Less than Significant Impact)**

[71] California Environmental Protection Agency. "Cortese List Data Resources." Accessed July 22, 2024. https://calepa.ca.gov/sitecleanup/corteselist/.
[72] Norman Y. Mineta San José International Airport. Notice Requirement Criteria for Filing FAA Form 7460-1. September 2013.

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

The project would be constructed in accordance with current building and fire codes and would be required to be maintained in accordance with applicable City policies in the General Plan to avoid unsafe conditions. In addition, no physical improvements are proposed that would interfere with an adopted emergency response or evacuation plan. For these reasons, the proposed project would not impair implementation of or physically interfere with the City's Emergency Operations 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?

The project site is located in a developed area of the City that is not located adjacent to any wildland areas. Therefore, the proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(Less than Significant Impact)**

4.9.3 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 hazards and hazardous materials conditions affecting a proposed project. General Plan Policy EC-7.2 requires redevelopment projects to identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation, as applicable, for the health of future users and to provide this information as part of the environmental review process.

The project shall implement Mitigation Measure HAZ-1.1 to reduce construction workers and future site users' exposure to soil contamination. While the 2022 Soil, Soil Vapor, and Groundwater Quality Evaluation determined that the potential for vapor intrusion associated with residual petroleum hydrocarbons would be low, it was recommended that another round of soil vapor sampling be done. In September 2023, additional soil samples were collected at or near the prior sampling locations to analyze soil, soil vapor, and groundwater quality. Per the 2024 Soil, Soil Vapor, and Groundwater Quality Evaluation and consistent with the 2022 Soil, Soil Vapor, and Groundwater Quality Evaluation, the potential vapor intrusion to affect future occupants would be low due to the presence of a bioattenuation zone on-site.

4.10 Hydrology and Water Quality

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the NPDES permit program, which controls sources that discharge pollutants into the waters of the U.S. (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.[73]

National Flood Insurance Program

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

Statewide Construction General Permit

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

[73] 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 November 9, 2023. https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.

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

Regional

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.[74] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if: (1) the post-project impervious surface area is less than, or the same as, the pre-project impervious surface area; (2) the project is located in a catchment that drains to a hardened (e.g., continuously lined with concrete) engineered channel or channels or enclosed pipes, which extend continuously to the Bay, Delta, or flow controlled reservoir, or, in a catchment that drains to channels that are tidally influenced; or 3)

[74] 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.

the project is located in a catchment or subwatershed that is highly developed (i.e., that is 70 percent or more impervious).[75]

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 waste load allocation in the Basin Plan by March 2030.[76] Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area are updating their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family residential and wood frame structures are exempt.

Water Resources Protection Ordinance and District Well Ordinance

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

[75] 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.

[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.

Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by the District's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water and in-lieu groundwater recharge through the provision of treated surface water and raw water, acquisition of supplemental water supplies, and water conservation and recycling.[77]

City of San José

Envision San José 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to 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-5.7	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.
EC-5.13	As a part of the City's policies for addressing the effects of climate change and projected water level rise in San Francisco Bay, it requires evaluation of projected inundation for development projects near San Francisco Bay or at flooding risk from local waterways which discharge to San Francisco Bay. For projects affected by increased water levels in San Francisco Bay, the City requires incorporation of mitigation measures prior to approval of development projects. Mitigation measures incorporated into project design or project location shall prevent exposure to substantial flooding hazards from increased water levels in San Francisco Bay during the anticipated useful lifetime of structures.
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-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
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

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

Policy	Description
	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.

City Council Policy No. 6-29

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

City Council Policy No. 8-14

City Council Policy No.8-14, Post-Construction Hydromodification Management, implements the hydromodification management requirements of Provision C.3 of the MRP. City Council 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.

City of San José Grading Ordinance

All development projects, whether subject to the Construction General Permit or not, shall comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the project will submit to the Director of Public Works and Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

City of San José Municipal Code

City of San José Municipal Code 17.08, Floodplain Ordinance, covers the requirements for building in various types of flood zones. This includes requirements for elevation, fill, flood passage, flood-proofing, maximum flow velocities, and utility placement for development within a floodplain, based on land use type.

4.10.1.2 *Existing Conditions*

Water Quality and Site Drainage

The project site does not contain surface water resources within the boundaries of the site. Stormwater from the project site would primarily flow into Guadalupe River, located approximately 0.5 miles west. Based on data from the EPA[78], the Guadalupe River is currently listed on the California303(d) list [79] for diazinon, mercury, and trash.

Groundwater

Groundwater on-site is estimated at a depth ranging from seven to 14 feet.[80] Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors. The project site is not located within a groundwater recharge area.[81]

Flooding

The project site is located in Flood Zone D, an area of undetermined but possible flood hazard that is outside the 100-year flood plain.[82] There are no City floodplain requirements for Zone D.

[78] State Water Resources Control Board. "California 2020-2022 Integrated Report Map." Accessed November 11, 2023.https://gispublic.waterboards.ca.gov/portal/apps/webappviewer/index.html?id=6cca2a3a1815465599201266373cbb7b.

[79] The Clean Water Act, section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies

[80] Cornerstone Earth Group. *Phase I Environmental Site Assessment*. May 3, 2022. Page 7.

[81] Santa Clara Valley Water District. *Groundwater Management Plan for the Santa Clara and Llagas Subbasins.* November 2021. Figure 2-1.

[82] Federal Emergency Management Agency. "National Flood Hazard Layer FIRMette #06085C0232H. Accessed November 9, 2023. https://msc.fema.gov/portal/search?AddressQuery=639%20N%205th%20St%2C%20San%20Jose%2C%20CA%2095112.

Dam Failure

Based on the SCVWD dam failure inundation hazard maps, the project site is located in the Anderson dam and Lenihan dam failure inundation hazard zones.[83,84]

Seiches and Tsunamis

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay. There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche.

A tsunami or tidal wave is a series of water waves caused by displacing a large volume of body of water, such as an ocean or a large lake. Due to the location of the project site, the project would not be subject to tsunamis.

Hydromodification

Based on the SCVUPPP watershed map for the City of San José, the project site is exempt from the NPDES hydromodification requirements because it is located in a subwatershed greater than or equal to 65 percent impervious.[85]

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?	☐	☐	☒	☐

[83] Valley Water. Anderson Dam Flood Inundation Maps. Accessed July 22, 2024. https://www.valleywater.org/sites/default/files/Anderson%20Dam%20Inundation%20Maps%202016.pdf.
[84] Valley Water. Inundation Map for the Hypothetical Fair Weather Failure of Both Austrian Dam and Lenihan Dam. Accessed July 22, 2024. https://fta.valleywater.org/dl/kjag9342I7.
[85] Santa Clara Valley Urban Runoff Pollution Prevention Program. "Hydromodification Management Applicability Maps." Accessed July 22, 2024. https://scvurppp.org/wp-content/uploads/2019/08/San_Jose_HMP_Map.pdf.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
- result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
- create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
- impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

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

Construction-Related Water Quality Impacts

The project would disturb more than one acre of soil; therefore, the project applicant would be required to obtain an NPDES General Construction Permit and prepare a SWPPP. In addition, all development projects in the City are required to comply with the City of San José's Grading Ordinance regardless of whether the project is required to obtain an NDPES General Construction Permit. [86] Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the applicant shall submit an Erosion Control Plan to the Director of Public Works for review and approval. The Erosion Control Plan shall detail BMPs that would be implemented to prevent the discharge of stormwater pollutants.

[86] The San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality when a site is under construction.

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

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

With implementation of the identified Standard Permit Conditions and conformance with the City's Grading Ordinance, construction of the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Post-Construction Water Quality Impacts

Under existing conditions, the project site is comprised of approximately 33,273 square feet of impervious surface area (approximately 60 percent) and approximately 21,867 square feet of pervious surface area (approximately 40 percent). Upon completion of the proposed project, the site would be covered with approximately 37,157 square feet of impervious surfaces (approximately 67 percent) and 17,983 square feet of pervious surfaces (approximately 33 percent). Construction of the project would result in the replacement of more than 5,000 square feet of

impervious surface area; therefore, the project would be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29[87] and the MRP.

The MRP requires all post-construction stormwater runoff to be treated by numerically sized LID treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. To treat stormwater runoff, the project includes seven unlined bioretention basins with underdrains and nine self-retaining areas throughout the project site, which are both LID treatments. In addition, runoff would be directed from the roofs and sidewalks to landscaped areas. Prior to issuing any LID Reduction Credits, the City must first establish a narrative discussion submitted by the applicant that describes how and why the implementation of 100 percent LID stormwater treatment measures are not feasible, in accordance with the MRP. If it is not feasible for the project to implement 100 percent LID measures, the project shall submit an explanation to the City for confirmation. With the inclusion of LID stormwater treatment measures and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would have a less than significant post-construction water quality impact.

With implementation of the identified Standard Permit Conditions, the project would result in a less than significant construction-related water quality impact. Compliance with City Council Policy 6-29 and the MRP, would result in the project having a less than significant operation-related water quality impact. **(Less than Significant Impact)**

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

The project site is not located within a groundwater recharge area in the Santa Clara Subbasin nor does it contribute to the recharging of any groundwater aquifers. As mentioned in Section 4.10.1.2, groundwater beneath the site ranges from seven to 14 feet. Since construction of the project would require excavation to a depth of 11 feet for utilities, dewatering would be required. As discussed in Section 4.7 Geology and Soils, a Geotechnical Investigation was prepared which analyzes the underlying sediments and the potential for settlements to occur. Per the Geotechnical Investigation, the slabs on-grade and/or pavements shall be removed to a depth of six to 12 inches, moisture conditioned and compacted, and utility lines constructed within the right-of-way shall be trenched, bedded and shaded, and backfilled in accordance with governing requirements (refer to Appendix E of this document for detailed recommendations). In addition, the project would be required to comply with the Standard Permit Condition identified under checklist question c in Section 4.7 Geology and Soils. As a result, construction activities associated with the project would not substantially decrease groundwater supplies or interfere with groundwater recharge.

[87] The City of San José' Post-Construction Urban Runoff Policy 6-29 has specific requirements to minimize and treat stormwater runoff from new developments consistent with the MRP.

Implementation of the proposed project would have a less than significant impact on groundwater. **(Less than Significant Impact)**

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

The project site consists of approximately 33,273 square feet of impervious area (approximately 60 percent). Implementation of the project would increase impervious area on-site from approximately 33,273 square feet to 37,157 square feet, which would increase surface runoff compared to existing conditions. As discussed under checklist question a, the project would be required to comply with post-construction measures required under the MRP and the City's Post-Construction Urban Runoff Policy 6-29, such as LID treatments and directing runoff to landscaped areas. These stormwater management features would capture stormwater during rainfall events and would help prevent flooding on-site and off-site during most rainfall events. The LID treatments and other stormwater management features would reduce changes of flooding by retaining and releasing water slowly over time. In addition, the project is part of the planned growth envisioned in the General Plan; therefore, implementation of the project would not exceed the capacity of any existing or planned stormwater drainage systems.

For these reasons, the project would not substantially alter the existing drainage pattern of the site or area 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. **(Less than Significant Impact)**

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

Due to the location of the project site, the project would not be subject to inundation by seiche or tsunami.

As mentioned previously, the project site is located in Flood Zone D, an area of undetermined but possible flood hazard that is outside the 100-year floodplain. There are no floodplain requirements for Zone D. In addition, the site is located within the Anderson and Lenihan dam failure inundation zones. The California Division of Safety of Dams (DSOD) inspects dams on an annual basis and Valley Water routinely monitors the 10 dams, including the Anderson and Lenihan dams. Therefore, the project would not be subject to inundation from being in a flood hazard zone or within a dam

failure inundation zone. For these reasons, the project would not release pollutants due to inundation from flood hazards, tsunamis, or seiches. **(Less than Significant Impact)**

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

The project site is not located within a groundwater recharge area and would not interfere with groundwater recharge. The project site is located within a confined area of the Santa Clara Plain and not within the Santa Clara Plain recharge area or Coyote Valley recharge area.[88] In addition, the General Plan FEIR (as amended) concluded that development and redevelopment allowed under the General Plan would not occur within any of Valley Water's percolation facilities for groundwater recharge nor would it affect the operation of existing recharge facilities. Furthermore, the project would be required to comply with the City's Post-Construction Urban Runoff Policy 6-29 and MRP requirements. Therefore, the project would not conflict with implementation of a water quality or groundwater management plan. **(Less than Significant Impact)**

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

4.11 Land Use and Planning

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

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 land use and planning 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-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
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-4.5	For new development in transition areas between identified growth areas and non-growth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher-intensity areas and that reduces potential shade, shadow, massing, viewshed, or other land use compatibility concerns.
CD-4.9	For development subject to design review, the design of new or remodeled structures will be 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).

Policy	Description
IP-1.4	For contiguous properties in single ownership that have multiple land use designations, the boundary between designations may be undulating or "wavy" line. When such boundary occurs on the Land Use/Transportation Diagram it means that some flexibility may be allowed in the location of the designated uses. The same general land area and allocation of uses should be maintained, but the designated uses may be relocated on the site if they are compatible with surrounding land use designations, and do not impact the viability of developing the rest of the site. This policy also applies to a single property with multiple land use designations.

San José Municipal Code

The Zoning Ordinance, Title 20 of the City's Municipal Code, outlines the zoning ordinance for the City. The Zoning Ordinance is an implementation tool for the goals outlined in the General Plan. The Zoning Ordinance divides the City of San José into zoning districts to guide future land uses.

4.11.1.2 *Existing Conditions*

Existing Land Uses

The project site is approximately 1.17 acres and is comprised of six parcels (APNs 249-41-009, -022, -023, -024, -025, and -075) located between North Fourth Street and North Fifth Street in the Japantown neighborhood in the City of San José. The project site is currently developed with a two-story classroom building, four single-family residences, and an accessory building.

The site is designated *RN* and *PQP* under the City's General Plan and is located in the *R-M* and *PQP* Zoning Districts. The *RN* General Plan designation is intended to preserve the existing character of these single-family residential neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. The *PQP* designation under the General Plan and zoning district is intended to be used in a way that serves the public. Such uses in this district include schools, colleges, research institutions, corporation yards, homeless shelters, libraries, government offices, airports, and other similar publicly-oriented institutional land uses. The *R-M* zoning district is intended to reserve land for the construction, use and occupancy of higher density residential development and higher density residential-commercial mixed-use development.

Surrounding Land Uses

Development in the area consists of commercial and residential land uses ranging from one- to six-stories in height. There are single-family residences immediately north of the site. Located immediately east of the site is North Fifth Street, a two-lane street, and the San José Buddhist Temple Betsuin. There are both single- and multi-family residences located south of the site. Immediately west of the site is North Fourth Street, a two-lane street. The development along North Fourth Street consists of both single- and multi-family residences, as well as commercial development.

4.11.2 Impact Discussion

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

a) Would the project physically divide an established community?

The site is currently developed with a two-story classroom building and four single-family residences. The proposed project includes construction of a larger school development and does not include any physical features (i.e., such as a railway, roadway, highway) that would physically divide the community. Implementation of the project would not include incompatible uses to the area; therefore, the proposed project would not physically divide an established community. **(Less than Significant Impact)**

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

The proposed project would construct a larger school development which is consistent with the existing use of the site. A *Planned Development* Rezoning from *R-M* to *PQP(PD)* is proposed, which would allow for *PQP* uses on the southern portion of the site and R-M uses for the rest of the site. The area following the *PQP* zone would consist of the proposed two-story classroom building and the detached one-story building, while the area following the R-M zone would consist of the playground, garden, parking lot, and outdoor seating area. With approval of the rezoning, the project would be consistent with the zoning designation.

As described within the individual sections of this document, with implementation of the City's Standard Permit Conditions and compliance with existing regulatory requirements, the project would not cause a significant environmental impact due to a conflict with plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the impact would be less than significant. **(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*

Communications Hill in Central San José is identified as an area containing construction aggregate materials. The project site is located approximately six miles north of Communications Hill.

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

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

The proposed project is not located near Communications Hill, an area consisting of construction aggregate materials; therefore, implementation of the project would not result in the loss of availability of locally important mineral resources. **(No Impact)**

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

No mineral resource recovery sites are located near or in the immediate vicinity of the project site. Therefore, the proposed project would not result in the loss of availability of a locally important mineral resource recovery site. **(No Impact)**

4.13 Noise

The following discussion is based on a Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc. in July 2024.[89] A copy of this assessment is attached as Appendix J to this document.

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

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

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, DNL, or CNEL.[90] 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.

[89] The proposed RCP main extension is a small component of the project and would not change the findings of the construction noise analysis. Thill, Michael S. Illingworth & Rodkin, Inc. Personal Communication. March 28, 2025.

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

4.13.1.2 *Regulatory Framework*

Federal

Federal Transit Administration

In the *Transit Noise and Vibration Impact Assessment Manual*, the Federal Transit Administration (FTA) has identified construction noise thresholds which limit daytime construction noise to 80 dBA L_{eq} at residential land uses, 85 dBA L_{eq} at commercial and office land uses, and to 90 dBA L_{eq} at industrial land uses.[91]

State

California Building Standards Code

The CBSC requires interior noise levels within new non-residential land uses to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during any hour of operation.

California Collaborative for High Performing Schools - Acoustical Performance

The California Collaborative for High Performing Schools (CHPS) has established acoustical performance criteria for exterior noise sources for new construction. The general performance criteria for core learning spaces is 40 dBA or less for background exterior noise source.[92]

Local

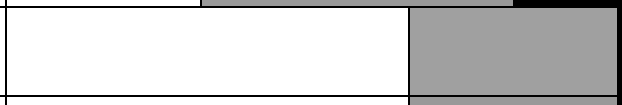
Envision San José 2040 General Plan

The 2040 General Plan includes noise compatibility guidelines for various land uses. For reference, these guidelines are provided in Table 4.13-1 below.

[91] Federal Transit Administration. *Transit Noise and Vibration Impact Assessment Manual FTA Report No. 0123.* September 2018.

[92] A core learning space is defined as a space that is regularly occupied and used for educational activities.

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
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]	
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	
3. Schools, Libraries, Museums, Meeting Halls, and Churches	
4. Office Buildings, Business Commercial, and Professional Offices	
5. Sports Arena, Outdoor Spectator Sports	
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters	

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

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

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

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.

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

Policy	Description
EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Policy	Description
EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
EC-1.7	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-1.11	Require safe and compatible land uses within the Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.
EC-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.

City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.[93]

[93] The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

The Municipal Code 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.

Chapter 20.40.500 of the Municipal Code prohibits outdoor activity, including loading, sweeping, landscaping or maintenance that occurs within 150 feet of any residentially zoned property between the hours of 12:00 AM (midnight) and 6:00 AM.

4.13.1.3 *Existing Conditions*

The noise environment at the site and in the surrounding area results primarily from vehicular traffic and occasional overhead aircraft associated with the Norman Y. Mineta San José International Airport.

A noise monitoring survey was completed at the site and in the project vicinity from August 29, 2023 to September 1, 2023. The monitoring survey included two long-term noise measurements (LT-1 and LT-2) and one short-term measurement (ST-1). Noise measurement LT-1 was made at the northeast boundary of the site, approximately 50 feet from the North Fifth Street centerline. Hourly average noise levels at this location ranged from 53 to 70 dBA L_{eq} during the day and from 47 to 63 dBA L_{eq} at night. Noise measurement LT-2 was made at the southwest boundary of the site, approximately 35 feet from the North Fourth Street centerline. Hourly average noise levels at this location ranged from 59 to 65 dBA L_{eq} during the day and from 52 to 64 dBA L_{eq} at night. Noise measurement ST-1 was made in 10-minute intervals at the center of the site, approximately 180 feet from the North Fourth Street centerline and 185 feet from the North Fifth Street centerline. The 10-minute average noise level measured at ST-1 was 49 dBA L_{eq} while the 10-minute average noise levels measured concurrently at LT-1 and LT-2 were 54 and 61 dBA L_{eq}, respectively.

Table 4.13-2 below summarizes the acoustical locations and measurements during 10-minute intervals for short-term and long-term monitoring locations and Figure 4.13-1 shows the noise monitoring locations.

Table 4.13-2: Existing Noise Measurement Data Summary

Noise Measurement Location	L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	L_{eq}
ST-1	60	56	52	47	45	49
LT-1	65	62	59	51	49	54
LT-2	76	71	65	56	47	61

Notes: L_{max} denotes the maximum A-weighted noise levels during the measurement period. L_1, L_{10}, L_{50}, L_{90} denotes the A-weighted noise levels that are exceeded one percent, 10 percent, 50 percent, and 90 percent of the time during the measurement period. Leq denotes the equivalent continuous sound levels.

Source: Illingworth & Rodkin, Inc. *Lotus Preschool and CR Classroom Replacement Noise and Vibration Assessment*. July 16, 2024.

NOISE MEASUREMENT LOCATIONS | FIGURE 4.13-1

Sensitive Receptors

The nearest sensitive receptors are the multi-family residences located approximately five feet south of the project site. There are additional residences located approximately 10 feet north and approximately 65 feet west of the project site.

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?	☐	☐	☒	☐

Appendix G of the CEQA Guidelines states that a project would normally be considered to result in significant noise impacts if noise levels conflict with adopted environmental standards or plans or if noise generated by the project would substantially increase existing noise levels at sensitive receivers on a permanent or temporary basis. Based on the applicable noise standards and policies for the site, a significant noise impact would result if exterior noise levels at the proposed school exceed 60 dBA DNL.

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, of if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A 3.0 dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project-generated noise level increases of 3.0 dBA DNL or greater are considered significant where resulting exterior noise levels will exceed the normally acceptable noise level standard. Where noise levels will remain at or below the normally acceptable noise level standard with the addition of project noise, a noise level increase of 5.0 dBA DNL or greater is considered significant.

City of San José Standards

The City of San José relies on the following guidelines for new development to avoid impacts above the CEQA thresholds of significance outlined above.

Construction Noise

The City considers significant construction noise impacts to occur if a project is located within 500 feet of residential uses or 200 feet of commercial or office uses and 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 (refer to General Plan Policy EC-1.7). The City of San José does not have noise level thresholds for construction activities; therefore, this analysis uses noise limits established by the FTA. Per FTA's *Transit Noise and Vibration Impact Assessment Manual*, an exterior threshold of 80 dBA L_{eq} shall be applied at residential land uses, an exterior threshold of 85 dBA L_{eq} shall be applied at commercial land uses, and an exterior threshold of 90 dBA L_{eq} shall be applied at industrial land uses during daytime hours.

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 5.0 dBA DNL or more where noise levels would remain normally acceptable.

Construction Vibration

The City of San José relies on guidance developed by Caltrans to address vibration impacts from development projects in San José. 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 activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. General Plan Policy EC-1.7 requires that all construction operations within the City use best

available noise suppression devices and techniques and limit construction hours within 500 feet of residential uses or 200 feet of commercial or office uses per the Municipal Code allowable hours. Additionally, the City considers significant construction noise impacts to occur if a project is located within 500 feet of residential uses or 200 feet of commercial or office uses and 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. The City of San José does not have noise level thresholds for construction activities. For the purposes of this analysis, noise limits established by the FTA were used to identify the potential impacts from temporary construction noise. During daytime hours, an exterior threshold of 80 dBA L_{eq} and 85 dBA L_{eq} shall be applied at residential and commercial uses, respectively.

Construction of the proposed project would occur over a period of approximately nine months and would include demolition of existing structure, site preparation, grading/excavation, trenching/foundations, building exterior/interior, and paving. Truck trips would be generated from hauling excavated and construction materials. Pile driving, which generates excessive noise levels, is not proposed. Construction-generated noise levels drop off at a rate of about 6.0 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain can provide an additional 5.0 to 10.0 dBA noise reduction at distant receptors.

Table 4.13-3 below lists the equipment that would be used during construction and the estimated construction noise levels at nearby land uses that would have direct exposure to the site (assuming simultaneous operation of the two loudest pieces of construction equipment) at 50 feet and from equipment operating near the center of the site.

Table 4.13-3: Estimated Hourly Average Noise Levels at Nearby Land Uses, L_{eq} (dBA)

Phase of Construction	Distance of 50 Feet	North and South Residences (90 feet)	West Residences (220 feet)	East Church (235 feet)
Demolition	86	81	73	72
Site Preparation	84	79	71	71
Grading/Excavation	84	79	71	71
Trenching/Foundation	80	75	67	66
Building - Exterior	74	69	61	60
Building - Interior/ Architectural Coating	74	69	61	60
Paving	77	72	64	64

Notes: The Noise and Vibration Assessment refers to the San José Buddhist Church as being northeast from the site. For the purposes of this analysis, the church is referenced as east of the site.
The hourly average noise levels for each construction phase were calculated with the assumption that the two loudest pieces of equipment would operate simultaneously.
Source: Illingworth & Rodkin, Inc. *Lotus Preschool and CR Classroom Replacement Noise and Vibration Assessment*. July 16, 2024.

As shown in the table above, construction noise levels would intermittently range from 74 to 86 dBA L_{eq} when construction equipment is operated 50 feet from nearby receptors. When equipment is located near the center of the site, construction noise levels would range from 69 to 81 dBA L_{eq} at the property lines of the nearest residential land uses to the north and south, 61 to 73 dBA L_{eq} at the residences to the west, and 60 to 72 dBA L_{eq} of the San José Buddhist Temple Betsuin. The construction noise levels would exceed the FTA's exterior threshold of 80 dBA L_{eq} at residential land uses to the north and south.

Since project construction would last for less than 12 months and the construction noise increase would be temporary, project construction would result in a less than significant noise impact per General Plan Policy EC-1.7 with implementation of the following Standard Permit Conditions.

Standard Permit Conditions:

- Pile Driving is prohibited.
- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement or Director's designee that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- 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.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Notify all adjacent businesses, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to 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.
- Designate a "noise disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause

of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Compliance with the City's Municipal Code and the identified Standard Permit Conditions would result in a less than significant construction noise impact.

Operational Noise Impacts

Project-Generated Traffic Noise

A significant impact would result if traffic generated by the project would substantially increase noise levels at sensitive receptors in the vicinity. A substantial increase would occur if: a) the noise level increase is 5.0 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is 3.0 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater. A 3.0 dBA increase typically requires a doubling of existing traffic volumes. The existing ambient noise levels at the residences surrounding the project site range from 57 to 65 dBA DNL. The existing ambient noise levels at the church are 60 to 61 dBA DNL.

To determine the effect of project-generated traffic along roadways serving the site, the project's trip generation was reviewed. The project would generate approximately 87 new daily trips during school hours. The increase in daily trips would not result in a measurable noise increase in the project vicinity and, as a result, implementation of the project would not result in a permanent noise increase of 3.0 dBA DNL or more.

Parking Lot Noise

A surface parking lot is proposed along the northern portion of the site and would result in busy lot operation during student morning drop-off and student afternoon pick-up times. Noise associated with a parking lot would include vehicle circulation, loud engines, door slams, and human voices. At a distance of 100 feet, the maximum noise level of a passing car at 15 mph and during an engine start would range from 45 to 55 dBA L_{max}. Door slams would have slightly lower noise levels. The hourly average noise levels from all these noise-generating activities in a busy lot would range from 40 to 50 dBA L_{eq} at a distance of 100 feet from the parking area. The nearest residence that could be affected by parking lot operation is located approximately 32 feet north from the center of the parking lot to the property line. Ambient noise levels would increase by less than one dBA DNL; however, the five-foot tall solid wood fences proposed along the property lines would further reduce the noise levels from parking activities. All other noise-sensitive receptors in the vicinity would be located further from the parking lot or would be shielded by adjacent buildings. Therefore, implementation of the project would have a less than significant operational noise impact from parking lot noise.

Playground Noise

A playground is proposed near the center of the site. Noise associated with the playground use would include children yelling and playing and whistles during recess or physical education classes. At a distance of 50 feet, the average noise level from playground activities would range from 59 to 65 dBA L_{eq}. The nearest residence that could be affected by playground noise is located approximately 105 feet north from the center of the playground to the property line. Ambient noise levels would increase by less than one dBA DNL, however, the five-foot tall solid wood fence proposed along the property lines would further reduce the noise levels from playground noise. All other noise-sensitive receptors in the vicinity would be located further from the playground or would be shielded by the proposed school development. Therefore, implementation of the project would have a less than significant operational noise impact from playground noise.

Mechanical Equipment

While the plans do not show any mechanical equipment, schools typically include heating and cooling equipment on the roof of classroom buildings with no direct line of sight to receptors. Based on the distances from the equipment to nearby noise-sensitive receptors and shielding that would be provided by the project, noise levels from the mechanical equipment would not increase noise levels at the adjacent property lines. A transformer is proposed on the eastern side of the building which would not measurably contribute to the noise environment. Noise would increase by less than one dBA DNL above ambient levels and, as a result, would have a less than significant operational noise impact from mechanical equipment.

Trash Enclosure

A trash enclosure is proposed at the northwest corner of the site, approximately 10 feet from the western residential property line. Since trash collection would only occur once a week for a short period of time, ambient noise levels would increase by less than one dBA DNL. Therefore, implementation of the project would have a less than significant operational noise impact from trash collection.

With implementation of the identified Standard Permit Conditions, the project would result in a less than significant increase in ambient noise levels (from construction activity) in the vicinity of the project site.. As discussed above, the ambient noise levels during operations (e.g., playground noise, mechanical equipment, and trash enclosure) would only increase by less than one dBA DNL, which is below the three dBA threshold. Therefore, the proposed project would have a less than significant operational noise impact associated with project-generated traffic, parking lot operations, playground, mechanical equipment, and trash collection **(Less than Significant Impact)**

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

Project construction could generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Per General Plan Policy EC-2.3, a continuous vibration limit of 0.08 inch/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historical structures, and a continuous vibration limit of 0.2 inch/sec PPV shall be used to minimize damage at buildings of normal conventional construction.

As mentioned in Section 4.5, Cultural Resources, the project site is located within the eligible Japantown National Register and City Landmark Historic Districts. In the City's HRI, the San José Buddhist Church Betsuin at 640 North Fifth Street, approximately 115 feet to the east, is identified as a contributing structure and individually eligible under the CRHR and NRHP. The building at 197 Jackson Street is listed in the City's HRI as a contributing structure and Structure of Merit. There are additional contributor structures located within 200 feet of the site (refer to Appendix D or Section 4.5 for more information). Based on the age of the contributing structures, a conservative continuous vibration limit of 0.08 in/sec PPV was used for this analysis. Table 4.13-4 below identifies the minimum distances to meet the 0.08 in/sec PPV threshold for historical buildings and 0.2 in/sec PPV threshold for all other buildings.

Table 4.13-4: Vibration Levels from Construction Equipment at Nearby Land Uses, in/sec PPV

Equipment		South Residential (5 feet)	North Residential (10 feet)	West Residential (100 feet)	East Church (115 feet)
Clam shovel drop		**1.186**	**0.553**	0.044	0.038
Hydromill (slurry wall)	in soil	0.047	0.022	0.002	0.001
	in rock	0.100	0.047	0.004	0.003
Vibratory Roller		**1.233**	**0.575**	0.046	0.039
Hoe Ram		**0.523**	**0.244**	0.019	0.017
Large bulldozer		**0.523**	**0.244**	0.019	0.017
Caisson drilling		**0.523**	**0.244**	0.019	0.017
Loaded trucks		**0.446**	**0.208**	0.017	0.014
Jackhammer		**0.206**	0.096	0.008	0.007
Small bulldozer		0.018	0.008	0.001	0.001

Notes: The Noise and Vibration Assessment refers to the San José Buddhist Church as being northeast from the site. For the purposes of this analysis, the church is referenced as east of the site.
Source: Illingworth & Rodkin, Inc. *Lotus Preschool and CR Classroom Replacement Noise and Vibration Assessment*. July 16, 2024.

As shown in the table above, the nearest building to the site is located approximately five feet south and would be exposed to vibration levels up to 1.23 in/sec PPV. The residence to the north, approximately 10 feet, would be exposed to vibration levels up to 0.57 in/sec PPV. The nearest historic structure, San José Buddhist Church Betsuin, would be exposed to vibration levels up to 0.039 in/sec PPV. The City's thresholds of 0.08 in/sec PPV for historical buildings and 0.2 in/sec PPV for buildings of conventional construction could be exceeded at properties adjoining the site.

Impact NOI-1: The proposed project could exceed the City's thresholds of 0.08 inches/second (in/sec) peak particle velocity (PPV) for nearby historical buildings and 0.2 in/sec PPV for buildings of conventional construction.

Mitigation Measures

MM NOI-1.1: Prior to the issuance of any demolition, grading, or building permits, whichever occurs earliest, the project applicant shall implement a Construction Vibration Monitoring Plan (Plan) to document conditions prior to, during, and after vibration generating construction activities. All Plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The Plan shall be submitted to the Director of the City of San José Department of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer for review and approval prior to issuance of any demolition, grading, or building permit, whichever occurs earliest. The Plan shall include, but not be limited to, the following measures:

- A list of all potential historic buildings within 200 feet of the project site shall be identified.
- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, clam shovel drop, and vibratory roller, etc.) shall be submitted to the Director of the City of San José Department of Planning, Building and Code Enforcement or the Director's designee by the contractor. The list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.
- Operating equipment on-site shall be placed at least 20 feet from the project boundaries shared with existing buildings of conventional construction and at least 65 feet from potential historic buildings.
- Smaller equipment shall be used at the property lines adjoining adjacent buildings to minimize vibration levels to below 0.2 in/sec PPV. For example, a smaller vibratory roller, such as the Caterpillar model CP433E

vibratory compactor, could be used when compacting materials within 30 feet of the adjacent conventional buildings.

- The use of vibratory rollers and clam shovel drops shall be avoided within 30 feet of the adjacent buildings of conventional construction and at least 65 feet from potential historic buildings.
- Select demolition methods not involving impact tools.
- Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, within 30 feet of the adjacent buildings of conventional construction and at least 65 feet from potential historic buildings.
- Designate a disturbance coordinator to register and investigate any claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site in a location visible to the public.

MM NOI-1.2: As part of the Plan and prior to the issuance of any demolition, grading, or building permits, whichever occurs earliest, including any ground disturbing activities, the project applicant shall prepare and implement a Historical Resources Protection Plan (HRPP) that provides measures and procedures to protect nearby historic resources within 200 feet of the site from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage).

The HRPP shall be prepared by a qualified Historical Architect and reviewed and approved by the Historic Preservation Officer or equivalent of the City of San José Department of Planning, Building and Code Enforcement (PBCE) prior to demolition and Public Works clearance, including any ground-disturbing work. The project applicant shall ensure the construction contractor follows the HRPP while working near these historic resources. At a minimum, the plan shall include:

- Pre-construction documentation of historic structures within 200 feet;
- Guidelines for operation of construction equipment adjacent to historical resources;
- Means and methods to reduce vibrations levels from excavation and construction;
- Requirements for monitoring and documenting compliance with the HRPP; and
- Education/training of construction workers about the significance of the adjacent historical resources.

MM NOI-1.3: The Historic Architect shall establish a "Monitoring Team" comprised of at least one qualified Historic Architect and one qualified structural engineer for the duration of the site monitoring process. The Monitoring Team shall monitor the adjacent historical resources and any changes to existing conditions shall be reported, including, but not limited to, expansion of cracks, new spalls, or other exterior deterioration during construction phase and any changes to the existing conditions shall be reported.

In addition, the Monitoring Team shall prepare a site visit report documenting all site visits. The Monitoring Team shall submit the site visit reports and documents to the City's Historic Preservation Officer no later than one week after each reporting period (as defined by the HRPP). The City's Historic Preservation Officer shall determine the frequency of the reporting period. The structural engineer shall consult with the Historic Architect if any problems related to the character-defining features of the historic resources occur. The Director of PBCE or the Director's designee and the Historic Preservation Officer of the City of San José Department of PBCE may request any additional number of site visits at their discretion.

If, in the opinion of the Monitoring Team, substantial adverse impacts related to construction activities are found during construction, the Monitoring Team shall inform the project applicant (or the applicant's designated representative responsible for construction activities), the Director of PBCE or the Director's designee, and the Historic Preservation Officer of the potential impacts immediately. The project applicant shall implement the Monitoring Team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources. In the event of damage to a nearby historic resource during construction, the project applicant shall ensure that repair work is performed in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall restore the character-defining features in a manner that does not affect the structure's historic status. The Monitoring Report shall also include, but is not limited to, the following:

- Summary of the construction progress;
- Identification of substantial adverse impacts related to construction activities;
- Problems and potential impacts to the historical resources during construction activities;
- Recommendations to avoid any potential impacts;
- Actions taken by the project applicant in response to the problem;

- Progress and the level of success in meeting the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties for the project as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties; and
- Inclusion of photographs to explain and illustrate progress.
- In addition, the Monitoring Team shall submit a final document associated with monitoring and repairs after completion of the construction activities to the Director of PBCE or the Director's designee and the Historic Preservation Officer of the City of San José Department of PBCE prior to the issuance of any Certificate of Occupancy (temporary or final).

With implementation of Mitigation Measures NOI-1.1 to NOI-1.3, the project would have a less than significant construction vibration impact. **(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 Norman Y. Mineta San José International Airport is located approximately 1.1 miles northwest of the project site. Per the Norman Y. Mineta San José International Airport Integrated FEIR, the project site is located outside of the 2037 60 dBA CNEL/DNL noise contour and future exterior noise levels would be at or below the 65 dBA CNEL/DNL for aircraft noise.[94] Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant 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, including General Plan Policy EC-1.1, that address existing noise conditions affecting a proposed project. General Policy EC-1.1 requires new development to be located in areas where noise levels are appropriate for the proposed uses, considering federal, state and City noise standards and guidelines as a part of new development review.

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

Traffic Noise Levels

The future noise environment at the project site would continue to result primarily from vehicular traffic along North Fourth Street and North Fifth Street. The Average Daily Traffic (ADT) volumes along these streets from the City of San José were used to determine the future traffic noise at the site. Assuming a one percent traffic increase annually, the traffic noise would increase by less than one dBA DNL and be within the "normally acceptable" category.

Exterior Noise Levels

A playground and courtyard plaza are proposed near the center of the site, while a Japanese garden is proposed on the eastern side of the site. Future noise levels at the playground and courtyard plaza would range from 57 to 58 dBA DNL and 57 dBA DNL, respectively. Noise levels at the Japanese garden would range from 57 dBA DNL near the courtyard plaza and 61 dBA DNL near North Fifth Street. Future exterior noise levels at these outdoor areas would be 60 dBA DNL or less (with the exception of the Japanese garden along North Fifth Street). Therefore, the proposed outdoor uses would be mostly compatible with General Plan Policy EC-1.1 for exterior noise levels.

Interior Noise Levels

Standard building construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA DNL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA DNL, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or materials may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

The larger school development is proposed along the south side of the site where future noise exposure would be 58 dBA DNL for the western building façade (facing North Fourth Street) and 60 dBA DNL for the eastern building façade (facing North Fifth Street). Noise levels on the northern and southern building façades would be approximately 57 dBA DNL. With a 25 dBA noise reduction, noise levels in the proposed core learning spaces would meet the enchanted rating criteria for High Performance Schools. Future interior noise levels would be below the 45 dBA threshold for continuous noise and the 55 dBA threshold for fluctuating noise.

4.14 Population and Housing

4.14.1 Environmental Setting

4.14.1.1 *Existing Conditions*

The population of San José was estimated to be approximately 969,491 in January 2024 with an average of 2.86 persons per household. As of January 2024, the City has approximately 374,148 housing units.[95]

The City of San José currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident), but this trend is projected to reverse with full build out under the General Plan.

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).

[95] Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2024." Accessed July 15, 2024. https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2024/

The proposed project would include construction of a larger school development. No residential units are proposed as part of the project. The project would increase the number of students, visitors, and faculty on-site compared to existing conditions. The project is consistent with planned growth in the City; therefore, implementation of the project would not result in 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 proposed project involves the demolition of four existing single-family residences. The three residences located at 624 and 642 North Fourth Street are all unoccupied and boarded up. The residence located at 645 North Fifth Street is currently being used as meeting space and as a workshop. The project would redevelop an underutilized site and the project would not displace people nor would it necessitate the construction of housing elsewhere. **(Less than Significant Impact)**

4.15 Public Services

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

City of San José

Envision San José 2040 General Plan

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

Policy	Description
ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: 1. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. 3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models. 4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community. 5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
ES-3.3	Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.
ES-3.4	Construct and maintain architecturally attractive, durable, resource-efficient, environmentally sustainable and healthful police and fire facilities to minimize operating costs, foster community engagement, and express the significant civic functions that these facilities provide for the San José community in their built form. Maintain City programs that encourage civic leadership in green building standards for all municipal facilities
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
ES-3.10	Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public 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.

Policy	Description
ES-3.20	Require private property owners to remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish to the satisfaction of the Fire Chief to prevent and minimize fire risks to surrounding properties

4.15.1.2 *Existing Conditions*

Fire Service

Fire protection services for the project site are provided by the City of San José Fire Department (SJFD). The SJFD consists of 34 stations distributed throughout the City.[96] The nearest fire station is Station 1, at 225 North Market Street, approximately 0.7 miles south of the project site. The General Plan identifies a service goal of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

Police Service

Police protection services are provided by the City of San José Police Department (SJPD). The police headquarters is located at 201 West Mission Street, which is approximately 0.6 miles west of the project site. The General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes of less for 60 percent of all Priority 2 (non-emergency) calls.

Schools

The project is located within the San José Unified School District (SJUSD). The project site is served by Grant Elementary School, approximately 0.4 miles east, Muwekma Ohlone Middle School, approximately 0.4 miles northwest, and San José High School, approximately 1.3 miles east of the project site. The project site is currently developed with the Buddhist Church Lotus Preschool with a total of 24 students.

Parks

The City's Department of Parks, Recreation, and Neighborhood Services is responsible for the development, operation, and maintenance of all City park facilities. The City operates and maintains over 200 parks and approximately 60 miles of trails.[97] The nearest park to the project site is Heinlenville Park, located one block east.

[96] City of San José. "Fire Stations." Accessed July 22, 2024. https://www.sanjoseca.gov/your-government/departments-offices/fire-department/fire-stations.
[97] City of San José. "Parks & Trails." Accessed July 3, 2024. https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/parks-trails.

Libraries

The City of San José is served by the San José Public Library. The San José Public Library consists of one main library (Dr. Martin Luther King Jr. Library) and 24 branch libraries. The nearest library is Joyce Ellington Branch library, approximately 0.4 miles east of the project site.

4.15.2 Impact Discussion

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

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

The proposed project includes construction of a larger school development which would intensify the use on-site, but would demolish four other structures, two of which are boarded up and vacant, which is a potential fire hazard. Nevertheless, the project would increase the demand for fire protection services in the area. Implementation of the project would result in a net increase of six students and one faculty member compared to the capacity at the existing school. The project is consistent with the planned growth in the General Plan and would not, by itself, preclude the SJFD from meeting their service goals or require the construction of new or expanded fire facilities. In addition, the proposed project would be constructed in accordance with current building codes. Therefore, the proposed project would not have a significant physical impact due to the need for new or expanded fire department facilities. **(Less than Significant Impact)**

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

The General Plan FEIR (as amended) concluded that build out of the General Plan could require the need for expansion of existing police facilities or the location of new police facilities, which would require supplemental environmental review but are not anticipated to result in significant, adverse environmental impacts. Implementation of the project would result in additional students and faculty on-site, compared to existing conditions, which could increase the demand on police protection services. As mentioned under checklist question a, the project would be consistent with planned growth from build out of the General Plan. As a result, implementation of the project would not require the construction of new or expanded police facilities or preclude the SJPD from meeting their service goals. Therefore, the proposed project would not have a significant physical impact due to the need for new or expanded police department facilities. **(Less than Significant Impact)**

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

Given that the proposed project includes construction of a larger school development and would increase the number of students from 24 to 30 and faculty members from five to six, it would likely decrease the demand for new or expanded school facilities in the area. Implementation of the project would not result in an adverse physical impact on new or physically altered governmental facilities or result in the need for new or physically altered governmental facilities. **(Less than Significant Impact)**

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

The proposed project would include a preschool play area, courtyard plaza, and garden. While the project would introduce new students, faculty members, and visitors into the area, it is likely these new facilities would serve students, faculty members, and visitors' needs. Since the project does not include residential development, implementation of the project would not increase the demand on

existing park facilities in the area that would not result in substantial adverse physical impacts on park facilities in the City. **(Less than Significant Impact)**

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

The project would include a classroom library which would be utilized by students, which would reduce the demand on nearby City library facilities. While the net increase of six students may use public facilities such as libraries, the demand is not anticipated to result in substantial adverse impacts to these facilities. In addition, the proposed project is part of planned growth in the City and, as a result, would not require the construction of new libraries. Therefore, implementation of the project would not result in significant impacts to public facilities in San José. **(Less than Significant Impact)**

4.16 Recreation

4.16.1 Environmental Setting

4.16.1.1 *Existing Conditions*

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,621 acres of parkland, including neighborhood parks and regional parks, as well as other facilities.[98] The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains 202 neighborhood parks, 46 community centers, 10 regional parks, and over 40 unique trail systems.

The nearest parks are Heinlenville Park, located one block from the project site, Raymond Bernal Jr. Memorial Park, located 0.31 miles north of the project site, Ryland Park, located 0.47 miles south of the project site, and Backesto Park, located 0.54 miles east of the project site. The nearest community center to the project site is the Jacinto Siquig Northside Community Center, located approximately 0.24 miles southeast.

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?

While the project does not include residential development, the project includes construction of a larger school development which may increase demand on nearby recreational facilities. The increase in demand would be minimal and would not result in substantial physical deterioration of these facilities. In addition, the project would include a preschool play area, courtyard plaza, and garden which could help reduce the use of existing off-site recreational facilities in the area.

[98] City of San José. *City of San José Annual Report on City Services 2022-23*. December 2023.

Therefore, the project would not result in a substantial physical deterioration of recreational facilities in the area. **(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 mentioned under checklist question a, the project would include a preschool play area, courtyard plaza, and garden which could help offset the use of existing recreational facilities by students, faculty members, and visitors. The project does not include the expansion or construction of recreational facilities which may result in an adverse physical effect on the environment. **(Less than Significant Impact)**

4.17 Transportation

The following analysis is based on an LTA completed by Hexagon Transportation Consultants, Inc. in August 2024. A copy of this report is attached as Appendix K to this document.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

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.

Regional and Local

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.

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.

City Council Policy 5-1

As established in City Council Policy 5-1, Transportation Analysis Policy, the City of San José uses VMT as the metric to assess transportation impacts from new development. According to the

policy, an employment (e.g., office or research and development) or residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional VMT per employee or the existing average citywide VMT per capita, respectively. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than the existing average regional VMT per employee. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to have a less than significant VMT impact.

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

Better Bike Plan 2025

In October 2020, the San José City Council approved Better Bike Plan 2025. The vision for the plan is to make bicycling safe and accessible throughout the City, which will be accomplished by building new bikeways, improving existing bikeways, and implementing bike-supportive programs and policies. By doing this, the Better Bike Plan 2025 will achieve its goals of increasing mode share, safety, and equity.

Envision San José 2040 General Plan

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

Policy	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-1.3	Increase substantially the proportion of commute travel using modes other than the single-occupant vehicle. The 2040 commute mode split targets for San José residents and workers are presented in the following table:

Policy	Description
	Commute Mode Split Targets for 2040

Mode	Commute Trips to and From San José	
	2008	**2040 Goal**
Drive alone	77.8%	No more than 40%
Carpool	9.2%	At least 10%
Transit	4.1%	At least 20%
Bicycle	1.2%	At least 15%
Walk	1.8%	At least 15%
Other means (including work at home)	5.8%	See Note 1

Source: 2008 data from American Community Survey (2008).

Note 1: Working at home is not included in the transportation model, so the 2040 Goal shows percentages for only those modes currently included in the model.

TR-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.
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-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

City of San José Municipal Code

Chapter 20.90 of the City's Municipal Code outlines surrounding parking, loading, and Transportation Demand Management (TDM) Plan requirements within the City. In December 2022, the San José City Council adopted and updated this chapter to eliminate mandatory minimum parking requirements, modify parking space design standards, modify parking requirements for bicycle and two-wheeled motorized vehicle parking, and remove parking reduction exceptions.

4.17.1.2 *Existing Conditions*

Roadway Network

Access to the project site is provided via North Fourth Street, North Fifth Street, Taylor Street, and Jackson Street.

North Fourth Street is a north-south, two-lane local street that runs from Technology Place to East Santa Clara Street.

North Fifth Street is a north-south, two-lane local street that runs from Commercial Street to East Santa Clara Street. In the project vicinity, North Fifth Street has two lanes with left-turn pockets and a center, two-way left-turn lane.

Taylor Street is an east-west local connector street[99] that runs from The Alameda to Mabury Road. In the project vicinity, Taylor Street has two lanes with left-turn pockets.

Jackson Street is an east-west, two-lane local street that runs from North First Street to Monferino Drive.

Pedestrian and Bicycle Facilities

Pedestrian Facilities

Pedestrian facilities within the project area consist of a complete network of sidewalks and crosswalks along North Fifth Street, Taylor Street, and Jackson Street. A midblock crosswalk with flashing beacons is located across North Fifth Steet (along the project frontage) which provides access between the site and the San José Buddhist Church Betsuin. The existing pedestrian facilities provide adequate pedestrian connectivity to the areas surrounding the project site.

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), routes (Class III), and protected bicycle lanes (Class IV). There are Class II bicycle lanes on North Fourth Street. As part of the San José Better Bike Plan 2025, existing striped lanes on several streets in the project area, including along North Fourth Street, were restriped as buffered bike lanes. Other existing bicycle facilities nearby include Class II bicycle lanes along North Second and North Third Street, as well as a Class III bicycle route along North Seventh Street.

Currently, there are no striped bicycle lanes or signed shared bicycle routes on Fifth Street, Taylor Street, and Jackson Street adjacent to the site. A six-foot shoulder is present on North Fifth Street, between Taylor Street and Jackson Street, which may be used by bicyclists. Figure 4.17-1 below shows the existing bicycle facilities in the project area.

[99] A connector street is defined as a local roadway that connects different neighborhoods.

Source: Hexagon Transportation Consultants, Inc., August 29, 2024.

EXISTING BICYCLE FACILITIES | FIGURE 4.17-1

Source: Hexagon Transportation Consultants, Inc., August 29, 2024.

EXISTING TRANSIT FACILITIES | FIGURE 4.17-2

Transit Services

Transit services in the project area are provided by VTA. Frequent bus route 61 (Route 61) and two Light Rail Transit (LRT) routes (green and blue lines) serve the site.

Route 61 provides service between Sierra Road/Piedmont Road and Good Samaritan Hospital with 15-minute headways during peak commute periods. The nearest bus stops to the project site are located on East Taylor Street at North Fourth Street, approximately 0.2 miles northwest from the site. Winchester-Old Ironsides (green line) and Baypointe-Santa Teresa (blue line) LRT lines operate 24 hours a day with 15-minute headways along North First Street. The nearest station is the Japantown/Ayer Station, approximately 0.4 miles northwest from the project site. Figure 4.17-2 above shows the existing transit facilities in the project area.

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 Facilities

There is a complete network of sidewalks and crosswalks located along the streets and at intersections in the project vicinity. The existing pedestrian facilities currently provide safe and accessible pedestrian access to the surrounding areas. The project applicant proposes to widen the sidewalk along the project frontage on North Fifth Street from 17 to 20 feet and construct a new curb, gutter, and sidewalk. Therefore, implementation of the proposed project would not conflict with any policies or plans regarding pedestrian facilities or decrease the safety of these facilities.

Bicycle Facilities

As mentioned in Section 4.17.1.2, there are Class II and Class III bicycle facilities along the project frontage and in the vicinity of the project site. The existing bicycle facilities in the area provide adequate connectivity to the neighborhood surrounding the project site. Additionally, the project would include long-term bicycle lockers and short-term bicycle racks in front of the building. Therefore, implementation of the proposed project would not conflict with any policies or plans regarding bicycle facilities or decrease the safety of these facilities.

Transit Facilities

The project site is served by Route 61 and the Winchester-Old Ironsides (green line) and Baypointe-Santa Teresa (blue line) LRT lines. While the proposed project could increase demand in ridership from the increase in future users of the site, the LTA concluded that the increase in transit demand could be accommodated by existing transit services. Therefore, implementation of the proposed project would not conflict with any policies or plans regarding transit facilities or decrease the safety of these facilities.

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

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

Per City Council Policy 5-1, all new developments in San José are required to evaluate the effects of the development on VMT. The City of San José *Transportation Analysis Handbook* identifies screening criteria to determine whether a CEQA transportation analysis would be required for development projects. The screening criteria is based upon the type, characteristics, and/or location of the project. Since the City has not established screening criteria for preschools or religious facilities, the proposed larger school development was converted to retail-space.[100] Per the City's VMT policy, retail development of less than 100,000 square feet are considered to be local-serving and would result in a less than significant VMT impact. The LTA determined that the proposed school development is equivalent to approximately 5,500 square feet of retail space. Given that the equivalent retail square footage is below the screening criterion for retail space, the project would have a less than significant VMT impact. Therefore, the proposed project would not conflict with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact)**

[100] Preschool and religious facilities can be considered equivalent to retail development as these developments would serve the local community.

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)?

Vehicular access to the site would be provided via a full access driveway along North Fifth Street (main driveway), on the northern edge of the project site. The project would combine the two existing one-way driveways on North Fifth Street into one, two-way driveway. According to the San José Citywide Design Standards and Guidelines, driveways must be less than 25 percent of the street frontage for sites that are more than 100 feet wide at the street. The main driveway would be approximately 26 feet wide, and the south driveway would be 12 feet wide. Per San José's Citywide Design Standards and Guidelines, driveways must be less than 25 percent of the street frontage for sites that are more than 100 feet wide. The project frontage on North Fifth Street is approximately 184 feet; therefore, the project driveways must be less than 46 feet. The proposed project driveways would be 38 feet wide; therefore, the project would meet the City's Design Standards and Guidelines.

Based on the site plan provided by the applicant, the parking lot would have two, 26-foot drive aisles which provide 90-degree parking spaces. The width of the proposed drive aisles would provide sufficient space for vehicles backing out of the parking spaces. Turnaround space is proposed at the west end of the drive aisle to allow vehicles to make a three-point turn and exit the site.

Adequate sight distance must be provided at the project driveways to ensure that vehicles exiting the site can see pedestrians on the sidewalk and vehicles and bicycles traveling on North Fifth Street. North Fifth Street has a posted speed limit of 25 miles per hour; therefore, the minimum required stopping sight distance is 200 feet. The project applicant would be required to provide adequate sight distance.

With implementation of the identified Condition of Approval, the project would not substantially increase hazards due to a geometric design feature or incompatible uses. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

SJFD requires a six-foot clearance from the property line along all sides of buildings, and that all portions of the building be within 150 feet of a fire access road. Per the City's Fire Code, project driveways are required to be at least 20 feet wide for fire access. Emergency vehicle access to the site would be provided via along North Fifth Street and the North Fifth Street driveway. The final site design would be reviewed for consistency with applicable fire department standards; therefore, implementation of the project would not result in inadequate emergency access. **(Less than Significant Impact)**

4.17.3 Non-CEQA Effects

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

Trip Generation Estimates

Daily project vehicle trips were estimated using the anticipated attendees and schedules provided by the applicant, Institute of Transportation Engineers' (ITE) trip generation rates for the Day Care Center (Land Use 565), and driveway counts collected at the existing driveways during the AM and PM peak hours.[101]

A 13 percent trip reduction was applied to the project based on the location-based vehicle mode share for retail developments in an urban low-transit area. The daily trip generation estimates made assumptions on carpool rates, student drop-offs/pick-ups, club activities/meeting attendees, and daily preschool traffic. Refer to Appendix K for more information about the daily trip generation assumptions.

A summary of the project trip generation estimates is shown in Table 4.17-1 below.

Table 4.17-1: Daily Trip Generation Estimates

Room Type	Every Weekday	Mon, Tue, Thu	Wed	Fri	Sat	Sun
			Existing Use			
Preschool (24 students)[1]	98	-	-	-	-	-
Location-Based Non-Vehicle Mode Share[2]	-13	-	-	-	-	-
Other rooms	-	-	100	100	100	100
Location-Based Non-Vehicle Mode Share[2]	-	-	-13	-13	-13	-13
Total Daily Trips	85	0	87	87	87	87
Existing Average Daily Trips				*110*		
			Proposed Use			
Preschool (36 students)[1]	147	-	-	-	-	-

[101] The AM peak hour is from 7:00 AM to 9:00 AM and the PM peak hour is from 4:00 PM to 6:00 PM.

Room Type	Every Weekday	Mon, Tue, Thu	Wed	Fri	Sat	Sun
Location-Based Non-Vehicle Mode Share[2]	-19	-	-	-	-	-
Other Rooms	-	40	140	150	180	260
Location-Based Non-Vehicle Mode Share[2]	-	-5	-18	-20	-23	-34
Total Daily Trips	128	35	122	130	157	226
Proposed Average Daily Trips				*197*		
Increase in Average Daily Trips (Proposed - Existing)				**87**		

Notes: [1] Preschool trip generation is based on the daily trip rate published in the ITE Trip Generation Manual, 11th Edition for Day Care Center (Land Use Code 565). Employee/staff/volunteer trips are presumed as part of the ITE trip rates for preschools. Since completion of the LTA, the number of students to attend the preschool was reduced from 36 to 30. While the student capacity would be six less than what was previously assumed, keeping the analysis at 36 provides a more conservative assessment and would not change the conclusions of the analysis.

[2] A 13 percent reduction was applied based on the location-based vehicle mode share for retail developments in an urban low-transit area.

Source: Hexagon Transportation Consultants, Inc. *Local Transportation Analysis for San José Buddhist Church Betsuin Education Building Replacement Project*. August 29, 2024.

As shown in the table above, the project would result in a net increase of 87 average daily trips.

A summary of the maximum weekday peak-hour trip generation estimates is shown in Table 4.17-2 below.

Table 4.17-2: Maximum Weekday Peak-Hour Trip Generation Estimates

Room Type	AM Peak Hour Trips				PM Peak Hour Trips			
	Trip Rate	In	Out	Total	Trip Rate	In	Out	Total
Existing Use								
Preschool[1,2]	--	22	13	35	0.79	9	10	19
Location-Based Non-Vehicle Mode Share (13 percent)[3]	--	--	--	--	--	-1	-1	-2
Other Rooms[4]	--	0	0	0	--	8	4	12
Total Existing Peak-Hour Trips	--	22	13	35	--	16	13	29
Proposed Use								
Preschool[1,2]	--	33	20	53	0.79	13	15	28

Room Type	AM Peak Hour Trips				PM Peak Hour Trips			
	Trip Rate	In	Out	Total	Trip Rate	In	Out	Total
Location-Based Non-Vehicle Mode Share (13 percent)[3]	--	--	--	--	--	-2	-2	-4
Other Rooms[4]	--	0	0	0	--	12	6	18
Total Proposed Peak-Hour Trips	--	33	20	53	--	23	19	42
Increase in Peak-Hour Trips	--	11	7	18	--	7	6	13

Notes: [1] The preschool trip generation was estimated based on the driveway counts for the AM peak-hour trips and the PM peak hour trip rates (in trips per student) published in the ITE Trip Generation Manual, 11th Edition for Day Care Center (Land Use Code 565). Employee/staff/volunteer trips are presumed as part of the ITE trip rates for preschools.

[2] AM and PM peak hour trip generation for the existing uses was based on the driveway counts.

[3] A 13 percent reduction was applied based on the location-based vehicle mode share for retail developments in an urban low-transit area.

[4] Peak hour trips from the evening meetings/activities were estimated based on the driveway counts.

Source: Hexagon Transportation Consultants, Inc. *Local Transportation Analysis for San José Buddhist Church Betsuin Education Building Replacement Project.* August 29, 2024.

As shown in the table above, the project would result in 18 net new daily trips during the AM peak hour and 13 net new daily trips during the PM peak hour.

Bicycle Parking

Per Chapter 20.90.060 of the City's Municipal Code, the project would be required to comply with the following bicycle parking requirements:

- One bicycle parking space per 10 full time employees and children for day care centers with one long-term bicycle parking space for staff.
- One bicycle parking space per 5,000 square feet of outdoor recreation space for parks and playgrounds with at least eighty percent being short-term spaces.
- One bicycle parking space per 3,000 square feet for instructional studios and community centers with at least eighty percent being short-term spaces.

Based on the City's bicycle parking requirements, the project would be required to provide at least eight bicycle parking spaces with two long-term spaces. As proposed, the project includes two long-term spaces in bike lockers and 10 short-term spaces in three bike racks, which meets the City's bicycle parking requirements.

Vehicle Parking

The City recently amended Chapter 20.90 of the Municipal Code to remove citywide minimum off-street vehicle parking requirements for most developments. All non-exempt projects that require a development permit are required to comply with the new parking ordinance, which outlines new mandatory TDM requirements. The project would be exempt from the TDM requirements since the project would be below the VMT screening criterion for retail space.

As part of the new minimum parking requirements, most developments would be required to provide two-wheeled motorized vehicles equal to 2.5 percent of the total vehicle parking provided. The project would provide 50 parking spaces and, as a result, would be required to provide two, two-wheeled motorized vehicle spaces. The project would include two, two-wheeled spaces which is consistent with the City's requirement.

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 TCR, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a TCR 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*

On July 9, 2018, a representative of the Ohlone Indian Tribe, Inc., requested notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b). In response to a more specific verbal request in a meeting with City staff and the representative on July 12, 2018, clarification was received that such notification be sent only for projects in the City of San José that involve ground disturbing activities in Downtown, and that such requests may be sent via e-mail only for future projects require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. The proposed project is not located in Downtown, nor would it involve ground disturbing activities.

On June 17, 2021, Chairwoman Geary of the Tamien Nation verbally requested AB 52 notification and the written notice received June 28, 2021, requesting notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b), for all proposed projects that require a Negative Declaration (ND), MND, or Environmental Impact Report (EIR).

On June 30, 2021, Kanyon Sayers-Roods of the Band of Costanoan Ohlone people verbally requested AB 52 notification for all proposed projects that require a ND, MND, or an EIR.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☒	☐	☐
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

Assembly Bill 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 subject to significant impacts 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.

PaleoWest contacted the NAHC on June 26, 2022 for a Sacred Lands File (SLF) search for a nearby site and the result was positive. The City of San José sent letters notifying the affiliated tribes of the proposed project on November 5, 2024. On November 6, 2024, the City of San José received a formal request for tribal consultation from Tamien Nation for the proposed project. A formal consultation with the City of San José and Tamien Nation representatives occurred on

November 21, 2024, which concluded the same day. Based on the consultation, it was agreed upon that the project would include cultural sensitivity training, and archaeological and Tribal monitoring during ground disturbing activities.

Impact TCR-1: Project construction may impact Native American archaeological deposits.

Mitigation Measures

The proposed project would be required to implement the following mitigation measures to reduce impacts to TCRs.

MM TCR-1.1: **Cultural Resources Awareness Training.** Prior to the issuance of any demolition or grading permits, whichever occurs first, the applicant shall be required to submit evidence that Cultural Awareness Training has been provided to construction personnel prior to ground disturbance. The training shall be facilitated by a qualified project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code (PRC) Section 21080.3. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee.

MM TCR-1.2: **Monitoring Plan.** Prior to issuance of any demolition, grading, or building permits (whichever occurs first), a qualified archaeologist, in consultation with a Native American representative registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in PRC 21080.3, shall prepare a monitoring plan for all earthmoving activities. The Plan shall be submitted to the Director of PBCE or the Director's designee for review and approval. The plan shall include, but is not limited to, the following:

- Monitoring schedules
- Contract information
- Recommended monitoring methods
- Timing of reporting finds

A qualified archeologist in collaboration with a Native American monitor, registered with the NAHC for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall be present during applicable earthmoving activities in accordance with the Monitoring Plan. These could include but

not are not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping.

As discussed in Section 4.5, Cultural Resources, the project would be required to implement the Standard Permit Conditions identified under checklist questions b and c to ensure impacts to archaeological resources are minimized and human remains would not be disturbed, respectively. With implementation of Mitigation Measures TCR-1.1 and TCR-1.2, the proposed project would result in a less than significant impact on TCRs. Implementation of the project would not cause a substantial adverse change in the significance of a TCR that is listed or eligible for listing in state or local listings. **(Less than Significant Impact with Mitigation Incorporated)**

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

As mentioned under checklist question a, the SLF search came back positive. Any subsurface artifacts found on-site would be addressed consistent with the mitigation identified in Section 4.5 Cultural Resources and the mitigation measures identified above under checklist question a). Therefore, the proposed project would not cause a substantial adverse change in the significance of a TCR. **(Less than Significant Impact with Mitigation Incorporated)**

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 City of San José adopted its most recent UWMP in June 2021.[102]

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the California Integrated Waste Management Board (CIWMB), 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) by 2000 and thereafter. 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 garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 set a statewide goal for 75 percent disposal reduction by the year 2020.

Assembly Bill 1826

AB 1826 set 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

[102] City of San José. *City of San José 2020 Urban Water Management Plan*. June 2021.

CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

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

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent; and
- Providing readily accessible areas for recycling by occupants.

City of San José

Envision San José 2040 General Plan

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

Policy	Description
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.

Policy	Description
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.

San José Zero Waste Strategic Plan/Climate Smart San José

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

San José Sewer System Management Plan

The purpose of the Sewer System Management Plan (SSMP) is to provide guidance to the City in the operation, maintenance, and rehabilitation of the sewer assets of the City of San José. The SSMP includes construction standards and specifications for the installation and repair of the collection system and its associated infrastructure.

City Council Policy 6-32

The City of San José's Green Building Policy (City Council Policy 6-32) 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.

San José Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50 percent of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a 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 construction and demolition materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

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

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

4.19.1.2 *Existing Conditions*

Water Supply Services

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

The site is currently developed with a two-story classroom building, four single-family residences, and an accessory building. Using water consumption rates from CalEEMod, the site consumes approximately 297,752 gallons per year or 816 gpd.[103,104] Currently, there are no recycled water lines in the immediate project area. The nearest recycled water line is located approximately 0.5 miles east of the site.

Wastewater Services

Wastewater treatment in San José is provided by the San José-Santa Clara Regional Wastewater Facility (the Facility) which is administered and operated by the City Department of Environmental Services. The Facility serves approximately 1.4 million residents and over 17,000 businesses by treating an average of 110 million gallons of wastewater per day (mgd), with a capacity of up to 167 mgd.[105] The City's share of the Facility's treatment capacity is approximately 108.6 mgd. Based on

[103] The existing two-story classroom building is approximately 3,563 square feet. Water usage rates were calculated using the "Day-Care Center" land use as shown in CalEEMod Appendix G. The indoor water consumption rate is 42,890 gallons per year per 1,000 square feet. 3,563 square feet/1,000 square feet = 3.56 x 42,890 gallons per year = 152,688 gallons per year. Source: California Air Pollution Control Officers Association. *Appendix G, Default Data Tables*. April 2022. "Table G-31: Annual Indoor Nonresidential Water Consumption by Land Use Type." Accessed July 16, 2024. https://www.caleemod.com/user-guide.

[104] For the purposes of this analysis, it is assumed that all residential structures on-site are currently occupied. Water usage rates were calculated using the CalEEMod Appendix G. The indoor water consumption rate is 36,266 gallons per year per dwelling unit. 36,266 gallons per year x four dwelling units = 145,064 gallons per year. Source: California Air Pollution Control Officers Association. *Appendix G, Default Data Tables*. April 2022. "Table G-30: Annual Indoor Residential Water Consumption by Analysis Level." Accessed July 16, 2024. https://www.caleemod.com/user-guide.

[105] City of San José. San José-Santa Clara Regional Wastewater Facility. "San José-Santa Clara Regional Wastewater Facility Fact Sheet." Accessed July 16, 2024. https://www.sanjoseca.gov/home/showpublisheddocument/32061/637267825445900000.

the average daily dry weather flows from sources in San José (approximately 69.8 mgd), the City currently has approximately 38.8.[106]

The General Plan FEIR states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purposes of this analysis, wastewater flow rates are assumed to be 85 percent of the total on-site water use. The existing buildings are estimated to generate approximately 253,089 gallons per year or 693 gpd of wastewater.

Storm Drainage

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. The lines that serve the project site drain into Guadalupe River and carry stormwater from the storm drains into San Francisco Bay. The project site is approximately 0.5 miles east of the Guadalupe River. There is no overland release of stormwater directly into any water body from the project site.

Currently, the project site is covered with approximately 33,273 square feet of impervious area (60 percent). There are existing 12-inch storm drain manholes at the northeast and northwest corners of the site.

Solid Waste

The City is served by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris. The landfills include Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road facilities. According to Santa Clara County's Integrated Waste Management Plan (IWMP), the County has adequate disposal capacity beyond 2030. Commercial solid waste collection (including garbage, recycling, and compost collection) in San José is provided by the exclusive franchise hauler, Republic Services.

In 2019, there were approximately 600,000 tons of material generated in San José that was disposed in various landfills throughout the State. Newby Island, however, only received approximately 290,000 of that tonnage. The City has an annual disposal allocation for 395,000 tons per year. With the current disposal allocation, NISL is intended to reach capacity in 2041. The City has an annual disposal allocation for 395,000 tons per year. As of May 12, 2023, NISL had approximately 12.4 million cubic yards of capacity remaining.[107]

[106] City of San José. *Draft Program Environmental Impact Report for the Envision San José 2040 General Plan*. September 2011. Page 631.
[107] Ibid.

Using CalEEMod default rates, it is assumed that the existing buildings on-site generate approximately eight tons of solid waste per year or 0.02 tons per day.[108]

Electric Power, Natural Gas, and Telecommunications

SJCE is the City's local electricity supplier. By default, residents and businesses are automatically enrolled in GreenSource, which is made up of 90 percent renewable power. SJCE sources the electricity and PG&E delivers it to customers over their existing utility lines. PG&E provides natural gas services within San José.

Telecommunications providers for the site include Always ON, AT&T Fiber, Earthlink, Etheric, HughesNet, Rocky Ridge Wireless, Sail Internet, Starlink, Sonic, Verizon, Viasat, and XFINITY. [109]

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐

[108] Solid waste generation was calculated using the "Day-Care Center" and "Single-Family Housing" land use as shown in CalEEMod Appendix G. The solid waste generation rate for Day-Care Center and Single-Family Housing is 1.3 tons per unit per 1,000 square feet and 0.255 tons per unit per resident. 3,563 square feet/1,000 square feet = 3.56 x 1.3 tons per year = 5 tons per year for Day-Care Center. 2.86 persons per household x 4 residential units = 11.44 residents x 0.255 tons per unit = 3 tons per year for Single-Family Housing. Source: California Air Pollution Control Officers Association. *Appendix G, Default Data Tables*. April 2022. "Table G-36: Solid Waste Disposal Rates by Analysis Level and Land Use Subtype." Accessed December 11, 2023. https://www.caleemod.com/user-guide.

[109] BroadbandNow. "Internet Providers at San José, CA 95112." Accessed May 16, 2024. https://broadbandnow.com/California/San-Jose?lat=37.3456227&long=-121.8847222&zip=95112&address=San+Jose%2C+CA+95112%2C+USA&address=San+Jose%2C+CA+95112%2C+USA

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

Water Supply Services

The proposed approximately 12,721 square foot educational building would use approximately 545,561 gallons per year or 1,495 gpd of water.[110] This would represent a net increase of approximately 247,809 gallons per year or 679 gpd of water compared to existing conditions. Existing water lines in the adjacent streets would serve the proposed project. The project would not require the construction or expansion of water delivery systems or the expansion of the boundaries of the SJW service area. The proposed project is also part of the planned growth from build out of the General Plan. With implementation of existing regulations and adopted General Plan policies, full build out under the General Plan would not exceed the available water supply. Therefore, the project would not cause significant environmental effects due to the expansion of the existing water conveyance system or the construction of new infrastructure.

Wastewater Services

Implementation of the project would generate approximately 463,727 gallons per year[111] or 1,270 gpd of wastewater. This would represent a net increase of approximately 210,638 gallons per year or 577 gpd of wastewater compared to existing conditions. The City currently has approximately 38.8 mgd of excess wastewater treatment capacity. The project could be served by the available capacity. The proposed project does not include the construction of any additional sewer mains or sewer lines, aside from lateral connections to existing mains. Installation of sanitary sewer laterals

[110] Water usage rates were calculated using the "Day-Care Center" land use as shown in CalEEMod Appendix G. The indoor water consumption rate is 42,890 gallons per year per 1,000 square feet. 12,721 square feet/1,000 square feet = 12.72 x 42,890 gallons per year = 545,561 gallons per year. Source: California Air Pollution Control Officers Association. *Appendix G, Default Data Tables*. April 2022. "Table G-31: Annual Indoor Nonresidential Water Consumption by Land Use Type." Accessed December 11, 2023. https://www.caleemod.com/user-guide.

[111] 545,561 gallons per year x 85 percent = 463,727 gallons of wastewater per year.

for the new building would occur during grading of the site and would result in minimal impacts. The project also would comply with all applicable Public Works requirements to ensure sanitary sewer mains would have capacity for sanitary sewer service and wastewater as required by the proposed project. The General Plan FEIR (as amended) concluded that implementation of General Plan policies requiring future development to provide adequate sewer system capacity would reduce project-level impacts to a less than significant level. Therefore, the project would not cause significant environmental effects due to the expansion of the existing sanitary sewer system or the construction of new infrastructure.

Storm Drainage System

Under project conditions, the impervious surfaces on-site would have a net increase of approximately 3,884 square feet when compared to existing conditions. All stormwater runoff generated on-site by the project would be treated with bioretention basins with underdrains and self-retaining areas. The project includes the construction of a new 15-inch storm RCP main extension along North Fourth Street as part of its storm drain improvements.[112] The storm main extension would be approximately 524 feet long. As there is currently no storm main along the project frontage, the proposed storm drain improvement would minimize flooding from stormwater. As discussed in the General Plan FEIR (as amended), all new developments are required to design storm pipes with the capacity to convey the 10-year storm event under full flow conditions; therefore, the construction of a new RCP would not result in significant environmental effects.

Additionally, the project would be required to comply with the NPDES MRP and all applicable plans, policies, and regulations for the treatment of stormwater as described in Section 4.10 Hydrology and Water Quality. Therefore, implementation of the proposed project would have a less than significant impact on the City's storm drainage system since no new or expanded facilities would be required.

Electric, Power, Natural Gas, and Telecommunications

The project site is currently served by existing electrical and telecommunications services. The City of San José passed an ordinance in December 2020 which prohibits the use of natural gas infrastructure in new buildings starting on August 1, 2021. While the project would intensify the development on-site, the demand for these resources would be satisfied by existing services such that construction of new or expanded facilities would not be required.

Implementation of 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)**

[112] As mentioned in the Air Quality and Noise sections of this document, the proposed main extension was not analyzed in the air quality or noise sections because it is a small component of the project and construction of the extension would not make a measurable difference for construction health risk or construction noise impacts.

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 service to the project site while Valley Water manages or provides the majority of SJW's water supplies. The most recent UWMP, adopted in June 2021, determined that there would be adequate supplies to meet SJW's and other retailers' demands under average, single year, and multiple dry year conditions through 2045.[113] As mentioned under checklist question a, the proposed project would use approximately 545,561 gallons per year or 1,495 gpd of water. The project is part of the planned growth envisioned from build out of the General Plan; therefore, water use associated with the project was already accounted for in the UWMP.

The General Plan FEIR (as amended) concluded that implementation of General Plan policies and existing regulations would substantially reduce demand for water generated by current and future development. The project would be designed to be water efficient in accordance with CALGreen requirements and the City's Private Sector Green Building Policy. Therefore, sufficient water supplies would be available to serve the proposed project and reasonably foreseeable future development 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?

The proposed project would be served by the City's existing sanitary sewer system. The project would comply with all applicable Public Works requirements to ensure sanitary sewer lines would have capacity for sewer services required by the proposed project. The proposed project would dispose of wastewater at the Facility which has approximately 38.8 mgd of excess wastewater treatment capacity to accommodate the increased demand created by the project. The proposed development is part of the planned growth from build out of the General Plan and implementation of the project would not exceed the City's allocated capacity at the Facility. **(Less than Significant Impact)**

d) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

The existing building generates approximately eight tons per year or 0.02 tons per day of solid waste. The project would generate approximately 16 tons per year of solid waste or 0.04 tons per day[114], which is a net increase of eight tons per year or 0.02 tons per day. As mentioned previously,

[113] San José Water Company. *2020 Urban Water Management Plan Final Report*. June 2021.
[114] Solid waste generation was calculated using the "Day-Care Center" land use as shown in CalEEMod Appendix G. The solid waste generation rate is 1.3 tons per unit per 1,000 square feet. 12,671 square feet/1,000 square feet =

NISL has approximately 12.4 million cubic yards of capacity remaining. 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. 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?

Consistent with CALGreen requirements, the proposed project would be required to provide on-site recycling capabilities, develop a construction waste management plan, divert at least 75 percent of non-hazardous construction and demolition debris through recycling, salvage and reuse or a combination of these methods (by weight), and implement other waste reduction measures. Additionally, the estimated increases in solid waste generation from future development would be avoided through implementation of the City's Zero Waste Strategic Plan. The Zero Waste Strategic Plan, in combination with existing regulations and programs, would ensure that the proposed project would not result in significant impacts on solid waste disposal capacity in excess of state or local standards or in excess of NISL capacity. **(Less than Significant Impact)**

12.7 x 1.3 tons per year per = 16 tons per year. Source: California Air Pollution Control Officers Association. *Appendix G, Default Data Tables*. April 2022. "Table G-36: Solid Waste Disposal Rates by Analysis Level and Land Use Subtype." Accessed December 11, 2023. https://www.caleemod.com/user-guide.

4.20 Wildfire

4.20.1 Environmental Setting

4.20.1.1 *Existing Conditions*

Based on the Fire Hazard Severity Zone (FHSZ) map, the project site is not located in a Fire Hazard Severity Zone.[115]

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?	☐	☐	☐	☒

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

[115]CAL FIRE. "Fire Hazard Severity Zones in State Responsibility Area." Accessed July 16, 2024. https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008.

4.21 Mandatory Findings of Significance

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☒	☐	☐
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

As discussed in the individual sections of this document, the proposed project would not degrade the quality of the environment with implementation of the identified Standard Permit Conditions, Conditions of Approval, and mitigation measures.

The project would be required to implement Mitigation Measure AIR-1.1 and the identified Standard Permit Conditions listed under checklist question c of Section 4.3 to reduce community risk impacts from project construction. As discussed in Section 4.4, the project would be required to implement Mitigation Measure BIO-1.1 to avoid impacts to nesting birds and raptors. To avoid impacts to as yet unidentified archaeological resources and human remains, the proposed project would be required to implement the Standard Permit Conditions listed under checklist questions b and c of Section 4.5. In addition, the project site contains two contributing structures to the eligible

Japantown Historic District which are proposed to be demolished. To reduce impacts associated with demolition of the contributor buildings and construction vibration impacts to buildings located within 200 feet, the project would be required to implement Mitigation Measures CUL-1.1, CUL-1.2, NOI-1.1, NOI-1.2, and NOI-1.3.

To reduce seismic- and geologic-related impacts, the project shall be constructed in conformance with the recommendations of the site-specific Geotechnical Investigation and implement the identified Standard Permit Conditions as discussed in Section 4.7. As discussed in Section 4.9, with implementation of Mitigation Measure HAZ-1.1 above, redevelopment of the project site would not significantly impact the public or the environment due to exposure to any hazards or contamination sources. Due to the age of the existing buildings on-site, the project would implement the identified Standard Permit Conditions listed under checklist question b in Section 4.9 to reduce impacts due to the presence of ACMs and/or LBP. The project would also be required to submit a PCB Screening Assessment as a Condition of Approval. Pursuant to General Plan Policy EC-1.7, the project would be required to implement the Standard Permit Conditions identified under checklist question a in Section 4.13 to reduce construction noise. Implementation of the mitigation measures identified in Section 4.18 (cultural resources awareness training and monitoring) to reduce impacts to TCRs to a less than significant level. For the reasons described above, construction of the larger school development would not degrade the quality of the environment, substantially affect fish or wildlife species, or eliminate important examples 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.”

The proposed project would result in temporary air quality, biological resources, geology and soils, hydrology and water quality, and noise impacts during construction. With implementation of the identified Standard Permit Conditions, Conditions of Approval, mitigation measures, and consistency with adopted City policies, construction impacts would be mitigated to a less than significant level. Because these identified impacts would be temporary and would be mitigated, the proposed project would not have a cumulatively considerable impact on these resource areas. The cumulative air quality and noise and vibration impacts are discussed further below.

Cumulative Air Quality Impacts

Cumulative HRA look at all substantial sources of TACs within 1,000 feet of the project site. These sources include rail lines, freeways, high traffic volume roadways (10,000 average annual daily trips or more), and stationary sources of TACs. The same mobile and stationary TAC sources identified in Section 4.3.3 were used in this HRA. In addition, the cumulative HRA analyzes construction impacts from nearby developments. The development at North Sixth Street (File No. PD15-055) is currently under construction. Construction of the North Sixth Street project would be completed before construction of the proposed project begins; therefore, this development was not included in the cumulative analysis. There are no other nearby developments listed on the City's website.

Table 4.21-1 below summarizes the impacts from nearby mobile and stationary sources of TACs at the off-site MEI.

Table 4.21-1: Cumulative Sources at MEI

Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**HI**
Project Construction Impacts (mitigated)	5.61 (infant)	0.26	0.01
Bay Area Air District Single-Source Threshold	*>10.0*	*>0.3*	*>1.0*
Significant?	***No***	***No***	***No***
Cumulative Impacts			
Cumulative Local Roadways	10.77	0.21	0.03
UPRR Line	0.94	<0.01	<0.01
Facility ID#22570, Generator (480 feet)	0.13	<0.01	<0.01
Facility ID#23069, Generator (over 1,000 feet)	0.02	<0.01	--
Facility ID#201707, Generator (600 feet)	0.64	<0.01	<0.01
Facility ID#100551, Gas Station (575 feet)	1.37	--	0.13
Bay Area Air District Single-Source Threshold	*>10.0*	*>0.3*	*>1.0*
Significant?	***No***	***No***	***No***
Cumulative Total[1]	20.87	<0.34	<0.39
Bay Area Air District Cumulative-Source Threshold	*>100*	*>0.8*	*>10.0*
Significant?	***No***	***No***	***No***

Source: Illingworth & Rodkin, Inc. *San José Buddhist Church Betsuin Lotus Preschool Construction Health Risk Assessment.* January 29, 2024.

As shown in the table above, the Bay Area Air District cumulative threshold for cancer risk, annual $PM_{2.5}$ concentration, and HI would not be exceeded. Implementation of Mitigation Measure AIR-1.1 and the required Standard Permit Conditions for dust would reduce project-level cancer risk and $PM_{2.5}$ impacts from project construction. Therefore, the project's contribution to existing

cumulative impacts from cumulative construction sources would not be cumulatively considerable.

Cumulative Noise Impacts

Implementation of the proposed project would result in a small increase in daily trips (a net increase of 87 trips). The Noise and Vibration Assessment determined that the 87 trips would not result in a measurable increase in traffic noise levels; therefore, the project would have a less than significant cumulative traffic noise impact.

The nearest planned or approved project is located approximately 450 feet northeast of the site on North Sixth Street. Construction of the North Sixth Street project would be completed before construction of the proposed project begins. There are no other planned or approved projects within 1,000 feet of the project site. Therefore, the project would not result in a cumulatively considerable contribution to a significant cumulative noise impact.

As discussed above, implementation of the project would not result in a cumulatively considerable impact. **(Less than Significant Impact with Mitigation Incorporated)**

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include air quality, hazards and hazardous materials, and noise which are discussed in this document. With implementation of the identified Standard Permit Conditions, Conditions of Approval, mitigation measures, and consistency with adopted City policies, project impacts would be reduced to a less than significant level. No other direct or indirect adverse effects on humans 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:

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Section 6.0 Lead Agency and Consultants

6.1 Lead Agency

City of San José
Department of Planning, Building and Code Enforcement
Christopher Burton, *Director of Planning, Building and Code Enforcement*
Tina Garg, *Supervising Planner*
Bethelhem Telahun, *Planner II*

6.2 Consultants

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
Shannon George, *Principal Project Manager*
Fiona Phung, *Project Manager*
Ryan Osako, *Graphic Artist*

Cornerstone Earth Group
Geotechnical and Hazardous Materials Consultants
Kurt M. Soenen, *Senior Principal Engineer*
Bryan Cervantes Guzman, *Senior Staff Engineer*
Stason I. Foster, *Senior Project Engineer*
Nicolas S. Devlin, *Geotechnical Project Manager*
Michael F. Chang, *Project Engineer*

Hexagon Transportation Consultants, Inc.
Transportation Consultants
Kai-Ling Kuo, *Transportation Engineer*

HMH Consultants
Biological Resource Consultants
William Sowa, *Principal*

Illingworth & Rodkin, Inc.
Air Quality and Noise Consultants
James A. Reyff, *Principal*
Michael S. Thill, *Principal*
Casey Divine, *Consultant*
Jordyn Bauer, *Staff Consultant*
Micah Black, *Staff Consultant*

TreanorHL

Historical Consultants

Kimberly Butt, *Principal*

Elizabeth Graux, *Associate Principal*

Ana Borlas-Ivern, *Historian*

Section 7.0 Acronyms and Abbreviations

µg/m^3	micrograms per cubic meter
2017 CAP	2017 Clean Air Plan
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	asbestos-containing material
ADT	Average Daily Traffic
AIA	Airport Influence Area
ALUCP	Airport Land Use Compatibility Plan
APN	Assessor's Parcel Number
ATCM	air 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
California Energy Code	California Building Energy Efficiency Standards
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Standards Code
CBSC	California Green Building Standards Code
CCR	California Code of Regulations
CDDD	Construction and Demolition Diversion Deposit Program
CDFW	California Department of Fish and Wildlife

CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	chlorofluorocarbon
CGS	California Geological Survey
CH_4	methane
CHPS	Collaborative for High Performing Schools
CIWMB	California Integrated Waste Management Board
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalents
CREC	Controlled Recognized Environmental Condition
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
dBA	A-weighted decibel
DNL	Day/Night Average Sound Level
DOT	Department of Transportation
DPM	diesel particulate matter
DPR	Department of Parks and Recreation
DSOD	Division of Safety of Dams
DTSC	Department of Toxic Substances Control
du/ac	dwelling units per acre
EIR	Environmental Impact Report
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
ESL	Environmental Screening Levels
EV	electric vehicles
FAA	Federal Aviation Administration

FAR	Federal Aviation Regulations
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FIRMs	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHG	greenhouse gas
GHGRS	Greenhouse Gas Reduction Strategy
GWh	gigawatt hour
GWP	Global Warming Potential
GWMP	Groundwater Management Plan
Habitat Plan	Santa Clara Valley Habitat Plan/Natural Community Conservation Plan
HFCs	hydrofluorocarbons
HI	hazard index
HMP	Hydromodification Management Plan
HRA	Health Risk Assessment
HRI	Historic Resources Inventory
HRPP	Historical Resources Protection Plan
HSP	Health and Safety Plan
HSWA	Hazardous and Solid Waste Amendments
ibid	Same source as previous footnote
in/sec	inches/second
ITE	Institute of Transportation Engineers'
IWMP	Integrated Waste Management Plan
kBtu	British thermal unit
kWh	kilowatt-hour
L_{eq}	Energy-Equivalent Sound/Noise Descriptor
L_{max}	Maximum A-weighted noise level during a measurement period
LBP	lead-based paint
LID	Low Impact Development
LOS	Level of Service
LRT	Light Rail Transit

LTA	Local Transportation Analysis
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
MEI	maximum exposed individual
mgd	million gallons per day
MLD	Most Likely Descendant
$MMTCO_2e$	million metric tons of carbon dioxide equivalent
MND	Mitigated Negative Declaration
mpg	miles per gallon
mph	miles per hour
MRP	San Francisco Bay Region Municipal Regional Stormwater NPDES Permit
MTC	Metropolitan Transportation Commission
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standard
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
ND	Negative Declaration
NESHAP	National Emission Standards for Hazardous Air Pollutants
NISL	Newby Island Sanitary Landfill
NO	nitric oxide
NO_2	nitrogen dioxide
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
OCP	Organochlorine Pesticide
OPR	Office of Planning and Research
PBCE	Department of Planning, Building and Code Enforcement
PCB	polychlorinated biphenyls
PFC	perfluorocarbon

PDA	Priority Development Areas
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
PQP	Public/Quasi Public
R-M	Multiple Residence
REC	Recognized Environmental Condition
RCRA	Resource Conservation and Recovery Act
RN	Residential Neighborhood
ROG	reactive organic gases
RSLs	Regional Screening Levels
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCCDEH	Santa Clara County Department of Environmental Health
SCIA	Sewer Capacity Impact Analysis
SCS	Sustainable Communities Strategy
SF_6	sulfur hexafluoride
SFHA	Special Flood Hazard Area
SFPUC	San Francisco Public Utilities Commission
SHMA	Seismic Hazards Mapping Act
SLF	Sacred Lands File
SJCE	San José Clean Energy
SJPD	of San José Police Department
SJUSD	San José Unified School District
SJW	San José Water
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
SMP	Site Management Plan
SO_x	sulfur oxides
SR	State Route

SSMP	Sewer System Management Plan
SSOs	sanitary sewer overflows
STLC	Soluble Threshold Limit Concentration
Standards	Secretary of the Interior's Standards for Rehabilitation
SWRCB	State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
TACs	Toxic Air Contaminants
TCLP	Toxicity Characteristic Leaching Procedure
TCMs	Treatment Control Measures
TCR	tribal cultural resource
TDM	Transportation Demand Management
Title 24	Title 24, Part 6 of the California Code of Regulations
TDMLs	total maximum daily loads
TPH-g	Total Petroleum Hydrocarbons as gasoline
TSCA	Toxic Substances Control Act
U.S.	United States
UPRR	Union Pacific Railroad
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
UWMP	urban water management plan
VOC	Volatile Organic Compound
VMT	vehicle miles traveled
WEAP	Worker Environmental Awareness Program
Williamson Act	California Land Conservation Act
ZNE	zero net carbon emission