June 2025 **| Initial Study/Mitigated Negative Declaration**

1190 ROBERTS AVENUE RESIDENTIAL DEVELOPMENT PROJECT

City of San José

Prepared for:

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PLACEWORKS

MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: 1190 Roberts Avenue Residential Development Project

PROJECT FILE NOS.: PDC24-040, PD24-005, ER24-092

PROJECT DESCRIPTION: The project consists of a rezoning of the project site parcel, and the construction of a new residential development at 1190 Roberts Avenue. Proposed development at the project site would include construction of eight new single-family residences with private garages and on-site driveway parking spaces. The project site would include a new private residential street that would be accessible via Roberts Avenue on an approximately 1.09-acre project site.

LOCATION: The project is located on an approximately 1.09-acre site located at 1190 Roberts Avenue in San José.

ASSESOR'S PARCEL NO.: 477-11-001

COUNCIL DISTRICT: 7

APPLICANT CONTACT INFORMATION: Pan-Cal Corporation, 4125 Blackford Avenue #200, San José, CA 95117; David S. Chui, dschui@pancal.com

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The attached Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Mitigated Negative Declaration (MND), has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.

ENVIRONMENTAL RESOURCE AREAS AND MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

A. **AESTHETICS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

B. **AGRICULTURE AND FORESTRY RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

C. AIR QUALITY

Impact AQ-1: Construction of the proposed project would expose sensitive receptors to substantial concentrations of air pollutant emissions.

MM AQ-1: Prior to the issuance of any tree removal, demolition, or grading permits (whichever occurs first), the project proponent shall provide documentation to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval, demonstrating that any off-road equipment greater than 50 horsepower to be used during construction of the project shall meet United States Environmental Protection Agency Tier 4 Final emission standards, unless it can be demonstrated to the City that such equipment is not commercially available. For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the city at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction and (ii) geographic proximity to the project site of Tier 4 Final equipment. Where such equipment is not commercially available, as demonstrated by the construction contractor, Tier 4 Interim equipment or Tier 3 equipment retrofitted with a California Air Resources Board's Level 3 Verified Diesel Emissions Control Strategy (VDECS) shall be used. Furthermore, all off-road equipment of 50 horsepower or less, if used, shall be fitted with a Level 3 diesel particulate filter.

MM AQ-2: Prior to the issuance of any tree removal, demolition, or grading permits (whichever occurs first), the project proponent shall submit a list of all operating equipment in use on the construction site for verification by the City of San José. The construction equipment list shall state the makes, models, equipment identification numbers, engine family numbers, and number of construction equipment on-site.

D. BIOLOGICAL RESOURCES

Impact BIO-1: Removal of trees and building demolition during project construction may result in the inadvertent destruction of active bat roosts unless appropriate precautions are followed.

MM BIO-1: Prior to the issuance of any tree removals, grading permits, demolition permits or building permits (whichever comes first), adequate measures shall be taken to avoid inadvertent take of special status bat species if present in trees on the project site. This shall be accomplished by taking the following steps:

- A qualified biologist shall visually inspect trees to be removed and structures to be demolished for bat roosts within 7 days prior to their removal. The biologist shall look for signs of bats, including sightings of live or dead bats; bat calls or squeaking; the smell of bats; bat droppings, grease stains, or urine stains around openings in trees; or flies around such openings. Trees with multiple hollows, crevices, forked branches, woodpecker holes, or loose and flaking bark have the highest chance of occupation and shall be inspected the most carefully.
- If signs of bats are detected, confirmation on presence or absence shall be determined by the qualified biologist, which may include night emergency or acoustic surveys.
- Due to restrictions of the California Health Department, direct contact by workers with any bat is not allowed. The qualified bat biologist shall be contacted immediately if a bat roost is discovered during project construction.
- If an active maternity roost is encountered during the maternity season (April 15 to August 31),

the California Department of Fish and Wildlife shall be contacted for direction on how to proceed, and an appropriate exclusion zone established around the occupied tree or structure until young bats are old enough to leave the roost without jeopardy. The size of the buffer would take into account:

- Proximity and noise level of project activities;
- Distance and amount of vegetation or screening between the roost and construction activities; and
- Species-specific needs, if known, such as sensitivity to disturbance.

A report of all findings shall be submitted by a qualified biologist to the Director of Planning, Building and Code Enforcement or the Director's designee, prior to the issuance of any tree removals, grading permits, demolition permits, or building permits.

Impact BIO-2: The project would interfere with the movement of nesting and migratory birds due to the number of trees on the parcel.

MM BIO-2: Prior to the issuance of any tree removals, grading permits, demolition permits or building permits (whichever occurs first), the project proponent shall schedule construction activities outside of the nesting season (generally defined as September 1 through January 31, inclusive). If construction activities occur within the bird nesting season (generally defined as February 1 through August 30, inclusive), a qualified biologist shall conduct pre-construction nesting bird surveys within 7 days prior to the proposed start date to identify any active nests (including Cooper's hawk) within 500 feet of the project site. If an active nest is found, the nest shall be avoided, and a suitable buffer zone shall be delineated in the field such that no impacts shall occur until the chicks have fledged the nest as determined by a qualified biologist. Construction buffers shall be 300 feet for passerines and up to 500 feet for any raptor species; however, avoidance buffers may be reduced at the discretion of the biologist, depending on the location of the nest, the species' tolerance to human presence, and construction-related noises and vibrations.

A report of all findings shall be submitted by a qualified biologist to the Director of PBCE or the Director's designee, prior to the issuance of any tree removals, grading permits, demolition permits, or building permits.

MM BIO-3: Prior to the issuance of any tree removals, grading permits, demolition permits or building permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee.

E. CULTURAL RESOURCES

Impact CUL-1: Ground-disturbing activities during construction of the proposed project would have the potential to uncover, damage, or destroy archaeological resources.

MM CUL-1: Implement Mitigation Measures TCR-1 and TCR-2.

F. ENERGY – The project would not have a significant impact on this resource, therefore no mitigation is required.

G. GEOLOGY AND SOILS – The project would not have a significant impact on this resource,

therefore no mitigation is required.

H. GREENHOUSE GAS EMISSIONS – The project would not have a significant impact on this resource, therefore no mitigation is required.

I. HAZARDS AND HAZARDOUS MATERIALS – The project would not have a significant impact on this resource, therefore no mitigation is required.

J. HYDROLOGY AND WATER QUALITY – The project would not have a significant impact on this resource, therefore no mitigation is required.

K. LAND USE AND PLANNING – The project would not have a significant impact on this resource, therefore no mitigation is required.

L. MINERAL RESOURCES – The project would not have a significant impact on this resource, therefore no mitigation is required.

M. NOISE

Impact N-2: Operational HVAC noise levels would exceed General Plan Policy EC-1.3 noise limits of 55 dBA DNL at the residential receptors to the north and east of the proposed project site. With operational HVAC noise levels, a substantial 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 would occur.

MM N-2: Prior to issuance of any tree removal, grading, or demolition permits (whichever occurs first), mechanical HVAC equipment shall be selected and designed to reduce noise levels to meet City requirements at the nearby noise-sensitive land uses to the north and east of the project site. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements, and a report shall be prepared and submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee for review and approval, to demonstrate compliance. The project applicant shall conform with any special building construction techniques requested by the City's Building Department prior to issuance of occupancy permits. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels, locating equipment farther from adjacent neighbors, and shielding units with barriers to interrupt direct line of sight.

N. POPULATION AND HOUSING – The project would not have a significant impact on this resource, therefore no mitigation is required.

O. PUBLIC SERVICES – The project would not have a significant impact on this resource, therefore no mitigation is required.

P. RECREATION – The project would not have a significant impact on this resource, therefore no mitigation is required.

Q. TRANSPORTATION – The project would not have a significant impact on this resource, therefore no mitigation is required.

R. TRIBAL CULTURAL RESOURCES

Impact TCR-1: Ground-disturbing activities during construction of the proposed project would have the potential to uncover, damage, or destroy tribal cultural resources.

MM TCR-1: Cultural Awareness Training. Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant, in association with the City of San José, shall implement a cultural awareness training program for workers that may be present on the project site during ground disturbing activities. Training shall be required for all construction personnel participating in ground disturbing construction activities to alert them to the archaeological sensitivity of the project area and provide protocols to follow in the event of a discovery of archaeological materials. The training shall be provided by a qualified archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. The qualified archaeologist, to be retained by the applicant on an on-call basis, shall develop and distribute for job site posting an "ALERT SHEET" summarizing potential archaeological finds that could be exposed and the protocols to be followed as well as points of contact to alert in the event of a discovery. Documentation verifying that the cultural awareness training program has been completed shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee within 20 days of completion of the training. The project applicant shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials.

MM TCR-2: Monitoring Plan. Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), a qualified archaeologist, in consultation with a Native American representative registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a monitoring plan for all earthmoving activities. The Plan shall be submitted to the Director of Planning, Building and Code Enforcement (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, and timing of reporting finds. A qualified archeologist in collaboration with a Native American monitor, registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall 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.

S. UTILITIES AND SERVICE SYSTEMS – The project would not have a significant impact on this resource, therefore no mitigation is required.

T. WILDFIRE – The project would not have a significant impact on this resource, therefore no mitigation is required.

U. MANDATORY FINDINGS OF SIGNIFICANCE.

Cumulative impacts would be less than significant. The project would comply with existing regulations and City standard conditions of approval. The proposed project would implement the identified mitigation measures and would either have no impacts or less than significant impacts

on applicable air quality, biological resources protection ordinances, noise and cultural resources, including tribal cultural resources. Therefore, the proposed project would not contribute to any cumulative impact for these resources. The project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

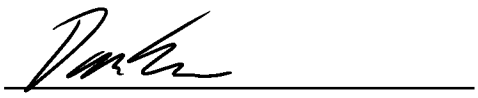
PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **July 28, 2025 at 5:00 p.m.** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) and attached Initial Study as an informational document only; or

2. Submit written comments regarding the information and analysis in the Draft MND/Initial Study. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND/Initial Study, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND. Please submit comments to: Cort Hitchens, Environmental Project Manager; 200 E. Santa Clara Street – Tower 3; San Jose, CA 95113 or via e-mail at **cort.hitchens@sanjoseca.gov**.

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement



Deputy

6/27/25

Date

Cort Hitchens
Environmental Project Manager

Circulation period: July 8, 2025 to July 28, 2025

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Abbreviations and Acronyms

AAQS	ambient air quality standards
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	asbestos-containing materials
ADT	average daily traffic
amsl	above mean sea level
AQMP	air quality management plan
AST	aboveground storage tank
BAU	business as usual
bgs	below ground surface
BMP	best management practices
CAA	Clean Air Act
CAFE	corporate average fuel economy
CalARP	California Accidental Release Prevention Program
CalEMA	California Emergency Management Agency
Cal/EPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
Cal/OSHA	California Occupational Safety and Health Administration
CalRecycle	California Department of Resources, Recycling, and Recovery
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDE	California Department of Education
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
cfs	cubic feet per second
CGS	California Geologic Survey

Abbreviations and Acronyms

CMP	congestion management program
CNDDB	California Natural Diversity Database
CNEL	community noise equivalent level
CO	carbon monoxide
CO_2e	carbon dioxide equivalent
Corps	US Army Corps of Engineers
CSO	combined sewer overflows
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	environmental impact report
EPA	United States Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
ESUHSD	East Side Union High School District
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FMSD	Franklin-McKinley Elementary School District
FTA	Federal Transit Administration
GHG	greenhouse gases
GWP	global warming potential
HCM	Highway Capacity Manual
HQTA	high quality transit area
HVAC	heating, ventilating, and air conditioning system
IPCC	Intergovernmental Panel on Climate Change
L_{dn}	day-night noise level
L_{eq}	equivalent continuous noise level
LBP	lead-based paint
LCFS	low-carbon fuel standard

Abbreviations and Acronyms

LOS	level of service
LST	localized significance thresholds
M_W	moment magnitude
MCL	maximum contaminant level
MEP	maximum extent practicable
mgd	million gallons per day
MMT	million metric tons
MPO	metropolitan planning organization
MRP	Municipal Regional Stormwater National Pollution Discharge Elimination System Permit
MT	metric ton
MTC	Metropolitan Transportation Commission
NAHC	Native American Heritage Commission
NO_X	nitrogen oxides
NPDES	National Pollution Discharge Elimination System
O_3	ozone
OES	California Office of Emergency Services
PM	particulate matter
POTW	publicly owned treatment works
ppm	parts per million
PPV	peak particle velocity
RCRA	Resource Conservation and Recovery Act
REC	recognized environmental condition
RMP	risk management plan
RMS	root mean square
RPS	renewable portfolio standard
RWF	San José/Santa Clara Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCP	Stormwater Control Plan
SFBAAB	San Francisco Bay Area Air Basin
SIP	state implementation plan

Abbreviations and Acronyms

SJCE	San José Clean Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SJSU	San José State University
SJWC	San José Water Company
SLM	sound level meter
SO_X	sulfur oxides
SQMP	stormwater quality management plan
SRA	source receptor area [or state responsibility area]
SUSMP	standard urban stormwater mitigation plan
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TNM	transportation noise model
tpd	tons per day
TRI	toxic release inventory
TTCP	traditional tribal cultural places
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
UWMP	urban water management plan
V/C	volume-to-capacity ratio
VdB	velocity decibels
VHFHSZ	very high fire hazard severity zone
VMT	vehicle miles traveled
VOC	volatile organic compound
VTA	Santa Clara Valley Transportation Authority
WQMP	water quality management plan
WSA	water supply assessment

1. Introduction

1.1 OVERVIEW

Pan-Cal Corporation (project applicant) is seeking approval from the City of San José (City) for residential development (proposed project) that includes eight detached single-family residential units on an approximately 1.09-acre lot located at 1190 Roberts Avenue in San José, California.

In compliance with the California Environmental Quality Act (CEQA), the City, as the lead agency, is preparing the environmental documentation for the proposed project to determine if approval of the requested discretionary actions and subsequent development would have a significant impact on the environment. As defined by Section 15063 of the CEQA Guidelines, an initial study is prepared primarily to provide the lead agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration (ND), or Mitigated Negative Declaration (MND) would provide the necessary environmental documentation and clearance for the proposed project. This initial study has been prepared to support the adoption of an MND.

1.2 CALIFORNIA ENVIRONMENTAL QUALITY ACT

The environmental compliance process is governed by the CEQA and the CEQA Guidelines (Public Resources Code [PRC], Section 21000 et seq.; California Code of Regulations [CCR], Title 14, Sections 15000 et seq.). CEQA was enacted in 1970 by the California Legislature to disclose to decision-makers and the public the significant environmental effects of projects and to identify ways to avoid or reduce the environmental effects through feasible alternatives or mitigation measures. Compliance with CEQA applies to California government agencies at all levels: local, regional, and State agencies, boards, commissions, and special districts (such as school districts and water districts). The City of San José is the lead agency for the proposed project and is therefore required to conduct an environmental review to analyze the potential environmental effects associated with the proposed project.

PRC Section 21080(a) states that analysis of a project's environmental impact is required for any "discretionary projects proposed to be carried out or approved by public agencies…." In this case, the City has determined that an Initial Study is required to determine whether there is substantial evidence that construction and operation of the proposed project would result in environmental impacts.

A "project" means the whole of an action that has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

- An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code sections 65100 to 65700.
- An activity undertaken by a person which is supported in whole or in part through public agency contacts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. (14 CCR section 15378[a]).

The proposed discretionary actions by the project applicant constitute a "project" because the activity would result in a direct physical change in the environment and would be undertaken by a public agency. All "projects" in the State of California are required to undergo an environmental review to determine the environmental impacts associated with implementation of the project.

1.3 INITIAL STUDY

The purpose of the Initial Study is to 1) provide the lead agency with information to use as the basis for deciding the proper type of CEQA document to prepare; 2) enable the lead agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a negative declaration; 3) assist in the preparation of an EIR, if one is required; 4) facilitate environmental assessment early in the design of a project; 5) provide documentation of the factual basis for the findings in an MND or ND; 6) eliminate unnecessary EIRs; and 7) determine if a project is covered under a previously prepared EIR. When an Initial Study identifies the potential for immitigable significant environmental impacts, the lead agency must prepare an EIR (14 CCR section 15064); however, if all impacts are found to be less than significant or can be mitigated to less than significant, the lead agency can prepare an ND, or MND that incorporates mitigation measures into the project (14 CCR section 15070).

1.4 MITIGATED NEGATIVE DECLARATION

The MND includes information necessary for agencies to meet statutory responsibilities related to the proposed project. State and local agencies will use the MND when considering any permit or other approvals necessary to implement the project. A list of the environmental topics that have been identified for study in the MND is provided in the Initial Study Checklist (Chapter 3).

One of the primary objectives of CEQA is to enhance public participation in the planning process; public involvement is an essential feature of CEQA. Community members are encouraged to participate in the environmental review process, request to be notified, monitor newspapers for formal announcements, and submit substantive comments at every possible opportunity afforded by the City. The environmental

review process provides several opportunities for the public to participate through public notice and public review of CEQA documents and at public meetings.

1.5 IMPACT TERMINOLOGY

The following terminology is used to describe the level of significance of impacts.

- A finding of **no impact** is appropriate if the analysis concludes that the project would not affect the particular resource area in any way.
- An impact is considered **less than significant** if the analysis concludes that it would cause no substantial adverse change to the environment and requires no mitigation.
- An impact is considered **less than significant with mitigation incorporated** if the analysis concludes that it would cause no substantial adverse change to the environment with the inclusion of environmental commitments or other enforceable mitigation measures.

Mitigation Measures. If, after incorporation and implementation of federal, State, and local regulations, there are still significant environmental impacts, then feasible and project-specific mitigation measures are required to reduce impacts to less than significant levels. Mitigation measures must further reduce significant environmental impacts above and beyond compliance with federal, State, and local laws and regulations. Mitigation under CEQA Guidelines Section 15370 includes:

- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

An impact is considered potentially significant if the analysis concludes that it could have a substantial adverse effect on the environment. If any impact is identified as potentially significant, an EIR is required.

1.6 PROJECT LOCATION

The project site includes one parcel located at 1190 Roberts Avenue (APN 477-11-001), near the intersection of Roberts Avenue and Le Compte Place, in San José, Santa Clara County, California (project site). The city of San José is surrounded by the unincorporated Santa Clara County to the east and south, city of Morgan Hill to the south, city of Santa Clara to the west, and city of Milpitas to the north (see Figure

1, *Regional Location*). The project site contains one single-family residence. The project site is bounded by Roberts Avenue to the west and residential properties to the east, north, and south. (See Figure 2, *Project Location* and Figure 3, *Aerial View of Project Site*.) Environmental Setting

1.6.1 Existing Land Use

The project site is zoned Single-Family Residential (R-1-8; up to eight dwelling units per acre) and has a General Plan land use designation of Residential Neighborhood (RN).

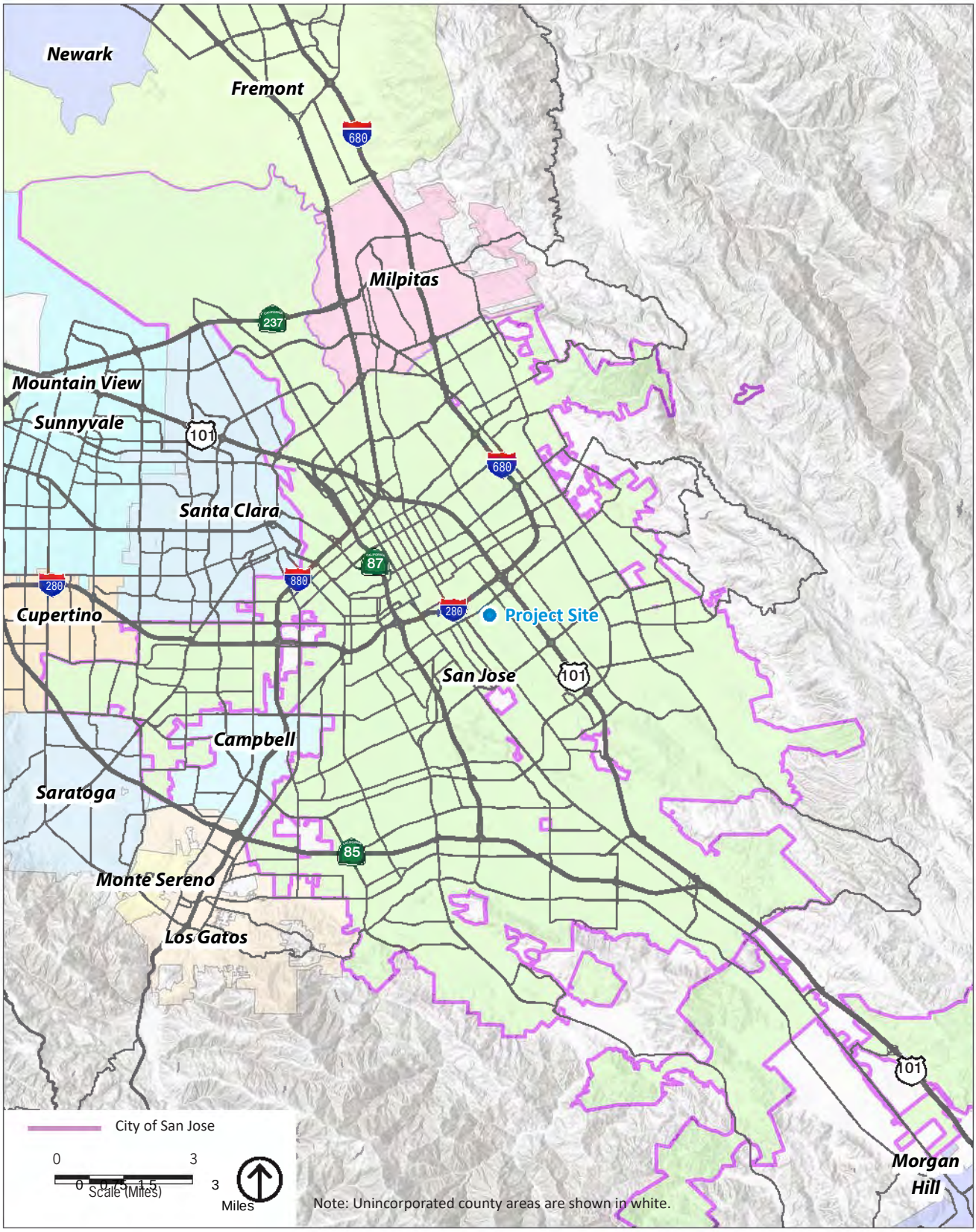
1.6.2 Surrounding Land Use

The project site is surrounded by properties to the east, north, and south that have a General Plan land use designation of RN and are zoned R-1-8; one property to the east is zoned Planned Development (A(PD)).

1.6.3 Local and Regional Access

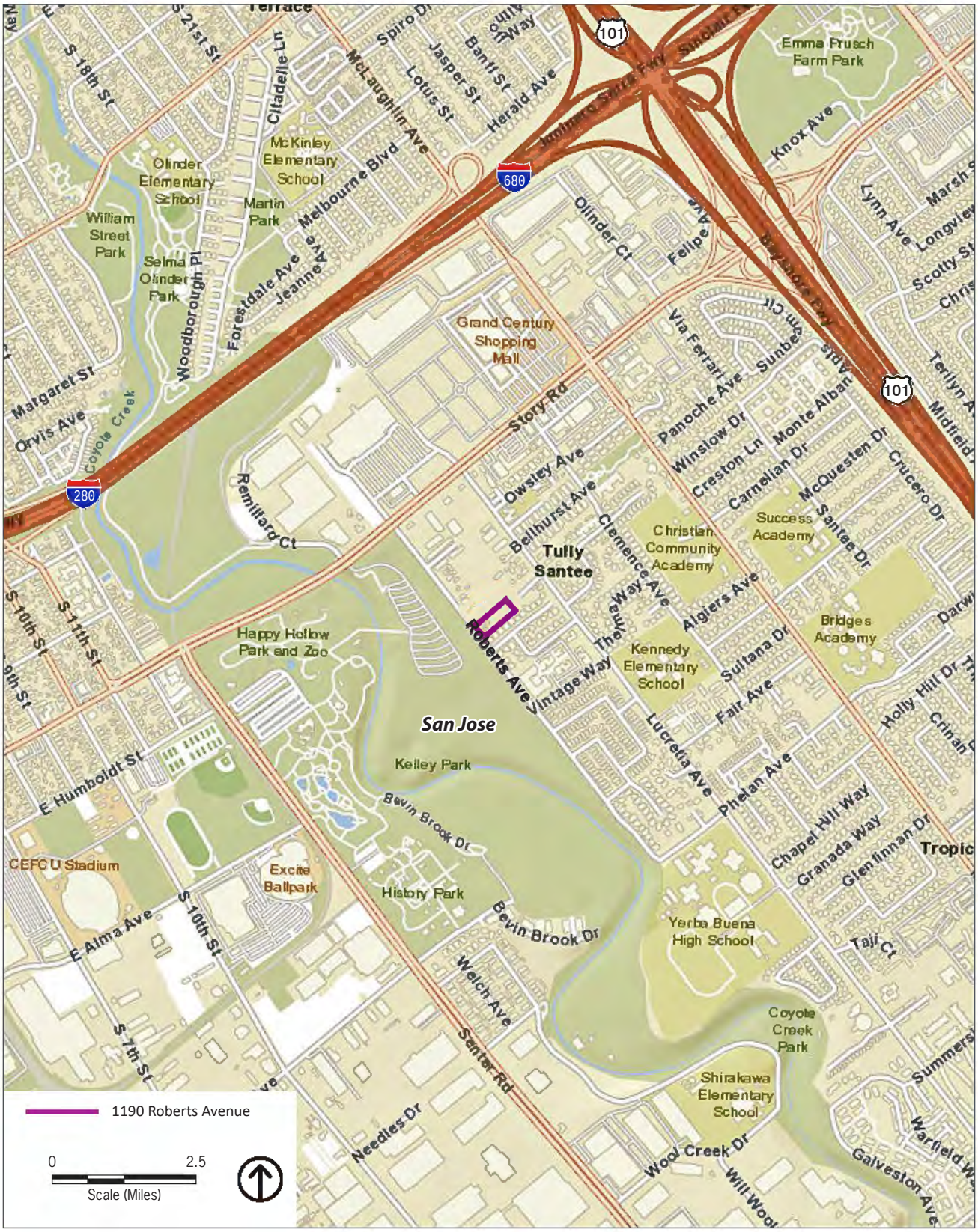
Regional access to the project site is provided by Interstate 280 (I-280) and United States Highway 101 (U.S. 101), approximately 0.5 mile north and 0.75 mile east of the project site, respectively. Roberts Avenue, which runs along the western edge of the project site, provides the only direct vehicular and pedestrian access to the project site.

The Santa Clara Valley Transportation Authority (VTA) provides access to the project site via the Green and Blue lines that connect San José in the south with Santa Clara in the north. The Convention Center Blue Line Station is approximately 1.85 miles northwest of the project site (VTA 2023). Local bus service is provided along Story Road (VTA line 25), and the nearest bust stops are at Story Road/Remillard Court and Story Road/Lucretia Avenue (VTA 2023).



Source: Generated using ArcMap 2024.

Figure 1
Regional Location



Source: Generated using ArcMap 2024.

Figure 2
Project Location



Source: Nearmap 2024.

Figure 3
Aerial View of Project Site

1. Introduction

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2. Project Description

The proposed project would include two components: (1) the rezoning of the project site parcel, and (2) the construction of a new residential development at 1190 Roberts Avenue. Proposed development at the project site would include eight new single-family residences with private garages and on-site driveway parking spaces that would accommodate up to two cars each. The project site would include a new private residential street that would be accessible via Roberts Avenue (see Figure 4, *Project Site Plan*).

2.1 PROPOSED REZONING

The proposed project would include rezoning of the project site parcel from Single-Family Residential (R-1-8) to Planned Development (R-1-8 Planned Development – Low to Medium Residential Based District) (R-1-8[PD]).

2.2 PROPOSED RESIDENTIAL DEVELOPMENT

Each proposed residential unit on the project site would be located on its own lot in a detached two-story building. Seven of the eight lots would be developed with residential units and would encompass approximately 2,660 square feet, including a 942-square-foot first floor, a 1,225-square-foot second floor, and a 493-square-foot private garage. The eighth lot, which would have its side frontage along Roberts Avenue, would contain a residential unit that would be slightly smaller than the other homes and would encompass approximately 2,254 square feet, including an 898-square-foot first floor, a 1,074-square-foot second floor, and a 282-square-foot private garage. Additionally, this lot would include a two-story accessory dwelling unit (ADU) that would encompass approximately 907 square feet, including a 410-square-foot first floor and 497-square-foot second floor. The ADU would not include a garage. The proposed residential units would each include 5 bedrooms and 3 bathrooms, and the ADU would include 2 bedrooms and 1.5 bathrooms. (See Figure 5a, *Residential Units (Plan 1)*; Figure 5b, *Residential Units (Plan 2)*; and Figure 5c, *Residential Units (Plan 3 - ADU)*.)

2.2.1 Architectural Design

The proposed buildings would use a variety of colors and materials, including stucco finishes on the exterior walls. The proposed buildings would include vinyl frame windows and asphalt composite and thermoplastic polyolefin (TPO) roofing materials. Seven of the proposed buildings at the project site would have a maximum height of 25 feet, 10.5 inches. The eighth building at the project site would have a maximum height of 25 feet, 11.5 inches, and the ADU would have a maximum height of 24 feet (see Figure

6a, *Building Design and Heights (Plan 1A);* Figure 6b, *Building Design and Heights (Plan 1b)*; Figure 6c, *Building Design and Heights (Plan 2)*; Figure d, *Building Design and Heights (Plan 3 – ADU)*).

2.2.2 Outdoor Amenities

The proposed project would include private front, side, and back yards for each residential unit. A central area between lots would include a turnaround for fire and garbage trucks. The remaining green space includes landscaping and private backyards with wood fencing. The proposed project would also include landscaped areas and a bioretention basin along the boundaries of each parcel. Overall, the project site would include approximately 18,725 square feet of green space and landscaping (see Figure 7, *Architectural Renderings*).

2.2.3 Tree Removal

The project site contains 26 trees, including 21 protected (ordinance-size)[1] trees and 5 non-ordinance-size trees (see Figure 8, *Removal Plan*); the proposed project would remove all existing on-site trees. The project proposes to plant 47 replacement trees at the project site; no in-lieu fees would be paid in place of planting the required number of replacement trees.

2.2.4 Landscaping

The proposed project would plant 47 trees on the project site. The new trees would consist of Texas redbud (*Cercis canadensis texensis*), 'Saratoga' hybrid laurel (*Laurus x* 'Saratoga'), 'Little Gem' dwarf southern magnolia (*Magnolia Grandiflora* 'Little Gem'), and yew podocarpus (*Podocarpus macrophyllus*) (see Figure 9*Landscaping Plan*).

[1] City of San José, Municipal Code, Title 13, Streets, Sidewalks, and Public Place, Chapter 13.32.020, Definitions.



PARKING LEGEND

RESIDENTIAL:

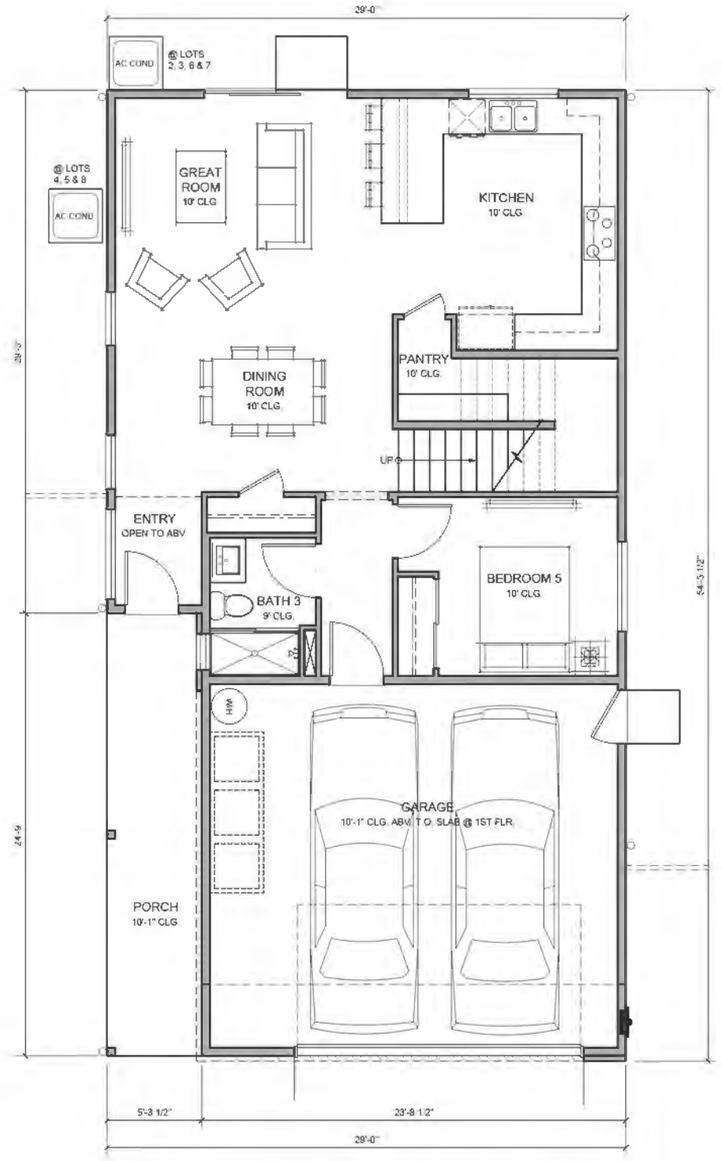
GARAGE SPACES	15
GUEST SPACES (DRIVEWAY)	16
TOTAL SPACES	31

ABBREVIATIONS

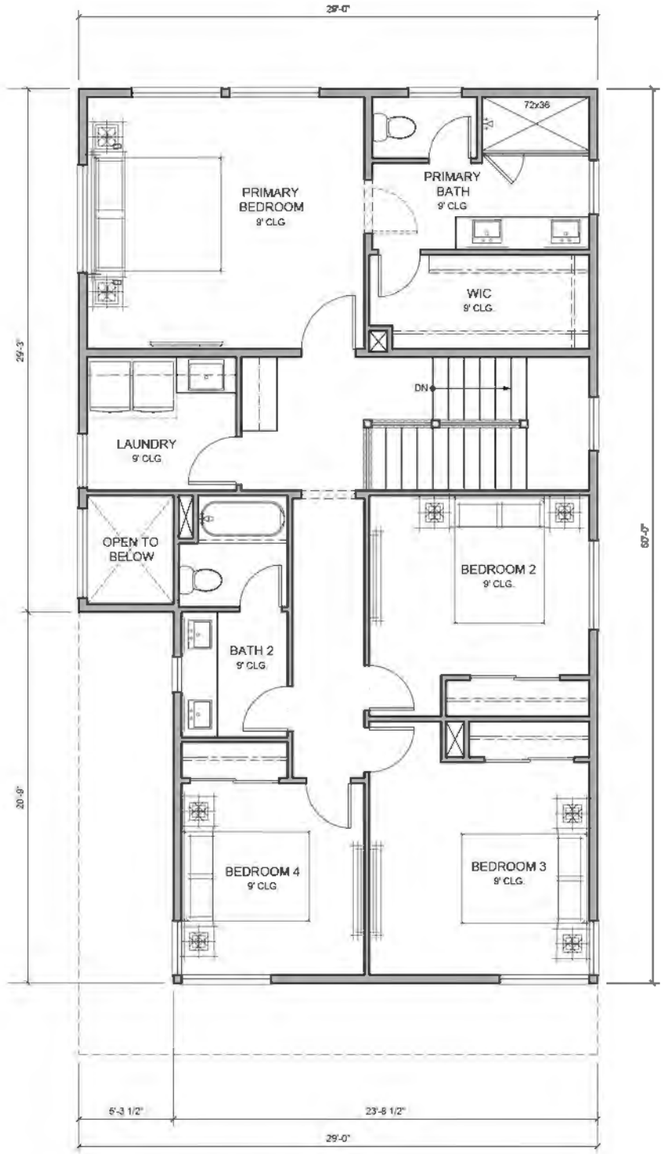
COE	COVENANT OF EASEMENT
EAE	EMERGENCY ACCESS EASEMENT
IEE	INGRESS, EGRESS EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
PSDRE	PRIVATE SURFACE DRAINAGE RELEASE EASEMENT
PSE	PUBLIC SERVICE EASEMENT
PSSE	PRIVATE SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

Source: Wood Rogers Inc. 2024.

Figure 4
Project Site Plan



FIRST FLOOR PLAN



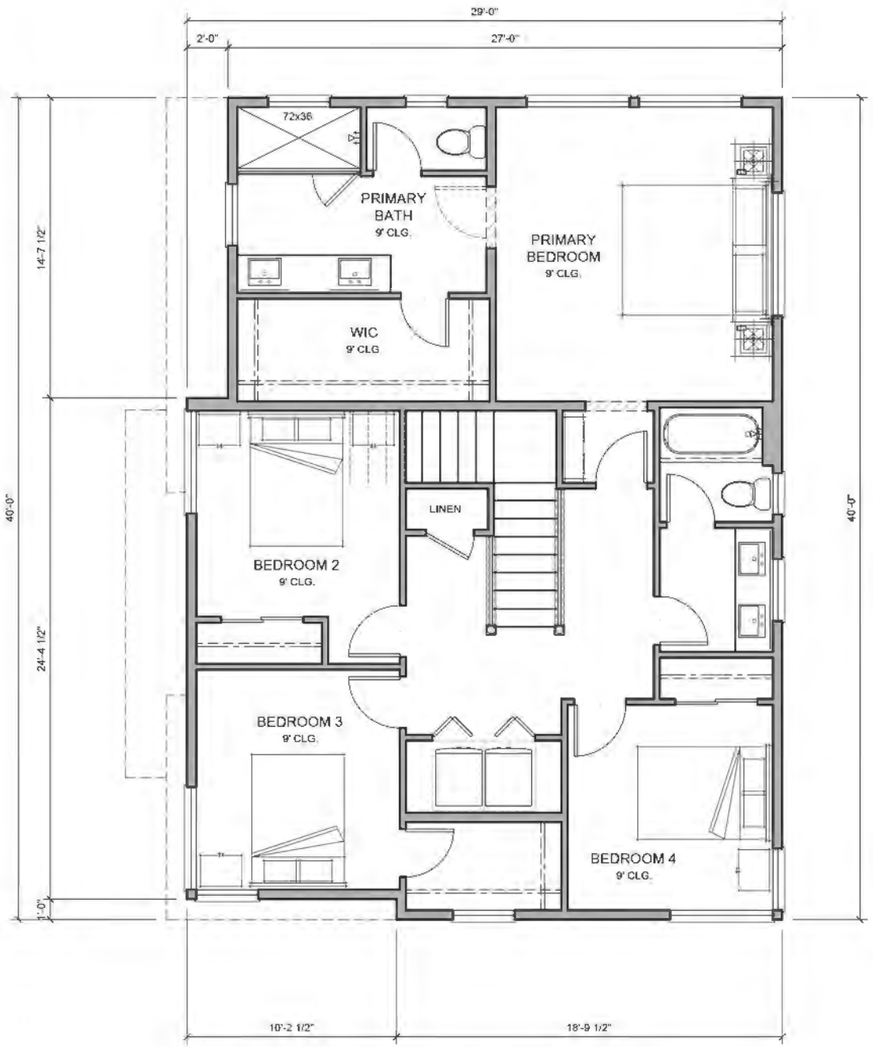
SECOND FLOOR PLAN

FLOOR AREA TABLE - PLAN 1 (2-STORY)		
VB - R3 - SFD - 2022 CRC	**NFPA-13D SPRINKLERS**	
***GROSS SQ. FOOTAGE** *SQUARE FOOTAGE TAKEN FROM OUTSIDE FACE OF STUD AT EXTERIOR WALL		
FIRST FLOOR PLAN	942	SQ. FT.
SECOND FLOOR PLAN	1225	SQ. FT.
TOTAL	**2167**	**SQ. FT.**
NET TOTAL (85% OF GROSS)	1842	**SQ. FT.**
2-CAR GARAGE	493	SQ. FT.
FRONT PORCH	131	SQ. FT.
5 BEDROOM / 3 BATHROOM		

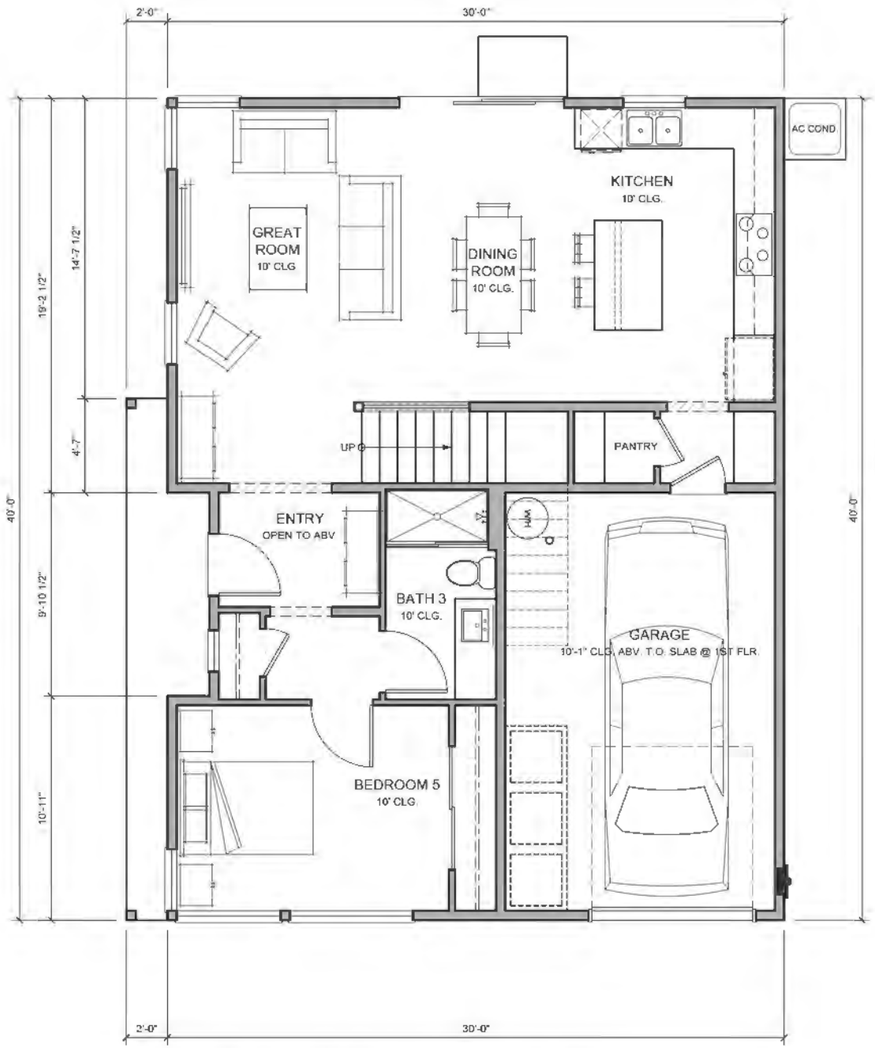
0 10
Scale (Feet)

Source: Dahlin Group, Inc. 2024.

Figure 5a
Residential Units (Plan 1)



PLAN 2 - SECOND FLOOR PLAN



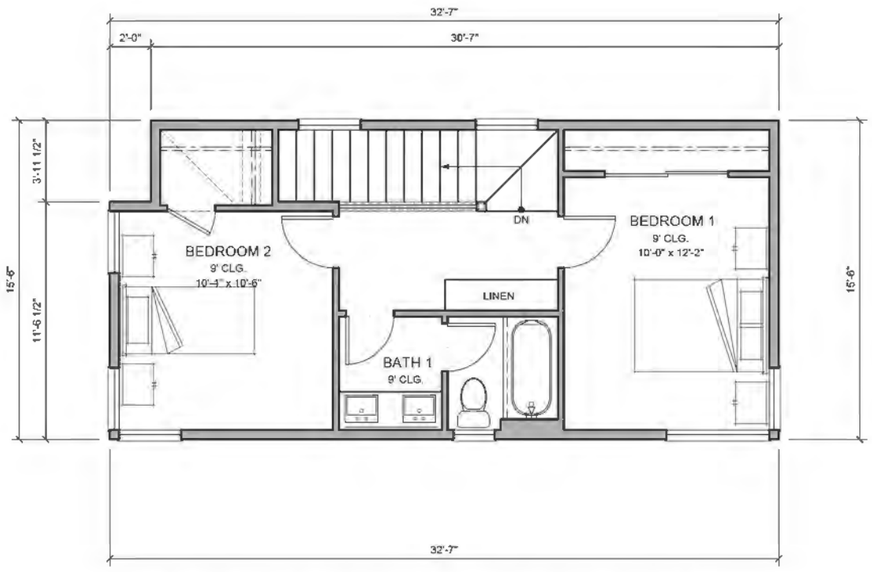
PLAN 2 - FIRST FLOOR PLAN

FLOOR AREA TABLE - PLAN 2 (2-STORY)		
VB - R3 - SFD - 2022 CRC	**NFPA-13D SPRINKLERS**	
***GROSS SQ. FOOTAGE**		
*SQUARE FOOTAGE TAKEN FROM OUTSIDE FACE OF STUD AT EXTERIOR WALL		
FIRST FLOOR PLAN	898	SQ. FT.
SECOND FLOOR PLAN	1074	SQ. FT.
TOTAL	**1972**	**SQ. FT.**
NET TOTAL (85% OF GROSS)	1676	**SQ. FT.**
1-CAR GARAGE	282	SQ. FT.
FRONT PORCH	56	SQ. FT.
5 BEDROOM / 3 BATHROOM		

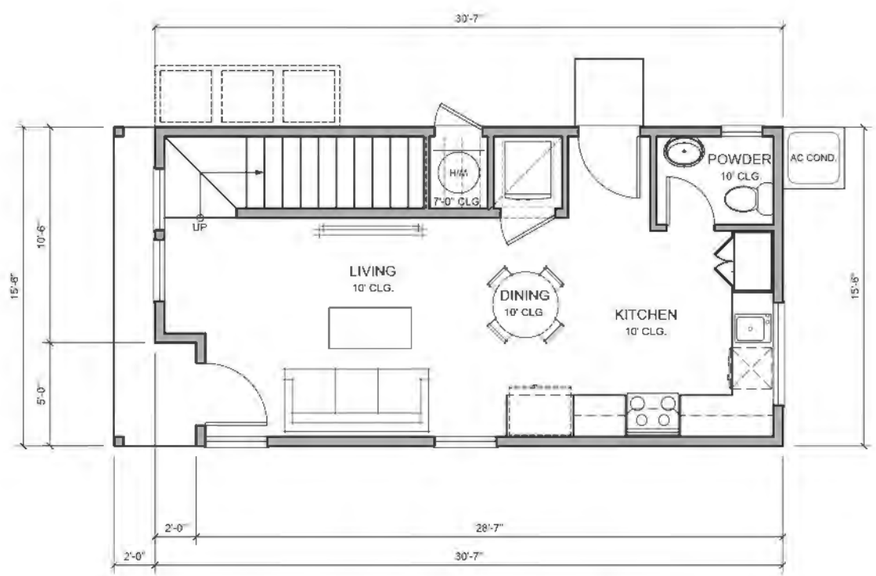
0 8
Scale (Feet)

Source: Dahlin Group, Inc. 2024.

Figure 5b
Residential Units (Plan 2)



PLAN 3 (ADU) - SECOND FLOOR PLAN



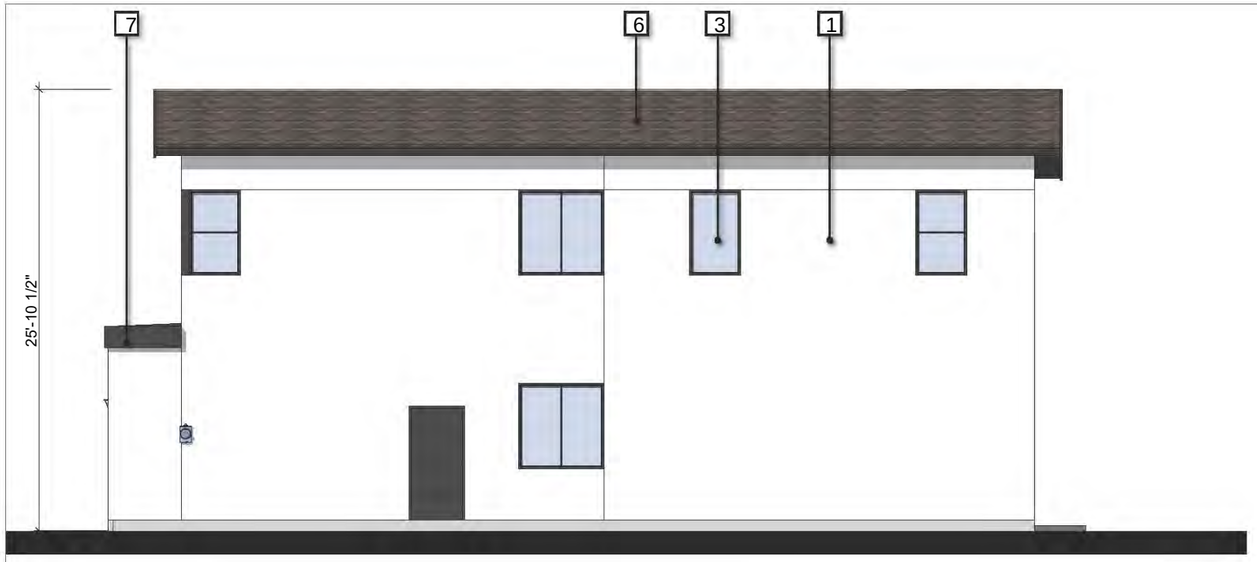
PLAN 3 (ADU) - FIRST FLOOR PLAN

FLOOR AREA TABLE - ADU (2-STORY)		
VB - R3 - SFD - 2022 CRC	NFPA-13D SPRINKLERS	
*GROSS SQ. FOOTAGE *SQUARE FOOTAGE TAKEN FROM OUTSIDE FACE OF STUD AT EXTERIOR WALL		
FIRST FLOOR PLAN	410	SQ. FT.
SECOND FLOOR PLAN	497	SQ. FT.
TOTAL	907	SQ. FT.
NET TOTAL (85% OF GROSS)	771	SQ. FT.
FRONT PORCH	33	SQ. FT.
2 BEDROOM / 1.5 BATHROOM		

0 8
Scale (Feet)

Source: Dahlin Group, Inc. 2024.

Figure 5c
Residential Units (Plan 3 – ADU)



PLAN 1 - ELEVATION STYLE A - RIGHT ELEVATION
1/4" = 1'-0"



PLAN 1 - ELEVATION STYLE A - FRONT ELEVATION
1/4" = 1'-0"



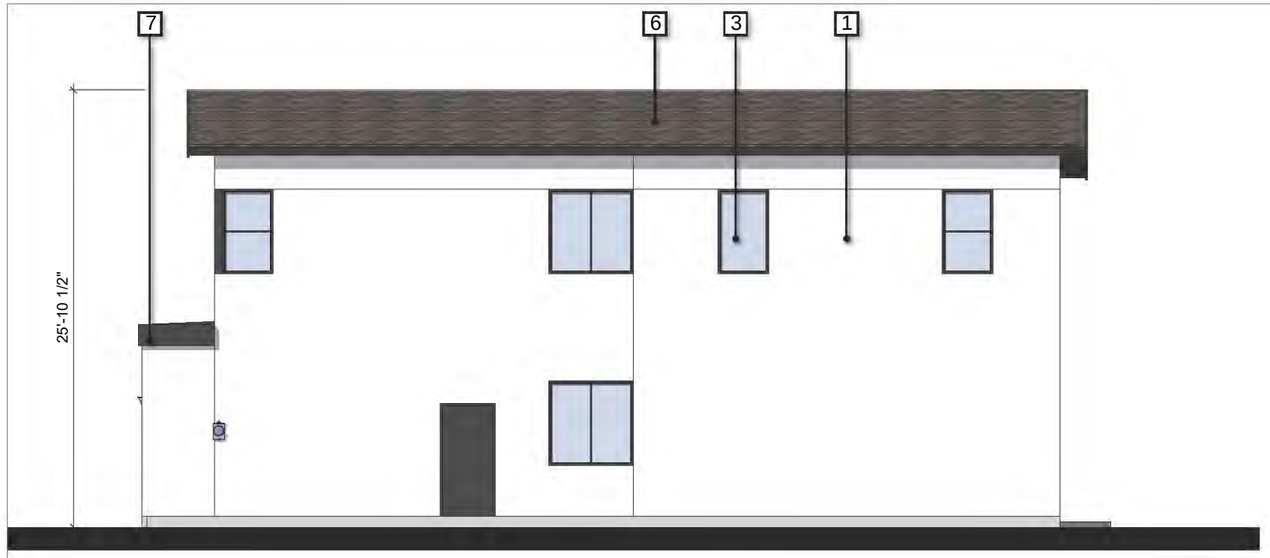
PLAN 1 - ELEVATION STYLE A - REAR ELEVATION
1/4" = 1'-0"



PLAN 1 - ELEVATION STYLE A - LEFT ELEVATION
1/4" = 1'-0"

Source: Dahlin Group, Inc. 2024.

Figure 6a
Building Design and Heights (Plan 1A)



PLAN 1 - ELEVATION STYLE B - RIGHT ELEVATION
1/4" = 1'-0"



PLAN 1 - ELEVATION STYLE B - FRONT ELEVATION
1/4" = 1'-0"



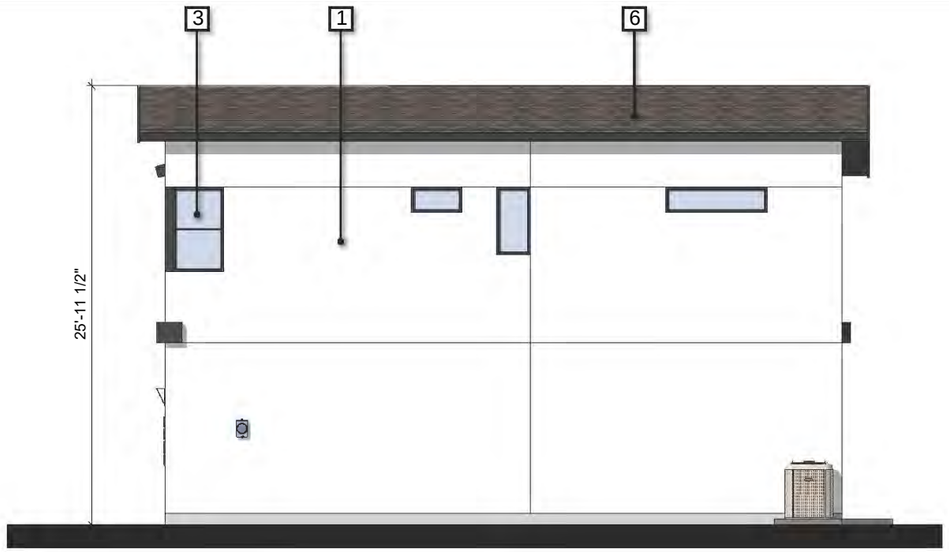
PLAN 1 - ELEVATION STYLE B - REAR ELEVATION
1/4" = 1'-0"



PLAN 1 - ELEVATION STYLE B - LEFT ELEVATION
1/4" = 1'-0"

Source: Dahlin Group, Inc. 2024.

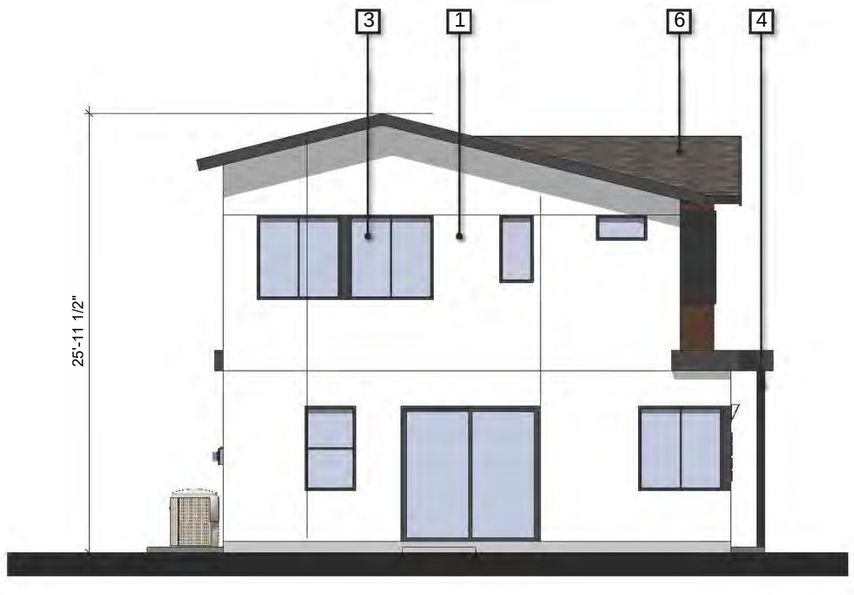
Figure 6b
Building Design and Heights (Plan 1B)



PLAN 2 - RIGHT ELEVATION
1/4" = 1'-0"



PLAN 2 - FRONT ELEVATION
1/4" = 1'-0"



PLAN 2 - REAR ELEVATION
1/4" = 1'-0"



PLAN 2 - LEFT ELEVATION
1/4" = 1'-0"

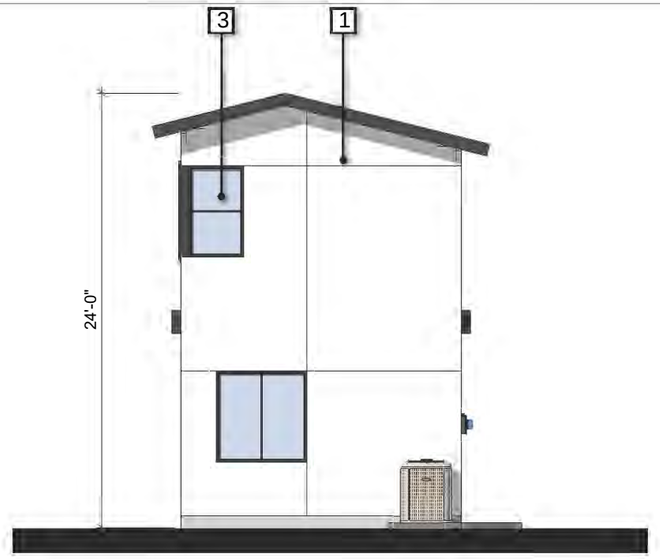
MATERIALS
1 STUCCO FINISH
2 HORIZONTAL SIDING
3 VINYL FRAME WINDOWS
4 WOOD POSTS
5 GARAGE DOOR
6 ASPHALT COMP ROOF
7 TPO ROOF
8 FOAM TRIM ENHANCEMENT

PLAN 2

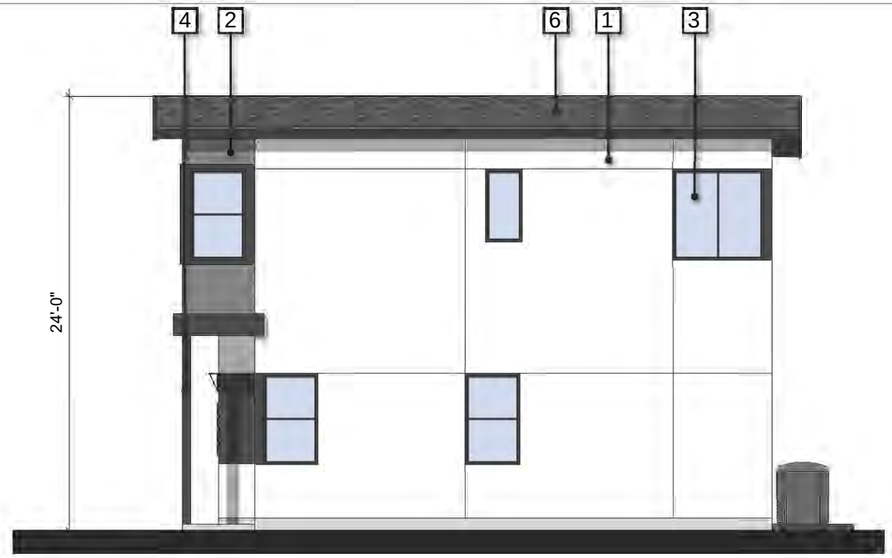
0 9
Scale (Feet)

Source: Dahlin Group, Inc. 2024.

Figure 6c
Building Design and Heights (Plan 2)



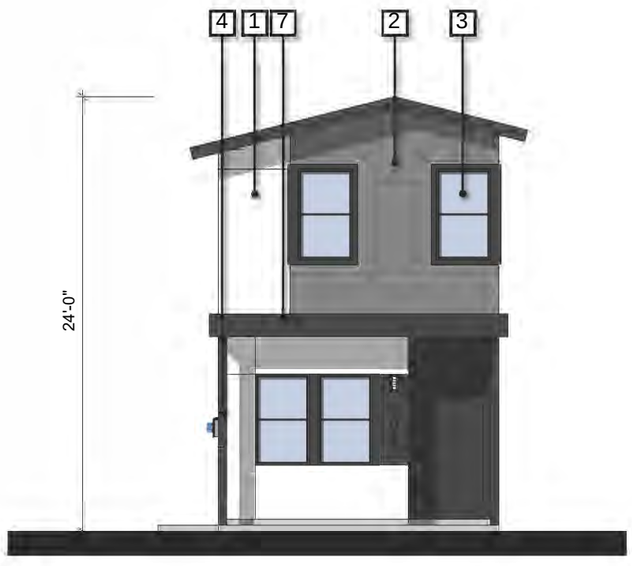
PLAN 3 (ADU) - RIGHT ELEVATION
1/4" = 1'-0"



PLAN 3 (ADU) - FRONT ELEVATION
1/4" = 1'-0"



PLAN 3 (ADU) - REAR ELEVATION
1/4" = 1'-0"



PLAN 3 (ADU) - LEFT ELEVATION
1/4" = 1'-0"

MATERIALS
1 STUCCO FINISH
2 HORIZONTAL SIDING
3 VINYL FRAME WINDOWS
4 WOOD POSTS
5 GARAGE DOOR
6 ASPHALT COMP ROOF
7 TPO ROOF
8 FOAM TRIM ENHANCEMENT

0 9
Scale (Feet)

Source: Dahlin Group, Inc. 2024.

Figure 6d
Building Design and Heights (Plan 3 – ADU)



PERSPECTIVE - VIEW 1



PERSPECTIVE - VIEW 2



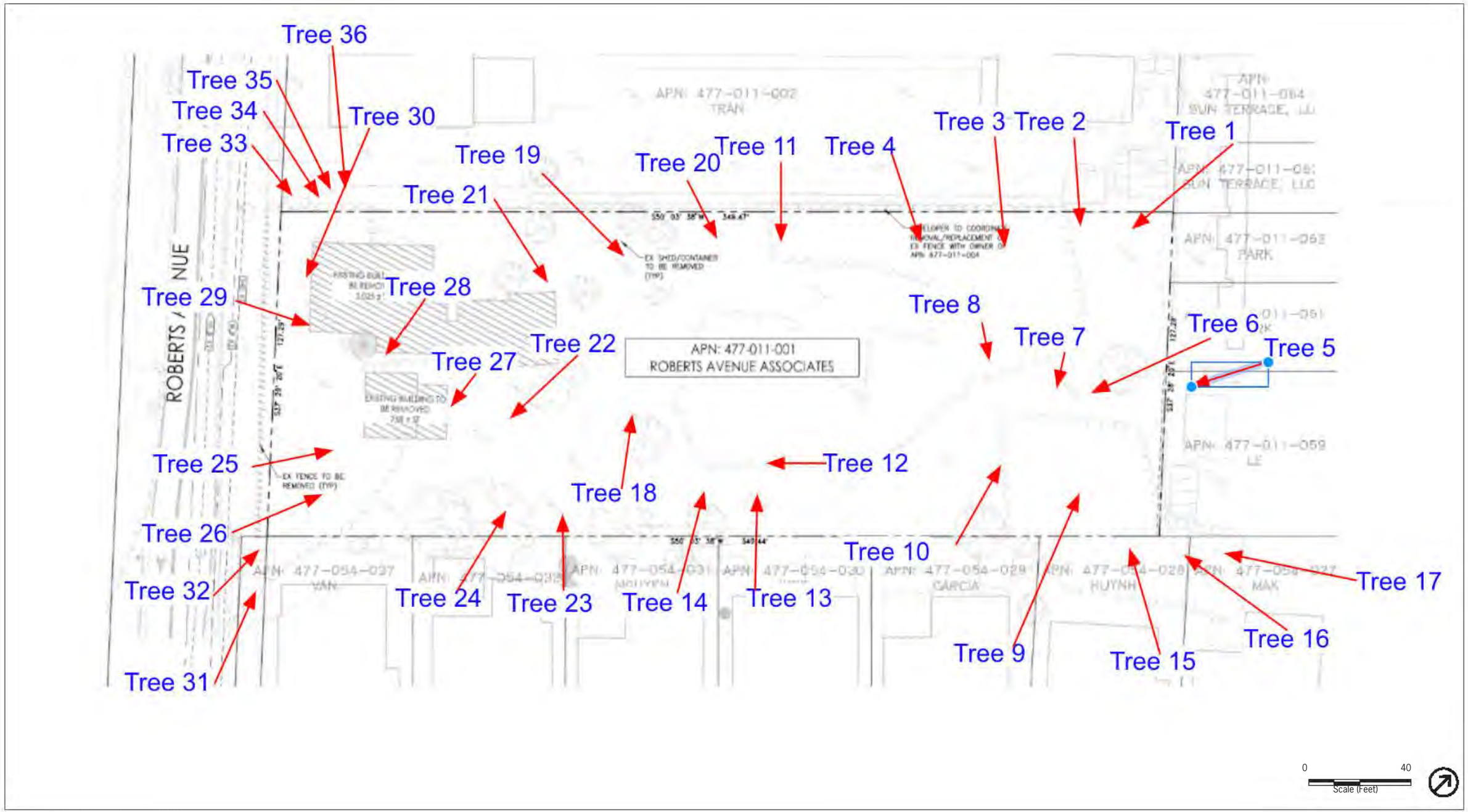
PERSPECTIVE - VIEW 3



STREETSCENE - VIEW 4

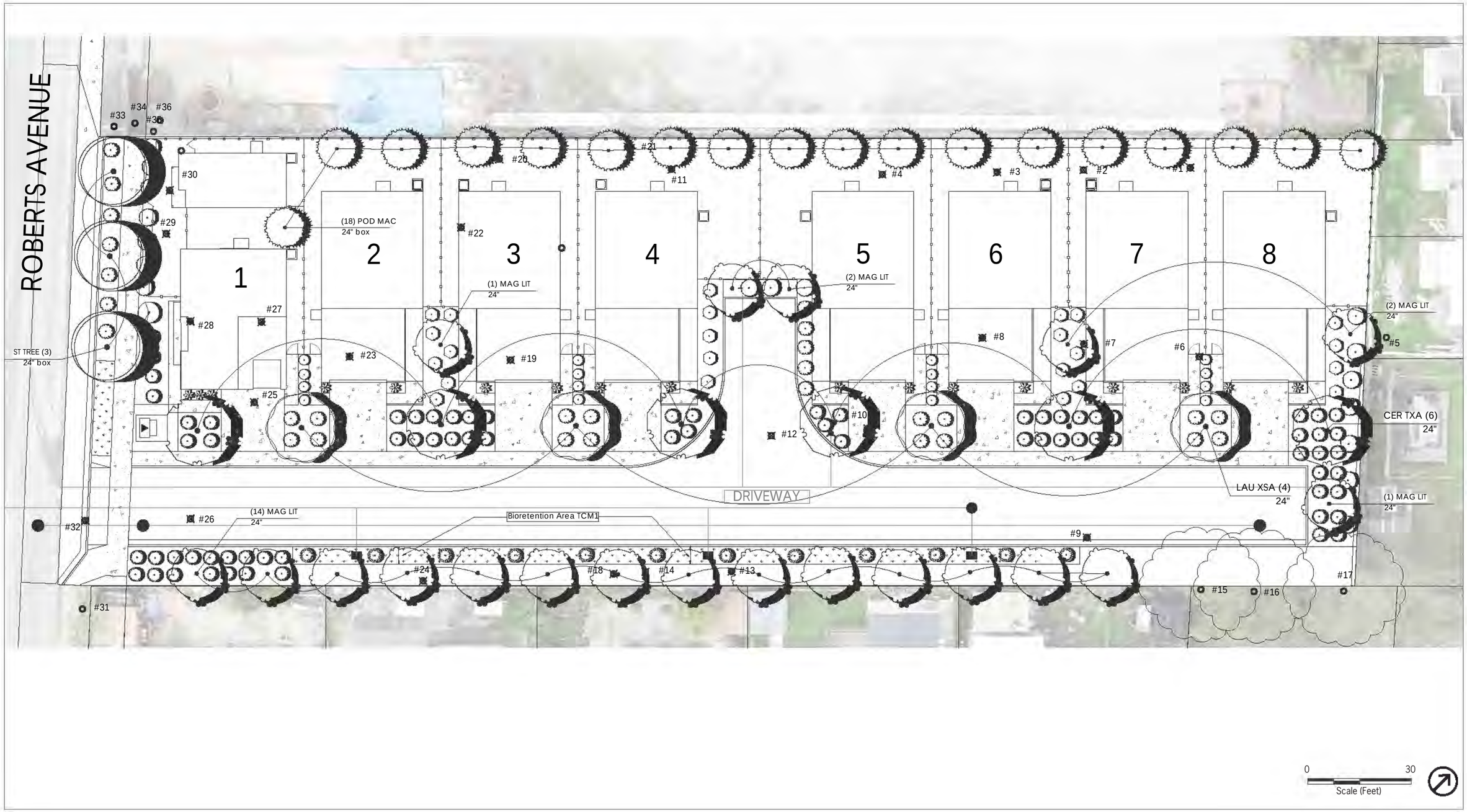
Source: Dahlin Group, Inc. 2024.

Figure 7
Architectural Renderings



Source: Kielty Arborist Services 2024.

Figure 8
Tree Removal Plan



Source: Greg G. Ing & Associates 2024.

Figure 9
Landscape Plan

2. Project Description

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2.2.5 Circulation and Parking

2.2.5.1 VEHICULAR ACCESS

Vehicular access to the project site would be provided via Roberts Avenue. The project site would include a new, 27-foot-wide private street along the southern portion of the site and a 20-foot-wide fire apparatus turn-around.

2.2.5.2 PARKING

The proposed project would include a total of 31 off-street parking spaces. Seven units at the project site would include four parking spaces per unit, including a private two-car garage and two-car driveway, And the final unit would include three parking spaces, including a private one-car garage and two-car driveway. The proposed project does not include any on-street parking.

2.2.6 Infrastructure Plan

Sewer lines, storm drains, and water lines for the proposed project would connect to existing infrastructure along Roberts Avenue. All infrastructure improvements would comply with City code requirements and standards. (See Figure 10, *Utility Infrastructure Plan*.)

2.2.6.1 POTABLE WATER

The San José Water Company provides water to the project site. The existing water system consists of a water line along the west of the project site that currently provides the domestic water and fire water connections to the project site. The proposed project would include domestic water lines that would connect to the existing water line on Roberts Avenue.

2.2.6.2 SEWER

The existing sewer system consists of an 8-inch sanitary sewer line along Roberts Avenue. The proposed project would provide sewer connections to the existing 8-inch line west of the project site along Roberts Avenue.

2.2.6.3 STORMWATER

Existing storm drains that serve the project site are along Roberts Avenue. These storm drains convey street drainage flows as well as runoff from the project site and the surrounding properties. The stormwater is collected via surface gutters and directed to the 18-inch storm drain line west of the project site along Roberts Avenue.

The proposed project would construct new 15-inch storm drain systems on the project site that would collect, treat, and convey stormwater to the existing storm drain system on Roberts Avenue to the west of the project site. The on-site stormwater systems would collect all runoff from the project site and convey it to the existing underground storm drain system (see Figure 11, *Stormwater Control Plan*).

2.3 PROJECT CONSTRUCTION

2.3.1 Proposed Demolition

The proposed project would require approximately 3,793 square feet of demolition for the removal of one existing single-family residence on the site.

2.3.2 Construction Schedule and Activities

Project construction would occur over approximately 24 months, currently anticipated to begin in summer 2025 and end in summer 2027. Construction would include the following activities: grading and excavation, trenching for site utilities and irrigation, building construction, architectural coatings, driveway and walkway construction, and landscaping improvements, including demolition and removal of building remains and existing single-family residence on-site. The construction schedule developed for the proposed project is considered conservative (i.e., it represents a "worst case" scenario).

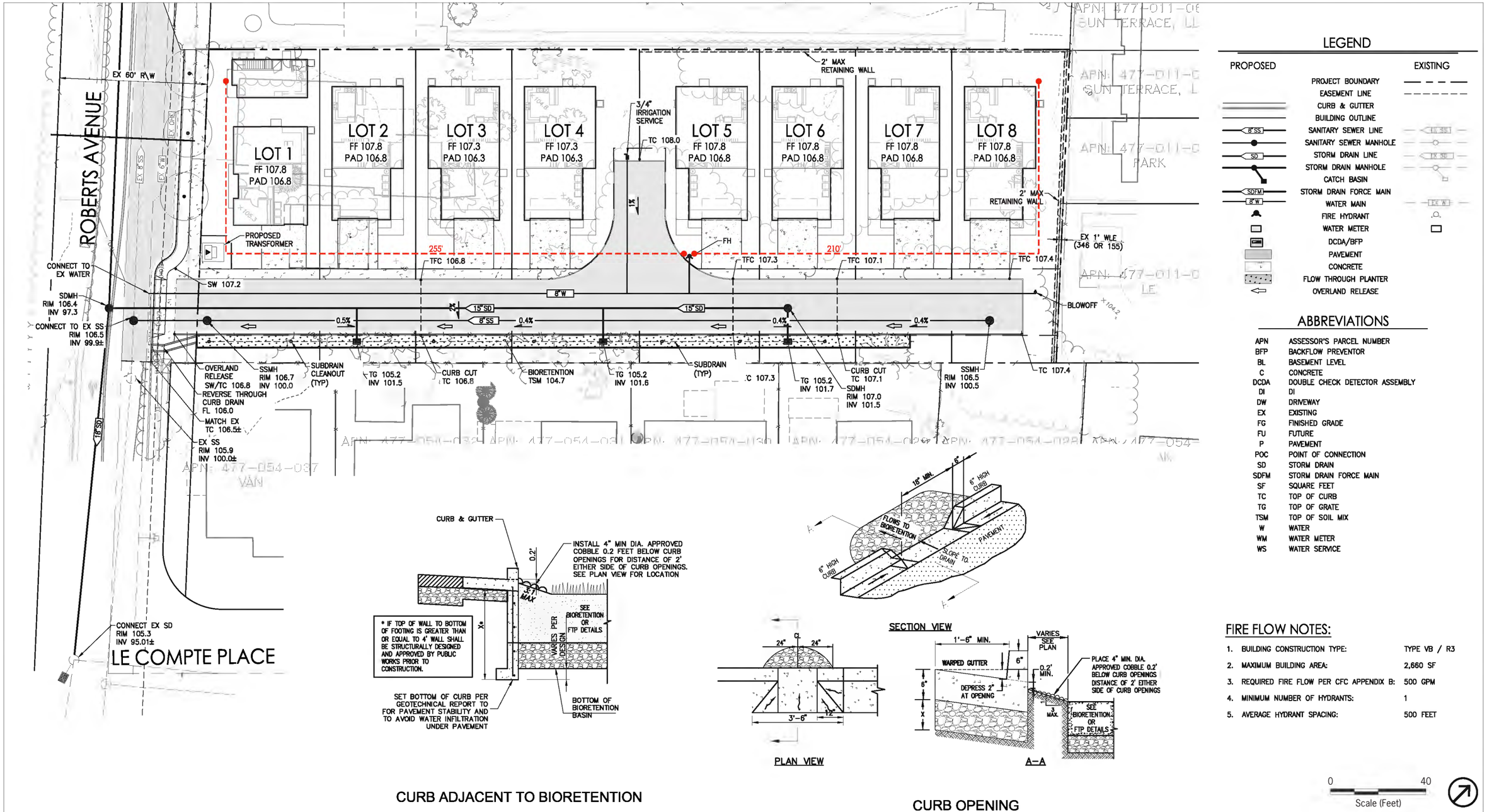
During construction, vehicles, equipment, and materials would be staged and stored on the project site. No long-term staging of equipment would occur around the perimeter of the project site, and no construction staging would occur in the public right-of-way. The construction site and staging areas would be clearly marked, and construction fencing would be installed to prevent disturbance and safety hazards. A combination of on- and off-site parking facilities for construction workers would be identified during construction.

Excavation would result in approximately 1,780 cubic yards of imported soil during site preparation, as shown in Table 1, *Soil Hauling during Construction*.

Table 1 Soil Hauling during Construction

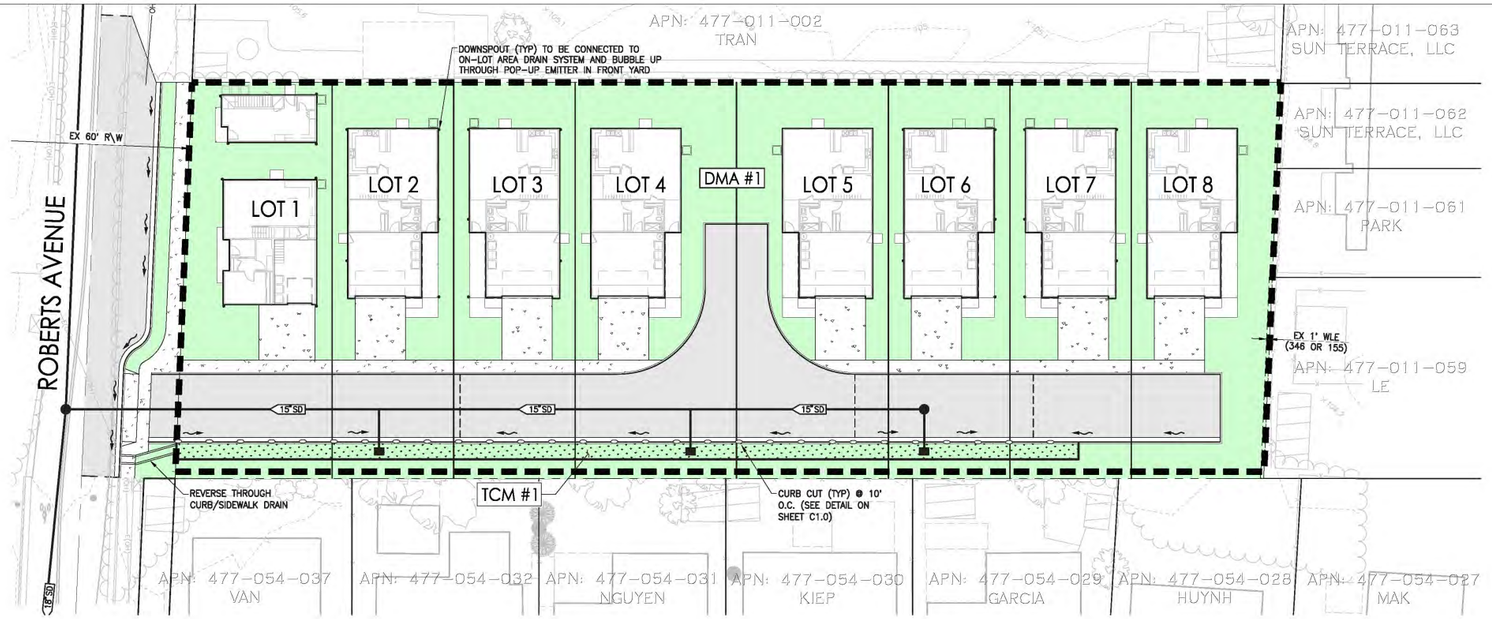
Construction Activity	Cut (Cubic Yards)	Fill (Cubic Yards)	Import Volume (Cubic Yards)
1190 Roberts Avenue	230	2,010	1,780

Source: Pan-Cal Corporation, 2024.



Source: Wood Rogers Inc. 2024.

Figure 10
Utility Infrastructure Plan



2. AREA DATA

2.a Enter the Project Phase Number (1, 2, 3, etc. or N/A if Not Applicable):	NA	
2.b Total area of site:	1.09	acres
2.c Total area of site that will be disturbed[1]:	1.09	acres

COMPARISON OF IMPERVIOUS AND PERVIOUS AREAS AT PROJECT SITE:

2.d IMPERVIOUS AREAS - IA[2]	Pre-Project Existing IA sq. ft.	Existing IA Retained As-Is[3] sq. ft.	Existing IA Replaced with IA[4] sq. ft.	New IA Created[4] sq. ft.	Total Post Project IA sq. ft.
Site Totals					
Total onsite IA	d.1 3650	d.2 0	d.3 3650	d.4 22350	d.5 (d.3+d.4) 26000
Total off-site IA[2]	d.6 1190	d.7 0	d.8 1190	d.9 1850	d.10 (d.7+d8+d.9) 3040
Total project IA	d.11 (d.1+d.6) 4840	d.12 (d.2 +d.7) 0	d.13 (d.3 +d.8) 4840	d.14 (d.4 +d.9) 24200	d.15 (d.5 +d.10) 29040
Total New and Replaced IA			d.16 (d.13+d.14) 29040		
Percent Replacement of onsite IA in Redevelopment Projects (d.3÷d.1) x 100:					d.17 100 %

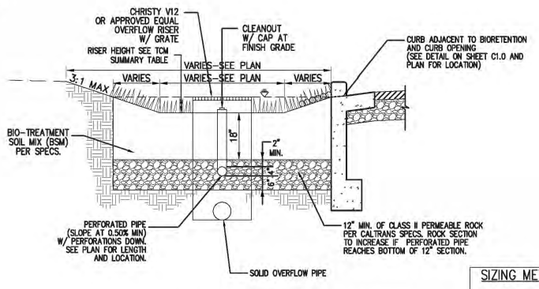
2.e PERVIOUS AREAS - PA[5]	Pre-Project Existing PA sq. ft.	Total Post Project PA sq. ft.
Total on-site PA	e.1 39910	e.2 17960
Total off-site PA	e.4 2695	e.5 445
Total PA[5]	e.6 (e.1+e.3) 42605	e.7 (e.2+e.4) 18405
2.f Total Area (IA + PA)	f.1 (d.11 +e.5) 47,445	f.2 (d.15 +e.6) 47,445

TABLE 1
ROUTINE MAINTENANCE ACTIVITIES FOR BIORETENTION AREAS

NO.	MAINTENANCE TASK	FREQUENCY OF TASK
1	REMOVE OBSTRUCTIONS, WEEDS, DEBRIS AND TRASH FROM BIORETENTION AREA AND ITS INLETS AND OUTLETS; AND DISPOSE OF PROPERLY.	QUARTERLY, OR AS NEEDED AFTER STORM EVENTS
2	INSPECT BIORETENTION AREA FOR STANDING WATER. IF STANDING WATER DOES NOT DRAIN WITHIN 2-3 DAYS, TILL AND REPLACE THE SURFACE BIOTREATMENT SOIL WITH THE APPROVED SOIL MIX AND REPLANT.	QUARTERLY, OR AS NEEDED AFTER STORM EVENTS
3	CHECK UNDERDRAINS FOR CLOGGING. USE THE CLEANOUT RISER TO CLEAN ANY CLOGGED UNDERDRAINS.	QUARTERLY, OR AS NEEDED AFTER STORM EVENTS
4	MAINTAIN THE IRRIGATION SYSTEM AND ENSURE THAT PLANTS ARE RECEIVING THE CORRECT AMOUNT OF WATER (IF APPLICABLE).	QUARTERLY
5	ENSURE THAT THE VEGETATION IS HEALTHY AND DENSE ENOUGH TO PROVIDE FILTERING AND PROTECT SOILS FROM EROSION. PRUNE AND WEED THE BIORETENTION AREA. REMOVE AND/OR REPLACE ANY DEAD PLANTS.	ANNUALLY, BEFORE THE WET SEASON BEGINS
6	USE COMPOST AND OTHER NATURAL SOIL AMENDMENTS AND FERTILIZERS INSTEAD OF SYNTHETIC FERTILIZERS, ESPECIALLY IF THE SYSTEM USES AN UNDERDRAIN.	ANNUALLY, BEFORE THE WET SEASON BEGINS
7	CHECK THAT MULCH IS AT APPROPRIATE DEPTH (2 - 3 INCHES PER SOIL SPECIFICATIONS) AND REPLENISH AS NECESSARY BEFORE WET SEASON BEGINS. IT IS RECOMMENDED THAT 2" – 3" OF ARBOR MULCH BE REAPPLIED EVERY YEAR.	ANNUALLY, BEFORE THE WET SEASON BEGINS
8	INSPECT THE ENERGY DISSIPATION AT THE INLET TO ENSURE IT IS FUNCTIONING ADEQUATELY, AND THAT THERE IS NO SCOUR OF THE SURFACE MULCH. REMOVE ACCUMULATED SEDIMENT.	ANNUALLY, BEFORE THE WET SEASON BEGINS
9	INSPECT OVERFLOW PIPE TO ENSURE THAT IT CAN SAFELY CONVEY EXCESS FLOWS TO A STORM DRAIN. REPAIR OR REPLACE DAMAGED PIPING.	ANNUALLY, BEFORE THE WET SEASON BEGINS
10	REPLACE BIOTREATMENT SOIL AND MULCH, IF NEEDED. CHECK FOR STANDING WATER, STRUCTURAL FAILURE AND CLOGGED OVERFLOWS. REMOVE TRASH AND DEBRIS. REPLACE DEAD PLANTS.	ANNUALLY AT THE END OF THE RAINY SEASON, AND/OR AFTER LARGE STORM EVENTS
11	INSPECT BIORETENTION AREA USING THE ATTACHED INSPECTION CHECKLIST.	ANNUALLY, BEFORE THE WET SEASON

LEGEND

- DRAINAGE MANAGEMENT AREA (DMA) BOUNDARY
- DMA #1 — DRAINAGE MANAGEMENT AREA ID
- TCM #1 — TREATMENT CONTROL MEASURE ID
- BIORETENTION
- SD — STORM DRAIN LINE
- PERVIOUS AREA
- CONCRETE
- DOWNSPOUT
- CURB CUT



BIORETENTION BASIN W/O LINER

SIZING METHOD: 4%

N.T.S.

OPERATION AND MAINTENANCE INFORMATION:

I. PROPERTY INFORMATION:

I.A. PROPERTY ADDRESS:
1190 ROBERTS AVENUE
SAN JOSE, CA

I.B. PROPERTY OWNER:
ROBERTS AVENUE ASSOCIATES
4125 BLACKFORD AVE. SUITE 200
SAN JOSE, CA 95117
DAVID CHUI

II. RESPONSIBLE PARTY FOR MAINTENANCE:

II.A. CONTACT:
DAVID CHUI, PANCAL CORPORATION

II.B. PHONE NUMBER OF CONTACT:
408-248-6600

II.C. EMAIL:
DSCHUI@PANCAL.COM

II.D. ADDRESS:
4125 BLACKFORD AVENUE#200
SAN JOSE, CA 95117

PROJECT SITE INFORMATION:

1. SOILS TYPE: URBAN LAND - ELPALOALTO COMPLEX
2. GROUND WATER DEPTH: 10'-20'
3. NAME OF RECEIVING BODY: COYOTE CREEK
4. FLOOD ZONE: ZONE D
5. FLOOD ELEVATION (IF APPLICABLE): N/A

SOURCE CONTROL MEASURES:

1. BENEFICIAL LANDSCAPING.
2. USE OF WATER EFFICIENT IRRIGATION SYSTEMS.
3. MAINTENANCE (PAVEMENT SWEEPING, CATCH BASIN CLEANING, GOOD HOUSEKEEPING).
4. STORM DRAIN LABELING.

SITE DESIGN MEASURES:

1. PROTECT EXISTING TREES, VEGETATION, AND SOIL.
2. CREATE NEW PERVIOUS AREAS:
   a. LANDSCAPING
2. DIRECT RUNOFF FROM ROOFS, SIDEWALKS, PATIOS TO LANDSCAPED AREAS.
3. PLANT TREES ADJACENT TO AND IN PARKING AREAS AND ADJACENT TO OTHER IMPERVIOUS AREAS.
4. PARKING:
   a. NOT PROVIDED IN EXCESS OF CODE.

BIORETENTION & FLOW-THROUGH PLANTER NOTES:

1. SEE GRADING PLAN FOR BASIN FOOTPRINT AND DESIGN ELEVATIONS.
2. PLACE 3 INCHES OF COMPOSTED, NON-FLOATABLE MULCH IN AREAS BETWEEN STORMWATER PLANTINGS AND SIDE SLOPES.
3. SEE LANDSCAPE PLAN FOR MULCH, PLANT MATERIALS AND IRRIGATION REQUIREMENTS
4. CURB CUTS SHALL BE A MINIMUM 18" WIDE AND SPACED AT MAXIMUM 10' O.C. INTERVALS AND SLOPED TO DIRECT STORMWATER TO DRAIN INTO THE BASIN. CURB CUTS SHALL ALSO NOT BE PLACED INLINE WITH OVERFLOW CATCH BASIN. SEE GRADING PLAN FOR MORE DETAIL ON LOCATIONS OF CURB CUTS.
5. A MINIMUM 0.2' DROP BETWEEN STORM WATER ENTRY POINT (I.E. CURB OPENING, FLUSH CURB, ETC.) AND ADJACENT LANDSCAPE FINISHED GRADE.
6. DO NOT COMPACT NATIVE SOIL / SUBGRADE AT BOTTOM OF BASIN. LOOSEN SOIL TO 12" DEPTH.

BIOTREATMENT SOIL REQUIREMENTS

- BIORETENTION SOIL MIX SHALL MEET THE REQUIREMENTS AS OUTLINED IN APPENDIX C OF THE C.3 STORM WATER HANDBOOK AND SHALL BE A MIXTURE OF FINE SAND AND COMPOST MEASURED ON A VOLUME BASIS OF 60-70% SAND AND 30-40% COMPOST. CONTRACTOR TO REFER TO APPENDIX C FOR SAND AND COMPOST MATERIAL SPECIFICATIONS. CONTRACTOR MAY OBTAIN A COPY OF THE C3 HANDBOOK AT : HTTP://WWW.SANJOSECA.GOV/INDEX.ASPX?NID=1761
- PRIOR TO ORDERING THE BIOTREATMENT SOIL MIX OR DELIVERY TO THE PROJECT SITE, CONTRACTOR SHALL PROVIDE A BIOTREATMENT SOIL MIX SPECIFICATION CHECKLIST, COMPLETED BY THE SOIL MIX SUPPLIER AND CERTIFIED TESTING LAB.

STANDARD STORMWATER CONTROL NOTES

- STANDING WATER SHALL NOT REMAIN IN THE TREATMENT MEASURES FOR MORE THAN FIVE DAYS, TO PREVENT MOSQUITO GENERATION. SHOULD ANY MOSQUITO ISSUES ARISE, CONTACT THE SANTA CLARA VALLEY YECTION CONTROL DISTRICT (DISTRICT). MOSQUITO LARVICIDES SHALL BE APPLIED ONLY WHEN ABSOLUTELY NECESSARY, AS INDICATED BY THE DISTRICT, AND THEN ONLY BY A LICENSED PROFESSIONAL OR CONTRACTOR. CONTACT INFORMATION FOR THE DISTRICT IS PROVIDED BELOW.

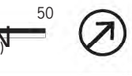
  WEBSITE: HTTPS://VECTOR.SCCGOV.ORG/HOME

  PHONE: (408) 918-4772
- DO NOT USE PESTICIDES OR OTHER CHEMICAL APPLICATIONS TO TREAT DISEASED PLANTS. CONTROL WEEDS OR REMOVED UNWANTED GROWTH. EMPLOY NON-CHEMICAL CONTROLS (BIOLOGICAL, PHYSICAL AND CULTURAL CONTROLS) TO TREAT A PEST PROBLEM. PRUNE PLANTS PROPERLY AND AT THE APPROPRIATE TIME OF YEAR. PROVIDE ADEQUATE IRRIGATION FOR LANDSCAPE PLANTS. DO NOT OVER WATER.

TREATMENT CONTROL MEASURE SUMMARY TABLE

DMA #	TCM #	Location[1]	Treatment Type[2]	LID or Non-LID	Sizing Method	Drainage Area (s.f.)	Impervious Area[4] (s.f.)	Pervious Area (Permeable Pavement) (s.f.)	Pervious Area (Other) (s.f.)	% Onsite Area Treated by LID or Non-LID TCM	Bioretention			Self Retaining / Treating		Media Filter					Comments
											Bioretention Area Required (s.f.)	Bioretention Area Provided (s.f.)	Overflow Riser Height (in)	Storage Depth Required (ft)	Storage Depth Provided (ft)	# of Cartridges Required	# of Cartridges Provided	Media Type	Cartridge Height (inches)	Treatment Credit (s.f.)	
1	1	Onsite	Bioretention unlined w/ underdrain	LID	2C. Flow: 4% Method **	47,445	29,040	0	18,405	100.00%	1,235	1,300	6	-	-	-	-	-	-	-	
					Totals:	47,445	29,040	0	18,405	100.00%											

Footnotes:
1 Per the Municipal Regional Stormwater Permit, sidewalks and other parts of the right of way should be included in the new and/or replaced impervious surface calculation and treated as required
2 "Lined" refers to an impermeable liner placed on the bottom of a Bioretention basin or a concrete Flow-Through Planter, such that no infiltration into native soil occurs
3 Sizing for Bioretention Area Required calculated using the 4% Method ((Impervious Area + (Pervious Area x 0.1)) x 0.04)



STORM WATER CONTROL PLAN

Source: Wood Rogers Inc. 2024.

Figure 11
Stormwater Control Plan

2.4 PROJECT APPROVALS

Implementation of the proposed project would require the following discretionary and ministerial project approvals from the City of San José.

This Initial Study will serve as the primary environmental document for all future actions associated with the proposed project, including any discretionary approvals requested or required to implement the proposed project. The City of San José is the lead agency under CEQA and has the principal approval authority over the proposed project. In order to implement the proposed project, the approvals outlined in Table 2, *Permits and Approvals*, are anticipated to be required.

Table 2 Permits and Approvals

Lead Agency	Action
City of San José	■ Adoption of the IS/MND ■ Approval of Planned Development Rezoning ■ Approval of the Planned Development Permit ■ Fire Department approval of building and emergency access plans for compliance with Fire Code ■ Issuance of construction permits

Source: PlaceWorks, 2025.

2. Project Description

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3. Environmental Checklist

3.1 PROJECT INFORMATION

1. **Project Title:** 1190 Roberts Avenue Residential Development Project

2. **Lead Agency Name and Address:**
   City of San José
   200 East Santa Clara Street, 3rd Floor
   San José, CA 95113

3. **Contact Person and Phone Number:**
   Cort Hitchens, Planner III
   408-794-7386

4. **Project Location:** 1190 Roberts Avenue, San José, CA 95122

5. **Project Sponsor's Name and Address:**
   David S. Chui
   Pan-Cal Corporation
   4125 Blackford Avenue #200
   San José, CA 95117

6. **General Plan Designation:** Residential Neighborhood (RN)

7. **Zoning:** Single-Family Residential (Up to Eight Dwelling Units per Acre) (R-1-8)

8. **Description of Project:** The proposed project would include two components: (1) the rezoning of the project site parcel, (2) the construction of a new residential development at 1190 Roberts Avenue An existing single-family residence at 1190 Roberts Avenue would be demolished and removed as part of the proposed project. The project site would include eight new single-family residences with private garages and on-site parking spaces. The project site would include a new private residential street that would be accessible via Roberts Avenue.

9. **Surrounding Land Uses and Setting:** The project site is surrounded by properties to the east, north, and south that have a General Plan land use designation of RN and are zoned R-1-8; one property to the east is zone Planned Development (A(PD)).

10. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.94 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

The City of San José invited California Native American tribes that are traditionally and culturally affiliated with the project area to consult on the proposed project via email. Four tribes were contacted, consistent with Assembly Bill 52. The four tribes contacted were Tamien Nation, Muwekma, Indian Canyon Band of Costanoan People, and Ohlone Indian Tribe. The proposed project was discussed with representatives of the Tamien Nation at a regularly scheduled meeting between the City and the Tamien Nation on November 21, 2024. The AB 52 consultation process did not result in any requests or recommendations to be incorporated into the project, and the AB 52 process with the Tamien Nation was closed on June 23, 2025. No additional responses were received from any other tribes.

3.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The key environmental factors potentially impacted by the project are identified below and discussed in Chapter 4, *Environmental Analysis*.

- Aesthetics
- Agriculture/Forestry
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology/Water
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities/Service Systems
- Wildfire
- Mandatory Findings of Significance

3.3 EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-than-Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a) Earlier Analyses Used. Identify and state where they are available for review.

    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c) Mitigation Measures**.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

    a) the significance criteria or threshold, if any, used to evaluate each question; and

    b) the mitigation measure identified, if any, to reduce the impact to less than significance.

4. Environmental Analysis

This section provides checklists for environmental impacts, an evaluation of the impact questions in the checklists, and mitigation measures to reduce impacts if necessary.

4.1 AESTHETICS

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?			**X**	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?				**X**
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			**X**	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			**X**	

Would the project:

a) Have a substantial adverse effect on a scenic vista?

Less-than-Significant Impact. A scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape feature (e.g., a mountain range, lake, or coastline) or of a significant historic or architectural feature (e.g., views of a historic structure). The Santa Cruz Mountains are visible throughout the city. However, all buildings of the proposed project would be two stories, with maximum building heights of 25 feet, 11.5 inches. Proposed building heights would be consistent with those in the existing neighborhood. Thus, the project would not substantially obstruct views of the Santa Cruz Mountains from

the project vicinity, which are already limited due to the site topography and surrounding urban development. Therefore, the proposed project would have a less-than-significant impact on scenic vistas.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

No Impact. The nearest State-designated scenic highway to the project site is State Route 9 (SR-9) (post mile 7.5 to 10.8), approximately 10 miles southwest of the project site. I-280 is designated as eligible and is approximately 4.5 miles west of the project site.[2] Due to the distance from these highways and urban surroundings of the project site, the project site is not visible from these highways. Therefore, the proposed project would not substantially degrade scenic resources within a State scenic highway and no impact would occur.

c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less-than-Significant Impact. The project site is in an urbanized area that is currently zoned Single-Family Residential (up to eight dwelling units per acre) (R-1-8) and has a General Plan land use designation of Residential Neighborhood (RN).[3] The proposed project would include rezoning of the project site, from Single-Family Residential (R-1-8) to Planned Development (R-1-8 Low to Medium Residential Based District) (R-1-8[PD])). The project site contains one single-family residence. The proposed project would allow residential development and landscaped areas that would improve the project site and complement the surrounding uses. The project site is in a developed area and primarily surrounded by residential development. The proposed project would have a maximum building height of 25 feet, 11.5 inches, and would be similar in height to the neighborhood development that surrounds the project site. The proposed project would also incorporate landscape and lighting guidelines that would support the aesthetics of the development.

Further, the proposed project would be consistent with relevant goals and policies in the Community Design section of the Quality of Life chapter of the City's General Plan:[4]

- **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.

[2] California Department of Transportation, California State Scenic Highway System Map, 2018, accessed October 7, 2024.

[3] City of San José, 2023, Envision San José 2040 General Plan.

[4] City of San José, 2023, Envision San José 2040 General Plan, Chapter 4, *Quality of Life*.

- **CD-1.13.** Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
- **CD-1.24.** 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-4.1.** Maintain and update design guidelines adopted by the City and abide by them in the development of projects.
- **CD-8.** Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/ Transportation Diagram provide an indication of the typical number of stories expected for new development, however specific height limitations for buildings and structures in San José are not identified in the Envision General Plan.

Implementation of the proposed project would result in eight two-story, single-family residential buildings that would integrate with the surrounding community and would not change the scenic quality of the currently urbanized area. Therefore, impacts to visual character or quality would be less than significant.

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

Less-than-Significant Impact. Nighttime illumination and glare impacts are the effects of a development's exterior lighting on adjoining uses and areas. Light reflecting off passing cars and large expanses of glazing (i.e., glass windows) or other reflective surfaces can generate glare. Excessive light and/or glare can impair vision, cause annoyance, affect sleep patterns, and generate safety hazards for drivers. Sources of light and glare are abundant in the urban environment of the immediate project area and include streetlights, parking lot lighting, security lights, vehicular headlights, and reflective building surfaces and windows.

The proposed project would incrementally increase light and glare in the area due to increasing the number of windows and similarly reflective surfaces on the project site. The proposed project would include lighting typical of residential development, such as outdoor, landscape, and accent lighting. All outdoor lighting would comply with City of San José lighting requirements and policies that require energy-efficient outdoor lighting that is fully shielded and aimed downward. The design and construction of the proposed project would follow these policies, would be subject to the City's design review process, and would match the light and glare existing in the neighborhood. Therefore, light and glare impacts would be less than significant.

4.2 AGRICULTURE AND FORESTRY RESOURCES

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
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))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
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?				X

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?

No Impact. The proposed project has a land use designation of Residential Neighborhood (RN). According to the California Department of Conservation, most of the city, including the project site, is mapped as

Urban and Built-Up Land in the California Important Farmland Finder.[5] The nearest designated farmland is mapped as Prime Farmland and located approximately 5 miles south of the project site. The project site is located adjacent to Kelley Park, which is designated as Other Land; however, all project improvements would occur within the project site, and would not encroach on Kelley Park. Therefore, no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be converted to nonagricultural use, and no impact would occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is currently zoned as Single Family Residential (Up to Eight Dwelling Units per Acre) (R-1-8).[6] The project is on Urban and Built-Up Land and not zoned for agricultural use. Williamson Act contracts restrict the use of privately owned land to agriculture and compatible open space uses under contract with local governments; in exchange, the land is taxed based on actual use rather than potential market value. There is no Williamson Act contract in effect on the project site; therefore, no impact would occur.

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))?

No Impact. As described above, the project site is currently zoned for Single Family Residential (R-1-8) use. The proposed project is an urbanized portion of the city and does not contain any forest lands or timberland near the project site. Therefore, project development would not conflict with existing zoning for forest land, timberland, or timberland production, and no impact would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. Construction of the proposed project would not result in the loss or conversion of forest land. No vegetation on-site is cultivated for forest resources, and the project site is not within any U.S. Department of Agriculture forest land.[7] No forest land would be affected by the proposed project; therefore, no impact would occur.

[5] California Department of Conservation, California Important Farmland Finder, 2022, accessed November 11, 2024.

[6] City of San José, 2023, Environmental Services.

[7] US Department of Agriculture, Map Finder, 2024, accessed November 11, 2024.

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?

No Impact. No Farmland or forest land is on or near the project site. The proposed project is located within Urban and Built-Up Land, and the closest designated prime farmland is located approximately 5 miles south.[8] Thus, the proposed project would not result in the conversion of farmland to a nonagricultural use or conversion of forest land to non-forest use. Therefore, no impact would occur.

[8] California Department of Conservation, California Important Farmland Finder, 2022, accessed November 2024.

4.3 AIR QUALITY

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
III. AIR QUALITY. 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 following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?		X		
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

The analysis in this section is based in part on the following studies, which are in Appendix A and Appendix B, respectively, of this Initial Study.

- *Air Quality and Greenhouse Gas Emissions Data*, PlaceWorks, May 2025
- *Construction Health Risk Assessment,* PlaceWorks, November 2024

Would the project:

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

Less-than-Significant Impact. The Bay Area Air District (Air District) is directly responsible for reducing emissions from area, stationary, and mobile sources in the San Francisco Bay Area Air Basin (SFBAAB) to achieve national and California Ambient Air Quality Standards. The Air District's 2017 Clean Air Plan is a regional and multiagency effort to reduce air pollution in the SFBAAB. A consistency determination with the air quality management plan plays an important role in local agency project review by linking local planning and individual projects to the 2017 Clean Air Plan. It fulfills the CEQA goal of informing decision makers of the environmental efforts of the project under consideration early enough to ensure that air quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to the clean air goals in the 2017 Clean Air Plan.

The regional emissions inventory for the SFBAAB is compiled by the Air District. Regional population, housing, and employment projections developed by the Association of Bay Area Governments (ABAG) are based, in part, on cities' general plan land use designations. These projections form the foundation for the emissions inventory of the 2017 Clean Air Plan. These demographic trends are incorporated into Plan Bay Area, compiled by ABAG and the Metropolitan Transportation Commission (MTC) to determine priority transportation projects and vehicle miles traveled in the Bay Area. The 2017 Clean Air Plan strategy is based on projections from local general plans. Projects that are consistent with the local general plan are considered consistent with the air quality–related regional plan. Large projects that exceed regional employment, population, and housing planning projections have the potential to be inconsistent with the regional inventory compiled as part of the 2017 Clean Air Plan.

The proposed single-family residential uses would be consistent with the Residential Neighborhood land use designation of the General Plan. Additionally, under CEQA Guidelines Section 15206,[9] the proposed project is not considered a regionally significant project that would affect regional vehicle miles traveled (VMT) and warrant intergovernmental review by ABAG and MTC. As stated in Section 4.14, *Population and Housing*, of this Initial Study, the proposed project would serve the existing community and not induce substantial unplanned population growth. Lastly, the proposed project would not generate operation emissions that would exceed the Air District's emissions thresholds (see impact discussion in Section 4.3(b)). These thresholds are established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Because the proposed project would not exceed these thresholds, the proposed project would not be considered by the Air District to be a substantial emitter of criteria air pollutants. Therefore, the proposed project would not conflict with or obstruct implementation of the 2017 Clean Air Plan, and impacts would be less than significant.

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

Less-than-Significant Impact. The following describes project-related impacts from regional short-term construction activities and regional long-term operation of the proposed project.

Regional Short-Term Construction Impacts

Construction activities produce combustion emissions from various sources, such as on-site heavy-duty construction vehicles, vehicles hauling materials to and from the site, and motor vehicles transporting the construction crew. Construction activities produce course fugitive dust (PM_{10}) and fine fugitive dust ($PM_{2.5}$) emissions from demolition and soil-disturbing activities, such as grading and excavation. Air pollutant emissions from construction activities on-site would vary daily as construction activity levels change. Construction activities associated with the proposed project would result in emissions of volatile organic

[9] Pursuant to CEQA Guidelines Section 15206(b)(2)(A), a proposed residential development of more than 500 dwelling units would be considered a project of statewide, regional, or areawide significance.

compounds (VOC), nitrogen oxides (NOx), PM_{10}, and $PM_{2.5}$. An estimate of construction emissions associated with the proposed project are shown in Table 3, *Construction-Related Criteria Air Pollutant Emissions Estimate*.

Table 3 Construction-Related Criteria Air Pollutant Emissions Estimate

	Criteria Air Pollutants (tons per year)[1, 2]					
Construction Year	**VOC**	**NO_X**	**Exhaust PM_{10}**	**Fugitive PM_{10}**	**Exhaust $PM_{2.5}$**	**Fugitive $PM_{2.5}$**
Year 2025 Construction	<1	<1	<1	<1	<1	<1
Year 2026 Construction	<1	<1	<1	<1	<1	<1
Year 2027 Construction	<1	<1	<1	<1	<1	<1
Total	<1	1	<1	<1	<1	<1
Construction Year	**Criteria Air Pollutants (average pounds per day)[1, 2]**					
	VOC	**NO_X**	**Exhaust PM_{10}**	**Fugitive PM_{10}**	**Exhaust $PM_{2.5}$**	**Fugitive $PM_{2.5}$**
Average Daily Year 2025 Construction	1	5	<1	1	<1	<1
Average Daily Year 2026 Construction	1	2	<1	<1	<1	<1
Average Daily Year 2027 Construction	3	3	<1	<1	<1	<1
Average Daily Overall Construction[3]	1	3	<1	<1	<1	<1
Air District Average Daily Project-Level Threshold	54	54	Implement BMPs	82	Implement BMPs	54
Significant?	**No**	**No**	N/A	No	N/A	No

Source: California Emissions Estimator Model (CalEEMod), v. 2022.1.
Notes: Emissions may not total to 100 percent due to rounding. BMP = Best Management Practices; N/A = not applicable
1. Construction phasing and equipment mix are based on the preliminary information provided or verified by the project applicant. Where specific information regarding project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by South Coast Air Quality Management District of construction equipment and phasing for comparable projects.
2. Includes implementation of BMPs for fugitive dust control required by the Air District, including watering disturbed areas a minimum of two times per day and reducing speed limit to 25 miles per hour on unpaved surfaces.
3. Average daily emissions are based on the total construction emissions divided by the total number of active construction days. The total number of construction days is estimated to be about 467 workdays.

Construction Exhaust Emissions

Construction emissions are based on the construction schedule developed for the proposed project, which is considered conservative (i.e., it represents a "worst case" scenario). Activities that would take place are demolition, hauling, site preparation, grading, building construction, utility trenching, paving, and architectural coating. To determine potential construction-related air quality impacts, this analysis compares criteria air pollutants generated by project-related construction activities to the Air District's significance thresholds. Average daily emissions are based on the total annual construction emissions divided by the total number of active construction days. As shown in Table 3*, Construction-Related Criteria Air Pollutant Emissions Estimate*, criteria air pollutant emissions from construction equipment exhaust

would not exceed the Air District's average daily thresholds. Therefore, construction-related criteria pollutant emissions from exhaust would be less than significant.

Fugitive Dust

Ground-disturbing activities during project construction could generate fugitive dust (PM_{10} and $PM_{2.5}$) that, if left uncontrolled, could expose the areas downwind of the construction site to air pollution from the construction dust. Fugitive PM_{10} is typically the most significant source of air pollution from the dust generated from construction. The amount of fugitive dust generated during construction would be highly variable and is dependent on the amount of material being demolished, the type of material, moisture content, and meteorological conditions. PM_{10} bypasses the body's natural filtration system more easily than larger particles and can lodge deep in the lungs. $PM_{2.5}$ penetrates even more deeply into the lungs, and this is more likely to contribute to health effects—at concentrations well below current PM_{10} standards. Health effects include premature death in people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and increased respiratory symptoms (e.g., irritation of the airways, coughing, or difficulty breathing).

The Air District does not provide a quantitative threshold for construction-related fugitive dust emissions, and a project's fugitive dust emissions are considered acceptable with implementation of the Air District's best management practices. Thus, there could be a significant impact if the best management practices are not enforced. For this reason, the project's fugitive dust emissions with the incorporation of the Air District's best management practices are quantified for reference in Table 3, *Construction-Related Criteria Air Pollutant Emissions Estimate*. The City has Standard Permit Conditions (shown below) that apply to all projects and include dust control best management practices (BMPs), which would be implemented during all phases of construction of the project to control dust and exhaust at the project site. Because the dust control BMPs in City's Standard Permit Conditions account for all of the Air District's recommended BMPs, implementation of the City's Standard Permit Conditions would achieve similar fugitive dust control and reductions as the Air District's recommended BMPs, and impacts would be less than significant.

Standard Permit Condition

Construction-related Air Quality. The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

- 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 trackout 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 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 6- 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 2 minutes (A 5-minute limit is required by the state airborne toxics control measure [13 CCR Sections 2449(d)(3) and 2485].) 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.

Long-Term Operation-Related Impacts

The proposed residential project would develop a total of eight single-family dwelling units, which would be below the Air District operational screening levels of 637 dwelling units and 421 dwelling units for the condo-townhouse and single-family land use types, respectively. Per the Air District's CEQA Guidelines, projects that do not exceed the screening levels are considered to have less-than-significant impacts.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less-than-Significant Impact with Mitigation Incorporated. The proposed project could expose sensitive receptors to elevated pollutant concentrations if it would cause or significantly contribute to elevated pollutant concentration levels. Unlike regional emissions, localized emissions are typically evaluated in terms of air concentration rather than mass so they can be more readily correlated to potential health effects.

Off-Site Construction Health Risk Impacts

Project-Level

The proposed project would elevate concentrations of toxic air contaminants (TACs) and construction $PM_{2.5}$ in the vicinity of sensitive land uses (i.e., sensitive receptors for the purposes of air quality analysis) during construction activities. The proposed project would be constructed simultaneously with a residential development proposed for the property at 1170 Roberts Avenue north of the proposed project site. The 1190 Roberts Avenue and 1170 Roberts Avenue properties are separated by the property between them. The development at 1170 Roberts Avenue is proposed under a separate project application by the same project applicant as the proposed project at 1190 Roberts Avenue. The 1170 Roberts Avenue development would also include the rezoning of one parcel (APN 477-11-003) to allow development of eight new single-family residences, each with private two-car garages and two-car driveway parking spaces. For purposes of this analysis, the project-level construction HRA for the proposed project accounts for potential health risk impacts from construction activities associated with the proposed project and the 1170 Roberts Avenue development. This approach provides a conservative analysis compared to accounting for only the proposed project site. Off-site sensitive receptors proximate to the modeled construction site include the residences in the surrounding residential homes, workers at the surrounding non-residential uses (e.g., Chùa Tân Long: Tan Long Temple approximately 250 feet east/northeast of the modeled construction site), and students at RF Kennedy Elementary School to the east and Rocketship Mosaic Elementary to the north. Construction activities would occur near these sensitive receptor locations. Consequently, a health risk assessment (HRA) of TACs and construction $PM_{2.5}$ was prepared for the project and is included in Appendix B of this Initial Study. Results of the analysis are shown in Table 4, *Off-Site Construction Health Risk Assessment Results: Unmitigated*.

Table 4 Off-Site Construction Health Risk Assessment Results: Unmitigated

Receptor	Cancer Risk (per million)	Chronic Hazard Index	Construction $PM_{2.5}$ ($\mu g/m^3$)
Maximum Exposed Individual Resident (MEIR)	**35.27**	0.11	**0.74**
Maximum Exposed Individual Worker (MEIW)	0.38	0.06	**0.34**
Maximum Exposed Individual Student – RF Kennedy Elementary School	0.10	<0.01	0.01
Maximum Exposed Individual Student – Rocketship Mosaic Elementary	0.05	<0.01	<0.01
Air District Threshold	10	1.0	0.30
Exceeds Threshold?	**Yes**	**No**	**Yes**

Source: AERMOD v. 12.0.0.
Notes: $\mu g/m^3$ = microgram per cubic meter; **bold** = exceeds threshold
Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment Guidance Manual (OEHHA 2015).

The results of the HRA are based on the maximum exposed receptor concentration over the approximately 1.79-year construction exposure period for off-site receptors, assuming 24-hour outdoor exposure, and averaged over a 70-year lifetime. Risk is based on the updated Office of Environmental Health Hazard Assessment (OEHHA) Guidance as follows:

- Cancer risk for the maximum exposed individual resident (MEIR), which would be the single-family residence on the parcel between the two development sites, from unmitigated construction activities related to the project were calculated to be 35.27 in a million and would exceed the 10-in-a-million significance threshold. In accordance with the latest 2015 OEHHA guidance, the calculated total cancer risk conservatively assumes that the risk for the MEIR consists of a pregnant woman in the third trimester that subsequently gives birth to an infant during the approximately 1.79-year construction period. To account for early life exposure, calculated risk values were multiplied by a factor of 10 in accordance with OEHHA guidance.

- Cancer risk for the maximum exposed individual worker (MEIW), which would be the workers at the Chùa Tân Long: Tan Long Temple in the adjacent lot to the east, from unmitigated construction activities related to the project were calculated to be 0.38 in a million and would not exceed the 10-in-a-million significance threshold.

- Cancer risk for the students at RF Kennedy Elementary School and Rocketship Mosaic Elementary School were calculated to be 0.03 in a million and 0.02 in a million, respectively, and would not exceed the 10-in-a-million significance threshold.

- For non-carcinogenic effects, the hazard index identified for each toxicological endpoint totaled less than 1 for the MEIR, MEIW, and students at RF Kennedy Elementary School and Rocketship Mosaic Elementary School from project construction and construction at the 1190 Roberts Avenue development site. Therefore, calculated chronic non-carcinogenic hazards do not exceed Air District thresholds.

- The highest $PM_{2.5}$ annual concentration of 0.74 $\mu g/m^3$ at the MEIR would exceed the 0.3 $\mu g/m^3$ significance threshold.

- The highest $PM_{2.5}$ annual concentration of 0.34 $\mu g/m^3$ at the MEIW would exceed the 0.3 $\mu g/m^3$ significance threshold.

- The highest $PM_{2.5}$ annual concentrations of 0.01 $\mu g/m^3$ and 0.005 $\mu g/m^3$ at the RF Kennedy Elementary School and Rocketship Mosaic Elementary School, respectively, would not exceed the 0.3 $\mu g/m^3$ significance threshold.

As described above, prior to mitigation, cancer risk at the MEIR and $PM_{2.5}$ concentrations at the MEIR and MEIW would be potentially significant because the project would expose sensitive receptors to substantial concentrations of air pollutant emissions during construction. However, as shown in Table 5, *Off-Site*

Construction Health Risk Assessment Results: Mitigated, with implementation of Mitigation Measures AQ-1 and AQ-2, and compliance with the City's Standard Permit Conditions for air quality, project-related health risk and $PM_{2.5}$ impacts would be reduced to a less-than-significant level.

Table 5 Off-Site Construction Health Risk Assessment Results: Mitigated

Receptor	Cancer Risk (per million)	Chronic Hazard Index	Construction $PM_{2.5}$ ($\mu g/m^3$)
Maximum Exposed Individual Resident (MEIR)	4.53	0.01	0.24
Maximum Exposed Individual Worker (MEIW)	0.05	0.01	0.11
Maximum Exposed Individual Student – RF Kennedy Elementary School	0.01	<0.01	<0.01
Maximum Exposed Individual Student – Rocketship Mosaic Elementary	<0.01	<0.01	<0.01
Air District Threshold	10	1.0	0.30
Exceeds Threshold?	**No**	**No**	**No**

Source: AERMOD v. 12.0.0.
Notes: $\mu g/m^3$ = microgram per cubic meter
Cancer risk calculated using 2015 Office of Environmental Health Hazard Assessment Health Risk Assessment Guidance Manual (OEHHA 2015).

Cumulative

In addition to a project-level HRA, the Air District recommends assessing the potential cumulative impacts from sources of TACs within 1,000 feet of the project to address the project's cumulative contribution to localized TACs and $PM_{2.5}$. The existing TACs that the Air District recommends in a cumulative analysis include permitted stationary sources, marine sources, roadway sources, rail sources, and highway sources. The one permitted stationary source within the 1,000-foot distance is the Quik Stop #86 gas station at the intersection of Lucretia Avenue and Story Road to the north of the modeled construction site. Other sources include the roadways surrounding the modeled construction site. No marine or rail activities occur within 1,000 feet of the modeled construction site and are therefore not included in the cumulative risk analysis. Risks from permitted stationary sources within 1,000 feet of the project site can be identified using the Air District's *Stationary Source Screening Map*.[10] For purposes of this analysis, the fence line risk and $PM_{2.5}$ concentrations for the Quik Stop #86 gas station obtained from the Air District's screening map tool are utilized to identify the associated risk at the maximum exposed receptor for the various sensitive receptor types and provide a conservative analysis.[11] Risks from roadway sources are released periodically from the Air District in the form of risk assessment screening tools (RAST), and were utilized in determining

[10] Bay Area Air District, 2022, Stationary Source Screening Map, https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html, accessed May 7, 2025.

[11] The fence line values do not account for any potential reductions in health risk and $PM_{2.5}$ concentration levels due to the distances between the gas station and sensitive receptor locations. The distances of the MEIR, MEIW, and the student receptor to the Quik Stop #86 gas station range from 350 feet to over 1,000 feet.

associated risks from roadways for the MEIR, MEIW, and students at RF Kennedy Elementary School and Rocketship Mosaic Elementary.

Table 6, *Cumulative Community Risk Summary: Unmitigated*, summarizes the risk levels at the MEIR, MEIW, and students at RF Kennedy Elementary School and Rocketship Mosaic Elementary from the existing TAC sources in combination with construction-related risks associated with the 1170 Roberts Avenue development and the proposed project without implementation of Mitigation Measures AQ-1 and AQ-2, and compliance with the City's Standard Permit Conditions for air quality. As shown in the table, the cumulative $PM_{2.5}$ concentration level of 0.97 µg/m^3 for the MEIR would exceed the cumulative $PM_{2.5}$ significance threshold of 0.80 µg/m^3. However, as shown in Table 7, *Cumulative Community Risk Summary: Mitigated*, implementation of Mitigation Measures AQ-1 and AQ-2, and compliance with the City's Standard Permit Conditions for air quality, would reduce $PM_{2.5}$ concentrations at the MEIR to 0.47 µg/m^3 and below the Air District's $PM_{2.5}$ cumulative significance threshold. Therefore, cumulative $PM_{2.5}$ impacts would be reduced to less-than-significant level with incorporation of mitigation measures.

Table 6 Cumulative Community Risk Summary: Unmitigated

Receptor	Source Type	Cancer Risk (per million)	Chronic Hazards	$PM_{2.5}$ ($\mu g/m^3$)
Project Construction[1]				
Maximum Exposed Individual Resident (MEIR)	Diesel Construction Equipment	35.27	0.11	0.74
Maximum Exposed Individual Worker (MEIW)	Diesel Construction Equipment	0.38	0.06	0.34
Maximum Exposed Individual Student – RF Kennedy Elementary School	Diesel Construction Equipment	0.10	<0.01	0.01
Maximum Exposed Individual Student – Rocketship Mosaic Elementary	Diesel Construction Equipment	0.05	<0.01	<0.01
Permitted Stationary Source – Quik Stop #86 (Facility ID 104004-1)[2,3]				
Maximum Exposed Individual Resident (MEIR)	Gasoline Dispensing	17.71	0.08	0
Maximum Exposed Individual Worker (MEIW)	Gasoline Dispensing	17.71	0.08	0
Maximum Exposed Individual Student – RF Kennedy Elementary School	Gasoline Dispensing	17.71	0.08	0
Maximum Exposed Individual Student – Rocketship Mosaic Elementary	Gasoline Dispensing	17.71	0.08	0
Roadways[3]				
Maximum Exposed Individual Resident (MEIR)	Vehicles	11.08	0.03	0.23
Maximum Exposed Individual Worker (MEIW)	Vehicles	13.94	0.05	0.34
Maximum Exposed Individual Student – RF Kennedy Elementary School	Vehicles	10.77	0.05	0.35
Maximum Exposed Individual Student – Rocketship Mosaic Elementary	Vehicles	17.62	0.06	0.43
Cumulative Health Impacts				
Maximum Exposed Individual Resident (MEIR)		64.06	0.22	**0.97**
Maximum Exposed Individual Worker (MEIW)		32.03	0.18	0.68
Maximum Exposed Individual Student – RF Kennedy Elementary School		28.58	0.13	0.36
Maximum Exposed Individual Student – Rocketship Mosaic Elementary		35.38	0.14	0.43
Air District Threshold		100	10.0	0.80
Exceeds Threshold?		**No**	**No**	**Yes**

Source: AERMOD v. 12.0.0.

Notes: $\mu g/m^3$ = microgram per cubic meter; **bold** = exceeds threshold

1. Does not include implementation of Mitigation Measures AQ-1 and AQ-2.

2. For purposes of this analysis, the fence line risk values for the Quik Stop #86 gas station are utilized and provide a potentially more conservative analysis by not accounting for any reductions in health risk and $PM_{2.5}$ concentration levels due to the distances between the receptors and the gas station facility.

3. It should be noted that the screening level cancer risk values for permitted stationary source and roadway sources provided in this table are determined for residential receptors, which tend to produce higher cancer risks than for worker receptors due to longer residential exposure duration, age sensitivity factors, and elevated breathing rates as compared to worker and student receptors. Therefore, the cumulative cancer risk values provided in this table are conservative.

Table 7 Cumulative Community Risk Summary: Mitigated

Receptor	Source Type	Cancer Risk (per million)	Chronic Hazards	$PM_{2.5}$ ($\mu g/m^3$)
Project Construction[1]				
Maximum Exposed Individual Resident (MEIR)	Diesel Construction Equipment	4.53	0.01	0.24
Maximum Exposed Individual Worker (MEIW)	Diesel Construction Equipment	0.05	0.01	0.11
Maximum Exposed Individual Student – RF Kennedy Elementary School	Diesel Construction Equipment	0.01	<0.01	<0.01
Maximum Exposed Individual Student – Rocketship Mosaic Elementary	Diesel Construction Equipment	0.05	<0.01	<0.01
Permitted Stationary Source – Quik Stop #86 (Facility ID 104004-1)[2,3]				
Maximum Exposed Individual Resident (MEIR)	Gasoline Dispensing	17.71	0.08	0
Maximum Exposed Individual Worker (MEIW)	Gasoline Dispensing	17.71	0.08	0
Maximum Exposed Individual Student – RF Kennedy Elementary School	Gasoline Dispensing	17.71	0.08	0
Maximum Exposed Individual Student – Rocketship Mosaic Elementary	Gasoline Dispensing	17.71	0.08	0
Roadway[3]				
Maximum Exposed Individual Resident (MEIR)	Vehicles	11.08	0.03	0.23
Maximum Exposed Individual Worker (MEIW)	Vehicles	13.94	0.05	0.34
Maximum Exposed Individual Student – RF Kennedy Elementary School	Vehicles	10.77	0.05	0.35
Maximum Exposed Individual Student – Rocketship Mosaic Elementary	Vehicles	17.62	0.06	0.43
Cumulative Health Impacts				
Maximum Exposed Individual Resident (MEIR)		33.32	0.13	0.47
Maximum Exposed Individual Worker (MEIW)		31.70	0.14	0.45
Maximum Exposed Individual Student – RF Kennedy Elementary School		28.49	0.13	0.35
Maximum Exposed Individual Student – Rocketship Mosaic Elementary		35.34	0.14	0.43
Air District Threshold		100	10.0	0.80
Exceeds Threshold?		**No**	**No**	**No**

Source: AERMOD v. 12.0.0

Notes: $/m^3$ = microgram per cubic meter

1. Incudes implementation of Mitigation Measures AQ-1 and AQ-2.

2. For purposes of this analysis, the fence line risk values for the Quik Stop #86 gas station are utilized and provide a potentially more conservative analysis by not accounting for any reductions in health risk and $PM_{2.5}$ concentration levels due to the distances between the receptors and the gas station facility.

3. It should be noted that the screening level cancer risk values for permitted stationary source and roadway sources provided in this table are determined for residential receptors, which tend to produce higher cancer risks than for worker receptors due to longer residential exposure duration, age sensitivity factors, and elevated breathing rates as compared to worker and student receptors. Therefore, the cumulative cancer risk values provided in this table are conservative.

Impact AQ-1: Construction of the proposed project would expose sensitive receptors to substantial concentrations of air pollutant emissions.

Mitigation Measures

AQ-1: Prior to the issuance of any tree removal, demolition, or grading permits (whichever occurs first), the project proponent shall provide documentation to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval, demonstrating that any off-road equipment greater than 50 horsepower to be used during construction of the project shall meet United States Environmental Protection Agency Tier 4 Final emission standards, unless it can be demonstrated to the City that such equipment is not commercially available. For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier 4 Final engines similar to the availability for other large-scale construction projects in the city at the same time and taking into consideration factors such as (i) potential significant delays to critical-path timing of construction and (ii) geographic proximity to the project site of Tier 4 Final equipment. Where such equipment is not commercially available, as demonstrated by the construction contractor, Tier 4 Interim equipment or Tier 3 equipment retrofitted with a California Air Resources Board's Level 3 Verified Diesel Emissions Control Strategy (VDECS) shall be used. Furthermore, all off-road equipment of 50 horsepower or less, if used, shall be fitted with a Level 3 diesel particulate filter.

AQ-2: Prior to the issuance of permits, the project proponent shall submit a list of all operating equipment in use on the construction site for verification by the City of San José. The construction equipment list shall state the makes, models, equipment identification numbers, engine family numbers, and number of construction equipment on-site.

Operation

Carbon Monoxide Hotspot

Areas of vehicle congestion have the potential to create pockets of carbon monoxide (CO), called hotspots. These CO pockets have the potential to exceed the State 1-hour standard of 20 ppm or the 8-hour standard of 9.0 ppm. Because CO is produced in the greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, adherence to Ambient Air Quality Standards is typically demonstrated through an analysis of localized CO concentrations. Hotspots are typically produced at intersections, where traffic congestion is highest because vehicles queue for periods of time and are subject to reduced speeds.

Congestion management plans (CMP) must align with *Plan Bay Area 2050*, and an overarching goal of the regional plan is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth in outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle miles traveled and associated GHG emissions

reductions under Senate Bill (SB) 375. The proposed residential development would be an infill project and would be consistent with this overarching goal of the MTC/ABAG's Plan Bay Area. Additionally, the project would not conflict with the CMP because it would not hinder the capital improvements outlined in Valley Transportation Authority's 2021 CMP or alter regional travel patterns.[12]

Furthermore, under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection to more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited—in order to generate a significant CO impact.[13] The proposed project would generate up to five peak hour trips during the AM peak hour and six peak hour trips during the PM peak hour. Per the City of San José average daily traffic data, the segments of Story Road and Roberts Avenue near the intersection of Story Road and Roberts Avenue would range between 21,056 to 31,074 average daily vehicle trips (ADT) for Story Road and 4,225 ADTs for Roberts Ave.[14] Given these existing traffic levels and the size of the project, and based on a transportation industry rule of thumb that hourly peak hour trips are 10 percent of average daily counts, the proposed project would not increase peak hour traffic volumes at affected intersections to more than the Air District's screening criteria of 44,000 vehicles per hour, or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited. Therefore, the project would not have the potential to substantially increase CO hotspots at intersections in the project vicinity. Localized air quality impacts related to mobile-source emissions would therefore be less than significant.

Off-Site Operational Health Risk Impacts

Exposure to elevated concentrations of vehicle-generated $PM_{2.5}$ and TACs at sensitive land uses have been identified by the California Air Resources Board (CARB), the California Air Pollution Control Officer's Association, and the Air District as a potential air quality hazard. The proposed detached single-family residential project would not create new major sources of TACs, which are more commonly associated with industrial manufacturing or warehousing. Therefore, operation-related health risk impacts associated with the project are considered less than significant.

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

Less-than-Significant Impact. The type of facilities that are typically considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities.[15]

[12] Valley Transportation Authority, 2021, Congestion Management Program Document.

[13] Bay Area Air District, 2023, California Environmental Quality Act Air Quality Guidelines.

[14] City of San José, 2024, Average Daily Traffic.

[15] Bay Area Air District, 2023, California Environmental Quality Act Air Quality Guidelines.

4. Environmental Analysis

The proposed project would develop residential buildings, which is not considered a type of land use typically associated in generating objectionable odors that would affect a substantial number of people.

During project-related construction activities on the project site, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Impacts would be less than significant.

4.4 BIOLOGICAL RESOURCES

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. 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 or U.S. Fish and Wildlife Service?		X		
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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
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?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
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?			X	

The analysis in this section is based in part on the following studies, which are in Appendix C of this Initial Study.

- *Tree Inventory Report, 1190 Roberts Avenue,* Kielty Arborist Services, LLC, June 26, 2024.

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 or U.S. Fish and Wildlife Service?

Less-than-Significant Impact with Mitigation Incorporated. Special-status species include those listed as endangered or threatened under the federal Endangered Species Act or California Endangered Species Act, species otherwise given certain designations by the California Department of Fish and Wildlife, and plant species listed as rare by the California Native Plant Society. The project site contains a single-family residence. The project site does not contain any high-quality natural habitat likely to contain any sensitive species or other sensitive natural community. Existing trees are unlikely to support candidate, sensitive, or special-status species (see also Section 4.4(d) regarding the potential for the project to affect migratory species). However, tree removal, grading, and construction on the project site including demolition of the existing single-family residence would have the potential to disturb special-status bats and other more common bats, if present. While no bat roosts are known to occur on the project site, existing structures have the potential to provide suitable roosting habitat.

A standard method to address the potential for roosting bats is to conduct a roosting survey within 7 days prior to initial tree removal and construction to determine whether any active roosts are present that must be protected until any young have fledged and are no longer dependent on the roost. Protection of the roost, if present, would require that construction setbacks be provided, with the setback depending on the type of bat species, degree to which the individuals have acclimated to ongoing disturbance, and other factors. Without these controls, the tree removal, building demolition, and other construction activities could adversely affect roosting bats.

Impact BIO-1: Removal of trees and building demolition during project construction may result in the inadvertent destruction of active bat roosts unless appropriate precautions are followed.

Mitigation Measures

BIO-1: Prior to the issuance of any tree removals, grading permits, demolition permits or building permits (whichever comes first), adequate measures shall be taken to avoid inadvertent take of special-status bat species if present in trees on the project site. This shall be accomplished by taking the following steps.

- A qualified biologist shall visually inspect trees to be removed and structures to be demolished for bat roosts within 7 days prior to their removal. The biologist shall look for signs of bats, including sightings of live or dead bats; bat calls or squeaking; the smell of bats; bat droppings, grease stains, or urine stains around openings in trees; or flies around such openings. Trees with multiple hollows, crevices, forked branches,

woodpecker holes, or loose and flaking bark have the highest chance of occupation and shall be inspected the most carefully.

- If signs of bats are detected, confirmation on presence or absence shall be determined by the qualified biologist, which may include night emergency or acoustic surveys.
- Due to restrictions of the California Health Department, direct contact by workers with any bat is not allowed. The qualified bat biologist shall be contacted immediately if a bat roost is discovered during project construction.
- If an active maternity roost is encountered during the maternity season (April 15 to August 31), the California Department of Fish and Wildlife shall be contacted for direction on how to proceed, and an appropriate exclusion zone established around the occupied tree or structure until young bats are old enough to leave the roost without jeopardy. The size of the buffer would take into account:
  - Proximity and noise level of project activities;
  - Distance and amount of vegetation or screening between the roost and construction activities; and
  - Species-specific needs, if known, such as sensitivity to disturbance.

Prior to the issuance of any tree removals, grading permits, demolition permits, or building permits (whichever comes first), a report of all findings shall be submitted by a qualified biologist to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.

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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. The project site includes an existing single-family dwelling. Surrounding the project site is an urbanized area; the National Wetlands Inventory (NWI) identifies that the project site is not in or near a riparian corridor,[16] nor does it contain any other sensitive natural communities identified in local, regional, State, or federal plans, policies, or regulations. Therefore, no impacts to riparian habitat or other sensitive natural communities would occur.

[16] US Fish and Wildlife Service, National Wetlands Inventory, 2024, accessed November 11, 2024

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?

No Impact. The project site is in an urbanized area and does not contain any protected wetlands, according to the NWI.[17] The nearest wetlands are located approximately 250 meters west of the project site, in Kelley Park. Kelley Park contains Freshwater Ponds and a Freshwater Forested/Shrub Wetland. However, the proposed project would occur solely within the site boundary and would not encroach on the nearby wetlands. Therefore, no impact would occur.

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

Less-than-Significant Impact with Mitigation Incorporated. The project site does not contain any aquatic habitat that would support migratory fish, and the urbanized surroundings do not contain an important wildlife corridor.[18] However, the mature trees on and adjacent to the project site, including in the surrounding area, could provide foraging and breeding opportunities for migratory birds.

The project site is in a highly urbanized area. However, 21 ordinance-sized, protected trees and five non-ordinance-sized trees would be removed as part of the proposed project. These trees could provide habitat for nesting birds, which are protected by the Migratory Bird Treaty Act (MBTA). The MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests (16 US Code Sections 703–712). The MBTA prohibits the take, possession, import, export, transport, sale, purchase, barter, or offering of these activities except under a valid permit or as permitted in the implementing regulations.

Impact BIO-2: The project would interfere with the movement of nesting and migratory birds due to the number of trees on the parcel.

Mitigation Measures

BIO-2: Prior to the issuance of any tree removals, grading permits, demolition permits or building permits (whichever occurs first), the project proponent shall schedule construction activities outside of the nesting season (generally defined as September 1 through January 31, inclusive). If construction activities occur within the bird nesting season (generally defined as February 1 through August 30, inclusive), a qualified biologist shall conduct pre-construction nesting bird surveys within 7 days prior to the proposed start date to identify any active nests (including Cooper's hawk) within 500 feet of the project site. If

[17] US Fish and Wildlife Service, National Wetlands Inventory, 2024, accessed November 11, 2024

[18] California Department of Fish and Wildlife, Biogeographic Information and Observation System, 2024.

an active nest is found, the nest shall be avoided, and a suitable buffer zone shall be delineated in the field such that no impacts shall occur until the chicks have fledged the nest as determined by a qualified biologist. Construction buffers shall be 300 feet for passerines and up to 500 feet for any raptor species; however, avoidance buffers may be reduced at the discretion of the biologist, depending on the location of the nest, the species' tolerance to human presence, and construction-related noises and vibrations.

Prior to the issuance of any tree removals, grading permits, demolition permits, or building permits, a report of all findings shall be submitted by a qualified biologist to the Director of Planning, Building and Code Enforcement or the Director's designee.

BIO-3: Prior to issuance of any tree removal, grading, or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee.

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

Less-than-Significant Impact. The City of San José maintains the urban landscape by controlling the removal of ordinance trees on private property.[19] Ordinance trees are defined as trees exceeding 38 inches in circumference, or approximately 12 inches in diameter, at a height of 4.5 feet above the ground. Ordinance trees are generally mature trees that help beautify the city, slow the erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality. A tree removal permit is required from the City of San José for the removal of ordinance trees.

The proposed project would require the removal of 21 ordinance-sized trees and five non-ordinance-size trees from the project site. The mature ordinance-sized trees have been deemed in poor condition associated with overall growth, pest infestation, and the potential to reach natural lifespan (see Appendix C). The proposed project would include the addition of 47 trees on the project site. The new planted trees would consist of Texas redbud (*Cercis canadensis texensis*), 'Saratoga' hybrid laurel (*Laurus x* 'Saratoga'), 'Little Gem' dwarf southern magnolia (*Magnolia Grandiflora* 'Little Gem'), and yew podocarpus (*Podocarpus macrophyllus*) (see Figure 9, *Landscape Plan*).

The proposed project would adhere to all applicable local policies protecting biological resources. A tree removal permit would be obtained from the City, and the removal of trees would conform to the General Plan Policies MS-21.4, MS-21.5, and MS-21.6 and the City of San José Tree Removal Control.

[19] City of San José, Municipal Code Section 13.32, 2024

Standard Permit Condition

Tree Replacement. The removed trees would be replaced according to tree replacement ratios required by the City, as shown in Table 8, *Tree Replacement Ratios*.

- 26 trees on-site would be removed. 21 trees would be replaced at a 4:1 ratio, and five trees would be replaced at a 2:1 ratio. The total number and size of replacement trees required to be planted on-site is 47 twenty-four-inch box trees (equivalent to 94 fifteen-gallon trees).
- If there is insufficient area on the project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment.
    - The size of a 15-gallon replacement tree may be increased to a 24-inch box and count as two replacement trees to be planted on the project site.

Table 8 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 [a]
	Native	Non-Native	Orchard	
38 inches or more	5:1 [b]	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

Notes:
a. A 24-inch box replacement tree = two 15-gallon replacement trees. A 38-inch tree equals 12.1 inches in diameter.
b.x:x = tree replacement to tree loss ratio
Trees greater than or equal to 38-inch circumference measured at 54 inches above natural grade shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size.
Single-family and two-dwelling properties may replace trees at a ratio of 1:1.

With implementation of the above standard permit conditions, the proposed project would conform to the City's tree preservation ordinance, and impacts would therefore be less than significant.

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?

Less-than-Significant Impact. The project site falls within the Santa Clara Valley Habitat Plan (SCVHP) and would be considered a covered activity within the SCVHP.[20] The proposed project would implement the following Standard Permit Condition in accordance with the SCVHP.

[20] California Department of Fish and Wildlife (CDFW), NCCP Plan Summary: Santa Clara Valley Habitat Plan, 2024,

Standard Permit Condition

Santa Clara Valley Habitat Plan. The project may be subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form[21] (https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.

Therefore, with implementation of the identified standard permit condition above, the project would not conflict with the provisions of the SCVHP, and impacts would be less than significant.

[21] Santa Clara Valley Habitat Plan 2024

4.5 CULTURAL RESOURCES

Issues	Potentially Significant Impact	Les-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		X		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X	

The analysis in this section is based in part on the following studies, which are in Appendices D and E, respectively, of this Initial Study.

- *California Department of Parks and Recreation Form for 1190 Roberts Avenue*, Bonnie Montgomery, March 29, 2024
- *Cultural Resources Report,* Albion Environmental, December 2024

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

No Impact. Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally a resource is considered "historically significant" if it meets one of the following criteria:

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

ii) Is associated with the lives of persons important in our past;

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

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

The project site contains a single-family dwelling that was built in 1912. A historic evaluation conducted in adherence with the California Department of Parks and Recreation procedures in March 2024 determined that the property does not meet the criteria to be considered a historical resource (see Appendix D). The project site is not listed in the San José Historic Resources Inventory, California Register of Historical Resources, or the National Register of Historic Places. Therefore, there would be no impact to historical resources.

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

Less-than-Significant Impact with Mitigation Incorporated. A Cultural Resources Study was prepared to identify listed or eligible cultural resources or unique archaeological resources in the project site that may be impacted by the proposed project (see Appendix E). The methods used to complete the cultural resources report included a background records search at the California Historical Resources Information System's Northwest Information Center (NWIC), archival research, and a pedestrian survey of the project area.

A search of records at NWIC did not identify any cultural resources within the project area; however, three previously recorded cultural resources were identified within a one-quarter-mile radius of it. The records search revealed that one previous cultural resource study has been conducted within a portion of the project site and 34 previous cultural resource studies have been conducted within a one quarter-mile radius of the project site. The archival research identified aerial photographs from 1939 and 1956 illustrating the gradual development of this area as a residential district. Given the location of the project site, the Cultural Resource Study determined that there is a low probability that the project area contains subsurface historic-era features.

With regards to buried archeological resources, the Cultural Resources Study determined that the project area is considered moderately sensitive for cultural resources due to the presence of Holocene soils. However, given that there has been a significant number of studies within one-quarter mile of the project area and no archaeological resources have been identified, no further testing or actions are recommended. The proposed project would be required to comply with the City's Standard Permit Conditions for subsurface resources and human remains, as well as with the mitigation measures for cultural awareness training and monitoring (see Mitigation Measures TCR-1 and TCR-2 in Section 4.18, *Tribal Cultural Resources*), to ensure the identification of buried archaeological resources that may be present and the appropriate treatment of unanticipated archaeological resources that may be encountered during project-related ground-disturbing activities.

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 must be stopped, and the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic

Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist 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 should not collect or move any cultural materials.

Therefore, with the implementation of the City's standard permit condition above and Mitigation Measure TCR-1 and TCR-2, impacts to cultural resources would be less than significant.

Impact CUL-1: Ground-disturbing activities during construction of the proposed project would have the potential to uncover, damage, or destroy archaeological resources.

Mitigation Measures

CUL-1 Implement Mitigation Measures TCR-1 and TCR-2.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less-than-Significant Impact. There are no known human remains or cemeteries on the project site or adjoining properties. However, in the unlikely event that human remains are discovered during ground-disturbing activities, California Health and Safety Code Section 7050.5 requires that disturbance of the site be halted. The proposed project would be required to comply with the City's standard permit conditions for the discovery of human remains.

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 Permittee 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 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 their authorized representative shall work with the Coroner to reinter the Native American

human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

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

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

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

Compliance with existing laws and implementation of the above standard permit condition regarding the discovery of human remains would reduce potential impacts to human remains to a less-than-significant level.

4.6 ENERGY

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

Would the project:

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

Less-than-Significant Impact. The following discusses the potential energy demands from construction activities associated with the construction and operation of the proposed project.

Short-Term Construction Impacts

Construction of the proposed project would create temporary increased demands for electricity and vehicle fuels compared to existing conditions and would result in short-term transportation-related energy use.

Electrical Energy

The majority of construction equipment would be gas- or diesel-powered, and electricity would not be used to power most of the construction equipment. Electricity use during construction would vary during different phases of construction. Later construction phases could result in the use of electric-powered equipment for interior construction and architectural coatings (if applicable). It is anticipated that the majority of electric-powered construction equipment would be hand tools (e.g., power drills, table saws) and lighting, which would result in minimal electricity usage during construction activities. Therefore, project-related construction activities would not result in wasteful or unnecessary electricity demands, and impacts would be less than significant.

Natural Gas Energy

It is not anticipated that construction equipment used for the proposed project would be powered by natural gas, and no natural gas demand is anticipated during construction. Therefore, natural gas energy would be nominal, and impacts would be less than significant with respect to natural gas usage.

Transportation Energy

Transportation energy use during construction of the proposed project would come from delivery vehicles, transport trucks, and construction employee vehicles. In addition, transportation energy demand would come from use of off-road construction equipment. It is anticipated that the majority of off-road construction equipment, such as those used during site preparation and grading, would be gas or diesel powered.

The use of energy resources by vehicles and equipment would fluctuate according to the phase of construction and would be temporary. In addition, all construction equipment operation would cease upon completion of project construction. Thus, impacts related to transportation energy use during construction would be temporary and would not require expanded energy supplies or the construction of new infrastructure. Furthermore, to limit wasteful and unnecessary energy consumption, the construction contractors are anticipated to minimize nonessential idling of construction equipment during construction, in accordance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.

Construction trips would also not result in unnecessary use of energy because the project site is centrally situated in the built-out greater San José metropolitan area and is served by numerous regional freeway systems (e.g., US Route 101 and Interstate 680) that provide the most direct routes from various areas of the region. Thus, energy use during construction of the project would not be considered inefficient, wasteful, or unnecessary. Impacts would be less than significant.

Long-Term Impacts during Operation

Operation of the proposed project would generate new demand for electricity (e.g., appliances and heating and cooling) and transportation energy.

Building Energy: Electricity

The proposed residences would be designed and built to be all-electric. The estimated increase in electricity consumption from the proposed project is shown in Table 9, *Operation-Related Energy Consumption*.

Table 9 Operation-Related Energy Consumption

Land Use	Electricity (kWh/year)	Natural Gas (kBTU/year) [a]
Proposed Residences (all electric)	53,303	0

Source: California Emissions Estimator Model (CalEEMod), v. 2022.1.
Notes: kWh = kilowatt hour
a. The proposed dwelling units would be all-electric buildings.

While the proposed project would generate additional energy demand at the site, it would, at minimum, be required to comply with the applicable Building Energy Efficiency Standards and California Green Building Standards Code (CALGreen) requirements. In general, compliance with the current Building

Energy Efficiency Standards and CALGreen would promote the use of renewable energy and decrease reliance on fossil fuels to meet the energy demands of the proposed project. For example, a rooftop photovoltaic (PV) system would be installed for each home, which would comply with the prescriptive on-site PV standards of the 2022 Building Energy Efficiency Building Standards.[22] Furthermore, the 2022 Building Energy Efficiency Standards include energy storage systems (ESS)–ready requirements for single-family residences that include one or two dwelling units. While the ESS-ready requirement would not result in the installation of a battery storage unit, it would further support and remove potential barriers to the installation of a future on-site battery storage unit. Moreover, the proposed project would be subject to the City of San José Reach Code Ordinance, which requires that new construction have a minimum proposed design Source Energy Design rating budget that is less than under the Standard Design Building of the 2022 Building Energy Efficiency Standards. Compliance with the City's Reach Code Ordinance would result in increased energy efficiency compared to the 2022 Building Energy Efficiency Standards.

In addition to building design standards, at minimum, all future residents would be signed up for the San José Clean Energy (SJCE) standard GreenSource plan by default. This plan procures approximately 62 percent of electricity from renewable sources, including from solar and wind sources.[23] Future residents would also have the option for the SJCE TotalGreen plan, which procures 100 percent electricity from renewable sources.[24] Moreover, for future residents who opt for service with Pacific Gas & Electric (PG&E) instead, the PG&E Base Plan procures 47 percent of electricity from renewable sources.[25] Overall, the proposed project would generally be consistent with the goals outlined in Appendix F of the CEQA Guidelines regarding increasing energy efficiency, decreasing reliance on fossil fuels, and increasing renewable energy sources. Because the proposed project would comply with these regulations, it would not result in wasteful, inefficient, or unnecessary electricity demands. Therefore, impacts would be less than significant.

Transportation Energy

The proposed project would result in the consumption of transportation energy during operation from the use of motor vehicles associated with residents. While the proposed project would generate VMT, as discussed further in Section 4.17(b), *Transportation*, of this Initial Study, due to the nature and size of the proposed project, it would have a less-than-significant VMT impact. Thus, it can be expected that implementation of the proposed project would not worsen VMT per service population compared to the region and would therefore not worsen demand on fuels from an efficiency basis.

[22] California Energy Commission. 2021, 2022 Building Energy Efficiency Standards.

[23] San José Clean Energy, 2025, Your Choices Service Comparison, https://sanjosecleanenergy.org/your-choices/, accessed May 8, 2025.

[24] San José Clean Energy, 2025, Your Choices Service Comparison, https://sanjosecleanenergy.org/your-choices/, accessed May 8, 2025.

[25] Pacific Gas and Electric Company, 2024, 2023 Power Content Label, https://www.pge.com/assets/pge/docs/account/billing-and-assistance/bill-inserts/1224-power-content-label.pdf.

Moreover, the general fuel efficiency of vehicles with each passing year would improve on average. The improvement in fuel efficiency would be attributable to the statewide fuel reduction strategies and regulatory compliances (e.g., corporate average fuel economy (CAFE) standards), resulting in new cars that are more fuel efficient and the attrition of older, less fuel-efficient vehicles. The CAFE standards are not directly applicable to land use development projects, but to car manufacturers. Thus, residents do not have direct control in determining the fuel efficiency of vehicles that are manufactured and available. However, the result of compliance with the CAFE standards by car manufacturers would be that vehicles produced in future years have greater fuel efficiency, which would create the overall benefit of reducing fuel usage by providing the population of the project region more fuel-efficient vehicle options. In addition, because electricity generated in California is required to meet the increasing renewable energy mix requirements under the State's renewable portfolios standard (RPS), a greater and greater share of electricity consumed for transportation energy demand under the proposed project would be sourced from renewable energy sources rather than fossil fuels. Overall, for these reasons, the proposed project would not be considered inefficient, wasteful, or unnecessary as it pertains to demand of transportation fuels and the impact is considered to be less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less-than-Significant Impact. The state's electricity grid is transitioning to renewable energy under California's Renewable Energy Program. Renewable sources of electricity include wind, small hydropower, solar, geothermal, biomass, and biogas. Electricity production from renewable sources is generally considered carbon neutral. Executive Order S-14-08, signed in November 2008, expanded the State's RPS to 33 percent renewable power by 2020. This standard was adopted by the legislature in 2011 (SB X1-2). SB 350 (de Leon) was signed into law September 2015 and established tiered increases to the RPS—40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. SB 350 also set a new goal to double the energy-efficiency savings in electricity and natural gas through energy efficiency and conservation measures.

On September 10, 2018, Governor Brown signed SB 100, which supersedes the SB 350 requirements. Under SB 100, the RPS for publicly owned facilities and retail sellers consisted of 44 percent renewable energy by 2024, 50 percent by 2026, 52 percent by 2027, and 60 percent by 2030. The bill also established a State policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all State agencies by December 31, 2045. SB 1020 adds interim targets to the SB 100 framework to require renewable energy and zero-carbon resources to supply 90 percent of all retail electricity sales by 2035 and 95 percent of all retail electricity sales by 2040. Under SB 100 and SB 1020, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

The statewide RPS requirements do not directly apply to individual development projects, but to utilities and energy providers such as SJCE, whose compliance with RPS requirements contributes to the State objective of transitioning to renewable energy. Currently, 62 percent of electricity delivered under the SJCE GreenSource and SJ Cares programs is from renewable sources.[26] Electricity under the SJCE TotalGreen program is currently procured from 100 percent renewable sources.[27] If future residents opt for service with PG&E, the PG&E Base Plan procures 47 percent of electricity from renewable sources under this plan. Electricity under the PG&E 50 percent Solar Choice plan is comprised of 73 percent renewable energy while the 100 percent Solar Choice and Green Saver plans are comprised of 100 percent renewable energy.[28] The amount of electricity procured from renewable sources for the base energy plans offered by both SJCE and PG&E will continue to increase as these utilities comply with the RPS targets. Moreover, the proposed project would install a roof-top PV system for each proposed home. Overall, the proposed project would not conflict with State or local plans for renewable energy or energy efficiency. Therefore, impacts would be less than significant.

[26] San José Clean Energy, 2025, Your Choices Service Comparison, https://sanjosecleanenergy.org/your-choices/, accessed May 8, 2025.

[27] San José Clean Energy, 2025, Your Choices Service Comparison, https://sanjosecleanenergy.org/your-choices/, accessed May 8, 2025.

[28] Pacific Gas and Electric Company, 2024, 2023 Power Content Label, https://www.pge.com/assets/pge/docs/account/billing-and-assistance/bill-inserts/1224-power-content-label.pdf.

4.7 GEOLOGY AND SOILS

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
VII. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less-than-Significant Impact. The project site is not in an established Alquist-Priolo Earthquake Fault Zone for fault rupture hazard.[29] The nearest fault to the project site is the San Andreas Fault approximately 16 miles west, and the Silver Creek Quaternary Fault is located 0.75 miles east of the project site. No active faults with the potential for surface fault rupture are known to pass directly beneath the project site. To avoid or minimize potential damage from seismic shaking, the proposed development would be built using standard engineering and seismic safety design techniques. The proposed project shall be constructed in accordance with the standard engineering practices in the California Building Code (CBC), as amended by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the project site is designed to properly account for soils-related hazards. Therefore, impacts related to fault rupture would be less than significant.

ii) Strong seismic ground shaking?

Less-than-Significant Impact. As discussed previously, the project site is not in an Alquist-Priolo Earthquake Fault Zone. However, as with all parts of the Bay Area, movement associated with active faults could cause strong ground shaking at the project site. The degree of ground shaking and earthquake-induced damage is dependent on multiple factors, such as distances to causative faults, earthquake magnitudes, and expected ground accelerations. The proposed project would be required to comply with the CBC, which would ensure that the proposed project's buildings would be designed to withstand ground shaking. The proposed project would be required to comply with the seismic design parameters of the CBC, which regulates all building and construction projects in the city and implements a minimum standard for building design and construction that includes specific requirements for seismic safety, evacuation, foundations, retaining walls, and site demolition. Compliance with the CBC would ensure that buildings on-site could withstand ground shaking. Therefore, the proposed project would result in a less-than-significant impact related to ground shaking.

[29] California Department of Conservation, Alquist-Priolo Earthquake Fault Zones, 2024, accessed November 11, 2024

iii) Seismic-related ground failure, including liquefaction?

Less-than-Significant Impact. According to the United States Geological Survey (USGS), liquefaction takes place when loosely packed, water-logged sediments at or near the ground surface lose their strength in response to strong ground shaking. Liquefaction beneath buildings and other structures can cause major damage during earthquakes. The project site is in a zone the is considered moderately susceptible to liquefaction, as shown on the USGS's Liquefaction Susceptibility map.[30] The City of San José requires sites located within a liquification hazard zone to obtain a Geologic Hazard Clearance from the Director of Public Works prior to issuance of a grading or building permit. Additionally, the proposed project would be required to comply with the design parameters of the CBC to limit the potential for liquefaction. Therefore, the impact would be considered less than significant.

iv) Landslides?

Less-than-Significant Impact. A landslide is a type of erosion in which masses of earth and rock move downslope as a single unit. Susceptibility of slopes to landslides and other forms of slope failure depend on several factors, which are usually present in combination and include steep slopes, condition of rock and soil materials, the presence of water, formational contacts, geologic shear zones, and seismic activity.

According to the California Department of Conservation's Landslide Inventory Map of the San José East Quadrangle, the project site is not within an area with the potential for earthquake-induced landslides.[31] Therefore, the potential for earthquake-induced landslides at the site is considered low, and the impact would be considered less than significant.

b) Result in substantial soil erosion or the loss of topsoil?

Less-than-Significant Impact. Erosion is a normal and inevitable geologic process whereby earthen materials are loosened, worn away, decomposed, or dissolved and moved from one place to another. Precipitation, running water, waves, and wind are all agents of erosion. Ordinarily, erosion proceeds gradually, but when the natural equilibrium of the environment is changed, the rate of erosion can be greatly accelerated. This can create aesthetic as well as engineering problems on undeveloped sites. Accelerated erosion in an urban area can cause damage by undermining structures; blocking storm drains; and depositing silt, sand, or mud in roads and tunnels. Eroded materials can eventually be deposited in local waters, where the carried silt remains suspended in the water for some time, constituting a pollutant and altering the normal balance of plant and animal life.

[30] US Geological Survey, Liquefaction Susceptibility, 2024, accessed November 11, 2024

[31] California Department of Conservation, Landslide Inventory Map of the San José East Quadrangle, accessed November 11, 2024.

Construction

Project-related construction activities would expose soil through excavation, grading, and trenching, and thus could cause erosion during heavy winds or storms. Construction projects of one acre or more (such as the project site) are regulated under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the State Water Resources Control Board. Project applicants obtain coverage by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) estimating sediment risk from construction activities to receiving waters, and specifying best management practices that would be incorporated into the construction plan to minimize stormwater pollution. Categories of BMPs used in SWPPPs are described in Table 10, *Construction Best Management Practices*. Construction of the proposed project would be subject to the Statewide General Construction Permit and implementation of BMPs specified in the SWPPP.

Table 10 Construction Best Management Practices

Category	Purpose	Examples
Erosion Controls and Wind Erosion Controls	Cover and/or bind soil surface, to prevent soil particles from being detached and transported by water or wind.	Mulch, geotextiles, mats, hydroseeding, earth dikes, swales.
Sediment Controls	Filter out soil particles that have been detached and transported in water.	Barriers such as straw bales, sandbags, fiber rolls, and gravel bag berms; desilting basin; cleaning measures such as street sweeping.
Tracking Controls	Minimize the tracking of soil off-site by vehicles.	Stabilized construction roadways and construction entrances/exits; entrance/outlet tire wash.
Non-stormwater Management Controls	Prohibit discharge of materials other than stormwater, such as discharges from the cleaning, maintenance, and fueling of vehicles and equipment. Conduct various construction operations, including paving, grinding, and concrete curing and finishing, in ways that minimize non-stormwater discharges and contamination of any such discharges.	BMPs specifying methods for: Paving and grinding operations; cleaning, fueling, and maintenance of vehicles and equipment; concrete curing; concrete finishing.
Waste Management and Controls (i.e., good housekeeping practices)	Management of materials and wastes to avoid contamination of stormwater.	Spill prevention and control, stockpile management, and management of solid wastes and hazardous wastes.

Source: CASQA, 2012.

Additionally, the City requires all phases of development projects to comply with all applicable City regulatory programs pertaining to construction related erosion, including the City's Standard Permit Conditions, below.

Standard Permit Conditions

- A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation. The City Geologist will review the Geotechnical Report and issue a Geologic Clearance.
- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.
- 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.

Construction activities would not generate substantial erosion. With BMPs and implementation of the standard permit conditions, construction-phase soil erosion impacts would be less than significant.

Operation

The project site includes eight two-story residential buildings with a surface parking lot, green spaces, and paved surfaces (such as drive aisles, driveways, and pedestrian paths). After the development of the proposed project, the project site would not contain exposed or bare soil that would have the potential for erosion. With the incorporation of stormwater infrastructure on-site and pervious landscaping,

operation of the proposed project would not have a potential for soil erosion. Therefore, potential impacts related to potential for soil erosion would be less than significant.

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

Less-than-Significant Impact. As described above, the project site is flat, and is not adjacent to any slope or hillside area. The proposed project would not create slope. Thus, on- or off-site landslides would not occur. Hazards arising from liquefaction and landslides would be less than significant, as discussed under criteria (a)(iii) and (a)(iv).

Lateral spreading is the downslope movement of surface sediment due to liquefaction in a subsurface layer. As described previously, the project site is in a moderate liquefaction zone. However, the proposed project would be required to comply with the design parameters of the CBC to limit the potential for liquefaction.

The major cause of ground subsidence is withdrawal of groundwater and collapsible soils are typically geologically young, unconsolidated sediments of low density that may compress under the weight of structures. According to the California Department of Water Resources' Groundwater Basin Boundary Assessment Tool, the project site is over the Santa Clara Valley groundwater basin.[32] However, the risk of subsidence is low due to the groundwater table generally being below the soil/bedrock interface and the relatively low seismic activity of the area. Therefore, project development would not subject people or structures to substantial hazards arising from ground subsidence and collapsible soils. Impacts would therefore be less than significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less-than-Significant Impact. Expansive soils possess clay particles that react to moisture changes by shrinking when dry or swelling when wet. These soils have the potential to crack building foundations and, in some cases, structurally distress the buildings themselves. Minor to severe damage to overlying structures is possible. Much of the soil in San José is moderately to highly expansive both on the valley floor an in hillside areas.[33] The proposed project would be constructed in accordance with the standard engineering practices in the CBC, as adopted by the City of San José. A grading permit from the San José Department of Public Works would be obtained prior to the issuance of a Department of Public Works clearance. These standard practices would ensure that the proposed project would be designed and constructed to minimize hazards due to expansive soils, and the soil conditions on-site would not be

[32] California Department of Water Resources' Groundwater Basin Boundary Assessment Tool, 2024.

[33] City of San José, Draft Program Environmental Impact Report for the Envision San José 2040 General Plan, 2011.

exacerbated by the project such that it would impact (or worsen) on- or off-site conditions. Therefore, impacts would be less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. A project would cause a significant impact if adequate wastewater disposal were not available. The proposed project does not propose the use of septic tanks or alternative wastewater disposal systems. The project site is in a residential area and would connect to existing sewer lines. Therefore, no impacts would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less-than-Significant Impact. A paleontological resource is a natural resource characterized as faunal or floral fossilized remains but may also include specimens of non-fossil material dating to any period preceding human occupation. A significant impact would occur if ground-disturbing activities (e.g., grading, excavation) associated with project construction would disturb, damage, or destroy previously unknown buried paleontological features and deposits that could be considered significant resources.

Construction activities would require surficial grading and minimal excavation over the project site. In the unlikely event that paleontological resources are discovered during excavation or grading, potential impacts would be reduced and compliance with regulatory requirements in California Public Resources Code Section 21083.2.

Additionally, the following City's standard permit condition for paleontological resources would be applied to the proposed project to reduce and avoid impacts to unidentified resources.

Standard Permit Condition

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

Through compliance with regulatory requirements and implementation of the above standard permit condition, the potential for disturbing a known or unknown paleontological or geological resource as a result of the proposed project would be less than significant.

4.8 GREENHOUSE GAS EMISSIONS

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
VIII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

The analysis in this section is based in part on the following studies, which are in Appendix A and Appendix B of this Initial Study.

- *Air Quality and Greenhouse Gas Emissions Data*, PlaceWorks, May 2025
- *Health Risk Assessment,* PlaceWorks, November 2024

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less-than-Significant Impact. Implementation of a development project could contribute to global climate change through direct emissions of greenhouse gas (GHG) emissions from on-site area sources and vehicle trips generated by the project, and indirectly through off-site energy production required for on-site activities, water use, and waste disposal. Because no single project is large enough to result in a measurable increase in global concentrations of GHG emissions, climate change impacts of a project are considered on a cumulative basis.

Construction

The proposed project would generate short-term GHG emissions from project-related construction activities. Sources of emissions would primarily be generated from construction worker and vendor vehicle trips to and from the project sites and from operation of off-road construction equipment.

Neither the City of San José nor the Air District has established significance thresholds for construction-related GHG emissions. The Air District has not established a significance threshold for construction-related GHG emissions because construction emissions are temporary and variable. However, per the Air District's CEQA Guidelines, while no significance threshold has been established, project-related

construction GHG emissions should be disclosed for information purposes.[34] Overall, construction of the proposed project would occur from summer 2025 to summer 2027 and would generate a total of 158 metric tons of carbon dioxide equivalent ($MTCO_2e$) during this period.

Operation

Pursuant to the Air District CEQA Guidelines, a lead agency may utilize consistency with a local GHG reduction strategy that meets the criteria under CEQA Guidelines Section 15183.5(b) to determine potential project-related GHG emissions impacts.[35] The adopted City of San José 2030 Greenhouse Gas Reduction Strategy (GHGRS) is a qualified GHG reduction plan under CEQA Guidelines Section 15183.5. Therefore, the proposed project's operation-related GHG emissions impacts are evaluated based on consistency with the GHGRS. To ensure consistency with the GHGRS, new development projects requiring discretionary review, such as the proposed project, are subject to the City's Development Compliance Checklist (Checklist). Projects subject to the Checklist must demonstrate consistency with the GHGRS reduction strategies included in the Checklist, or identify alternative measures that would achieve the same or greater GHG emissions reductions compared to the GHGRS. The Checklist is comprised of consistency in two components. The first component involves consistency with select General Plan policies related to land use design and transportation, pedestrian, bicycle, and transit design, green building, and water conservation. The second component involves consistency with GHGRS strategies related to clean energy use and access, building decarbonization, zero waste and waste diversion, enhancement of local transit opportunities, and water conservation. Thus, conformance with the Checklist would ensure the proposed project is consistent with the strategies of the GHGRS (see Appendix A).

The proposed homes would be designed and built to be all-electric and would not be connected to natural gas infrastructure. Additionally, the proposed project would install a rooftop PV system on each home in in compliance with the on-site photovoltaic system ((PV) requirements of the 2022 Building Energy Efficiency Building Standards.[36] These project features would be consistent with the building decarbonization and clean energy-related General Plan policies and GHGRS strategies. Regarding consistency with Checklist's water conservation policies and strategies, the proposed project would install high efficiency appliances and plumbing fixtures and comply with the water-efficient requirements specified in CALGreen[37] and California Plumbing Codes.[38] Furthermore, proposed landscaping would comply with the Water Efficient Landscape Ordinance (WELO)[39] requirements for water efficient landscaping and would include only low water use, drought-tolerant shrubs, trees, and ground cover. In addition, the proposed project would construct a new sidewalk for the Roberts Avenue street frontage, which does not currently have sidewalks. This improvement would enhance pedestrian infrastructure.

[34] Bay Area Air District, 2023, California Environmental Quality Act Air Quality Guidelines.

[35] Bay Area Air District, 2023, California Environmental Quality Act Air Quality Guidelines.

[36] California Energy Commission, 2021, 2022 Building Energy Efficiency Standards.

[37] California Code of Regulations, Title 24, Part 11, Green Building Standards Code.

[38] California Code of Regulations, Title 24, Part 5, California Plumbing Code.

[39] California Code of Regulations, Title 23, Chapter 2.7, Model Water Efficient Landscape Ordinance

Overall, the proposed project would conform to the policies and strategies of the Checklist, which would ensure consistency with the GHGRS. Therefore, impacts would be less than significant.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less-than-Significant Impact. This impact discussion evaluates the proposed project's consistency with applicable plans adopted for the purpose of reducing GHG emissions, which include CARB's Scoping Plan and MTC/ABAG's Plan Bay Area 2050. The consistency review with the City of San José GHGRS is addressed in the impact discussion above; as discussed, the proposed project would be consistent with the City's GHGRS.

CARB's Scoping Plan

CARB's Climate Change Scoping Plan outlines the State's strategies to reduce GHG emissions in accordance with the targets established under AB 32 and SB 32. The Scoping Plan is applicable to State agencies and is not directly applicable to cities/counties and individual projects. However, new regulations adopted by the State agencies outlined in the Scoping Plan result in GHG emissions reductions at the local level. As a result, local jurisdictions benefit from reductions in transportation emissions rates, increases in water efficiency in the building and landscape codes, and other statewide actions that affect a local jurisdiction's emissions inventory from the top down. Statewide strategies to reduce GHG emissions include the low-carbon fuel standard and changes in the corporate average fuel economy standards (e.g., Pavley I and Pavley California Advanced Clean Cars program).

The proposed project would adhere to the programs and regulations identified by the Scoping Plan and implemented by State, regional, and local agencies to achieve the statewide GHG reduction goals of AB 32 and SB 32. For example, the proposed project would meet the applicable CALGreen and Building Energy Efficiency standards in addition to the applicable City of San José Reach Code Ordinance requirements. Furthermore, conformance with the City's Development Compliance Checklist would ensure consistency of the proposed project to the GHGRS. Therefore, the proposed project would generate GHG emissions consistent with the reduction goals of AB 32 and SB 32, and impacts would be less than significant.

Plan Bay Area 2050

As part of the implementing framework for Plan Bay Area 2050, local governments have identified priority development areas (PDA) to focus growth. The project is not within a PDA.[40] While the proposed project is not within a PDA, it is an infill development project within a built-out, urbanized area of the city. Thus, the project would be consistent with the overall goals of Plan Bay Area 2050 in concentrating new development in locations where there is existing infrastructure. In addition, as described in Section 4.14, *Population and Housing*, of this Initial Study, the proposed project would serve the existing community

[40] Metropolitan Transportation Commission and Association of Bay Area Governments, 2020, Plan Bay Area 2050 Plan. Priority Development Areas (Plan Bay Area 2050) ArcGIS.

and not induce substantial unplanned population growth. Furthermore, as discussed in Section 4.17(b), *Transportation*, of this Initial Study, due to the nature and size of the proposed project, it would have a less-than-significant VMT impact. Therefore, the proposed project would not conflict with the land use concept plan in Plan Bay Area 2050, and impacts would be less than significant.

4.9 HAZARDS AND HAZARDOUS MATERIALS

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

The analysis in this section is based in part on the following studies, which are in Appendix F and Appendix G, of this Initial Study.

- *Phase I Environmental Site Assessment: 1190 Roberts Avenue*, Almar Environmental, June 24, 2024
- *Evaluation of Roberts Avenue Landfill and Need for Additional Investigation*, Cathleen Fitzgerald, D.Env., P.E., March 10, 2025

Would the project:

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

Less-than-Significant Impact. A significant impact would occur if the proposed project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Construction of the proposed project would use limited amounts of hazardous materials, including vehicle fuels, grease, oils, transmission fluids, and coatings such as paint. The existing building on the project site would be demolished and potentially contains hazardous building materials.

Construction

Construction activities would be required to comply with federal, state, and local regulations for the handling, use, transport, and disposal of hazardous materials. Agencies that provide oversight of hazardous materials include the US Environmental Protection Agency, Santa Clara County Department of Environmental Health, California Division of Occupational Safety and Health, US Occupational Safety and Health Administration, and US Department of Transportation.

Additionally, the following City's Standard Permit Conditions for hazards and hazardous materials would be applied to the proposed project to reduce and avoid potential impacts.

Standard Permit Condition

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 lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable asbestos containing materials (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 Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials, and implementation of the City's Standard Permit Conditions, would ensure that all potentially hazardous materials are used and handled in an appropriate manner during construction and impacts would be less than significant.

Operation

Operation of the proposed project would involve the use of small amounts of hazardous materials, such as cleansers, paints, fertilizers, and pesticides, that are common in residential properties. However, the proposed project would not be associated with uses that use, generate, store, or transport large quantities of hazardous materials, such as manufacturing, industrial, medical, and other similar uses. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials, would ensure that all potentially hazardous materials are used and handled in an appropriate manner and impacts during operation of the proposed project would be less than significant.

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?

Less-than-Significant Impact. Use of hazardous materials during construction of the proposed project could potentially include vehicle fuels, grease, oils, transmission fluids, and coatings such as paint. Additionally, use of hazardous materials after construction could potentially include cleaning solvents, fertilizers, pesticides, and other materials used in the regular maintenance and operation of the residential development. An accidental release of any of these materials could pose a health hazard to the public. Furthermore, demolition of the existing building on the project site could potentially result in the release of hazardous building materials (e.g., ACM and LBP) into the environment.

A Phase I Environmental Site Assessment for the project site was conducted in June 2024. Findings show that there was no evidence of hazardous substances or petroleum products, previous release of hazardous substances or petroleum products, hazardous substances or petroleum products allowed to remain in place by regulatory authority, vapor intrusion of chemicals of concern in the indoor air environment, or additional findings of potential environmental concern that may pose a potential threat to the project site found. No conclusions were made regarding ACM, LBP, radon, or mold. No further action in regard to the presence, or historical presence, of any hazardous substances or petroleum products is recommended.

Existing federal, State, and local regulations and the City's Standard Permit Conditions listed under impact criterion (a) would serve to prevent the release of hazardous materials into the environment, including those mentioned under criterion (a). Specifically, any work that would potentially expose workers or the

public to hazardous building materials would be regulated by the California Code of Regulations, Title 8, Section 1529 and Section 1532.1; Code of Federal Regulations, Title 40, Part 61, Subpart M and Title 29, Section 1926.62; and the Air District's District Regulation 11, Rule 2, and District Regulation 11, Rule 1. ACM and LBP abatement must be performed and monitored by contractors with appropriate certification from the California Department of Safety and Health. Additionally, the stormwater best management practices required for the proposed project would assist in the prevention of accidental release of hazardous materials (see Section 4.10, *Hydrology and Water Quality*, for additional detail). Thus, compliance with the existing laws and regulations and the City's Standard Permit Condition would ensure that the proposed project does not create a significant hazard to the public and impacts would be less than significant.

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

Less-than-Significant Impact. The only school located within one-quarter mile, RF Kennedy Elementary School at 1602 Lucretia Avenue, San José, is located approximately 0.2 miles southeast of the closest project site parcel. Construction of the proposed project would include hazardous materials, vehicle fuels, grease, oils, transmission fluids, and coatings that are typical of residential construction projects, though, as described for impact criterion (b), compliance with applicable laws and regulations, and the City's Standard Permit Condition, would ensure that the proposed project does not create a significant hazard to the public. Additionally, as described in Section 4.3, *Air Quality*, the proposed project would comply with the standard permit conditions to reduce fugitive dust emissions during construction.

The operation of the proposed project would require limited hazardous materials that are typical of residential uses, such as small amounts of typical cleaning supplies and solvents for housekeeping. As discussed under criteria (a) and (b), hazardous materials at the project site during construction and operation would be required to comply with federal, State, and local health codes and regulations. The proposed project would not create a significant hazard through hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Therefore, impacts would be less than significant.

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

Less-than-Significant Impact. Neither project site parcel is listed on the DTSC Cortese list pursuant to Government Code Section 65962.5 or listed on any other hazardous waste or materials site, based on the EnviroStor and GeoTracker databases and results of the Phase I ESAs.[41,42] However, the former Roberts

[41] Department of Toxic Substances, EnviroStor, 2025.

[42] California State Water Resources Control Board, GeoTracker, 2025.

Avenue Landfill, owned by the City of San José, is located across Roberts Avenue to the southwest, approximately 80 feet southwest of the project site. The landfill is inactive and was closed in 1979 but is subject to Waste Discharge Requirements (WDRs; Order No. R2-2010-0002), which requires groundwater and landfill gas monitoring on a semiannual and monthly basis, respectively. A portion of the site is currently paved with a restroom and kiosk that serves the existing Happy Hollow Park and Zoo across Coyote Creek to the southwest. A methane barrier and venting system was installed beneath the restroom and information kiosk and a passive landfill gas venting system was installed beneath the paved parking lot.

The latest results of groundwater monitoring on the GeoTracker website (July 2024) indicate that total petroleum hydrocarbons as diesel and motor oil were above the WDR limits and RWQCB Tier I ESLs. Also, dissolved arsenic was detected above WDR and Tier I limits. Volatile organic compounds (VOCs) were not detected in any of the monitoring wells. The groundwater flow direction is to the west-southwest toward Coyote Creek and, therefore, it is unlikely that groundwater would impact the project site. The latest data available on the GeoTracker website (4th Quarter 2022) indicate that no landfill seepage was detected around the perimeter of the disposal area and no methane was reported during the landfill gas monitoring.

Nevertheless, the following City's Envision San José 2040 General Plan Policy EC-7.3 in Chapter 3, Environmental Leadership, Environmental Contamination is applicable to the proposed project. Compliance with this policy would reduce and avoid potential impacts.

Environmental Contamination

> **Policy EC-7.3 –** Where a property is located in near proximity of known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state, and federal agencies prior to approval of a development or development project.

On March 10, 2025, a memorandum was prepared to review the available groundwater and menthane monitoring data at the former Roberts Avenue Landfill to determine is the project site warranted additional testing, including soil vapor testing, for the proposed project (see Appendix G). However, based on the available data and evaluation of the project site, the potential for vapor intrusion from the former Roberts Avenue Landfill onto the project site is unlikely. Thus, soil vapor testing would not be required. Compliance with the City's General Plan policy and adherence to applicable federal, State, and local regulations would ensure that impacts would be less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles or 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?

No Impact. The project site is not within an airport land use plan or within two miles of a public use airport. The nearest public use airport is the Norman Y. Mineta San José International Airport, 3.7 miles northwest of the project site. Therefore, the project would not result in a safety hazard or excessive noise for people residing in the project area, and no impact would occur.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less-than-Significant Impact. The project site currently contains a single-family home. The City of San José Emergency Operations Plan (EOP) identifies emergency response policies, describes the response and recovery organization, and assigns specific roles and responsibilities to City departments, agencies, and community partners.[43] Construction and operation of the proposed project would not obstruct the implementation of local procedures and policies, as stated in the City's EOP and other applicable federal and State regulations regarding emergency response. Additional residents would be added to the neighborhood and would be included in the emergency response plan and emergency evacuation plan for the area. Thus, the proposed project would not interfere with any adopted emergency response or evacuation plan and impacts would be less than significant.

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

Less-than-Significant Impact. A significant impact would occur if the proposed project exposed people and structures to higher risk of wildfire. The project site is outside the State Responsibility Area and is not in a Very High Fire Hazard Severity Zone for wildland fires designated by the California Department of Forestry and Fire Protection.[44] The proposed project would result in development compatible with and typical for the surrounding neighborhood and would not involve any features that would prevent it from being adequately served by the San José Fire Department and would comply with regulations to minimize wildland fire risk during construction and operation. Therefore, impacts would be less than significant. Potential wildfire impacts are described further in Section 4.20, *Wildfire*.

[43] City of San José, Emergency Operations Plan- Base Plan, 2024 April.

[44] CAL FIRE, Fire Hazard Severity Zones in State Responsibility Area Viewer, 2023 September.

4.10 HYDROLOGY AND WATER QUALITY

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
X. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
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:				
i) result in a substantial erosion or siltation on- or off-site;			X	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less-than-Significant Impact. A significant impact would occur if the proposed project discharges water that does not meet the quality standards of agencies that regulate surface water quality and water discharge into storm drainage systems or does not comply with all applicable regulations as governed by

the San Francisco Bay Regional Water Quality Control Board (RWQCB), Region 2. Clearing, grading, excavation, and construction activities due to the proposed project have the potential to impact water quality by increasing erosion and the amount of debris carried in runoff. The use of construction materials, such as fuels, solvents, and paints, may also present a risk to surface water quality. Additionally, the refueling and parking of construction vehicles and other equipment on-site during construction may result in oil, grease, or related pollutant leaks and spills that may discharge into the storm drain system.

At 1.09 acres in area, the project site is over one acre and the proposed project would therefore be required to comply with an NPDES Construction General Permit and develop and implement a SWPPP. The SWPPP would identify BMPs during construction that would minimize the potential effects due to construction like soil erosion and sedimentation and control pollutants in stormwater runoff. The Construction General Permit (Order WQ 2022-0057-DWQ) also requires that, prior to the start of construction activities, the project applicant must file Permit Registration Documents with the SWRCB, which includes a notice of intent, risk assessment, site map, annual fee, signed certification statement, and SWPPP.

Additionally, the City of San José operates under the Municipal Regional Stormwater NPDES Permit (MRP), issued by the RWQCB (Order No. R2-2022-0018 and NPDES Permit No. CAS612008). Requirements for stormwater permitting under the MRP Provision C.3, addresses the thresholds required for development and redevelopment projects to both treat and prevent increases in runoff from development projects. Provision C.3 requires regulated projects to incorporate post-construction stormwater management measures, including site design measures, source control measures, and stormwater treatment measures to reduce stormwater pollution after construction of the project. These requirements are in addition to standard stormwater-related best management practices required during construction.

The proposed project would also be required to comply the City's grading ordinance to ensure that the site is graded to drain properly and does not impact adjacent properties or create erosion problems. To ensure that grading operations do not impact the local creeks and storm drainage systems during the wet months, any grading between October 1 and April 30 requires an approved erosion control plan.

Lastly, the City's Standard Permit Conditions to prevent stormwater pollution and minimize potential sedimentation would be applied to project construction, including:

Standard Permit Condition

Construction-related Water Quality

i. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

ii. Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

iii. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

iv. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

v. All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.

vi. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

vii. Vegetation in disturbed areas shall be replanted as quickly as possible.

viii. All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.

ix. The project Permittee shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Compliance with regulatory requirements would ensure that the construction of the proposed project would not result in substantial erosion or violate water quality standards and impacts would be less than significant.

Operation of the proposed project could also impact water quality. Urban runoff from the proposed project may contain oil and grease, trash and debris, and other pollutants common in residential uses. Precipitation at the beginning of the rainy season may result in an initial stormwater runoff with high pollutant concentrations. The proposed project would result in an increase of impervious areas on-site from 3,650 square feet to 26,000 square feet. According to the Stormwater Control Plan (SCP) prepared for the project site, post-construction runoff would either drain to the bioretention areas along the southern boundary of the project site or via surface flow to new 15-inch storm drain beneath the driveway area. The 15-inch storm drain would connect to a new, off-site 15-inch storm drain beneath Roberts Avenue. The bioretention areas described in the SCPs were designed according to the RWQCB MRP requirements and would reduce surface flows and improve the water quality of stormwater runoff.

As described above, the proposed project would be regulated under the NPDES permit program administered by the San Francisco Bay RWQCB to regulate water quality and stormwater runoff.

With the implementation of the BMPs and compliance with all applicable regulations and permits, operational impacts to water quality would be less than significant.

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

Less-than-Significant Impact. A project would have a significant impact on groundwater level if it would change potable water levels sufficiently to: (a) reduce the ability of a water utility to use the groundwater basin for public water supplies, conjunctive use purposes, storage of imported water, summer/winter peaking, or emergencies and drought; (b) reduce yields of adjacent wells or well fields (public or private); (c) adversely change the rate or direction of flow of groundwater; or (d) result in demonstrable and sustained reduction in groundwater recharge capacity.

San José Water Company provides potable water to the project site; however, Santa Clara Valley Water (Valley Water) manages groundwater resources in Santa Clara County.[45] The project site is within the Santa Clara Plain groundwater basin and would be required to follow the groundwater management plan set for the Santa Clara and Llagas Subbasins.[46] While dewatering might be needed during construction of the proposed project, it would follow the Construction BMPs for the City of San José. These BMPs include managing discharged groundwater, diverting water away from offsite areas, and obtaining approval from the local municipality before discharging water to a street gutter or storm drain.[47] Following the BMPs specific to dewatering would allow the proposed project to not affect groundwater supply or recharge during project construction.

Additionally, the project site is not on or adjacent to one of the Santa Clara subbasin's pumping distribution centers.[48] Further, the proposed project would not have wells that would affect groundwater. Therefore, the proposed project would not substantially interfere with groundwater recharge, and impacts would be less than significant.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in a substantial erosion or siltation on- or off-site?

Less-than-Significant Impact. A significant impact would occur if the proposed project would substantially impact surface water hydrology or if it would result in a permanent, adverse change to the movement of surface water that is sufficient to substantially change the current or direction of water flow and would result in substantial erosion or siltation.

[45] City of San José, Environmental Services, Utility Services Lookup

[46] Santa Clara Valley Water, 2024, Sustainable Groundwater Management

[47] City of San José, Construction Best Management Practices (BMPs)

[48] Santa Clara Valley Water, 2021, Groundwater Management Plan for the Santa Clara and Llagas Subbasins.

The proposed project would involve site modifications that would require grading, excavation, and soil exposure during construction, with the potential for erosion or siltation to occur. The proposed project would be required to prepare and implement a SWPPP, which would include BMPs to reduce erosion and siltation. Construction of the proposed project would be subject to the Statewide Construction General Permit and implementation of BMPs specified in the SWPPP. Compliance with City regulations, NPDES permit, and implementation of the SWPPP would ensure that the construction of the proposed project would not result in adverse water quality impacts while the existing drainage pattern of the site is being altered. Thus, the proposed project would not result in substantial erosion and siltation on- or off-site and impacts would be less than significant.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Less-than-Significant Impact. A significant impact would occur if the proposed project would substantially impact surface water hydrology or if it would result in a permanent, adverse change to the movement of surface water that would substantially increase the rate or amount of surface runoff and cause flooding on- or off-site.

The proposed project would increase the impervious surface area on-site, which would result in an increase in stormwater runoff from the site. Thus, implementation of the proposed project would alter the drainage pattern of the project site due to the increase in impervious surfaces. However, the proposed project would not alter the course of any waterway since there are no streams, rivers, or other surface water bodies on the project site. During construction, the proposed project would be required to comply with the NPDES Construction General Permit and prepare and implement a SWPPP. Under the SWPPP, the proposed project would implement BMPs that would control surface runoff. Post-construction runoff would either drain to the bioretention areas along the southern boundary of the project site or via surface flow to new 15-inch storm drain beneath the driveway area which would flow into a new off-site 15-inch storm drain beneath Roberts Avenue. These BMPs are outlined in the SCP and were designed according to the RWQCB MRP requirements. With implementation of the proposed project's construction and operational BMPs and compliance with applicable regulations, surface runoff from the project site would not result in substantial flooding on- or off-site and impacts would be less than significant.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less-than-Significant Impact. A significant impact would occur if the proposed project would substantially impact surface water hydrology or if it would increase runoff to exceed the capacity of stormwater drainage systems.

The proposed project would increase the impervious surface area on-site, which would result in an increase in stormwater runoff from the site. However, during construction, the proposed project would be required to comply with the NPDES Construction General Permit and prepare and implement a SWPPP. Under the SWPPP, the proposed project would implement BMPs that would control surface runoff. These would include bioretention areas along the southern boundary of the project site and a new 15-inch storm drain beneath the driveway that would flow into a new off-site 15-inch storm drain beneath Roberts Avenue. This would ensure that the proposed project does not contribute excess runoff into the stormwater drainage system serving the project site. During operation, stormwater or runoff irrigation water would be directed into on-site drainage and conveyed to a series of catch basins and drainage pipes within the existing storm drain infrastructure.

Additionally, the City of San José has a Green Stormwater Infrastructure Plan (GSI Plan) to lay out the approach, strategies, targets, and tasks needed to transition traditional "gray" infrastructure to include green stormwater infrastructure over the long term and to implement and institutionalize the concepts of GSI into standard municipal engineering, construction, and maintenance practices.[49] The GSI Plan is intended to serve as an implementation guide for reducing the adverse water quality impacts of urbanization and urban runoff on receiving waters over the long term, and as a reporting tool to provide assurance that specific pollutant reductions from discharges to local creeks and San Francisco Bay will be met. The GSI Plan is required by the City's MRP for the discharge of stormwater runoff from the City's storm drain system.[50]

With implementation of the proposed project's construction and operational BMPs and compliance with applicable regulations, the proposed project would not result in a significant increase in site runoff nor change the local drainage patterns to exceed the capacity of stormwater drainage systems serving the project site. The proposed project would also not add substantial sources of polluted runoff. Therefore, impacts would be less than significant.

iv) Impede or redirect flood flows?

Less-than-Significant Impact. According to the Federal Emergency Management Agency (FEMA) Map, the project site is in Flood Zone D, which is an area with possible but undetermined flood hazards, and no flood hazard analysis has been conducted.[51] Implementation of the proposed project would increase impervious surfaces on site, introduce new pervious landscaping on-site, and would include a storm drain system to collect, treat, and convey stormwater into the existing storm drain system in the area. Any off-site surface flows that enter the site would enter the proposed storm drain system or flow to existing storm drain infrastructure, consistent with existing flow patterns. Other flood hazards, such as tsunamis, seiche zones, dam inundation areas, and more are discussed under

[49] City of San José, 2019, Green Stormwater Infrastructure Plan.

[50] City of San José, 2019, Green Stormwater Infrastructure Plan.

[51] Federal Emergency Management Agency, FEMA's National Flood Hazard Layer Viewer, 2024.

criterion (d). Therefore, the proposed project would not result in impeding or redirecting flood flows, and impacts would be less than significant.

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

No Impact. The project site is not within a tsunami or seiche inundation zone, and is designated as Flood Zone D (i.e., undetermined flood hazard area).[52] A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam or other artificial body of water. According to the Santa Clara County Multijurisdictional Hazard Mitigation Plan, the Bay Area has not been adversely affected by seiches and the project site is located over 9 miles from the San Francisco Bay.[53] Additionally, the project site is not located in a tsunami hazard evacuation area, and therefore would not be at risk of a tsunami.[54]

The nearest waterway to the project is Coyote Creek, located approximately 0.17 miles to the west of the project site, though the project site is not in a reservoir flood zone or dam inundation zone. Further, Valley Water maintains Emergency Action Plans with procedures for damage assessment and emergency warnings. Additionally, the City and Santa Clara County address flood hazards in the local hazard mitigation plan, which also provides emergency response actions.[55] Therefore, there is not a substantial risk of flooding at the project site and there would not be a risk of release of pollutants due to project inundation. Thus, there would be no impact.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less-than-Significant Impact. Valley Water prepared a groundwater management plan (GWMP) for the Santa Clara Plain and Llagas subbasins in 2021. This plan provides the framework to gauge and measure performance including objectives, strategies, programs, and activities.[56] Implementation of the proposed project would not interfere with any actions by Valley Water in the GWMP or conflict with implementation of the GWMP. Additionally, the proposed project would comply with all existing local, regional, and state regulations, including the Construction General Permit, NPDES Permit, and SWPPP, and would not obstruct implementation of a water quality control plan. Therefore, impacts would be less than significant.

[52] Federal Emergency Management Agency, FEMA's National Flood Hazard Layer Viewer, 2024.

[53] County of Santa Clara, 2023, Santa Clara County Multijurisdictional Hazard Mitigation Plan.

[54] County of Santa Clara, 2023, Santa Clara County Multijurisdictional Hazard Mitigation Plan.

[55] County of Santa Clara, Office of Emergency Management, 2022, County of Santa Clara Emergency Operations Plan.

[56] Valley Water, 2021, Groundwater Management Plan for the Santa Clara and Llagas Subbasins.

4.11 LAND USE AND PLANNING

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?			X	
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?			X	

Would the project:

a) Physically divide an established community?

Less-than-Significant Impact. A significant impact would occur if the project would create a physical barrier in an established community, such as the construction of a new freeway or railroad or major street closures that could limit access across the neighborhood. The proposed project includes the development of single-family residences within an urban area zoned for residential use. The construction and operation of the proposed project would occur within the boundaries of the project site. Therefore, the proposed project would not physically divide an established community, and impacts would be less than significant.

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?

Less-than-Significant Impact. A significant impact could occur if the project is inconsistent with the City's General Plan, zoning, or other plans that apply to the project site. The proposed project includes rezoning the project site parcel from Single-Family Residential (R-1-8) to Planned Development (R-1-8 Low to Medium Residential Based district) (R-1-8[PD]).

Zoning Designation

The current zoning designation of Single-Family Residential (Up to Eight Dwelling Units per Acre) (R-1-8) allows for a single-family dwelling, accessory dwelling unit, and residential care or service facility for six or fewer people. The R-1-8 district has a minimum lot area of 5,445 square feet, minimum setbacks of 20 feet in the front and back, and a maximum height of 35 feet or 2.5 stories. The project proposes to rezone the size to Planned Development (R-1-8 Planned Development – Low to Medium Residential Based District) (R-1-8[PD]).

Both the current and proposed zoning designations focus on residential uses; however, the proposed R-1-8 zoning allows a mix of uses and flexible design standards. Single-family residential character is maintained while allowing flexibility to design development with variations in lot sizes and unit types, allowing for a mix of housing options within the low to medium density range.

General Plan Land Use Designation

According to the Envision San José 2024 General Plan, New residential development should conform to the prevailing neighborhood density, which is 8 dwelling units per acre for Residential Neighborhood (RN). Thus, the proposed project would be consistent with the General Plan's land use density requirements.

Additionally, the proposed project would be consistent with the City's General Plan, and would be required to comply with the following policies set by Community Design (CD), Land Use (LU), and Measurable Environmental Sustainability (MS) elements:

- **Policy 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.
- **Policy 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.
- **Policy CD-4.3.** Promote consistent development patterns along streets, particularly in how buildings relate to the street, to promote a sense of visual order, and to provide attractive streetscapes.
- **Policy CD-4.9.** For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street). 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).
- **Policy LU-1.6.** With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.
- **Policy MS-1.1.** Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.

For these reasons, the proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the impacts would be less than significant.

4.12 MINERAL RESOURCES

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XII. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				X
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?				X

Would the project:

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

No Impact. The project site is located in the San José East Quadrangle, an area classified as mineral resource Zone 3, which are areas that contain mineral deposits, but their significance cannot be evaluated from available data.[57] The City of San José General Plan states that there are no mineral deposits in the project area that are of statewide significance.[58] Therefore, the proposed project would not result in loss of a known mineral resource, and no impact would occur.

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?

No Impact. As described above, the project site is not delineated as an important mineral resource recovery site in the San José General Plan and is not mentioned in any other land use plans. Therefore, no impact would occur.

[57] California Department of Conservation, 1987, "Special Report 146 Part II," Mineral Land Classification: Aggregate Materials in the San Francisco–Monterey Bay Area.

[58] City of San José, 2023, Envision San José 2040 General Plan.

4.13 NOISE

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XIII. NOISE. 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?		X		
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
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?			X	

The analysis in this section is based in part on the following study, which is in Appendix H of this Initial Study.

- *Noise Modeling Data,* PlaceWorks, May 2025

Noise is defined as unwanted sound and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise, the federal, State, and city governments have established criteria to protect public health and safety and to prevent the disruption of certain human activities, such as classroom instruction, communication, or sleep.

Applicable Standards

Federal Transit Administration

The Federal Transit Administration has identified construction noise thresholds in the Transit Noise and Vibration Impact Assessment Manual, which limits daytime construction noise to 80 dBA Leq at residential land uses, 85 dBA Leq at commercial uses, and 90 dBA Leq at industrial land uses.[59]

[59] Federal Transit Administration. 2018, September. Transit Noise and Vibration Impact Assessment.

California Building Code

The California Building Code is Title 24 of the California Code of Regulations. California Building Code Part 2, Volume 1, Chapter 12, Section 1207.11.2, Allowable Interior Noise Levels, requires that interior noise levels attributable to exterior sources shall not exceed 45 dBA in any habitable room. The noise metric is evaluated as either the Ldn or the CNEL, consistent with the noise element of the local general plan.

Per the *California Building Industry Association v. Bay Area Air Quality Management District* ruling, noise compatibility for future on-site sensitive receptors is generally no longer the purview of the CEQA. However, the City requires that residential projects achieve the interior 45 dBA CNEL noise standard of the California Building Code Title 24.

Envision San José 2040 General Plan

The Environmental Leadership Chapter in the Envision San José 2040 General Plan sets policies to minimize the impact of noise and vibration on people through noise reduction and suppression techniques, and through appropriate land use policies in San José. The following policies are applicable to the proposed project:

EC-1.1. Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state, and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

Interior Noise Levels

- The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

- The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1 of the General Plan). The acceptable exterior noise level objective is established for the City, except in the environs of the Norman Y. Mineta San José International Airport and the Downtown, as described below:

    - For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites

subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.

- For single-family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

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.

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 Norman Y. Mineta San José International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.

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.

City of San José Municipal Code

The San José Municipal Code sets the following standard for noise:

- **Section 20.20.300**, *Performance standards*. The sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in Table 11 at any property line, except upon issuance and in compliance with a special use permit as provided in Chapter 20.100.

Table 11 Noise Standards

	Maximum Noise Level in Decibels at Property Line
Open space or agricultural use adjacent to a property used or zoned for residential purposes	55
Open space or agricultural use adjacent to a property used or zoned for commercial purposes	60
Open space or agricultural use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

Source: San José Municipal Code, Table 20-45. https://library.municode.com/ca/san_jose/codes/code_of_ordinances

- **Section 20.30.700**, *Performance standards*. The sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in Table 12, Noise Standards, at any property line, except upon issuance and in compliance with a special use permit as provided in Chapter 20.100.

Table 12 Noise Standards

	Maximum Noise Level in Decibels at Property Line
Any residential or nonresidential use	55

Source: San José Municipal Code, Table 20-85. https://library.municode.com/ca/san_jose/codes/code_of_ordinances

- **Section 20.100.450***, Hours of construction within 500 feet of a residential unit*. The sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in Table 12, *Noise Standards*, at any property line, except upon issuance and in compliance with a special use permit as provided in Chapter 20.100.

  A. Unless otherwise expressly allowed in a development permit or other planning approval, no applicant or agent of an applicant shall suffer or allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.

B. Without limiting the scope of Section 20.100.310, no applicant or agent of an applicant shall suffer or allow any construction activity on a site subject to a development permit or other planning approval located within 500 feet of a residential unit at any time when that activity is not allowed under the development permit or planning approval.

Existing Noise Environment

The project site is at 1190 Roberts Avenue, adjacent to Happy Hollow Park & Zoo parking lot and single-family residences to the north, east, and south. The noise environment in the vicinity of the project site results primarily from traffic along Roberts Avenue and short-term construction activity occurring in the project area.

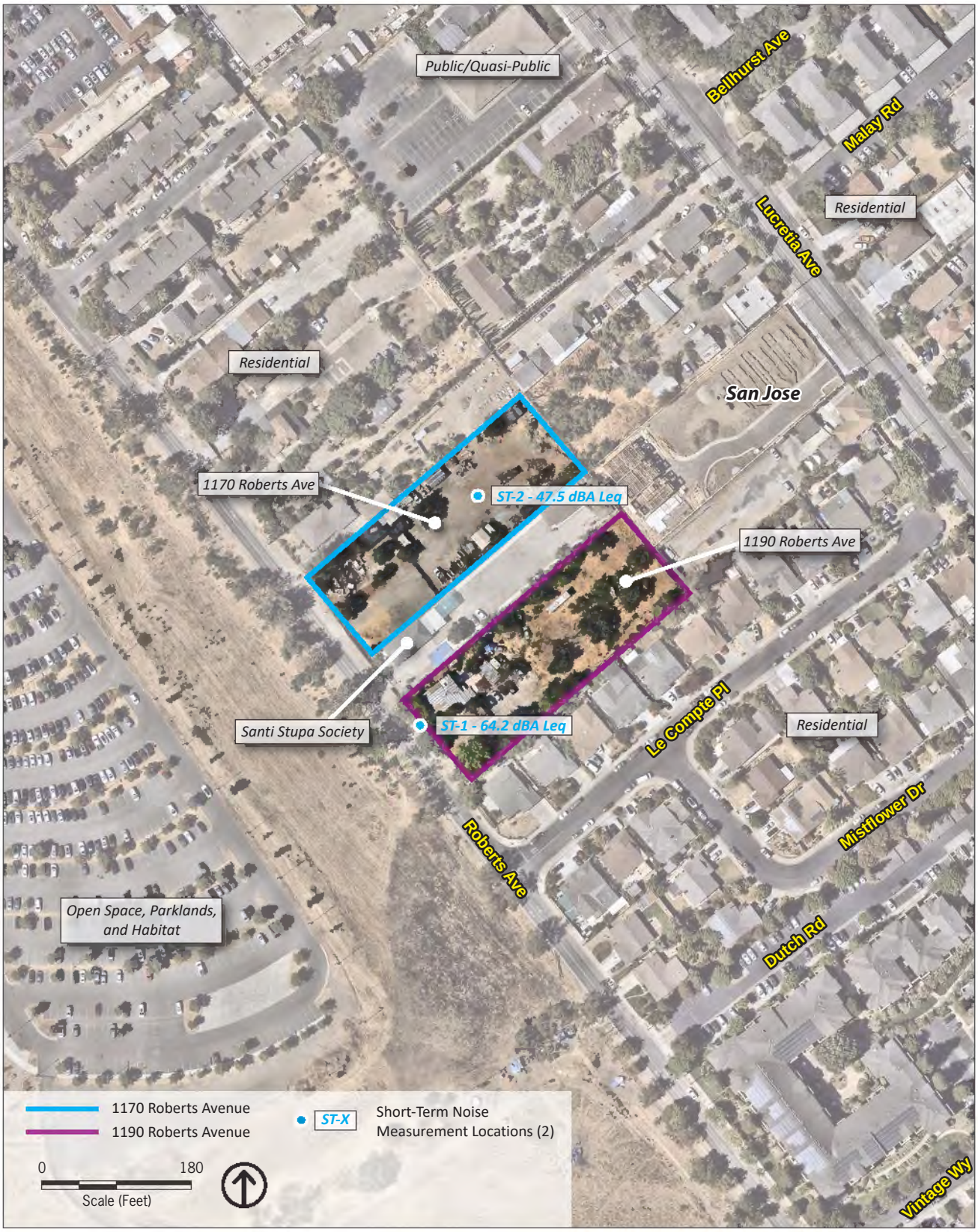
Two short-term (15-minute) measurement locations were selected and conducted on and around the project site. All measurements were conducted on Thursday, November 7, 2024 during daytime hours.

The short-term sound level meter used (Larson Davis LxT) for noise monitoring satisfies the American National Standards Institute (ANSI) standard for Type 1 instrumentation.[60] The short-term sound level meter was set to "slow" response and "A" weighting (dBA). The meter was calibrated prior to and after each monitoring period. All measurements were at least 5 feet above the ground and away from reflective surfaces. Short-term measurement locations are described below and shown in Figure 12, *Approximate Noise Monitoring Locations,* and results are summarized in Table 13, *Short-Term Noise Measurements Summary in A-weighted Sound Levels*.

- **Short-Term Location 1 (ST-1)** was conducted 20 feet from Roberts Avenue centerline next to the driveway at 1190 Roberts Avenue. A 15-minute noise measurement began at 2:49 pm on Thursday, November 7th, 2024. The noise environment is characterized primarily by construction activity across Roberts Avenue, residential noise, and occasional aircraft over-flights. Noise levels measured 64.2 dBA Leq and 77.4 dBA Lmax during the measurement period at ST-1.

- **Short-Term Location 2 (ST-2)** was conducted on the eastern portion of 1170 Roberts Avenue 130 feet from the eastern property line and 60 feet from the northern and southern property lines. A 15-minute noise measurement began at 1:34 pm on Thursday, November 7th, 2024. The noise environment is characterized by construction activity to the east of the project area, residential noise, and occasional aircraft over-flights. Noise levels measured 47.5 dBA Leq and 61.1 dBA Lmax during the measurement period at ST-2.

[60] Monitoring of ambient noise was performed using Larson-Davis model LxT sound level meters.



Source: Nearmap 2024.

Figure 12
Noise Monitoring Locations

Table 13 Short-Term Noise Measurements Summary in A-weighted Sound Levels

Monitoring Location	Description	15-minute Noise Level, dBA						
		L_{eq}	L_{max}	L_{min}	L50	L25	L8	L2
ST-1	20 feet from Roberts Avenue centerline on 1190 Roberts project site 11/7/24, 2:49 pm	64.2	77.4	44.3	60.3	64.4	69.1	73.1
ST-2	Eastern portion of 1170 Roberts project site 130 feet from eastern property line 11/7/24, 1:34 pm	47.5	61.1	43.0	46.0	47.5	50.0	54.2

Source: See Appendix H of this Initial Study.

Sensitive Receptors

Certain land uses are particularly sensitive to noise and vibration. These uses include residences, schools, hospital facilities, houses of worship, and open space/recreation areas where quiet environments are necessary for the enjoyment, public health, and safety of the community. The nearest sensitive receptors to the project site are adjacent residential uses less than 100 feet to the north, south, and east, and the Santi Stupa Society meditation hall is located between the 1170 Roberts Avenue and 1190 Roberts Avenue parcels. Happy Hollow Park & Zoo east parking lot and Kelley Park are located approximately 300 feet to the west of the project site.

Would the project:

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?

Less-than-Significant Impact with Mitigation Incorporated. Following is a discussion of the project's temporary and operational noise impacts as a result of the project's construction and operational phases.

Construction

On-site construction is anticipated to start in June 2025 and be completed by June 2027. Policy EC-1.7 of the City's General Plan requires that all construction operations in the city use best available noise suppression devices and techniques, and the City's Municipal Code limits construction hours near residential uses to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday. During daytime hours, the FTA exterior threshold of 80 dBA Leq shall be applied at residential land uses. Based on the Santi Stupa Society website, meditation hall office hours and group meetings are on Saturdays and Sundays

only. Because construction noise would not occur during weekends, the meditation hall users would not be exposed to project construction noise. The project would implement the following Standard Permit Conditions to reduce construction noise, consistent with General Plan policies.

Standard Permit Conditions

- **Construction-related Noise**. Noise minimization measures include, but are not limited to, the following:
  - 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 that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.
  - Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
  - Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
  - Prohibit unnecessary idling of internal combustion engines.
  - Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
  - Utilize "quiet" air compressors and other stationary noise sources where technology exists.
  - Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
  - Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
  - If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
  - Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Calculations of noise generated by on-site construction equipment are based on the type of equipment used, its location relative to sensitive receptors, and the timing and duration of noise-generating activities. Each phase of construction involves different types of equipment and has distinct noise characteristics. Noise levels from construction activities are typically dominated by the loudest three pieces of equipment. The dominant equipment noise source is typically the engine, although work-piece noise (such as dropping of materials) can also be noticeable.

The noise produced at each construction phase is determined by combining the Leq contributions from the three loudest pieces of equipment used at a given time, while accounting for the ongoing time-variations of noise emissions (commonly referred to as the usage factor). Heavy equipment, such as a dozer or a loader, can have maximum, short-duration noise levels of up to 85 dBA at 50 feet. However, overall noise emissions vary considerably, depending on what specific activity is being performed at any given moment.

Noise attenuation due to distance, the number and type of equipment, and the load and power requirements to accomplish tasks at each construction phase would result in different noise levels from construction activities at a given receptor. Since noise from construction equipment is intermittent and diminishes at a rate of 6 dBA per doubling of distance (conservatively disregarding other attenuation effects from air absorption, ground effects, and shielding effects provided by intervening structures or existing solid walls), the average noise levels at noise-sensitive receptors could vary considerably, because mobile construction equipment would move around the site (site of each development phase) with different equipment mixes, loads, and power requirements.

The expected construction equipment mix was estimated and categorized by construction activity using the Federal Highway Administration Roadway Construction Noise Model (RCNM). Average noise levels from project-related construction activities are calculated by modeling the three loudest pieces of equipment per activity phase. Equipment for grading and site preparation is modeled at spatially averaged distances (i.e., from the acoustical center of the general construction site to the property line of the nearest receptors) because the area around the center of construction activities best represents the potential average construction-related noise levels at the various sensitive receptors for mobile equipment. Similarly, construction noise from demolition is modeled from the center of the project site. Building construction and architectural coating are measured from the edge of the proposed buildings to the nearest sensitive receptors. Additionally, paving is measured from the edge of the nearest paving areas to the nearest sensitive receptors. Noise levels at receptors in the vicinity of the project site are summarized in Table 14, *Calculated Construction Noise Levels at Nearby Receptors*.

As shown in Table 14, construction noise levels would intermittently range from 57 to 86 dBA Leq at the nearest noise-sensitive receptors when activities are focused near the center of the project site. Construction noise levels would not exceed the 80 dBA Leq threshold at park use receptors to the west of the site. However, construction noise levels would exceed the exterior threshold of 80 dBA Leq at residential receptors to the north, east, and south of the site. With construction activities lasting over 12

months, this would be considered a significant impact in accordance with Policy EC-1.7 of the City's General Plan. With implementation of General Plan Policy EC-1.7, zoning code requirements, and Mitigation Measure N-1, noise impacts would be reduced to a less-than-significant level.

Table 14 Calculated Construction Noise Levels at Nearby Receptors

	Noise Levels in dBA L_{eq}				
Construction Activity Phase	**RCNM Reference Noise Level**	**Receptor to North**	**Residential Receptor to East**	**Residential Receptor to South**	**Park Use Receptor to West**
Distance in feet	50	45	70	80	780
Demolition	85	86	82	81	61
Site Preparation	85	86	82	81	61
Grading	85	86	82	81	61
Distance in feet	50	25	25	75	695
Building Construction	80	86	86	76	57
Architectural Coating	74	80	80	70	51
Distance in feet	50	70	50	35	695
Paving	80	77	80	83	57
Exceeds FTA's 80 dBA L_{eq} Threshold?		**Yes**	**Yes**	**Yes**	**No**

Source: FHWA's RCNM software. Distance measurements were taken using Google Earth (2024) from the acoustical center of the project site.[61]
dBA L_{eq} = Energy-Average (L_{eq}) Sound Levels.
See Appendix H for construction noise calculations.

Impact N-1: Construction noise levels would exceed the exterior threshold of 80 dBA Leq at the residential receptors to the north, east, and south of the site. With construction activities lasting over 12 months, 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 would occur.

Mitigation Measures

N-1: A construction noise logistics plan shall be prepared 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, to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and

[61] Federal Highway Administration (FHWA). 2006, January. FHWA Roadway Construction Noise Model (RCNM) User's Guide.

other uses. Project construction operations shall use best available noise suppression devices and techniques, including but not limited to the following:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- Construct solid plywood fences or similar around ground-level construction sites adjacent to noise-sensitive receptors. A temporary, 8-foot-high noise barrier shall be constructed along the project site's eastern property lines to shield the adjacent residential receptors to the north, east, and south. The noise barrier shall be solid over the face and at the base of the barrier to provide a 6 dBA noise reduction.
- Equip all internal combustion-engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent residences and other noise-sensitive land uses about the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler) 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.

Operation

According to Policy EC-1.2 of the City's General Plan, a significant permanent noise increase would occur if the project would substantially increase noise levels at existing sensitive receptors in the project vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL at residences; or b) the noise level increase is 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater at residences. Existing ambient levels, based on the measurements made in the project vicinity, range from 48 to 64 dBA DNL. Therefore, a significant impact would occur if operational noise due to the proposed project would permanently increase ambient levels by 5 dBA DNL or more.

The primary operational noise source would be the ground mounted heating, ventilation, and air conditioning (HVAC) units, which cycle on and off based on the heating or cooling needs. While specific mechanical equipment details are not known at this time, to represent a conservative scenario, individual HVAC units were assumed to run continuously, producing hourly average noise levels of 75 dBA Leq at 3 feet. The nearest off-site noise sensitive receptor to proposed residential HVAC units would 15 feet, resulting in an HVAC noise level of approximately 61 dBA Leq. The associated DNL from the HVAC equipment would be 67 dBA at the nearest receptor to the north and east. These levels would exceed the City's Municipal Code noise limit of 55 dBA DNL, would not be compliance with Policy EC-1.2, and would measurably contribute to ambient DNL noise levels in the project vicinity resulting in a potentially significant impact. With implementation of General Plan Policy EC-1.2 and Mitigation Measure N-2, operational HVAC noise impacts would be reduced to a less-than-significant level.

Impact N-2: Operational HVAC noise levels would exceed General Plan Policy EC-1.3 noise limits of 55 dBA DNL at the residential receptors to the north and east of the proposed project site. With operational HVAC noise levels, a substantial 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 would occur.

Mitigation Measures

N-2: Prior to issuance of any tree removal, grading, or demolition permits (whichever occurs first), mechanical HVAC equipment shall be selected and designed to reduce noise levels to meet City requirements of 55 dBA per Section 20.20.300, *Performance standards*, at the nearby noise-sensitive land uses to the north and east of the project site. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements, and a report shall be prepared and submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee for review and approval, to demonstrate compliance. The project applicant shall conform with any special building construction techniques requested by the City's

Building Department prior to issuance of occupancy permits. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels, locating equipment farther from adjacent neighbors, and shielding units with barriers to interrupt direct line of sight.

Operational Off-Site Traffic Noise

The proposed project would result in an increase in vehicles to the project site. To determine noise level increases at existing residential land uses due to project-generated traffic, net project trip traffic volumes from the project traffic study were compared to the existing daily traffic conditions. Table 15, *Project Generated Traffic*, shows the project-related traffic noise increases resulting from for new daily residential trips, where traffic volume data for the new trips associated with the proposed project are provided by Hexagon (2024). The traffic study showed that the proposed development would generate an additional 132 daily trips compared to the existing conditions. In order to define ambient traffic noise levels, PlaceWorks applied average daily traffic volumes from the City's GIS Open data portal, which showed 4,225 ADT for Roberts Avenue.

Vehicle traffic noise levels were estimated using the FHWA Highway Traffic Noise Prediction Model. The FHWA model predicts noise levels through a series of adjustments to a reference sound level. These adjustments account for distances from the roadway, vehicle traffic volumes, vehicle speeds, car/truck mix, number of lanes, and road width. As shown in Table 15, traffic noise increases due to the proposed project would result in an increase of less than 1 dBA DNL. Projected traffic noise increases would be below the 5 dBA significance threshold. Therefore, traffic-related noise would result in a less-than-significant impact.

Table 15 Project-Generated Traffic

	Segment		dBA DNL at 50 Feet			
Roadway	From	To	Existing	Existing Plus Project	Noise Increase, DNL	Significant Increase
Roberts Avenue	Project Site	Phelan Ave	54	54	>1	No
	Project Site	Story Rd	54	55	1	No

Source: Federal Highway Administration Highway Traffic Noise Prediction Model based on traffic volumes provided by Hexagon in 2024. (Hexagon Transportation Consultants, 2024, 1170 and 1190 Roberts Avenue)
See Appendix H for traffic noise calculations.

Standard Permit Condition

Interior Noise Standard for Residential Development. The project applicant shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the residential unit. The project applicant shall conform with any special building construction techniques requested by

the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less-than-Significant Impact

Construction

Construction operations can generate varying degrees of ground vibration, depending on the construction procedures and equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish with distance from the source. The effect on buildings in the vicinity of the construction site varies depending on soil type, ground strata, and receptor-building construction. The effects from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Vibration from construction activities rarely reaches levels that can damage structures. Construction activities would likely include grading, foundation work, paving, and new building framing and finishing. At the time of this study, impact or vibratory pile driving activities, which can cause excessive vibration, are not expected for the proposed project.

Policy EC-2.3 of the Envision San José 2040 General Plan states that a vibration limit of 0.2 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. No known historic structures are located in the vicinity of the project site. The 0.2 in/sec PPV threshold shall be used to evaluate impacts due to construction vibration.

Table 16, *Project-Related Construction Vibration Levels*, summarizes the vibration levels at each of the surrounding buildings in the project vicinity. Project construction activities would potentially generate vibration levels up to 0.191 in/sec PPV at the buildings near the project site. The maximum vibration levels of 0.191 in/sec PPV or lower would not result in measurable damage. No cosmetic, minor, or major damage would be expected at the buildings immediately adjoining the project site.

Table 16 Project-Related Construction Vibration Levels

Equipment	PPV at 25 feet (in/sec)	Estimated Vibration Levels at Structures Surrounding the Project Site, in/sec PPV			
		Residential Receptor to North (15 feet)	Residential Receptor to East (15 feet)	Residential Receptor to South (15 feet)	Residential Receptor to West (15 feet)
Hoe Ram	0.089	0.191	0.191	0.191	0.191
Large Bulldozer	0.089	0.191	0.191	0.191	0.191
Caisson Drilling	0.089	0.191	0.191	0.191	0.191
Loaded Trucks	0.076	0.164	0.164	0.164	0.164
Jackhammer	0.035	0.075	0.075	0.075	0.075
Small Bulldozer	0.003	0.006	0.006	0.006	0.006

Source: FTA 2018; see Appendix H of this Initial Study.
Notes: in/sec = inches per second; PPV = peak particle velocity

At these locations, and in other surrounding areas where vibration would not be expected to cause cosmetic damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration. In summary, the construction of the project would generate vibration levels of 0.191 in/sec PPV or less, which is below the City's threshold and would not result in any cosmetic, minor, or major damage to any surrounding buildings. Therefore, impacts would be less than significant.

Operation

As a typical residential use in an urban environment, the operation of the proposed project would not include any substantial long-term vibration sources. Thus, no significant vibration effects from operations sources would occur and this impact would be less than significant.

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?

Less-than-Significant Impact. The Santa Clara County Airport Land Use Commission has jurisdiction over new land uses in the vicinity of airports and establishes 65 dBA CNEL as the maximum allowable noise level considered compatible with residential uses. The Santa Clara County Airport Land Use Commission Comprehensive Land Use Plan Policy N-4 would prohibit residential or transient lodging within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL.

4. Environmental Analysis

Future noise levels expected from aircraft are best represented by the 2037 CNEL Contours noise exposure map published as part of the Airport Master Plan. The project site lies outside the 2037 65 dBA CNEL and outside the 60 dBA CNEL noise contours. Noise levels resulting from aircraft would be less than 60 dBA CNEL at the project site and compatible with the proposed land use. The future interior noise for the proposed project would be compatible with aircraft noise. Therefore, impacts would be less than significant.

4.14 POPULATION AND HOUSING

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XIV. POPULATION AND HOUSING. 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)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

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)?

Less-than-Significant Impact. The proposed project would construct single-family residences at 1190 Roberts Avenue. The project site includes an existing single-family dwelling that would be demolished and removed as part of the project, and is zoned as Single Family Residential.

The General Plan EIR states that population and households are projected to increase from 981,000 and 312,560 in 2010 to 1,380,900 and 437,230, respectively, by 2040.[62] According to Department of Finance estimates, as of January 2024 the city has a population of 969,491 and contains 333,412 occupied housing units,[63] indicating that the city has not yet reached its projected population or housing levels projected for 2040. Given the relatively small size of the project in the context of local growth projections, the proposed project would serve the existing and planned community and not induce substantial unplanned population growth. Therefore, impacts would be less than significant.

[62] City of San José, Draft Program Environmental Impact Report for the Envision San José 2040 General Plan.

[63] California Department of Finance, Table 2: E-5 City/County Population and Housing Estimates, 1/1/2024, accessed November 21, 2024.

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

Less-than-Significant Impact. The project site currently contains one single-family residence. The proposed project would allow for the construction of up to eight new residential units, consistent with the General Plan. Overall, the proposed project would result in a net increase in the amount of housing in the city. The proposed project would displace one housing unit, which does not represent a number substantial enough to necessitate the construction of replacement housing elsewhere. Therefore, impacts would be less than significant.

4.15 PUBLIC SERVICES

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

Would the project:

Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?

Less-than-Significant Impact. Fire protection and emergency medical services in San José are provided by the San José Fire Department (SJFD). Services include fire suppression, emergency medical, rescue, fire prevention, and hazardous materials condition services. There are 34 fire stations in San José.[64] The nearest fire stations to the project site are Station No. 3, located at 98 Martha Street, approximately 1.5 miles west of the project site; and Station No. 26, located at 2002 S. King Road, approximately 2.1 miles south of the project site. Because the proposed project would increase the residential population on the project site, project implementation could result in a slight increase in calls for fire protection and emergency medical service. However, the proposed project is in an urban residential area in SJFD's service

[64] City of San José, About SJFD, accessed November 15, 2024.

area, and multiple fire stations are nearby. Project impacts on fire protection and emergency services (including response times) are not expected to occur. Additionally, in the event of an emergency at the project site that would require more resources than Fire Stations 3 and 26 could provide, the SJFD would direct resources to the project site from other stations and would request assistance from other nearby Santa Clara County Fire Department, if needed.

Development of the proposed project would be required to comply with the most current adopted fire codes, building codes, and nationally recognized fire and life safety standards, which impose design standards and requirements that seek to minimize and mitigate fire risk. Compliance with these codes and standards is ensured through the SJFD development review and building permit process. Based on the preceding, the proposed project would not adversely affect the SJFD's ability to provide adequate service and would not require new or expanded fire facilities that could result in adverse environmental impacts. Therefore, impacts would be less than significant.

b) Police protection?

Less-than-Significant Impact. The San José Police Department (SJPD) provides police services to the City of San José, including the project site. The nearest police station to the project site is the San José State University (SJSU) police station located at 1 Washington Square, approximately 1.9 miles northwest of the project site. The SJPD main headquarters is located at 201 W. Mission Street, approximately 4.3 miles northwest of the project site. The SJPD has four police divisions based on geographic service areas (Central, Western, Foothill, and Southern divisions). These are supported by various community-based substations and specialized units.[65] The project site is located in the Western division.[66] Because the proposed project would increase the residential population on the project site, project implementation could result in a slight increase in calls for police protection service. However, considering the existing police resources available in and near the city, project impacts on police services (including response times) are not expected to occur. Additionally, in the event of an emergency at the project site that would require more resources than the nearby stations could provide, the police department would direct resources to the project site from other SJPD stations, and would request assistance from other local police/Santa Clara County Sheriff stations nearby, if needed. Thus, the proposed project would not adversely affect the police department's ability to provide adequate service and would not require new or expanded police facilities that could result in adverse environmental impacts. Therefore, impacts would be less than significant.

c) Schools?

Less-than-Significant Impact. The proposed project includes residential development of eight single-family residential units. The project site is located in the Franklin-McKinley Elementary School District (FMSD) and the East Side Union High School District (ESUHSD). The FMSD contains 21 public middle and

[65] SJPD, Department Information, accessed November 15, 2024.

[66] SJPD, Western Division, accessed November 15, 2024.

elementary schools with a combined population of 7,892 students.[67] The ESUHSD contains 32 schools with a combined population of 23,714 students. The district contains 4 private schools and 28 public schools, with 20 high schools, three K-12 schools, three adult education centers, one alternative school, four continuation high schools, and one ungraded special education school.[68] The proposed project would not be of a size to generate significant increase in student population in the area such that it would result in adverse effects on current school facilities requirement renovation or expansion. Therefore, impacts would be less than significant.

d) Parks?

Less-than-Significant Impact. The city contains 215 neighborhood and regional parks and approximately 3,621 acres of recreation facilities.[69] Kelley Park is the closest park to the project site, located at 1300 Senter Road, approximately 35 feet west of the project site across Roberts Avenue and the nearest entrance is located approximately 0.25 miles from the project site. Kelley Park is a 172-acre park owned by the City, with picnic areas, barbeques, a disc golf course, hiking trails, and playgrounds. Kelley Park also features the Happy Hollow Park and Zoo with an education center, Leininger Community Center, History Park and museum, Japanese Friendship Garden, and Viet Heritage Garden.

The proposed project would include private front, side, and back yards for each residential unit. The proposed project would also include landscaped areas and a bioretention basin along the boundaries of the project site. Overall, the project site would include 18,725 square feet of green space and landscaping. These on-site amenities would serve to reduce the demand for park facilities by future project residents. While project residents would be expected to utilize park facilities, given the relatively small size of the proposed project and its compatibility with typical development in the project area, the project would not increase demand such that renovation or expansion of park facilities would be required.

Additionally, the proposed project would meet the City of San José's adopted Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) which requires new housing projects to provide 3.0 acres of neighborhood/community serving parkland per 1,000 population, provide recreational facilities on-site, and/or pay an in-lieu fee. The project would be required to pay the applicable PDO fees. The project's PDO fees would be used for neighborhood-serving elements (such as playgrounds/tot-lots and basketball courts) within 0.75 miles of the project site, and/or community-serving elements (such as soccer fields and community gardens) within a 3-mile radius of the project site, consistent with General Plan Policies PR-2.4 and PR-2.5. Because the proposed project would be required to comply with payment of the PDO fees, implementation of the project would not result in significant impacts to park and recreational facilities in San José.

[67] California Department of Education, District Profile: Franklin-McKinley Elementary, 2024.

[68] CDE, District Profile: East Side Union High, 2024, https://www.cde.ca.gov/sdprofile/details.aspx?cds=43694270000000

[69] City of San José, City of San José Annual Report on City Service 2023-2024, 2024.

Therefore, the proposed project would not have an adverse impact on any parks or recreational facilities and would not require the need for new or expanded park facilities and impacts would be less than significant.

e) Other public facilities?

Less-than-Significant Impact. The proposed project would not result in significant impacts associated with the provision of other new or physically altered public facilities (e.g., libraries, hospitals, childcare, teen or senior centers). Physical impacts to public services are usually associated with population in-migration and growth, which increase the demand for public services and facilities. The San José Public Library system includes 25 libraries.[70] The closest library is the Tully Community Branch Library at 880 Tully Road, located approximately 1.7 miles south of the project site. Santa Clara County contains 12 hospitals that are in operation and can serve the project site. Given the relatively small size of the proposed project and its compatibility with typical development in the project area, the projected new residential population as a result of the proposed project would have a less-than-significant impact on these other public facilities.

[70] San José Public Library, accessed November 2024, https://www.sjpl.org/.

4.16 RECREATION

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XVI. RECREATION.				
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?			X	
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?			X	

Would the project:

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

Less-than-Significant Impact. The City of San José operates approximately 3,621 acres of recreation facilities, including parks, community gardens, and open space lands. Additionally, the City provides 46 community facilities to serve indoor recreational needs.[71] The nearest public park to the project site is Kelley Park, located adjacent to the project site at 1300 Senter Road. It is a 172-acre park owned by the City.

The proposed project would include private front, side, and back yards for each residential unit. The proposed project would also include landscaped areas and a bioretention basin along the boundaries of the project site. Overall, project site would include 18,725 square feet of green space and landscaping. These on-site amenities would serve to reduce the demand for recreational facilities by future project residents. While project residents would be expected to utilize recreational facilities, given the relatively small size of the proposed project and its compatibility with typical development in the project area, the project would not increase demand such that renovation or expansion of recreational facilities would be required. Therefore, the impacts to existing neighborhood and regional parks and other recreational facilities would be less than significant.

[71] City of San José, 2023, Envision San José 2040 General Plan.

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?

Less-than-Significant Impact. As discussed above under criterion (a), the proposed project includes the construction of front, side, and rear yards and landscaping within the project footprint. Additionally, as described above, the City would be able to serve the proposed project through its existing park and recreation facilities. Thus, the proposed project would not warrant the construction or expansion of recreational facilities beyond what is proposed on-site. Therefore, impacts would be less than significant.

4.17 TRANSPORTATION

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

Existing Roadway Network

The project site is on the east side of Roberts Avenue and regional access is provided via I-280 and US Route (US) 101. Local access is provided by Story Road and a network of smaller neighborhood roads.

- **I-280** is an eight-lane (including HOV lanes) interstate that runs north to south from King and 5th Streets in San Francisco to connect to I-680 and U.S. 101 in San José.
- **U.S. 101** is a ten-lane (including HOV lanes) freeway that along the west coast of California, Oregon, and Washington. Near San José it runs along the South Valley Freeway and Bayshore Freeway.
- **Roberts Avenue** is a two-lane road where vehicles share the lane with cyclists. It extends from Story Road to the north along Kelley Park and Coyote Creek to Phelan Avenue to the south.
- **Story Road,** which turns into Keyes Street approximately 0.3 miles west of the project site, is a separated, six-lane roadway. Story Road turns into Keyes Street, which turns into Goodyear Street and eventually connects to SR 87. Story Road extends to U.S. 101 to the east.

Existing Pedestrian, Bicycle, and Transit Facilities

Through its plans and policies, the City of San José desires to provide a safe, efficient, fiscally, economically, and environmentally sensitive transportation system that balances the need of bicyclists, pedestrians, and public transit riders with those of automobiles and trucks. Pedestrian facilities near the project site include sidewalks throughout the residential neighborhoods surrounding the project site. The project site is also adjacent to Kelley Park, which provides a series of trails for pedestrians and cyclists throughout the park

and can connect users to Story Road on the north side of the park, Roberts Avenue to the east, Phelan Avenue to the south, and Senter Road to the west. Roberts Avenue is also a shared lane, where cyclists can use the full lane with vehicles.

A Class I bike path, Coyote Creek Trail, extends from East Williams Street, approximately 1 mile north of the project site, under I-280, to Phelan Avenue to the south.

Existing transit service to the project area is provided by the Santa Clara Valley Transportation Authority (VTA). The project site is served by the following VTA bus routes:

- Local Bus Route 25 is an east to west route from Alum Rock Station to Stelling and Stevens Creek. The nearest bus stop is on Story Road at Roberts Avenue, 0.2 miles north of the project site.
- Local Bus Route 72 is a north to south route from Downtown San José to Senter and Monterey. The nearest bus stop is on McLaughlin Avenue at Story Road, 0.4 miles northeast of the project site.

The closest Light Rail Transit Service (LRT) is the LRT Blue Line that runs from Santa Teresa Station to Baypointe Station, with a stop located at Tamien Station, 1.8 miles west of the project site.

Would the project:

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

Less-than-Significant Impact. Projects must demonstrate consistency with Envision San José 2040 General Plan based on the project's density, design, and conformance to the City's goals. San José's transportation goals, policies and actions aim to:

- Establish circulation policies that increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips, to increase the City's share of travel by alternative transportation modes.
- Promote San José as a walking- and bicycling-first city by providing and prioritizing funding for projects that enhance and improve bicycle and pedestrian facilities.

The proposed project would construct eight detached housing units that each include a private garage and driveway. Vehicular access to the project site would only be provided via Roberts Avenue. The project site would include a new 27-foot-wide private street along the southern portion of the site and include a 20-foot-wide fire apparatus turn-around. The proposed project would connect to the existing roadway, pedestrian, bicycle, and transit network surrounding the project site. Given the project site's connectivity with existing bicycle, pedestrian, and transit infrastructure, the proposed project would not conflict with the goals and polices described in Chapter 6, *Land Use and Transportation,* of Envision San José 2040 General Plan and impacts would be less than significant.

b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?

Less-than-Significant Impact. In alignment with SB 743 and the City's goals in the Envision San José 2040 General Plan, the City has adopted a "Transportation Analysis Policy" (Council Policy 5-1) to replace the former Transportation Level of Service Policy (Council Policy 5-3). The new policy establishes the thresholds for transportation impacts under CEQA based on VMT rather than intersection level of service (LOS). The intent of this change in policy is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway capacity to a reduction in vehicle emissions and the creation of multimodal networks that support integrated land uses. According to the policy, a residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average citywide or regional per capita VMT.

The City of San José defines VMT as the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT is calculated using the origin-destination method, which measures the full distance of personal motorized vehicle trips with one end at the project. A project's VMT is compared to thresholds of significance based on the project location and type of development.

The City has established screening criteria 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. Under Council Policy 5-1, projects of sufficiently small size ("small infill projects") do not require a detailed CEQA transportation analysis. The Council Policy 5-1 presumes that an addition of 15 single-family detached dwelling units, 25 attached dwelling units, 10,000 square feet of office gross floor area, or 30,000 square feet of industrial gross floor area, or less, does not result in significant VMT impacts and will further other City goals and policies.[72]

The proposed project would construct eight detached single-family residential units. Additionally, because the project site contains an existing single-family residence, as a whole the proposed project would result in a net increase of 7 housing units. Thus, the proposed project does not require a VMT analysis because it meets the screening criteria of "small infill projects - single-family detached housing of 15 units or less." Therefore, the project would have a less-than-significant impact related to CEQA Guidelines Section 15064.3, subdivision (b).

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

Less-than-Significant Impact. Construction of the proposed project would involve typical construction-related activities, including lane narrowing and/or lane closures and sidewalk closures. In the event of any type of street closure, clear signage (e.g., closure and detour signs) would be provided to ensure vehicles, pedestrians, and bicyclists are able to adequately reach their intended destinations safely. The proposed

[72] City of San José, 2023, Transportation Analysis Handbook.

project would be required to submit a construction management plan for City approval that addresses schedule, closures/detours, staging, parking, and truck routes.

Vehicular access to the project site would be provided via Roberts Avenue. The project site would include a new 27-foot-wide private street along the southern portion of the site and include a 20-foot-wide fire apparatus turn-around. The proposed private street would provide adequate sight distance between vehicles exiting the street and pedestrians on the sidewalk of Roberts Avenue. Therefore, impacts would be less than significant.

d) Result in inadequate emergency access?

Less-than-Significant Impact. Emergency vehicle access for the proposed project would be provided along Roberts Avenue and the proposed private street. As described in Section 2.1.4.1, Vehicular Access, the private street would be 27 feet wide with a 20-foot-wide fire apparatus turn-around. Emergency vehicles would continue to be able to use these access roadways to access the project site. Therefore, impacts to emergency access would be less than significant.

4.18 TRIBAL CULTURAL RESOURCES

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XVIII. TRIBAL CULTURAL RESOURCES.				
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 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), or			X	
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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

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), or

Less-than-Significant Impact. The project site is not located within a national or historic district, and is not considered eligible for listing in the California Register of Historical Resources and the National Register of Historic Places.[73] The project site does not meet any of the historic resource criteria and does not meet the definition of a historic resource pursuant to CEQA. Implementation of the project would not result in

[73] National Park Service (NPS), National Register of Historic Places, accessed November 11, 2024.

any substantial adverse change in a tribal cultural resource defined pursuant to PRC Section 5024.1 or PRC Section 5020.1(k). Therefore, impacts would be less than significant.

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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less-than-Significant Impact with Mitigation Incorporated. AB 52 requires meaningful consultation with California Native American tribes on potential impacts to tribal cultural resources, as defined in Public Resources Code Section 21074. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources. As part of the AB 52 process, Native American tribes must submit a written request to the City of San José (lead agency) to be notified of projects within their traditionally and culturally affiliated area. The City must then provide written, formal notification to those tribes, and the tribe must respond to the lead agency within 30 days of receiving this notification if they want to engage in consultation on the project. When these steps are completed, the City must begin the consultation process within 30 days of receiving the tribe's request. Consultation concludes when either 1): the parties agree to mitigation measures to avoid a significant effect on a tribal cultural resource; 2) a party, acting in good faith and after reasonable effort, concludes mutual agreement cannot be reached; or 3) a tribe does not engage in the consultation process or provide comments.

The City of San José invited California Native American tribes that are traditionally and culturally affiliated with the project area to consult on the proposed project via email. The four tribes contacted were Tamien Nation, Muwekma, Indian Canyon Band of Costanoan People, and Ohlone Indian Tribe. The proposed project was discussed with representatives of the Tamien Nation at a regularly scheduled meeting between the City and the Tamien Nation on November 21, 2024. The AB 52 consultation process did not result in any requests or recommendations to be incorporated into the project, and the AB 52 process with the Tamien Nation was closed on June 23, 2025. Because the project site has been previously developed, the utilities trenching for the proposed project would not occur in native soils that may contain tribal cultural resources. Although the likelihood of discovering tribal cultural resources is minimal, the potential for discovering previously unidentified subsurface tribal cultural resources exists. As discussed under Section 4.5, *Cultural Resources*, with regards to buried archeological resources, the project area is moderately sensitive. However, given that there has been a significant number of studies within a one-quarter mile of the project area and no archaeological resources have been identified, there is potential to uncover tribal cultural resources during clearing, excavation, grading, and trenching. While there are no documented resources on-site, future ground-disrupting activities within the project site could have the potential to uncover and damage or destroy unknown or undocumented resources. Implementation of

the Standard Permit Conditions listed in Section 4.5, *Cultural Resources,* in addition to the mitigation measures for cultural awareness training and monitoring, would reduce the proposed project's impact to potentially uncover and damage or destroy unknown tribal cultural resources to a less-than-significant level.

Impact TCR-1: Ground-disturbing activities during construction of the proposed project would have the potential to uncover, damage, or destroy tribal cultural resources.

Mitigation Measures

TCR-1: **Cultural Awareness Training.** Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant, in association with the City of San José, shall implement a cultural awareness training program for workers that may be present on the project site during ground disturbing activities. Training shall be required for all construction personnel participating in ground disturbing construction activities to alert them to the archaeological sensitivity of the project area and provide protocols to follow in the event of a discovery of archaeological materials. The training shall be provided by a qualified archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. The qualified archaeologist, to be retained by the applicant on an on-call basis, shall develop and distribute for job site posting an "ALERT SHEET" summarizing potential archaeological finds that could be exposed and the protocols to be followed as well as points of contact to alert in the event of a discovery. Documentation verifying that the cultural awareness training program has been completed shall be submitted to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee within 20 days of completion of the training. The project applicant shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials.

TCR-2: **Monitoring Plan**. Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), a qualified archaeologist, in consultation with a Native American representative registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a monitoring plan for all earthmoving activities. The Plan shall be submitted to the Director of Planning, Building and Code Enforcement (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, and timing of reporting finds. A qualified archeologist in collaboration with a Native American monitor, registered with

the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall 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.

4.19 UTILITIES AND SERVICE SYSTEMS

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
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?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less-than-Significant Impact. The proposed project would connect sewer, storm drains, and water lines to existing infrastructure that are utilized for the existing development adjacent to the project sites.

Water Supply Facilities

The San José Water Company (SJWC) would provide water to the project sites and is one of the three drinking water suppliers in San José. The service area of SJWC is approximately 140 square miles, including most of San José. The project would install new 8-inch water lines on-site that connects to existing 6-inch water main along Roberts Avenue. The project would comply with all applicable City Public Works requirements to ensure water mains would have the capacity for water and fire flows needed by the proposed project. Additionally, the project is required to implement the water-efficient requirements specified in CALGreen and California Plumbing Codes and the Water Efficient Landscape Ordinance (WELO) requirements for water efficient landscaping. CALGreen establishes planning and design standards for sustainable site development, including water efficiency and water conservation measures that typically reduce water consumption by 20 percent. CALGreen is updated every three years to allow for consideration and possible incorporation of new low flow plumbing fixtures and water efficient appliances.

For these reasons, the project would not result in significant environmental effects related to the relocation or construction of new or expanded water facilities. The proposed project would result in a less-than-significant impact.

Wastewater Treatment

Wastewater from the project site is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), which is administered and operated by the City's Department of Environmental Services. The RWF has the capacity to treat 167 million gallons of wastewater per day (mgd) during dry weather, with the City treating an average of approximately 110 mgd. City of San José collected 24,420 mg of wastewater in 2020. The RWF produced 36,949 mg of treated wastewater in 2020, 30,254 mg of which was discharged into the South San Francisco Bay.[74] The proposed project involves the installation of a new 8-inch sanitary sewer lines on-site, the new sewer lines would connect to the existing 8-inch sanitary sewer line along Roberts Avenue. The project is required to comply with the latest CALGreen and California Plumbing codes and implement active and passive water conservation measures. Additionally, the RWF for the project site has a large residual capacity of 57 mgd (i.e., 167 minus 110 mgd). With continued compliance with applicable regulations, wastewater generated by the proposed project would not exceed the capacity of the RWF, and impacts to wastewater treatment facilities are less than significant.

Storm Drain Facilities

According to the SCP prepared for the proposed project, post-construction runoff would either drain to the bioretention areas along the southern boundary of the project site or via surface flow to new 15-inch storm drain beneath the driveway area. In addition, a new 15-inch storm drain would be installed beneath Roberts Avenue to reduce flow constraints and improve drainage. Lastly, the proposed project would meet

[74] San José Water Company (SJWC), 2021, 2020 Urban Water Management Plan

the requirements specified in the Santa Clara Valley Urban Runoff Pollution Prevention C.3 Handbook and the RWQCB MRP. Thus, impacts to stormwater infrastructure would be less than significant.

Electricity Facilities

San José Clean Energy would provide electricity to the project site. PG&E provides electricity infrastructure to the city. PG&E owns and maintains above- and below-ground networks of electric transmission and distribution facilities throughout the city to which the proposed project can connect. Connecting to the City's energy grid would require trenching on the site, which would not require substantial excavation and is unlikely to result in unanticipated impacts. The project would be required to detail the exact locations for all utility connections, and utility plans would be subject to review by the City. Therefore, the proposed project would result in a less-than-significant impact to electrical infrastructure.

Natural Gas Facilities

PG&E provides natural gas infrastructure to the city. Although additional trenching would be required to connect to the gas network, development of the proposed project would comply with regulations and standards pertaining to natural gas and would connect to the existing natural gas infrastructure. Therefore, the proposed project would result in a less-than-significant impact to natural gas infrastructure.

Telecommunication Facilities

Telephone, cable television, and high-speed internet would be available for the project site from the following providers: Xfinity, AT&T, T-Mobile, HughesNet, Starlink, Etheric, WilloWeb, EarthLink, Verizon, Rocky Ridge Wireless, and Google Fiber. As such, the area is adequately served by telecommunications facilities. The proposed project would include on-site connections to off-site telecommunication services and facilities in the immediate area of the project site. Facilities and infrastructure for the various telecommunication providers are adequate to serve the needs of the proposed project. The proposed project would not result in or require the construction of new or expanded telecommunication facilities. Therefore, the proposed project would result in a less-than-significant impact.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less-than-Significant Impact. A significant impact would occur if the proposed project would increase water consumption to such a degree that the capacity of facilities currently serving the project site would be exceeded. As described previously, the proposed project has been previously developed with residential uses, would be within a residentially zoned area, and is consistent with all local and regional water management plans. Additionally, the project is required to implement the water-efficient requirements specified in CALGreen and California Plumbing Codes and the WELO requirements for water efficient landscaping. Therefore, the proposed project would have a less-than-significant impact related to water supplies.

c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less-than-Significant Impact. As described above, the proposed project is in a residential area with utility connections on the project site. The proposed project's wastewater would be serviced by the San José/Santa Clara RWF at 700 Los Esteros Road, approximately 11 miles north of the project site near the southeast point of the San Francisco Bay. The proposed project would generate wastewater that would be accommodated by existing capacity of the San José/Santa Clara RWF. Therefore, impacts related to wastewater treatment capacity would be less than significant.

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?

Less-than-Significant Impact. A significant impact would occur if the proposed project's solid waste generation exceeded the capacity of permitted landfills or generated solid waste in excess of State or local standards. Residential solid waste from the project site would be collected by the exclusive franchise hauler, Garden City Sanitation Republic Services. The proposed project would result in new developments that would generate solid waste. San José's construction and demolition diversion deposit program—described in part 15 of Chapter 9.10, Solid Waste Management, of the San José Municipal Code requires a minimum of 75 percent of nonhazardous construction waste and operational solid waste diverted. Additionally, CALGreen section 5.408, *Construction Waster Reduction, Disposal, and Recycling*, requires that at least 65 percent of the nonhazardous construction and demolition waste from residential construction operations be recycled and/or salvaged for reuse.

Therefore, the proposed project's generation of solid waste would not be in excess of State or local standards and would have a less-than-significant impact.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less-than-Significant Impact. As previously stated, the project proposed would comply with CALGreen diversion requirements and San José's construction and demolition diversion deposit program—described in part 15 of Chapter 9.10, Solid Waste Management, of the San José Municipal Code, requiring a minimum of 75 percent of nonhazardous construction waste and operational solid waste diverted. Additionally, the proposed project would be a typical residential land use consistent with neighboring development and would therefore comply with all State and local regulations, listed below, as ensured through the City's project permitting process. Therefore, the proposed project would comply with all solid waste statute and regulations, and impacts would be less than significant.

State Regulatory Framework

Assembly Bill 939 (1989)

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert from the landfill at least 50 percent of solid waste generated beginning January 1, 2000.

Assembly Bill 341 (2011)

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

Assembly Bill 1826 (2014)

AB 1826 sets forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate two or more cubic yards of commercial solid waste per week. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 1383 (2016)

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

In January 2023, the State of California adopted the most recent version of the California Green Building Standards Code ("CALGreen"), establishing mandatory green building standards for all new and qualifying remodeled structures in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;

- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition ("C&D") debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Providing readily accessible areas for recycling by occupants.

Local Regulatory Framework

San José Zero Waste Strategic Plan/Climate Smart San José

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

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50 percent of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if C&D materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

The City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that qualify under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

4.20 WILDFIRE

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XX. WILDFIRE. 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?				X
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?				X
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?				X
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?				X

Wildland fire protection in California is the responsibility of the local, State, or federal government. In State Responsibility Areas, the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. The California Department of Forestry and Fire Protection (CAL FIRE) provides a basic level of wildland fire prevention and protection services. CAL FIRE assigns areas to a Fire Hazard Severity Zone (FHSZ) based on factors that influence fire likelihood and behavior. FHSZs range from moderate to high to very high.[75]

Local Responsibility Areas (LRA) include incorporated cities, cultivated agricultural lands, and portions of the desert. LRA fire protection is typically provided by city fire departments, fire protection districts, county fire departments, or CAL FIRE under contract to local government. LRAs use the same Fire Hazard Severity Zone model for evaluating fire hazard in LRAs.

CEQA evaluates land located in or near SRAs or lands classified as a very high FHSZ. The project site is not in or near an SRA or on land classified as a very high FHSZ.[76]

[75] California Department of Forestry and Fire Protection, 2023, Fire Hazard Severity Zones.

[76] City of San José, 2023, Envision San José 2040 General Plan, Fire Department.

Would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The proposed project is not located within an LRA designated as a VHFHSZ.[77] The project site is not located in or near an SRA or lands classified as VHFHSZ.[78] The nearest FHSZ to the project site is located approximately 4 miles east. The proposed project would not impair an adopted emergency evacuation or response plan within such an area. Therefore, no impact would occur.

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?

No Impact. The proposed project is not located in or near an SRA or lands classified as VHFHSZ. The project site is generally flat without significant topography, and there are no steep slopes where high winds can exacerbate wildfire risks. The project site is developed within an urban and built area. No wildlands exist within the immediate vicinity of the project site. Therefore, the proposed project would not exacerbate wildfire risks or expose the proposed project's occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire within such an area. Therefore, no impact would occur.

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?

No Impact. The proposed project is not located in or near an SRA or lands classified as VHFHSZ, and fire risk would not be exacerbated that could result in temporary or ongoing impacts to the environment. Therefore, no impact would occur.

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?

No Impact. The project site is surrounded by residential properties, and the topography is relatively flat. Additionally, implementation of the proposed project would not alter the existing drainage patterns or substantially increase the amount of runoff. Thus, the proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides. Therefore, no impact would occur.

[77] California Department of Forestry and Fire Protection, 2025, Fire Hazard Severity Zone Viewer.

[78] California Department of Forestry and Fire Protection, 2025, Fire Hazard Severity Zone Viewer.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.				
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?		X		
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.)		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

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?

Less-than-Significant Impact with Mitigation Incorporated. As discussed in this Initial Study, the proposed project would not degrade the quality of the environment with implementation of identified standard permit conditions and mitigation measures. As discussed in Section 4.4, *Biological Resources*, with implementation of the identified standard permit conditions and Mitigation Measures BIO-1, BIO-2, and BIO-3 the proposed project would not significantly impact sensitive habitats or species. As discussed in Section 4.5, *Cultural Resources*, and Section 4.18, *Tribal Cultural Resources*, with implementation of the

identified Standard Permit Conditions and Mitigation Measures TCR-1 and TCR-2, the proposed project would result in a less-than-significant impact on archaeological and historic resources.

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.)

Less-than-Significant Impact with Mitigation Incorporated. Under Section 15065(a)(3), *Mandatory Findings of Significance*, 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 be constructed simultaneously with the proposed residential development project at 1170 Roberts Avenue, located approximately 100 feet north of the project site. The project at 1170 Roberts Avenue is proposed under a separate project application by the same project applicant as the proposed project at 1190 Roberts Avenue. The 1170 Roberts Avenue project would also include the rezoning of one parcel (APN 477-11-003) to allow development of eight new single-family residences with private garages and on-site driveway parking spaces that would accommodate up to two cars each.

As discussed previously in this Initial Study, the proposed project would have no impact or a less-than-significant impact to aesthetics, agriculture and forestry resources, cultural resources, energy, geology and soils, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire). The proposed project would result in potential impacts to air quality, biological resources, and noise; these impacts would be less than significant with mitigation incorporated.

Per Air District methodology, the Air District's project-relevel regional significance thresholds for criteria air pollutants are the levels at which an individual project's contribution to the cumulative impact is cumulatively considerable.[79] Thus, a project that does not exceed the Air District's project-level regional significance thresholds would not cumulatively contribute to regional air quality impacts. As discussed in Section 4.2(b) of this MND, the proposed project would result in less-than-significant long-term regional air quality impacts. Additionally, incorporation of Mitigation Measures AQ-1 and AQ-2, and compliance with the City's Standard Permit Conditions for air quality, would reduce project construction-related impacts to regional air quality to a less-than-significant level. Thus, because the project would result in

[79] Bay Area Air District. 2023, April. California Environmental Quality Act Air Quality Guidelines.

less-than-significant project-level regional air quality impacts, it would not cumulatively contribute to the nonattainment designations of the SFBAAB. Furthermore, as discussed in Section 4.2(c) of this MND, cumulative health risk and $PM_{2.5}$ concentration levels would not exceed the respective Air District's cumulative significance thresholds with incorporation of Mitigation Measures AQ-1 and AQ-2, and compliance with the City's Standard Permit Conditions for air quality,.

Implementation of the proposed project would result in the loss of trees on-site. Any trees removed would be replaced in accordance with the City's Standard Permit Condition and Tree Replacement Ratios (see Table 8, *Tree Replacement Ratios*). Additionally, the proposed project and other nearby projects in the City of San José, including the project at 1170 Roberts Avenue, could impact nesting birds. Mitigation Measures BIO-1 and BIO-2 are included to reduce nest disturbance to a less-than-significant level. All planned or approved projects would be subject to the restrictions placed on the taking of birds protected by the Migratory Bird Treaty Act and California Fish and Game Code, as well as special-status species bats, and any trees removed by other projects within the City would be replaced in accordance with the City's Municipal Code.

The proposed project's temporary impact resulting from construction noise would be mitigated to a less-than-significant level through Mitigation Measure N-1, which requires construction protection measures that limits construction hours to daytime hours during weekdays, installing temporary noise barriers, and on-site controls for stationary sources. Mitigation Measure N-1 would localize construction noise to the project site and would not contribute to a cumulatively considerable impact.

The proposed would also result in a noise impact during operation, due to potential noise levels from on-site HVAC equipment. This impact would be less than significant with implementation of Mitigation Measure N-2, HVAC noise levels would be reduced at the source. Mitigation Measure N-2 requires selection of HVAC equipment that emits low noise levels, locating equipment farther from adjacent neighbors, and/or shielding units with barriers to interrupt direct line of site. Similar methods would be used for other development projects with the potential to generate unacceptable operational noise levels due to mechanical equipment.

The proposed project's VMT impacts are less than significant because the proposed project would result in a net increase of seven housing units, which is below the City's screening criteria of "small infill projects - single-family detached housing of 15 units or less," The proposed project therefore does not require a VMT analysis and can be presumed to result in a less-than-significant impact related to CEQA Guidelines Section 15064.3, subdivision (b). The City of San José utilizes screening criteria to determine whether projects require a detailed project-level VMT analysis; to assess cumulative impacts, the City's Transportation Analysis Handbook requires that projects demonstrate consistency with the Envision San José 2040 General Plan. Pursuant to the City's handbook, factors that contribute to a determination of General Plan consistency include a project's density, design, and conformance to the General Plan goals and policies. If a project is consistent with the General Plan, it is be considered to be part of the cumulative solution to meet the General Plan's long-range transportation goals, and therefore will result in a less-

than-significant cumulative impact. The project has a General Plan land use of Residential Neighborhood (RN). As described in Section 4.11, *Land Use and Planning*, the proposed project is consistent with the City's General Plan policies and development density requirements; therefore, the proposed project would not result in a cumulative transportation impact.

Therefore, all impacts are individually limited and the proposed project would not result in any cumulatively significant impact.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Less-than-Significant Impact with Mitigation Incorporated. As discussed in the previous analyses, the proposed project would not result in significant direct or indirect adverse impacts or result in substantial adverse effects on human beings. Impacts would be less than significant with the implementation of the proposed mitigation measures for air quality, biological resources, cultural resources, noise, and tribal cultural resources as well as standard permit conditions.

5. List of Preparers

5.1 LEAD AGENCY

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5. List of Preparers

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