

## 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:** 1030-1038 McKendrie Street Residential Project

**PROJECT FILE NUMBERS:** H25-043, GP25-005, ER25-107

**PROJECT DESCRIPTION:** The proposed Project would include merging two assessor's parcels comprising the Project site into a single parcel, demolition of the existing surface parking lot and development (utilities, parking lot lights, etc.). Following demolition, the Project would involve developing the site with two new multi-family buildings containing a total of 12 townhome-style units. Each townhome unit would be three stories with an attached garage on the ground floor. The height of the multi-family buildings would be approximately 40 feet. Solar panels would be provided on the rooftops.

The Project would include a single 26-foot-wide driveway that provides ingress/egress to the site from McKendrie Street. An internal circulation road, which would be a private road, would provide access to each of the townhome garages. Six visitor parking spaces would be provided on the internal circulation road.

The proposed Project would require a General Plan Amendment to the Envision San José 2040 General Plan to change the land use designations of the site from Residential Neighborhood (RN) and Neighborhood/Community Commercial (NCC) to Mixed Use Neighborhood (MUN).

The Project site is not located on a hazardous material sites compiled pursuant to Government Code Section 65962.5.

**PROJECT LOCATION:** The Project site is located at 1030-1038 McKendrie Street in the San José neighborhood locally known as The Alameda. The Project site consists of two parcels, assessor's parcel numbers (APN) 230-42-014 and 230-42-013, and encompasses approximately 0.45 acre.

**ASSESSORS PARCEL NO.:** 230-42-014 and 230-42-013

**COUNCIL DISTRICT:** 6

**APPLICANT CONTACT INFORMATION:** Studio Current (Atten: Michaelle Williams); 96 North 3rd Street, Suite 110, San José, California 95112; 408-773-6834; michaelle@studiocurrent.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.

**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** – The project would not have a significant impact on this resource; therefore, no mitigation is required.
- D. BIOLOGICAL RESOURCES** – The project would not have a significant impact on this resource; therefore, no mitigation is required.
- E. CULTURAL RESOURCES** – The project would not have a significant impact on this resource; therefore, no mitigation is required.
- 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** – The project would not have a significant impact on this resource; therefore, no mitigation is required.
- 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:** Construction activities could potentially impact tribal cultural resources.

**MM TCR-1a: Cultural Awareness Training.** Prior to the issuance of any demolition or grading permits, the project applicant shall submit to the Director of Planning, Building and Code Enforcement or the Director's designee a contract for Contractor Awareness Training which would be held prior to ground disturbance, and archaeological monitoring during ground disturbance activities. The training shall be facilitated by the project archaeologist in coordination with a Native American representative from a California Native American tribe that has consulted on the project, and the Tribe is registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. The contract shall include potential dates for training facilitation and a description of services to be rendered.

**MM TCR-1b: Archaeological Monitor and Tribal Cultural Monitoring.** Prior to the issuance of any grading permits, the project applicant shall retain an archaeological monitor and a Native American Tribe registered with the NAHC and that has consulted on the project to be present at the project site during all demolition and ground disturbance activities. Submit a copy of the agreement to the Director of Planning, Building and Code Enforcement or the Director's designee prior to issuance of grading or building permits.

- 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.**

The Project's contribution to cumulative impacts would be less than significant. With implementation of the identified mitigation measures, the Project would not 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. 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 **August 31, 2026** any person may:

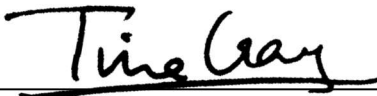
1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; and/or
2. Submit written comments regarding the information and analysis in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

CHRISTOPHER BURTON, Director  
Planning, Building and Code Enforcement

July 30, 2026

\_\_\_\_\_  
Date

Charlotte Yuen  
Planner

  
\_\_\_\_\_  
Deputy

**Circulation period: August 10, 2026 to August 31, 2026**



# 1030-1038 McKendrie Street Residential Project

## Initial Study–Mitigated Negative Declaration

*prepared by*

**City of San José**

Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3rd Floor  
San José, California 95113

*prepared with the assistance of*

**Rincon Consultants**

99 South Almaden Boulevard  
San José, California 95113

August 2026

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# Initial Study

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## 1. Project Title

1030-1038 McKendrie Street Residential Project (Project, proposed Project)

## 2. Lead Agency Name and Address

City of San José  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3rd Floor  
San José, California 95113

## 3. Lead Agency Contact

Charlotte Yuen, Planner  
Email: [charlotte.yuen@sanjoseca.gov](mailto:charlotte.yuen@sanjoseca.gov)

## 4. Project Sponsor's Name and Address

Studio Current  
96 North 3rd Street, Suite 110  
San José, California 95112

## 5. Project Location

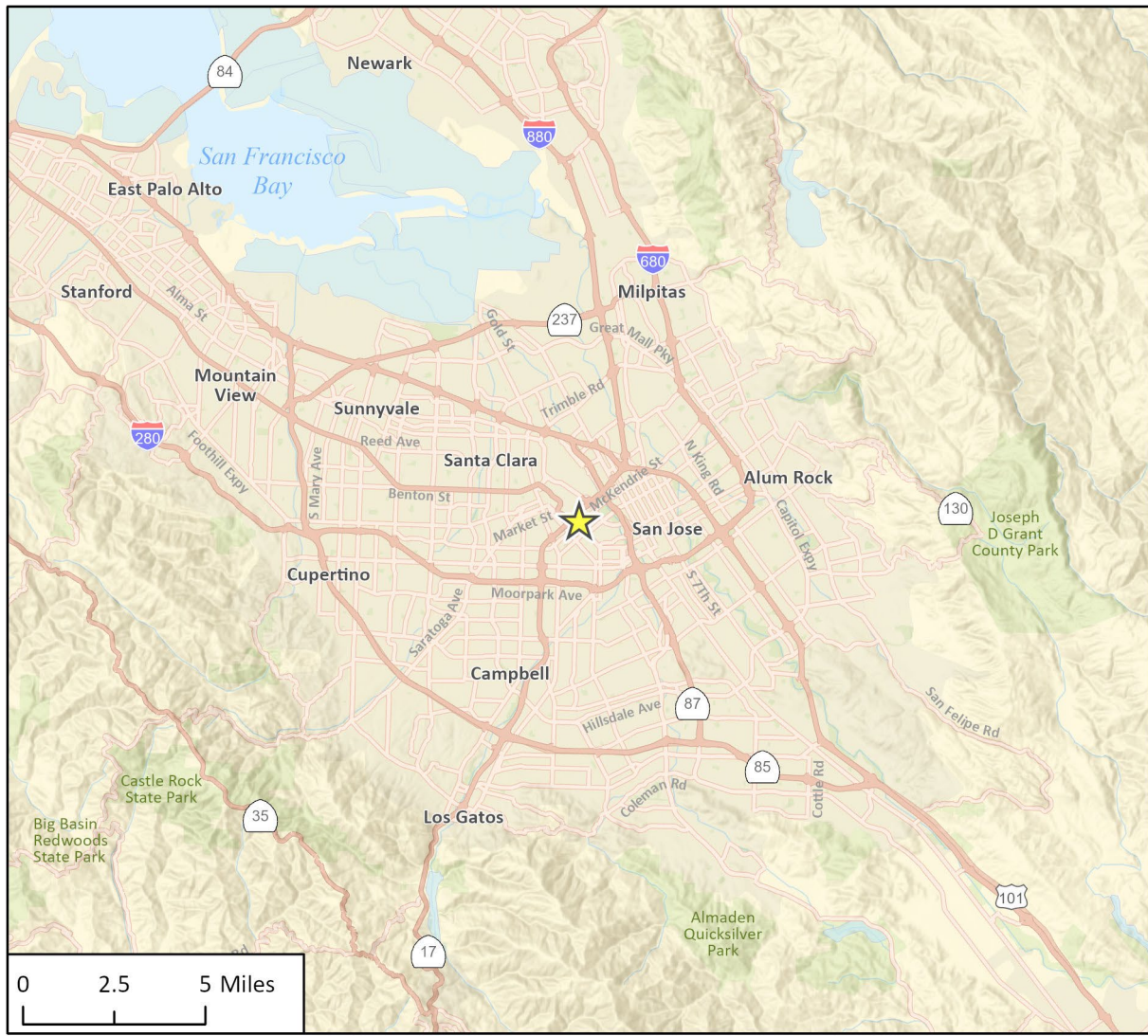
The Project site is located at 1030-1038 McKendrie Street in the San José neighborhood locally known as The Alameda. The Project site consists of two parcels, assessor's parcel numbers (APN) 230-42-014 and 230-42-013, and encompasses approximately 0.45 acre. The Project site is located on the south side of McKendrie Street approximately 160 feet west of Myrtle Street, entirely within the City of San José. Interstate 880 (I-880) is located approximately 750 feet northwest of the Project site. The site is also within 0.1-mile of the Valley Transportation Authority (VTA) bus route 22, which operates at 15-minute intervals during morning and afternoon peak commute periods.

Figure 1 shows the site location in a regional context. Figure 2 shows the location of the site relative to the surrounding area.

## 6. General Plan Designation and Zoning District

The parcel at 1030 McKendrie Street (APN 230-42-014) is designated as Residential Neighborhood (RN) under the City's Envision San José 2040 General Plan, and the parcel at 1038 McKendrie Street (APN 230-42-013) is designated Neighborhood/Community Commercial (NCC). The parcel at 1030 McKendrie Street is zoned Single-Family Residential (R-1-8) Zoning District for up to eight dwelling units per acre, and the parcel at 1038 McKendrie Street is zoned Commercial Pedestrian (CP).

**Figure 1 Regional Location**



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25-17832 EPS

Fig 1 Regional Location



Project Location



Figure 2 Project Location



Imagery provided by Esri and its licensors © 2026. Map created by Rincon Consultants, Inc. 2026.

25-17832 EPS  
Fig 2 Project Location

## 7. Setting and Surrounding Land Uses

The Project site is developed with a paved surface parking lot, landscaping, utilities, and pedestrian sidewalks. The site is nearly flat with no discernible topographic relief. Landscaping consists primarily of Chinese elm trees and English ivy along the perimeter of the site. Two existing driveways on McKendrie Street provide access to the surface parking lot on the site. The site can also be accessed through private parking lots connecting to W. Hedding Street, but these parking lots include locked barricades.

The Project site is in a developed and urbanized area of San José. Single-family residences are immediately adjacent to the site to the east; surface parking for the Holy Redeemer Lutheran Church and SR 82 (The Alameda) are located to the west; Massage Technology Tony Drake CMT and South Bay Sout Shop to the southwest; surface parking, MCC Financial, Durham Associates CPAs, and single-family homes are located to the south; single-family residences and I-880 are located to the north across McKendrie Street; and Rossi, Hamerslough, Reischl & Chuck, Toeniskoetter Development, Inc, and SJMW Man Scaper Spa are located to the northwest across McKendrie Street. Table 1 provides a summary of the land use designations, zoning, and land uses surrounding the Project site.

**Table 1 Land Uses Surrounding the Project Site**

| Direction from Project Site | General Plan Land Use Designation                              | Zoning District                                                                                                 | Existing Land Use      |
|-----------------------------|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------------|
| North                       | Residential Neighborhood and Neighborhood/Community Commercial | Single-Family Residential (Up to Eight Dwelling Units per Acre); and Planned Development                        | Residential and Office |
| East                        | Residential Neighborhood                                       | Single-Family Residential (Up to Eight Dwelling Units per Acre); Planned Development; and Commercial Pedestrian | Residential            |
| South                       | Neighborhood/Community Commercial                              | Planned Development; and Commercial Pedestrian                                                                  | Residential            |
| West                        | Neighborhood/Community Commercial                              | Planned Development                                                                                             | Office and Religious   |

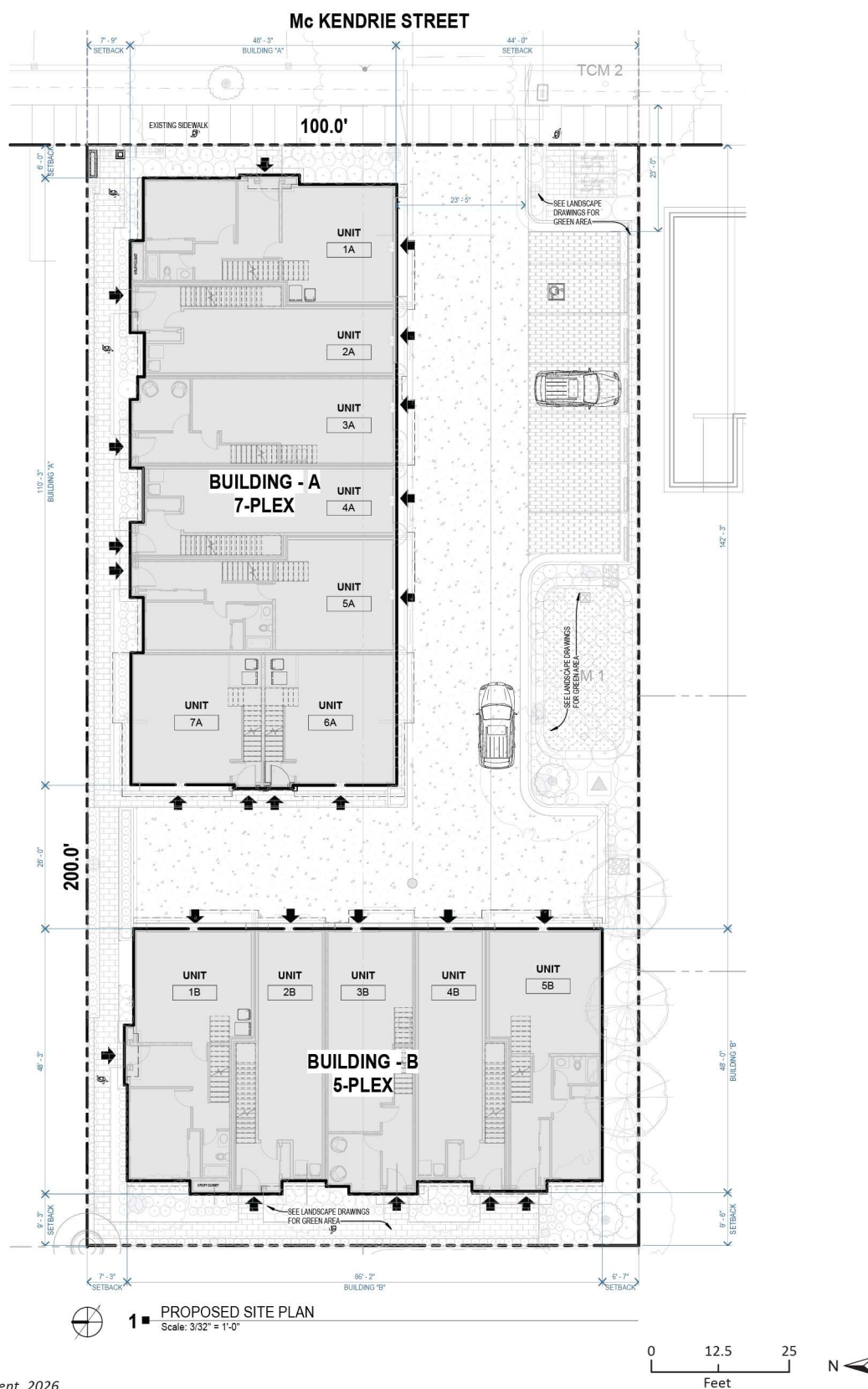
Source: City of San José 2025

### Description of Project

The proposed Project would include merging the two assessor's parcels comprising the Project site into a single parcel, demolition of the existing surface parking lot, and development (utilities, parking lot lights, etc.). Following demolition, the Project would involve developing the site with two new multi-family buildings containing a total of 12 townhome-style units. Each townhome unit would be three stories with an attached garage on the ground floor. The height of the multi-family buildings would be approximately 40 feet. Solar panels would be provided on the rooftops.

The Project would include a single 26-foot-wide driveway that provides ingress/egress to the site from McKendrie Street. An internal circulation road, which would be a private road, would provide access to each of the townhome garages. Six visitor parking spaces would be provided on the internal circulation road. Figure 3 shows the proposed site plan.

### Figure 3 Conceptual Site Plan



The proposed Project would require removal of 22 existing on-site Chinese elms and replacing them with new trees pursuant to the City's Tree Replacement Guidelines. The Project would also include new drought-tolerant landscaping designed in accordance with the State's Model Water Efficient Landscape Ordinance.

The proposed Project would require a General Plan Amendment to the Envision San José 2040 General Plan to change the land use designations of the site from Residential Neighborhood (RN) and Neighborhood/Community Commercial (NCC) to Mixed Use Neighborhood (MUN).

## **Utilities**

Electricity at the Project site would be provided by Pacific Gas & Electric, which is available at the Project site. The Project would not involve the use of natural gas.

Stormwater runoff from the Project site is treated with an existing storm drain system in the area that is owned and operated by the City of San José. The Project would include a new storm drain lateral along the eastern, southern, and western borders of the site as well as along the private street separating the two proposed buildings, which would connect to an existing stormwater main and drain pipe at the intersection of McKendrie Street and Myrtle Street. However, stormwater runoff from impervious surfaces of the Project site would first be directed to the proposed on-site bioretention areas to treat the runoff before discharge to the City's storm drain system.

Sanitary sewer service would be provided by the City of San José. The Project would connect to an existing 42 inch and 6-inch sanitary sewer main along the McKendrie Street Project frontage.

Water service would be provided by San José Water Company. The Project would connect to existing water main within McKendrie Street.

## **Project Construction**

Construction activities would occur over approximately five months, and pending receipt of Project approval and necessary permits, would begin early March 2027. Specific construction details are currently unavailable. Construction activities would commence with demolition of the existing surface parking lot. Following demolition and removal of demolished materials, grading of the site would commence. Because the site is nearly flat, Project construction would require only limited grading and cut and fill would be balanced on site. Excavation would reach a maximum depth of approximately three feet. The proposed townhomes would be constructed at approximately existing grade.

Consistent with City of San José standard practice, the Project applicant would submit a construction management plan for City approval that addresses the construction schedule, street closures and/or detours, construction staging areas and parking, and the planned truck routes. All construction staging would occur on-site.

Given the temporary nature of construction, local workforce would be expected to fill the temporary construction jobs for the Project. Construction workers would park on-site. Construction equipment staging would occur on-site. Construction hours would be 7:00 a.m. to 7:00 p.m., Monday through Friday, pursuant to San José Municipal Code Section 20.100.450.

## 8. Other Required Approvals

The proposed Project would require the following entitlements, permits, and/or approvals:

- Tentative Map
- Demolition Permit
- Site Development Permit
- Grading Permit
- Building Permit
- General Plan Amendment to change the land use designation of the site to MUN
- Rezoning
- Tree Removal Permit

Implementation of the Project may also require clearances from the City's Public Works Department other than the grading permit, such as an encroachment permit for driveway reconstruction on McKendrie Street.

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## Environmental Factors Potentially Affected

This Project would potentially affect the environmental factors checked below, involving at least one impact that is “Potentially Significant” or “Less than Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.

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

## Determination

Based on this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION (ND) will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “less than significant with mitigation incorporated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An EIR is required, but it must analyze only the effects that remain to be addressed.

- ☐ I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or ND pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or ND, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
\_\_\_\_\_  
Signature

07/30/2026  
\_\_\_\_\_  
Date

Tina Garg  
\_\_\_\_\_  
Printed Name

Supervising Planner  
\_\_\_\_\_  
Title

# Environmental Checklist

## 1 Aesthetics



|                                                                                                                                                                                                                                                                                                                                                                               | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|--------------------------|
| <b>Except as provided in Public Resources Code Section 21099, would the project:</b>                                                                                                                                                                                                                                                                                          |                                      |                                                             |                                      |                          |
| a. Have a substantial adverse effect on a scenic vista?                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?                                                                                                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a 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? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?                                                                                                                                                                                                                                                      | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |

### Regulatory Setting

#### Senate Bill 743

Senate Bill (SB) 743 was adopted in 2013 and requires lead agencies to use alternatives to level of service (LOS) for evaluating transportation impacts, specifically vehicle miles traveled (VMT). SB 743 also included changes to CEQA that apply to transit-oriented developments, as related to aesthetics and parking impacts. Under SB 743, a project's aesthetic impacts will no longer be considered significant impacts on the environment if:

- The project is a residential, mixed-use residential, or employment center project, and
- The project is located on an infill site within a transit priority area.<sup>1</sup>

SB 743 also clarifies that local governments retain their ability to regulate a project's aesthetics impacts outside of the CEQA process.

<sup>1</sup> A "transit priority area" is defined as "an area within 0.5 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods."

## Impact Assessment

- a. *Have a substantial adverse effect on a scenic vista?*
- b. *Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*
- c. *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a 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?*
- d. *Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?*

The proposed Project is in a transit priority area located within 0.1-mile of the VTA bus route 22, which operates at 15-minute intervals during morning and afternoon peak commute periods. The Project is also a residential Project on an infill site. Therefore, aesthetic impacts would be less than significant by statute and a discussion of the Project's aesthetic effects is not included in this document. It should also be noted that, pursuant to Public Resources Code Section 21099(d)(2)(B), in this context "aesthetic impacts do not include impacts on historical or cultural resources;" potential impacts to historic and cultural resources are discussed in Section 5, *Cultural Resources*.

### LESS-THAN-SIGNIFICANT IMPACT

## 2 Agriculture and Forestry Resources



|                                                                                                                                                                                                                                                                                            | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|-------------------------------------|
| <b>Would the project:</b>                                                                                                                                                                                                                                                                  |                                      |                                                             |                                      |                                     |
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?                                                 | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| b. Conflict with existing zoning for agricultural use or a Williamson Act contract?                                                                                                                                                                                                        | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| 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))? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| d. Result in the loss of forest land or conversion of forest land to non-forest use?                                                                                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| 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?                                                                                | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |

The California Department of Conservation designates the Project site as Urban and Built-Up Land (California Department of Conservation 2020). Urban and Built-Up Land is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. Urban and Built-Up Land is not Important Farmland. The Project site is zoned as R-1-8 and CP. The Project site is not zoned or used for agriculture.

CEQA requires the evaluation of forest and timber resources where they are present. The Project site is located in a developed urban area. The site does not contain forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

### Regulatory Setting

#### *Williamson Act*

The Williamson Act (California Land Conservation Act of 1965) enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are lower than full market value of the property because they are based on farming and open space uses.

#### *Farmland Mapping and Monitoring Program*

The California Natural Resources Agency's Farmland Mapping and Monitoring Program (FMMP) provides maps and data to decision makers to assist them in making informed decisions regarding the planning of the present and future use of California's agricultural land resources.

### *Forest Land and Timberland*

Public Resources Code Section 12220(g) identifies forest land as land that can support a 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefit.

Public Resources Code Section 4526 identifies timberland as land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

### *Envision San José 2040 General Plan*

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Chapter 6, Land Use and Transportation outlines the City's framework for identifying appropriate land uses in various areas of the City. Those included below are applicable to agriculture and forestry (City of San José 2011a).

- Policy LU-12.3:** Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means:
- Limit residential uses in agricultural areas to those which are incidental to agriculture.
  - Restrict and discourage subdivision of agricultural lands.
  - Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights.
  - Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses.
  - Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.
- a. *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*
- b. *Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?*
- c. *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*
- d. *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*
- e. *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

The Project site is in an urbanized and developed area. Neither farmland nor forested lands occur on or adjacent to the Project site. The site is not zoned for agriculture, forest land, nor timberland production. The site contains no mapped Important Farmland (California Department of Conservation 2022a) and the site is not subject to a Williamson Act contract (California Department of Conservation 2022b). Accordingly, the proposed Project would have no impact on agriculture and forestry resources.

### **NO IMPACT**

### 3 Air Quality



|                                                                                                                                                                                                   | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than - Significant Impact      | No Impact                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|--------------------------|
| <b>Would the project:</b>                                                                                                                                                                         |                                |                                                    |                                     |                          |
| a. Conflict with or obstruct implementation of the applicable air quality plan?                                                                                                                   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Expose sensitive receptors to substantial pollutant concentrations?                                                                                                                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?                                                                                 | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

This section of the Initial Study is based partially upon an Air Quality Report prepared by Rincon Consultants in July 2025, which includes Project emissions modeling using the California Emissions Estimator Model (CalEEMod) Version 2022.1.1.21 and a construction health risk assessment. The Air Quality Report is attached as Appendix A.

#### Existing Setting

##### *Local Climate and Meteorology*

The Project site is located in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air District (Air District). As the local air quality management agency, the Air District is required to monitor air pollutant levels to ensure that state and federal air quality standards are met and, if they are not met, to develop strategies to meet the standards.

##### Regional Climate and Air Pollution in the SFBAAB

The City of San José is located in the southern portion of the SFBAAB and the proximity to the Pacific Ocean and San Francisco Bay influence the climate in the city and surrounding region. The Santa Cruz Mountains and Diablo Mountain Range on either side of the South Bay restrict air dispersion, and this alignment of the terrain also channels winds from the north to south, carrying pollution from the northern Peninsula toward the South Bay. Winds play a large role in controlling climate in the area, and annual average winds range between five and ten miles per hour in this region (Air District 2017a).

Air pollutant emissions in the SFBAAB are generated primarily by stationary and mobile sources. Stationary sources can be divided into two major subcategories: point and area sources. Point sources occur at a specific location and are often identified by an exhaust vent or stack. Examples include boilers or combustion equipment that produce electricity or generate heat. Area sources are distributed widely and include those such as residential and commercial water heaters, painting operations, lawn mowers, agricultural fields, landfills, and some consumer products. Mobile sources refer to emissions from motor vehicles, including tailpipe and evaporative emissions, and are classified as either on-road or off-road. On-road sources may be operated legally on roadways and highways. Off-road sources include aircraft, ships, trains, and self-propelled construction equipment. Air pollutants can also be generated by the natural environment such as when high winds suspend fine dust particles (Air District 2017a).

### *Air Pollutants of Primary Concern*

Primary criteria pollutants are emitted directly from a source (e.g., vehicle tailpipe, an exhaust stack. The federal and State Clean Air Acts (CAA) mandate the control and reduction of certain air pollutants. Under these laws, the U.S. Environmental Protection Agency (U.S. EPA) and the California Air Resources Board (CARB) have established the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS) for “criteria pollutants” and other pollutants. Some pollutants are emitted directly from a source (e.g., vehicle tailpipe, an exhaust stack of a factory, etc.) into the atmosphere, including carbon monoxide, volatile organic compounds (VOC)/reactive organic gases (ROG),<sup>2</sup> nitrogen oxides (NO<sub>x</sub>), particulate matter with diameters of up to ten microns (PM<sub>10</sub>) and up to 2.5 microns (PM<sub>2.5</sub>), sulfur dioxide, and lead. Other pollutants are created indirectly through chemical reactions in the atmosphere, such as ozone, which is created by atmospheric chemical and photochemical reactions primarily between ROG and NO<sub>x</sub>. Secondary pollutants include oxidants, ozone, and sulfate and nitrate particulates (smog). The characteristics, sources and effects of criteria pollutants are discussed in the following subsections. The following subsections describe the characteristics, sources, and health and atmospheric effects of air pollutants of primary concern.

#### Ozone

Ozone is a highly oxidative unstable gas produced by a photochemical reaction (triggered by sunlight) between nitrogen oxides (NO<sub>x</sub>) and reactive organic gases (ROG) (also referred to as volatile organic compounds [(VOC)]). ROG is composed of non-methane hydrocarbons (with specific exclusions), and NO<sub>x</sub> is composed of different chemical combinations of nitrogen and oxygen, mainly nitric oxide (NO) and NO<sub>2</sub>. NO<sub>x</sub> is formed during the combustion of fuels, while ROG is formed during the combustion and evaporation of organic solvents. As a highly reactive molecule, ozone readily combines with many multiple different atmosphere components. Consequently, high ozone levels tend to exist only while high VOC and NO<sub>x</sub> levels are present to sustain the ozone formation process. Once the precursors have been depleted, ozone levels rapidly decline. Because these reactions occur on a regional rather than local scale, ozone is considered a regional pollutant. In addition, because ozone requires sunlight to form, it mainly occurs in concentrations considered serious between April and October. Groups most sensitive to ozone include children, the elderly, people with respiratory disorders, and people who exercise strenuously outdoors. Depending on the level of exposure, ozone can cause coughing and a sore or scratch throat; make it more difficult to breathe deeply and vigorously and cause pain when taking a deep breath; inflame and damage the airways; make the lungs more susceptible to infection; and aggravate lung diseases such as asthma, emphysema, and chronic bronchitis (U.S. EPA 2022).

#### Carbon Monoxide

Carbon monoxide (CO) is a localized pollutant found in high concentrations only near its source. The primary source of CO, a colorless, odorless, poisonous gas, is automobile traffic’s incomplete combustion of petroleum fuels. Therefore, elevated concentrations are usually only found near areas of high traffic volumes. Other sources of CO include the incomplete combustion of petroleum fuels at power plants and fuel combustion from wood stoves and fireplaces during the winter. When CO levels are elevated outdoors, they can be of particular concern for people with some types of heart disease. These people already have a reduced ability to get oxygenated blood to their hearts in situations where they need more oxygen than usual. As a result, they are especially vulnerable to the effects of CO when exercising or under increased stress. In these situations, short-term exposure to elevated CO may result in reduced oxygen to the heart accompanied by chest pain, also known as angina (U.S. EPA 2022).

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<sup>2</sup> CARB defines VOC and ROG similarly as, “any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate,” with the exception that VOC are compounds that participate in atmospheric photochemical reactions. For the purposes of this analysis, ROG and VOC are considered comparable in terms of mass emissions, and the term ROG is used in this analysis.

### Nitrogen Dioxide

Nitrogen dioxide (NO<sub>2</sub>) is a by-product of fuel combustion. The primary sources are motor vehicles, industrial boilers, and furnaces. The principal form of NO<sub>x</sub> produced by combustion is NO, but NO reacts rapidly to form NO<sub>2</sub>, creating the mixture of NO and NO<sub>2</sub>, commonly called NO<sub>x</sub>. NO<sub>2</sub> is a reactive, oxidizing gas and an acute irritant capable of damaging cell linings in the respiratory tract. Breathing air with a high concentration of NO<sub>2</sub> can irritate airways in the human respiratory system. Such exposures over short periods can aggravate respiratory diseases leading to respiratory symptoms (such as coughing, wheezing, or difficulty breathing), hospital admissions, and visits to emergency rooms. Longer exposures to elevated concentrations of NO<sub>2</sub> may contribute to the development of asthma and potentially increase susceptibility to respiratory infections. People with asthma and children and the elderly are generally at greater risk for the health effects of NO<sub>2</sub>. NO<sub>2</sub> absorbs blue light and causes a reddish-brown cast to the atmosphere and reduced visibility. It can also contribute to the formation of ozone/smog and acid rain (U.S. EPA 2022).

### Sulfur Dioxide

Sulfur dioxide (SO<sub>2</sub>) is included in a group of highly reactive gases known as sulfur oxides (SO<sub>x</sub>). The largest sources of SO<sub>2</sub> emissions are from fossil fuel combustion at power plants (73 percent) and other industrial facilities (20 percent). Smaller sources of SO<sub>2</sub> emissions include industrial processes such as extracting metal from ore and burning fuels with a high sulfur content by locomotives, large ships, and off-road equipment. Short-term exposures to SO<sub>2</sub> can harm the human respiratory system and make breathing difficult. People with asthma, particularly children, are sensitive to these effects of SO<sub>2</sub> (U.S. EPA 2022).

### Particulate Matter

Particulate matter with a diameter of 10 micrometers or less (PM<sub>10</sub>) and particulate matter with a diameter of 2.5 micrometers or less in diameter (PM<sub>2.5</sub>) are comprised of finely divided solids and liquids such as dust, soot, aerosols, fumes, and mists. Both PM<sub>10</sub> and PM<sub>2.5</sub> are emitted into the atmosphere as by-products of fuel combustion and wind erosion of soil and unpaved roads. The atmosphere, through chemical reactions, can form particulate matter. The characteristics, sources, and potential health effects of PM<sub>10</sub> and PM<sub>2.5</sub> can be very different. PM<sub>10</sub> is generally associated with dust mobilized by wind and vehicles. In contrast, PM<sub>2.5</sub> is generally associated with combustion processes and formation in the atmosphere as a secondary pollutant through chemical reactions. PM<sub>10</sub> can cause increased respiratory disease, lung damage, cancer, premature death, reduced visibility, and surface soiling. For PM<sub>2.5</sub>, short-term exposures (up to 24 hours duration) have been associated with premature mortality, increased hospital admissions for heart or lung causes, acute and chronic bronchitis, asthma attacks, emergency room visits, respiratory symptoms, and restricted activity days. These adverse health effects have been reported primarily in infants, children, and older adults with preexisting heart or lung diseases (California Air Resources Board [CARB] 2025a).

### Lead

Lead (Pb) is a metal found naturally in the environment, as well as in manufacturing products. The major sources of lead emissions historically have been mobile and industrial. However, due to the U.S. EPA's regulatory efforts to remove lead from gasoline, atmospheric lead concentrations have declined substantially over the past several decades. The most dramatic reductions in lead emissions occurred before 1990 due to the removal of lead from gasoline sold for most highway vehicles. Lead emissions were further reduced substantially between 1990 and 2008, with reductions occurring in the metals industries at least partly due to national emissions standards for hazardous air pollutants (U.S. EPA 2013). As a result of phasing out leaded gasoline, metal processing is currently the primary source of lead emissions. The highest lead level in the air is generally found near lead smelters. Other stationary sources include waste incinerators, utilities, and lead-acid battery manufacturers. Lead can adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems,

and cardiovascular system, depending on exposure. Lead exposure also affects the oxygen-carrying capacity of blood. The lead effects most likely encountered in current populations are neurological in children. Infants and young children are susceptible to lead exposures, contributing to behavioral problems, learning deficits, and lowered intelligence quotient (U.S. EPA 2022).

### Toxic Air Contaminants

In addition to the criteria pollutants discussed above, toxic air contaminants (TACs) are a diverse group of air pollutants that may pose a present or potential hazard to human health, or cause or contribute to an increase in mortality or serious illness. TACs include both organic and inorganic chemical substances that may be emitted from a variety of common sources, including gasoline stations, motor vehicles, dry cleaners, industrial operations, painting operations, and research and teaching facilities. One of the main sources of TACs in California is diesel engine exhaust that contains solid material known as diesel particulate matter (DPM). More than 90 percent of DPM is less than one micrometer in diameter (about 1/70<sup>th</sup> the diameter of a human hair), and thus, is a subset of PM<sub>2.5</sub>. Because of their extremely small size, TACs can be inhaled and eventually trapped in the bronchial and alveolar regions of the lungs (CARB 2025a). TACs are different than criteria pollutants because ambient air quality standards have not been established for TACs. TACs occurring at extremely low levels may still cause health effects and it is typically difficult to identify levels of exposure that do not produce adverse health effects. TAC impacts are described by carcinogenic risk and by chronic (i.e., long duration) and acute (i.e., severe but of short duration) adverse effects on human health. People exposed to TACs at sufficient concentrations and durations may have an increased chance of getting cancer or experiencing other serious health effects. These health effects can include damage to the immune system, as well as neurological, reproductive (e.g., reduced fertility), developmental, respiratory, and other health issues (U.S. EPA 2020).

## **Air Quality Regulation**

### *Federal and State Regulations*

#### Federal and California Clean Air Acts

The federal and State governments have established ambient air quality standards for the protection of public health. The U.S. EPA is the federal agency designated to administer air quality regulation, while the CARB is the State equivalent within the California Environmental Protection Agency (CalEPA). Regional-level air quality management districts provide local management of air quality. CARB has established State-level air quality standards and is responsible for the control of mobile emission sources, while the local air districts are responsible for enforcing standards and regulating stationary sources. CARB has established 15 air basins statewide, including the SFBAAB.

The U.S. EPA has set primary national ambient air quality standards (NAAQS) for ozone, CO, NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and lead. Primary standards are those levels of air quality deemed necessary, with an adequate margin of safety, to protect public health. In addition, California has established health-based ambient air quality standards (known as the California ambient air quality standards [CAAQS]) for these and other pollutants, some of which are more stringent than the federal standards. Table 2 lists the current federal and State standards for regulated pollutants.

Areas within each air basin are considered to share the same air masses and, therefore, are expected to have similar ambient air quality. Depending on whether the standards are met or exceeded, the local air basin is classified as in “attainment” or “non-attainment.” Once a nonattainment area has achieved the air quality standards for a particular pollutant, it may be redesignated to an attainment area for that pollutant. To be redesignated, the area must meet air quality standards and have a 10-year plan for continuing to meet and maintain air quality standards, as well as satisfy other requirements of the federal CAA. Areas that have been redesignated to attainment are called maintenance areas. Some areas are unclassified, which means insufficient monitoring data are available; unclassified areas are considered to be in attainment. Table 2 presents the attainment status of the SFBAAB for each of the CAAQS and

NAAQS.<sup>3</sup> As shown therein, the SFBAAB is designated nonattainment for the federal standards for ozone and PM<sub>2.5</sub> and in nonattainment for the state standard for ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>. The SFBAAB is designated unclassifiable or in attainment for all other federal and state standards.

**Table 2 Federal and State Ambient Air Quality Standards**

| Pollutant                                      | Averaging Time              | California Ambient Air Quality Standards |                          | National Ambient Air Quality Standards |                   |
|------------------------------------------------|-----------------------------|------------------------------------------|--------------------------|----------------------------------------|-------------------|
|                                                |                             | Concentration                            | Attainment Status        | Concentration                          | Attainment Status |
| Ozone                                          | 8-Hour                      | 0.070 ppm                                | N                        | 0.070 ppm                              | N                 |
|                                                | 1-Hour                      | 0.09 ppm                                 | N                        | –                                      | –                 |
| Carbon Monoxide                                | 8-Hour                      | 9.0 ppm                                  | A                        | 9 ppm                                  | A                 |
|                                                | 1-Hour                      | 20 ppm                                   | A                        | 35 ppm                                 | A                 |
| Nitrogen Dioxide                               | 1-Hour                      | 0.18 ppm                                 | A                        | 0.100 ppm                              | U/A               |
|                                                | Annual Arithmetic Mean      | 0.030 ppm                                | –                        | 0.053 ppm                              | A                 |
| Sulfur Dioxide                                 | 24-Hour                     | 0.04 ppm                                 | A                        | 0.14 ppm                               | A                 |
|                                                | 1-Hour                      | 0.25 ppm                                 | A                        | 0.075 ppm                              | A                 |
|                                                | Annual Arithmetic Mean      | –                                        | –                        | 0.030 ppm                              | A                 |
| Particulate Matter – Small (PM <sub>10</sub> ) | Annual Arithmetic Mean      | 20 µg/m <sup>3</sup>                     | N                        | –                                      | –                 |
|                                                | 24-Hour                     | 50 µg/m <sup>3</sup>                     | N                        | 150 µg/m <sup>3</sup>                  | N                 |
| Particulate Matter - Fine (PM <sub>2.5</sub> ) | Annual Arithmetic Mean      | 12 µg/m <sup>3</sup>                     | N                        | 9 µg/m <sup>3</sup>                    | U/A               |
|                                                | 24-Hour                     | –                                        | –                        | 35 µg/m <sup>3</sup>                   | N                 |
| Sulfates                                       | 24-Hour                     | 25 µg/m <sup>3</sup>                     | A                        | –                                      | –                 |
| Lead                                           | Rolling 3-Month Average     | –                                        | –                        | 0.15 µg/m <sup>3</sup>                 | A                 |
|                                                | 30-Day Average              | 1.5 µg/m <sup>3</sup>                    | A                        | –                                      | –                 |
| Hydrogen Sulfide                               | 1-Hour                      | 0.03 ppm<br>(42 µg/m <sup>3</sup> )      | U                        | –                                      | –                 |
| Vinyl Chloride (Chloroethene)                  | 24-Hour                     | 0.010 ppm<br>(26 µg/m <sup>3</sup> )     | No information available | –                                      | –                 |
| Visibility Reducing Particles                  | 8-Hour (10:00 to 18:00 PST) | –                                        | U                        | –                                      | –                 |

A = attainment; N = nonattainment; U = unclassified; ppm=parts per million; µg/m<sup>3</sup>=micrograms per cubic meter; PST = Pacific Standard Time

Sources: Air District 2017b, CARB 2024, and U.S. EPA 2024

<sup>3</sup> Air District is the primary agency responsible for assuring that the National and California Ambient Air Quality Standards (NAAQS and CAAQS, respectively) are attained and maintained in the Bay Area. The analysis in this report uses the Air District thresholds of significance and therefore considers CAAQS and NAAQS in its analysis. For additional information about the Air District Guidelines, please refer to Air Quality Guidelines Appendix A: Thresholds of Significance Justification (Air District 2022a)

### State Implementation Plan

The State Implementation Plan (SIP) is a collection of documents that set forth the State's strategies for achieving the NAAQS. In California, the SIP is a compilation of new and previously submitted plans, programs (such as monitoring, modeling, and permitting), district rules, State regulations, and federal controls. CARB is the lead agency for all purposes related to the SIP under State law. Local air quality management districts and other agencies, such as the California Department of Pesticide Regulation and the California Bureau of Automotive Repair, prepare SIP elements and submit them to CARB for review and approval. CARB then forwards the SIP revisions to the U.S. EPA for approval and publication in the Federal Register. The items included in the California SIP are listed in 40 CFR 52.220.

As the regional air quality management district, the Air District is responsible for preparing and implementing the portion of the SIP applicable to the portion of the SFBAAB within its jurisdiction. The air quality management district for each region adopts rules, regulations, and programs to attain federal and State air quality standards and appropriates money (including permit fees) to achieve these standards. In addition, the following CCR sections would be applicable to the Project:

- **Engine Idling.** In accordance with Section 2485 of CCR Title 13, the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.
- **Emission Standards.** In accordance with Section 93115 of CCR Title 17, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.

### California Airborne Toxics Control Measure for Asbestos

CARB has adopted Airborne Toxics Control Measures for sources that emit a particular TAC. If there is a safe threshold for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If there is no safe threshold, the measure must incorporate Best Available Control Technology to minimize emissions. In July 2001, CARB approved an Air Toxic Control Measure for construction, grading, quarrying and surface mining operations to minimize emissions of naturally occurring asbestos. The regulation requires application of best management practices (BMPs) to control fugitive dust in areas known to have naturally occurring asbestos and requires notification to the local air district prior to commencement of ground-disturbing activities. The measure establishes specific testing, notification and engineering controls prior to grading, quarrying, or surface mining in construction zones where naturally occurring asbestos is located on projects of any size. There are additional notification and engineering controls at work sites larger than one acre in size. These projects require the submittal of a "Dust Mitigation Plan" and approval by the air district prior to the start of a Project.

Construction sometimes requires the demolition of existing buildings where construction occurs. Buildings often include materials containing asbestos. Asbestos is also found in a natural state, known as naturally occurring asbestos. Exposure and disturbance of rock and soil that naturally contain asbestos can result in the release of fibers into the air and consequent exposure to the public. Asbestos most commonly occurs in ultramafic rock that has undergone partial or complete alteration to serpentine rock (serpentine) and often contains chrysotile asbestos. In addition, another form of asbestos, tremolite, can be found associated with ultramafic rock, particularly near faults. Sources of asbestos emissions include unpaved roads or driveways surfaced with ultramafic rock, construction activities in ultramafic rock deposits, or rock quarrying activities where ultramafic rock is present. The Project site is not located in an area likely to contain naturally occurring asbestos.

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

TACs in California are primarily regulated through the Tanner Air Toxics Act (Assembly Bill [AB] 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588), also known as the Hot Spots Act. To date, CARB has identified more than 21 TACs and has adopted the U.S. EPA list of hazardous air pollutants (HAPs) as TACs.

## **Air Quality Management**

The Air District is responsible for assuring that the federal and State ambient air quality standards are attained and maintained in the Bay Area. The Air District is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, as well as many other activities.

The Air District adopted the 2017 Clean Air Plan (2017 Plan) as an update to the 2010 Clean Air Plan in April 2017. The 2017 Plan provides a regional strategy to protect public health and the climate. To fulfill state ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors—ROG and NO<sub>x</sub>—and reduce transport of ozone and its precursors to neighboring air basins. The 2017 Plan builds upon and enhances the Air District's efforts to reduce emissions of fine particulate matter TACs (Air District 2017b).

## **Sensitive Receptors**

Ambient air quality standards have been established to represent the levels of air quality considered sufficient, with an adequate margin of safety, to protect public health and welfare. They are designed to protect people most susceptible to respiratory distress, such as children under 14; persons over 65; persons engaged in strenuous work or exercise; and people with cardiovascular and chronic respiratory diseases. The majority of sensitive receptor locations are therefore residences, schools, and hospitals. The sensitive receptors nearest to the Project site are residences located adjacent to the eastern boundary of the Project site and residences across McKendrie Street to the north, across Myrtle Street to the east, and across W Hedding Street to the south.

## **Air Quality Impact Analysis**

### *Methodology*

The Project's construction emissions were estimated using California Emissions Estimator Model (CalEEMod) version 2022.1.1. CalEEMod uses Project-specific information, including the Project's land uses, square footages for different uses, and location, to estimate a Project's construction and operational emissions. In the absence of specific construction information, CalEEMod defaults are used. Detailed modeling assumptions and modeling outputs are included in Appendix A.

### *Construction Methodology*

Construction emissions modeled include emissions generated by construction equipment used on-site and emissions generated by vehicle trips associated with construction, such as worker, hauling, and vendor trips. CalEEMod estimates construction emissions by multiplying the amount of time equipment is in operation by emission factors. Construction is anticipated to begin in March 2027 and end in August 2027, lasting approximately five months. Construction hours would be 7:00 a.m. to 7:00 p.m., Monday through Friday, pursuant to San José Municipal Code Section 20.100.450.

Table 3 provides a summary of the construction schedule developed for this analysis based on default CalEEMod inputs, which are considered conservative since CalEEMod uses assumptions that tend to overestimate emissions when project-specific data are not available.

**Table 3 Construction Schedule**

| Construction Phase    | Work Days per Phase |
|-----------------------|---------------------|
| Demolition            | 10 days             |
| Site Preparation      | 1 day               |
| Grading               | 2 days              |
| Building Construction | 100 days            |
| Paving                | 5 days              |
| Architectural Coating | 5 days              |

Source: Appendix A

The Project site is generally flat and construction would not require soil import or export. Export of demolished asphalt from the existing parking lot assumes a thickness of six inches for the entire area of the Project site. This analysis assumes that the Project would comply with all applicable regulatory standards. In particular, the Project would comply with the Air District's Regulation 8 Rule 3 for architectural coatings (Appendix A).

#### *Health Risk Assessment*

CARB's Air Quality and Land Use Handbook: A Community Health Perspective (April 2005) recommends against siting sensitive receptors within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day. Therefore, a construction health risk assessment was conducted to analyze construction TAC emissions; this analysis is further described below.

#### Air Dispersion Modeling

The analysis contained herein was conducted in accordance with the Air District and OEHHA recommended procedures. Site-specific air dispersion modeling was conducted using the Lakes Environmental American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) View model (version 12.0.0). Dispersion modeling was used to characterize DPM emissions and ground-level concentrations associated with on-site construction activities over the approximately 5-month construction period. Emissions rates input in AERMOD were set to one gram per second then multiplied by anticipated emissions modeled using CalEEMod in a separate spreadsheet. CalEEMod differentiates between particulate matter emitted from engine exhaust (i.e., DPM) and particulate matter emitted from ground disturbing activities (i.e., fugitive dust, which does not constitute DPM) (California Air Pollution Control Officers Association [CAPCOA] 2021). DPM concentration was estimated based on the PM<sub>10</sub> exhaust emissions (not including fugitive PM<sub>10</sub>) provided by CalEEMod, which are DPM emissions resulting from combustion of diesel-fueled vehicles and off-road equipment during construction. In addition, PM<sub>2.5</sub> emissions from both engine exhaust and fugitive sources were multiplied by AERMOD average concentration output to determine ground-level concentrations at nearby receptors for comparison to the Air District's PM<sub>2.5</sub> thresholds. Annual and maximum hourly emissions were calculated by using the annual emissions reported by CalEEMod for each calendar year of construction based on the Air District guidelines (Air District 2022).

The construction site was modeled as an area source in AERMOD with an assumed release height of 16 feet (approximately 5 meters), corresponding to the approximate height of off-road equipment mufflers from which exhaust emissions would be released. For all emissions sources, AERMOD's variable emissions rate function was applied, based on construction activity to occur Monday through Friday between 7 a.m. to 7 p.m. This construction duration is consistent with San José Municipal Code Section 20.100.450.

To characterize health risk at nearby sensitive receptors, 145 existing residential receptors were selected in AERMOD. Sensitive receptors were selected at single family and multi-family residential units

approximately within 1,000 feet of the Project site. Receptor grids were placed with a spacing of 10 meters for receptors adjacent to the Project site, and a spacing of 25 meters out to 1,000 feet from the Project site. The nearest sensitive receptors to the Project site are single-family residences adjacent to the eastern boundary of the site.

The AERMOD model requires hourly meteorological data consisting of wind vector, wind speed, temperature, stability class, and mixing height. Specific meteorology and terrain for the site were input to the model using the nearest available meteorological data set, San José International Airport (approximately 1.0 mile north of the Project site), and National Elevation Dataset produced by the U.S. Geological Survey. AERMOD's urban option was applied using the most recent California Department of Finance population estimate for Santa Clara County, to capture the urban heat island of adjacent urban areas (California Department of Finance 2024) (Appendix A).

### Risk Analysis

Rincon's in-house risk spreadsheet was used to calculate potential risk values associated with the worst-case toxic emission concentrations at surrounding receptors. A third trimester start age<sup>4</sup> was applied for the health risk for residential receptors. In addition, the fraction of time at residences was applied to age bins equal to or greater than 16 years. Following completion of construction of the proposed Project, construction emissions would cease. See Appendix A for health risk calculations.

### **Cumulative**

Appendix E of the Air District's *CEQA Air Quality Guidelines* (2022) also recommends assessing cumulative impacts of a new source or sources in combination with existing sources located within 1,000 feet of the Project site. Because health risk focuses on sensitive receptors, cumulative impacts to the maximally exposed individual receptor (MEIR), the residences adjacent to the eastern boundary of the Project site, were analyzed. The cumulative risk analysis includes the construction of the proposed Project as well as all existing sources within a 1,000-foot radius of the MEIR. Operation of the Project was excluded from this analysis because the Project would not introduce stationary sources or other sources of TACs warranting further analysis. There are no rail or stationary sources within 1,000 feet of the Project site, therefore, rail and stationary impacts were excluded from this analysis. Roadway sources within 1,000 feet of the construction MEIR, single- and multi-family residents includes U.S. Interstate 880 and State Route 82 (Appendix A).

### **Significance Thresholds**

To determine whether a project would result in a significant impact to air quality, Appendix G of the *CEQA Guidelines* requires consideration of whether a project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard;
- Expose sensitive receptors to substantial pollutant concentrations; or
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

The Air District has adopted guidelines for quantifying and determining the significance of air quality emissions in its 2022 *CEQA Air Quality Guidelines*.

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<sup>4</sup> The third trimester of pregnancy is generally defined as beginning at 28 weeks gestation and continuing until the birth of the baby, which is typically around 40 weeks.

### Regional Significance Thresholds

The Air District developed screening criteria to provide a conservative indication of whether a project could result in potentially significant air quality impacts. If all the screening criteria are met by a project, the lead agency or applicant does not need to perform a detailed air quality assessment of the project's air pollutant emissions, and air quality impacts would be considered less than significant. The Air District's screening criteria for condo-townhouse residential development are 637 dwelling units for operational criteria pollutants and 416 dwelling units for construction-related emissions (Air District 2023). For construction-related emissions to be considered less than significant, projects must meet the following criteria in addition to being below the applicable screening level (Air District 2023):

1. All best management practices (see Table 5-2 in Chapter 5, "Project-Level Air Quality Impacts") are included in the project design and implemented during construction.
2. Construction-related activities would not overlap with operational activities.
3. Construction-related activities would not include any of the following:
  - Demolition
  - Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would not occur simultaneously)
  - Extensive site preparation ((e.g., grading, cut and fill, or earth movement)
  - Extensive material transport (e.g., soil import and export requiring a considerable amount of haul truck activity)
  - Stationary sources (e.g., backup generators) subject to Air District rules and regulations.

In addition, for operational-related emissions to be considered less than significant, projects must meet the following criteria in addition to being below the applicable screening level (Air District 2023):

1. Operational activities would not include stationary engines (e.g., backup generators) and industrial sources subject to Air District rules and regulations.
2. Operational activities would not overlap with construction-related activities.

If screening criteria for construction or operation of the project are not met, the Air District's 2022 *CEQA Air Quality Guidelines* provides quantitative thresholds for evaluating air quality. Table 4 shows the significance thresholds for construction and operational-related criteria air pollutant and precursor emissions being used for the purposes of this analysis. These thresholds represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. For the purposes of this analysis, the project would result in a significant impact if any screening criteria are not met and if construction or operational emissions exceed thresholds as shown in Table 4.

**Table 4 Air District Air Quality Significance Thresholds**

| Pollutant         | Construction Thresholds           | Operational Thresholds            |                                      |
|-------------------|-----------------------------------|-----------------------------------|--------------------------------------|
|                   | Average Daily Emissions (lbs/day) | Average Daily Emissions (lbs/day) | Maximum Annual Emissions (tons/year) |
| ROG               | 54                                | 54                                | 10                                   |
| NO <sub>x</sub>   | 54                                | 54                                | 10                                   |
| PM <sub>10</sub>  | 82 (exhaust)                      | 82                                | 15                                   |
| PM <sub>2.5</sub> | 54 (exhaust)                      | 54                                | 10                                   |

ROG = reactive organic gases, NO<sub>x</sub> = nitrogen oxides, PM<sub>10</sub> = particulate matter 10 microns in diameter or less, PM<sub>2.5</sub> = particulate matter 2.5 microns or less in diameter; lbs/day = pounds per day

Source: Air District 2022

### Carbon Monoxide

The Air District provides a preliminary screening methodology to conservatively determine whether a proposed project would exceed carbon monoxide thresholds. If the following criteria are met, a project would result in a less than significant impact related to local carbon monoxide concentrations:

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

### Toxic Air Containments

In the absence of a qualified Community Risk Reduction Plan, the Air District has established the following *Thresholds of Significance* for local community risks and hazards associated with TACs and PM<sub>2.5</sub> for assessing individual source impacts at a local level. Impacts would be significant if:

- The project would result in an increased cancer risk of > 10 in a million
- The project would result in an increased non-cancer (i.e., Chronic or Acute) risk of > 1.0 Hazard Index
- The project would result in an ambient PM<sub>2.5</sub> concentration increase of > 0.3 µg/m<sup>3</sup> annual average

A project would be considered to have a cumulatively considerable impact if the aggregate total of current and proposed TAC sources within a 1,000 feet radius of the project fence-line in addition to the project would exceed the *Cumulative Thresholds of Significance*. Impacts would be significant if:

- The project would result in an increased cancer risk of > 100 in a million
- The project would result in an increased non-cancer (i.e., Chronic) risk of > 10 Hazard Index
- The project would result in an ambient PM<sub>2.5</sub> concentration increase of > 0.8 µg/m<sup>3</sup> annual average

Excess cancer risks are defined as those occurring in excess of or above and beyond those risks that would normally be associated with a location or activity if toxic pollutants were not present. Non-carcinogenic health effects are expressed as a hazard index, which is the ratio of expected exposure levels to an acceptable reference exposure level.

### Odor Sources

The Air District provides minimum distances for siting of new odor sources as shown in Table 5. A significant impact would occur if the project would involve the operation of an odor source that would be located closer to sensitive receptors than the screen distances shown in Table 5 or if five confirmed complaints per year averaged over three years have been received regarding odors associated with the project.

**Table 5 Air District Odor Source Thresholds**

| Odor Source                   | Minimum Distance for Less than Significant Odor Impacts (in miles) |
|-------------------------------|--------------------------------------------------------------------|
| Wastewater treatment plant    | 2                                                                  |
| Wastewater pumping facilities | 1                                                                  |
| Sanitary Landfill             | 2                                                                  |
| Transfer Station              | 1                                                                  |
| Composting Facility           | 1                                                                  |
| Petroleum Refinery            | 2                                                                  |
| Asphalt Batch Plant           | 2                                                                  |
| Chemical Manufacturing        | 2                                                                  |
| Fiberglass Manufacturing      | 1                                                                  |
| Painting/Coating Operations   | 1                                                                  |
| Rendering Plant               | 2                                                                  |
| Air District 2022, Table 5-4  |                                                                    |

## Impacts Assessment

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

The California CAA requires that air districts create a Clean Air Plan that describes how the jurisdiction will meet air quality standards. The most recently adopted air quality plan is the Air District's 2017 Plan. The 2017 Plan updates the most recent Bay Area plan, the 2010 Clean Air Plan, pursuant to air quality planning requirements defined in the California Health and Safety Code. To fulfill state ozone planning requirements, the 2017 Plan control strategy includes all feasible measures to reduce emissions of ozone precursors—ROG and NO<sub>x</sub>—and reduce transport of ozone and its precursors to neighboring air basins. The Clean Air Plan builds upon and enhances the Air District's efforts to reduce emissions of fine particulate matter and TACs. The 2017 Plan does not include control measures that apply directly to individual development projects. Instead, the control strategy includes control measures related to stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants.

The 2017 Plan focuses on two paramount goals, both consistent with the mission of the Air District:

- Protect air quality and health at the regional and local scale by attaining all national and state air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TACs.
- Protect the climate by reducing Bay Area GHG emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050.

Under the Air District's methodology, a determination of consistency with the 2017 Plan should demonstrate that a project:

- Supports the primary goals of the air quality plan.
- Includes applicable control measures from the air quality plan.
- Does not disrupt or hinder implementation of any air quality plan control measures.

A project that fails to support the goals of the 2017 Plan would be considered inconsistent with it. On an individual project basis, consistency with the Air District's quantitative thresholds is interpreted as demonstrating support for the Clean Air Plan's goals.

As discussed under Threshold b below, the Project's building characteristics and activity would meet the Air District's operations screening criteria for condo-townhouse residential. Therefore, the Project's

operations emissions would not exceed significant thresholds, eliminating the need for a detailed assessment.

With regard to construction emissions, the Project would not exceed the Air District's regional thresholds, as shown in Table 6. Therefore, the Project would not conflict with the 2017 Plan's goal to attain air quality standards. The 2017 Plan includes goals and measures to increase the use of electric vehicles and encourage energy and water efficiency. The Project aligns with these goals by incorporating features such as energy and water-efficient appliances that meet the 2022 Title 24 Standards. Additionally, the Project would be constructed with all-electric appliances and electric vehicle infrastructure, consistent with CALGreen standards for multi-family residential units. Therefore, the Project would not conflict with or obstruct the implementation of an applicable air quality plan, and the Project would have a less than significant impact.

### LESS-THAN-SIGNIFICANT IMPACT

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

### Construction Emissions

The Air District's construction screening size for condo-townhouse residences is 416 dwelling units. The screening table was developed using conservative assumptions to ensure emissions remain below levels that would cause significant air quality impacts. Construction-related fugitive dust was not included in the screening table because these emissions are controlled through best management practices, as discussed in Chapter 5, Project-Level Air Quality Impacts (Air District 2022). Although the Project includes 12 dwelling units, Project construction would require demolition of the existing parking lot. As discussed above under Significance Thresholds, a project that includes demolition would not satisfy the screening criteria. Therefore, the Project is not consistent with applicable construction screening criteria established by the Air District, and the Project's construction activity is compared against the Air District's regional emissions thresholds to determine the significance of construction impacts.

Construction activities associated with development of the Project would temporarily generate emissions associated with equipment and fugitive dust. Construction emissions modeled include emissions generated by construction equipment used on the site and emissions generated by vehicle trips associated with construction, such as worker, hauling, and vendor trips. Table 6 summarizes the estimated maximum daily average emissions of ROG, NO<sub>x</sub>, CO, PM<sub>10</sub> exhaust, PM<sub>2.5</sub> exhaust, and sulfur oxide (SO<sub>x</sub>) during Project construction. As shown in Table 6, Project construction emissions for all criteria pollutants would be below the Air District average daily thresholds and therefore would be less than significant.

**Table 6 Project Construction Emissions**

|                                                                                        | Average Daily Emissions (lbs/day) |                 |            |                 |                               |                                |
|----------------------------------------------------------------------------------------|-----------------------------------|-----------------|------------|-----------------|-------------------------------|--------------------------------|
|                                                                                        | ROG                               | NO <sub>x</sub> | CO         | SO <sub>x</sub> | PM <sub>10</sub><br>(exhaust) | PM <sub>2.5</sub><br>(exhaust) |
| Average Daily Emissions                                                                | 36                                | 5               | 10         | <1              | <1                            | <1                             |
| Air District Thresholds<br>(average daily emissions)                                   | 54                                | 54              | N/A        | N/A             | 82                            | 54                             |
| <b>Threshold Exceeded?</b>                                                             | <b>No</b>                         | <b>No</b>       | <b>N/A</b> | <b>N/A</b>      | <b>No</b>                     | <b>No</b>                      |
| N/A = not applicable (no Air District threshold for CO or SO <sub>x</sub> )            |                                   |                 |            |                 |                               |                                |
| Source: See CalEEMod worksheets in Appendix A. Numbers may not add up due to rounding. |                                   |                 |            |                 |                               |                                |

The Air District does not have quantitative thresholds for fugitive dust emissions during construction. Instead, the Air District recommends best management practices be implemented to reduce construction-related fugitive dust emissions. The City of San José requires projects to implement best management practices consistent with the Air District *Basic Best Management Practices for Construction-Related Fugitive Dust Emissions*. These measures would be part of the City's Standard Permit Condition for Project construction. With the implementation of this Standard Permit Condition, construction air quality 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:

- i. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
- ii. Cover all haul trucks transporting soil, sand, or other loose material off-site.
- iii. Remove all visible mud or dirt trackout onto adjacent public roads at least once per day using wet power vacuum street sweepers.
- iv. The use of dry power sweeping is prohibited.
- v. Limit all vehicle speeds on unpaved roads to 15 mph.
- vi. Pave all new roadways, driveways, and sidewalks as soon as possible.
- vii. Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- viii. Suspend all excavation, grading, and/or demolition activities when average wind speeds exceed 20 mph.
- ix. Wash off all trucks and equipment, including their tires, prior to leaving the site.
- x. 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 wood chips, mulch, or gravel.
- xi. 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 state Airborne Toxics Control Measures [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at all access points to the site.
- xii. 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.
- xiii. 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 Bay Area Air Quality Management District's General Air Pollution Complaints number to ensure compliance with applicable regulations.

#### **Operational Emissions**

The Air District operational screening level size for condo-townhouse residences is 637 dwelling units. The screening table was developed using default assumptions and does not account for Project-specific design features or local requirements that could further reduce emissions. The Project includes 12 dwelling units, does not involve stationary engines or industrial sources, and operational activities would not overlap with construction-related activities. Therefore, the Project's operational activities meet the operational screening criteria, which indicates that the operational emissions would not exceed significant thresholds, eliminating the need for a detailed assessment. The operational screening criteria are designed to ensure that emissions remain below levels that would cause significant air quality

impacts. Therefore, pursuant to the Air District's guidance, a detailed air quality assessment of the Project's operational criteria air pollutant emissions is not necessary, and Project operation would not 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.

### **LESS-THAN-SIGNIFICANT IMPACT**

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

### **Carbon Monoxide Hotspots**

A CO hotspot is a localized concentration of CO that is above a CO ambient air quality standard. Localized CO hotspots can occur at areas with high vehicle density, such as intersections with heavy peak hour traffic. A project's localized air quality impact is considered significant if CO concentrations exceed the Air District's one-hour standard of 20.0 parts per million(ppm) and eight-hour standard of 9.0 ppm.

The Air District recommends comparing a project's attributes with the following screening criteria as a first step to evaluating whether the project would result in the generation of CO concentrations that would substantially contribute to an exceedance of the Thresholds of Significance (Air District 2022). The Project would result in a less-than-significant impact to localized CO concentrations if:

1. The project is consistent with an applicable congestion management program for designated roads or highways, regional transportation plan, and local congestion management agency plans.
2. The project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
3. The project traffic would not increase traffic volumes at the affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage).

The Project would include 12 residential units. Based on the Project's CalEEMod outputs (Appendix A), the Project is expected to generate an average of 98 trips per day. According to average daily traffic data from the City of San José, State Route 82 has an average daily trip rate of 33,646 vehicles per day. The Project trip generation would be far below the screening thresholds listed above and would not increase traffic volumes to more than 44,000 vehicles per hour. Additionally, the Project would not conflict with the Santa Clara Valley Transportation Authority Congestion Management Program. Therefore, impacts of localized CO emissions would not be significant.

### **Toxic Air Contaminants**

#### *Construction Impacts*

Construction-related activities would result in temporary Project-generated emissions of DPM exhaust emissions from off-road, heavy-duty diesel equipment for demolition, site preparation, grading, building construction, paving, and other construction activities. DPM was identified as a toxic air contaminant (TAC) by CARB in 1998 (CARB 2025a).

Generation of DPM from construction projects typically occurs in a single area for a short period of time. Construction of the Project would occur over approximately 5 months. The dose to which the receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the extent of exposure that person has with the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the Maximally Exposed Individual Receptor (MEIR). The risks estimated for an MEIR are higher if a fixed exposure occurs over a longer period of time. According to the California Office of Environmental Health Hazard Assessment (OEHHA), health risk assessments, which determine the

exposure of sensitive receptors to toxic emissions, should be based on a 70-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the Project. Thus, the duration of proposed construction activities (i.e., 5 months) is approximately 1.4 percent of the total exposure period used for 30-year health risk calculations. Current models and methodologies for conducting health-risk assessments are associated with longer-term exposure periods of 9, 30, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities, resulting in difficulties in producing accurate estimates of health risk (Air District 2022).

The maximum daily PM<sub>10</sub> emissions would range from less than 0.02 to 0.39 lbs/day of exhaust (DPM), with the maximum emissions occurring during grading activities. These activities would last for approximately three days. PM emissions would decrease for the remaining construction period because construction activities such as building construction and paving would require less intensive construction equipment. While the maximum DPM emissions associated with grading activities would only occur for a portion of the overall construction period, these activities represent the worst-case condition for the total construction period. This would represent less than 0.1 percent of the total 30-year exposure period for health risk calculation.

In addition, the Project would comply with the CARB Air Toxics Control Measure that limits diesel powered equipment and vehicle idling to no more than five minutes at a location, and the CARB In-Use Off-Road Diesel Vehicle Regulation; compliance with these requirements would minimize emissions of TACs during construction. Construction health risk is quantified in Table 7; as shown in the table, potential health risk would be below the Air District's significance thresholds. Therefore, Project construction would not expose sensitive receptors to substantial TAC concentrations, and impacts would be less than significant.

**Table 7 Construction Health Risk Assessment**

| Scenario                            | Excess Cancer Risk<br>(per million) | Chronic Health Risk <sup>1</sup> | PM <sub>2.5</sub> µg/m <sup>3</sup><br>annual average |
|-------------------------------------|-------------------------------------|----------------------------------|-------------------------------------------------------|
| Residences along McKendrie Street   | 5.8                                 | 0.17                             | 0.07                                                  |
| Air District Significance Threshold | >10                                 | >1                               | >0.3                                                  |
| Threshold Exceeded?                 | No                                  | No                               | No                                                    |

PM<sub>2.5</sub> = particulate matter less than 2.5 microns in size; µg/m<sup>3</sup> = micrograms per cubic meter

<sup>1</sup> Noncancer health impacts are determined by dividing the airborne concentration at the receptor by the appropriate Reference Exposure Level (REL) for that substance. A REL is defined as the concentration at which no adverse noncancer health effects are anticipated. Because noncancer health impacts are assessed as the ratio of airborne concentration versus the REL, the resulting hazard index is unitless.

<sup>2</sup> There is no acute reference exposure level for diesel exhaust to calculate acute health risk. Furthermore, except for unusual circumstances of high exposure, Office of Environmental Health Hazard Assessment does not recommend acute analysis for DPM.

Source: Air District 2025a; 2025b. For health risk calculations, see Appendix A.

### *Operational Impacts*

The Project's residential land use does not generate significant TAC emissions according to CARB's guidelines on air toxic sources. Therefore, the expected hazardous TACs generated on site (e.g., cleaning solvents, paints, landscape pesticides, etc.) for the proposed land uses would be below thresholds warranting further study under the California Accidental Release Program. The Project would not expose off-site sensitive receptors to significant amounts of carcinogenic or TACs. Operational impacts would be less than significant.

## Cumulative Impacts

Health risk analysis focuses on sensitive receptors and the proposed Project is located adjacent to residences to the east along McKendrie and Myrtle Street. The cumulative risk analysis includes the proposed Project as well as all existing sources within a 1,000-foot radius of the MEIR. Cumulative impacts from Project operation within 1,000 feet of the Project site are reported in Table 8. As shown in Table 8, cumulative sources of TACs would not result in an exceedance of annual PM<sub>2.5</sub> concentration, chronic or cancer health risks cumulative significance thresholds. Therefore, cumulative impacts would be less than significant.

**Table 8 Cumulative Health Risks within 1,000 Feet of the MEIR**

| Source                                                             | Excess Cancer Risk (per million) | Chronic Health Risk <sup>1</sup> | PM <sub>2.5</sub> µg/m <sup>2</sup> annual average |
|--------------------------------------------------------------------|----------------------------------|----------------------------------|----------------------------------------------------|
| Project Construction                                               | 5.8                              | 0.17                             | 0.07                                               |
| Highways/Roadways (Interstate 880 and State Route 82) <sup>2</sup> | 19.0                             | –                                | 0.0                                                |
| Cumulative Total                                                   | 24.8                             | 0.17                             | 0.07                                               |
| Air District Significance Threshold                                | >100                             | >10                              | >0.8                                               |
| Threshold Exceeded?                                                | No                               | No                               | No                                                 |

PM<sub>2.5</sub> = particulate matter less than 2.5 microns in size; µg/m<sup>3</sup> = micrograms per cubic meter

<sup>1</sup> Noncancer health impacts are determined by dividing the airborne concentration at the receptor by the appropriate Reference Exposure Level (REL) for that substance. A REL is defined as the concentration at which no adverse noncancer health effects are anticipated. Because noncancer health impacts are assessed as the ratio of airborne concentration versus the REL, the resulting hazard index is unitless.

<sup>2</sup> Based on health risk screening data for Highways/Roadways provided by Air District (Air District 2022).

Source Air District 2025a; 2025b. For health risk calculations, see Appendix A.

## LESS-THAN-SIGNIFICANT IMPACT

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

During construction activities, heavy equipment and vehicles would emit odors associated with vehicle and engine exhaust and during idling. However, these odors would be intermittent and temporary and would cease upon completion, and odors disperse with distance. Overall, Project construction would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people and impacts would be less than significant.

Table 5-4 in the 2022 Air District CEQA Air Quality Guidelines provides screening distances for land uses that have the potential to generate substantial odor complaints. The uses in the table include wastewater treatment plants, landfills or transfer stations, refineries, composting facilities, confined animal facilities, food manufacturing, smelting plants, and chemical plants (Air District 2022). Residential development is not included in this list. Vehicles approaching, idling, and leaving the site may release odorous exhaust emissions. Odors of this nature disperse rapidly with distance and do not typically result in odor impacts. In addition, solid waste generated by the proposed on-site uses would be properly stored in lidded dumpsters and/or trash cans and collected by a contracted waste hauler, ensuring that on-site waste would be managed and collected in a manner to prevent the proliferation of odors. Therefore, operational odor impacts would be less than significant.

## LESS-THAN-SIGNIFICANT IMPACT

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## 4 Biological Resources



|                                                                                                                                                                                                                                                                                                                      | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|-------------------------------------|
| <b>Would the project:</b>                                                                                                                                                                                                                                                                                            |                                      |                                                             |                                      |                                     |
| 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? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| 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?                                                                                         | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| 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?                                                                                   | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?                                                                                                                                                                                  | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| 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?                                                                                                                                 | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |

### Existing Setting

The Project site is located within an urbanized area of San José. Within the city, the urban forest as a whole is considered an important biological resource because most trees provide some nesting, cover, and foraging habitat for birds and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. While the urban forest is not as favorable an environment for native wildlife as extensive tracts of native vegetation, trees in the urban forest are often the best commonly or locally available habitat within urban areas. According to the Arborist Report prepared for the Project by Anderson's Tree Care Specialists, Inc on June 30, 2025 (Appendix B), there are 24 trees on or adjacent to the Project site. These trees consist mostly of Chinese elm (*Ulmus parvifolia*). None of the trees meets the City's definition of a Heritage Tree. All trees to be removed would require a permit for removal and are protected by the City's Ordinance (Chapters 13.28 and 13.32 of the San José Municipal Code). The Arborist Report provides more details on each tree and is included as Appendix B to this Initial Study.

According to the Envision San José 2040 General Plan EIR, 13 special-status plants (p. 427) and over 50 special-status animals (p. 436) have the potential to occur in the City. The Project site is currently paved with a surface parking lot.

The Project site is located within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP), a habitat conservation plan/natural community conservation plan (HCP/NCCP) that was developed through a partnership between Santa Clara County; the cities of San José, Morgan Hill, and Gilroy; Santa Clara Valley Water District; Santa Clara Valley Transportation Authority; the United States Fish and Wildlife Service (USFWS); and California Department of Fish and Wildlife (CDFW). The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The SCVHP utilizes a variety of private and public development-based fees to fund mitigation that will offset losses of land cover types, covered species habitat, and other biological values. These one-time fees pay for the full cost of mitigating Project effects on covered species and natural communities (Santa Clara Valley Habitat Agency 2013).

## **Regulatory Setting**

### *Federal and State*

#### Special-Status Species

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

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review pursuant to the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern."

#### Migratory Bird Treaty Act

The Migratory Bird Treaty Act makes it illegal to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, a migratory bird or migratory birds, or the parts, nests, or eggs of such a bird except under the terms of a valid Federal permit (USFWS 2017).

#### Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation, protection, or consideration by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the Federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act. U.S. EPA regulations, called for under Section 402 of the Clean Water Act, also include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge into waters of the United States (e.g., streams, lakes, bays, etc.).

## *Local*

Regulatory authority over biological resources is shared by state and local authorities under a variety of statutes and guidelines. Primary authority for biological resources lies within the land use control and planning authority of local jurisdictions, in this case the City of San José.

### City of San José Municipal Code

The City of San José Municipal Code (Title 13) regulates the removal of trees, including live or dead woody perennial plant, having a main stem or trunk 38 inches or more in circumference (12 inches in diameter) at a height of 4.5 feet above ground. On multifamily, commercial, or industrial lots, a permit is required to remove a tree of any size. In addition, City-designated heritage trees are considered sensitive resources. A heritage tree is a tree located on private property, which because of factors including (but not limited to) history, girth, height, species, or unique quality has been found by the City Council to have special significance to the community. It is unlawful to vandalize, mutilate, remove, or destroy heritage trees.

### Envision San José 2040 General Plan

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Chapter 3, Environmental Leadership, and Chapter 4, Quality of Life, outlines the City's design goals and policies. Those included (below) are applicable to biological resources and to the Project (City of San José 2011a).

- Policy MS-21.6:** As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
- Policy ER-5.1:** Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
- Policy ER-5.2:** Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
- Policy CD-1.22:** Include adequate, drought-tolerant landscaped areas in development and require provisions for ongoing landscape maintenance.
- Policy CD-1.23:** Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

### Santa Clara Valley Habitat Plan

As discussed above in *Existing Setting*, the Project site is within the boundaries of the SCVHP, which is a 50-year regional plan to protect endangered species and natural resources while allowing for future development in Santa Clara County. In addition to strengthening local control over land use and species protection, the Plan provides a more efficient process for protecting natural resources by creating new large-scale habitat reserves that are more ecologically valuable and easier to manage than the individual mitigation sites created under the current approach (Santa Clara Valley Habitat Agency 2013).

## Impacts Assessment

- a. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

The Project site is in a developed, urban area and does not contain special-status species habitat (USFWS 2025a). Due to the disturbed condition of the site and the lack of continuous or contiguous vegetation cover on-site, the Project site has a relatively low habitat value. The project site also has low habitat value because the properties adjacent to the project site are developed with roadways and residential, office, and commercial uses. Due to the lack of native, sensitive, and wetland habitats on the Project site, special-status plant and animal species and sensitive habitats do not occur on the Project site. Accordingly, construction of the Project would not impact special-status plants or wildlife, with the exception of potential effects on migratory nesting birds. Although the Project would include the planting of 12 new trees along the Project frontage and eastern boundary of the site, the removal of existing Chinese elm trees could result in potentially significant impacts to nesting birds and the destruction of active nest sites. With implementation of the following City Standard Permit Condition related to nesting birds, impacts would be reduced to a less than significant level.

### *Standard Permit Condition - Nesting Birds*

Demolition, removal of vegetation (including trees), grading, and construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1<sup>st</sup> through August 31<sup>st</sup>, inclusive.

If demolition, vegetation removal, and/or construction cannot be scheduled to start outside of nesting season, a qualified biologist shall complete pre-construction surveys to identify any active nests (i.e., nests containing eggs or young) of protected bird species that may be disturbed during Project implementation. This survey shall be completed no more than seven days prior to the initiation of demolition/vegetation removal/construction activities. During this survey, the qualified biologist shall inspect all vegetation, structures, and other possible nesting substrate (including the ground) in the construction areas, and within 300 feet (for raptors) and 100 feet (for non-raptors) of construction areas to the extent access permits, for active nests (i.e., nests with eggs or young). If an active nest is found during the pre-construction surveys, the biologist shall designate a construction-free buffer zone to be established around the nest. The buffer zone is typically 300 feet for raptors and 100 feet for non-raptors, though the buffer zone may be modified by the biologist depending on the species and Project site conditions. The buffer would ensure that active nests of raptors and other protected birds shall not be disturbed directly or indirectly during Project construction.

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

During the nesting season, if demolition/construction activities, including vegetation removal, are delayed or paused and the time period between the pre-construction survey and start or restart of demolition/construction activities exceeds seven days, a new pre-construction survey shall be performed prior to resuming any work on the site. New pre-construction surveys would not be required for projects outside of the nesting season or sites that are completely cleared. The results of this survey shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval prior to the restarting of demolition/construction activities.

### **LESS-THAN-SIGNIFICANT IMPACT**

- b. *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*
- c. *Would the project 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?*

The Project site is in an urban area and has been previously disturbed, as evident by the existing surface parking lot and general absence of non-native vegetation cover. The Project site does not contain riparian habitats, other sensitive natural communities, or wetlands, and none are located on or adjacent to the site (USFWS 2025a; 2025b). Therefore, the Project would have no impact on riparian habitats, other sensitive natural communities, or protected wetlands.

**NO IMPACT**

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

Wildlife corridors are pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, other natural obstacles, or manmade obstacles such as urban development and roadways. The Project site is vacant and disturbed, surrounded by development, and does not connect areas of natural open space. The Project site is not part of a wildlife movement corridor, and the Project would not impede the use of native wildlife nursery sites. Therefore, the Project would have no impact on wildlife movement or native wildlife nursery sites.

**NO IMPACT**

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

The proposed Project would remove 22 of the existing Chinese elms on site, which are regulated by the City's Tree Ordinance pursuant to San José Municipal Code Chapter 13.32. The applicant would be required to obtain a tree removal permit prior to removing the trees, which is included in the site development permit. In addition, the proposed Project would be required to implement the following Standard Permit Condition to replant the removed trees:

*Standard Permit Condition – Tree Replacement*

The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 9 below.

**Table 9 City of San José Replacement Guidelines for Trees to be Removed**

| Circumference of Tree to be Removed | Type of Tree to be Removed |            |         | Minimum Size of Each Replacement Tree |
|-------------------------------------|----------------------------|------------|---------|---------------------------------------|
|                                     | Native                     | Non-Native | Orchard |                                       |
| 38 inches or greater                | 5:1                        | 4:1        | 3:1     | 15-gallon                             |
| 19 up to 38 inches                  | 3:1                        | 2:1        | None    | 15-gallon                             |
| Less than 19 inches                 | 1:1                        | 1:1        | None    | 15-gallon                             |

x:x = tree replacement to tree loss ratio

Note: Trees greater than or equal to 38-inch circumference 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.

A 38-inch tree equals 12.1 inches in diameter.

A 24-inch box tree = two 15-gallon trees.

With implementation of the Standard Permit Condition listed above, development of the proposed Project would be compliant with the City's tree replacement guidelines outlined above in Table 9 and would result in a less than significant impact with relation to local policies and ordinances protecting biological resources, such as trees.

#### **LESS-THAN-SIGNIFICANT IMPACT**

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

Private development projects that involve ground disturbance are subject to the Santa Clara Valley Habitat Plan (SCVHP) if the activity is equal to or greater than two acres and located within an area identified as *Urban Development Equal to or Greater than 2 Acres is Covered*. As shown on SCVHP Figure 2-5 (Private Development Areas Subject to the Plan), the Project site falls within this mapped area. However, the Project site is less than two acres and therefore is not considered a covered activity under the SCVHP.

The site has been previously disturbed and paved, and, as indicated on SCVHP Figure 3-9 (Natural Communities), no natural communities occur on the site. The SCVHP defines *Urban-Suburban* land cover as areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational uses, with one or more structures per 2.5 acres. The Project site is classified within the Urban Areas land cover fee zone, which carries no applicable land cover fee.

Although the Project is not a covered activity, it must still comply with following City of San José Standard Permit Condition associated with the SCVHP, including nitrogen deposition requirements.

#### **Standard Permit Condition**

##### *Standard Permit Condition - Santa Clara Valley Habitat Plan*

The Project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The Project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at [www.scv-habitatplan.org](http://www.scv-habitatplan.org).

The SCVHP addresses nitrogen deposition impacts on serpentine habitats and associated species, including the federally threatened Bay checkerspot butterfly (*Euphydryas editha bayensis*). Nitrogen deposition from vehicle emissions can artificially fertilize nutrient-poor serpentine soils, facilitating invasive plant growth and reducing habitat quality for native serpentine plants and the Bay checkerspot butterfly's larval host plants. These impacts have been documented in areas such as Coyote Ridge in central Santa Clara County. Because nitrogen can persist in serpentine soils for extended periods, deposition may result in long-term cumulative habitat degradation. To offset these effects, the SCVHP requires payment of nitrogen deposition fees for covered projects that generate net new vehicle trips. Fees are used to acquire, manage, and conserve habitat supporting the Bay checkerspot butterfly and other serpentine-associated species.

With implementation of the City of San José Standard Permit Condition listed above, development of the proposed Project would not conflict with the SCVHP. Impacts would be less than significant.

#### **LESS-THAN-SIGNIFICANT IMPACT**

## 5 Cultural Resources



|                                                                                                               | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact             |
|---------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|--------------------------|
| <b>Would the project:</b>                                                                                     |                                      |                                                             |                                      |                          |
| a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?      | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| c. Disturb any human remains, including those interred outside of formal cemeteries?                          | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |

### Existing Setting

The Envision San José 2040 General Plan EIR reports that most archaeological resources occur near water bodies such as creeks and springs, in valleys and near freshwater marshes, at the base of hills, and along historic north-south Native American trails. The North Planning Area, in which the Project site is located, is considered to be archaeologically sensitive with recorded archaeological sites, prehistoric village sites, and architectural resources present (City of San José 2011b). However, according to the City's Public GIS Viewer, the Project site is not located within an area of archaeological sensitivity (City of San José 2025a). As such, archaeological sensitivity is considered low at the Project site.

The San José Historic Resources Inventory (HRI) contains over 4,000 properties listed under 16 different classifications on the local, state and national levels some of which are designated or determined eligible and some of which need further research and evaluation. The closest listed properties to the Project site are located approximately 95 feet to the west at 1960 The Alameda (classified as an individual Contributing Structure) and 165 feet to the southwest at 1900 The Alameda (classified as an Identified Structure), which are both classified as historic resources (City of San José 2025b). The building at 1900 The Alameda was built in 1965 and is currently occupied by Andrew Espino Realty Executives SV Inc, The Labor Compliance Managers, and South Bay Scout Shop.

### Regulatory Setting

#### *Federal*

##### National Register of Historic Places

The National Historic Preservation Act of 1966 (54 USC 300202 et seq.) enabled the U.S. Department of the Interior's National Park Service (NPS) to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological places. The NPS is responsible for the designation, documentation, and physical preservation of historic sites.

#### *State*

##### California Register of Historic Places

The California Register of Historic Places, under the Office of Historic Preservation (OHP), is the State's authoritative guide to significant historical and archeological resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archeological and

cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under the California Environmental Quality Act.

### *Local*

#### Envision San José 2040 General Plan

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Several Subsections within the General Plan outline the City's land use goals and policies as they pertain to the preservation and conservation of archaeological, paleontological, historical, and cultural resources. Those included (below) are applicable to the Project (City of San José 2011a).

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

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

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

**Policy IP-12.3:** Use the Environmental Clearance process to identify potential impacts and to develop and incorporate environmentally beneficial actions, particularly those dealing with the avoidance of natural and human-made hazards and the preservation of natural, historical, archaeological, and cultural resources.

**Goal LU-13: Landmarks and Districts.** Preserve and enhance historic landmarks and districts in order to promote a greater sense of historic awareness and community identity and contribute toward a sense of place.

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

### **Impacts Assessment**

- a. *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

The Project site is currently paved with a surface parking lot and does not include any buildings that would qualify as a historic resource. According to maps prepared by the City of San José, the Project site is located approximately 95 feet east of the closest historic building and 165 feet northeast of the next closest historic building, where no Project activities are proposed. The proposed Project would include the construction of 12 three-story townhome-style units. These units would be constructed on an infill site that is visually and physically separated from the historic buildings by existing features, including a surface parking lot and, in one case, a public roadway. This separation provides a buffer that limits visual connectivity between the Project and the historic resources. Additionally, the scale and design of the proposed townhomes are consistent with the surrounding urban context and would not introduce incompatible massing, height, or architectural elements that could detract from the visual integrity of the nearby historic buildings. The townhomes are residential in nature and would not obstruct views or alter the setting of the historic resources in a manner that diminishes their significance. Furthermore, indirect

vibration resulting from Project construction equipment would not damage the foundation of these historic resources, as discussed in Section 12, *Noise*, of this Initial Study. Accordingly, the proposed Project would have no impact on historical resources pursuant to *CEQA Guidelines* Section 15064.5.

#### **LESS-THAN-SIGNIFICANT IMPACT**

- b. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*
- c. *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

Construction of the proposed Project would require ground disturbance, such as grading and excavation. Construction activities would have the potential to encounter buried or subsurface pre-historic resources, as well as human remains. As described above in the *Existing Setting*, archaeological sensitivity at the Project site is considered low. The potential to encounter human remains on-site would also be low due to past disturbance of soil layers and because grading and excavation would be limited in depth to approximately two to three feet for building foundations and utility trenching. Nevertheless, there is always a possibility of encountering unrecorded archaeological resources or human remains when conducting subsurface earthwork activities. Damage or destruction of archaeological resources and human remains, if present, would be a potentially significant impact. The following City Standard Permit Condition would be required to ensure that no significant impacts occur to buried archaeological resources and human remains during construction.

#### *Standard Permit Conditions – Subsurface Cultural Resources*

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

#### *Standard Permit Conditions – 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 pursuant to Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

**1030-1038 McKendrie Street Residential Project**

- 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 the Standard Permit Conditions above would reduce potential Project impacts to cultural resources to less than significant.

**LESS-THAN-SIGNIFICANT IMPACT**

## 6 Energy



|                                                                                                                                                                                     | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|--------------------------|
| <b>Would the project:</b>                                                                                                                                                           |                                      |                                                             |                                      |                          |
| a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |

### Existing Setting

In 2022, California's total statewide electricity consumption was approximately 287,826 gigawatt-hours (GWh) (California Energy Commission [CEC] 2022a). Approximately 17,101 GWh of electricity were consumed in Santa Clara County, of which approximately 12,851 GWh (75 percent) were consumed by the non-residential sector (CEC 2022b). Total natural gas consumption in 2022 was approximately 11.71 billion therms statewide, and 424 million therms in Santa Clara County (CEC 2022c). Natural gas consumption for the non-residential sector in Santa Clara County comprised approximately 190 million therms (approximately 45 percent of the County's gas consumption; CEC 2022d).

The CEC provides full forecasts for electricity, natural gas, and fuel every two years as part of the Integrated Energy Policy Report Process. In 2030, it is estimated that Californians will consume up to 321,300 GWh of electricity and 13.241 billion therms of natural gas (CEC 2023). Gasoline demand is projected to decline each year through 2030 due to greater numbers of zero-emission vehicles and increasing fuel economy, with forecasted 2030 gasoline demand of up to 12.6 billion gallons; diesel demand is projected to increase modestly, following economic growth, to approximately 4.0 billion gallons in 2030 (CEC 2023).

California's electric grid relies increasingly on clean sources of energy such as solar, wind, geothermal, hydroelectricity, and biomass. As this transition advances, the grid is also expanding to serve new sectors including electric vehicles, rail, and space and water heating. California has installed more renewable energy than any other U.S. state with 22,250 megawatts (MW) of utility-scale systems operational today (CEC 2023). California's Renewables Portfolio Standard (RPS) is among the most ambitious energy policies in the nation, requiring utilities to produce 33 percent of their retail electricity from clean, renewable sources by 2020 and 50 percent by 2030. Increasing California's renewable supplies will diminish the state's dependence on fossil fuels for electric power generation.

Pacific Gas and Electric Company (PG&E) transmits and delivers electricity and natural gas to residents and businesses in the City of San José, including the Project site. The San José City Council created San José Clean Energy (SJCE), which provides clean electricity to the city; however, residents and businesses may opt out and continue to receive electricity from PG&E. PG&E's 2023 power mix included 53.4 percent from nuclear sources, 32.8 percent from renewable sources, and 13.8 percent from large hydropower plants (PG&E 2023). Existing energy consumption on the Project site includes fuel use associated with vehicles traveling to and from the site.

## Regulatory Setting

### *State*

#### California Code of Regulations

At the state level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (CCR), promote efficient energy use in new buildings constructed in California. The standards regulate energy consumed for heating, cooling, ventilation, water heating, and lighting.

#### The California Green Building Standards Code

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for new construction (new buildings and expansions) in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a mandatory set of minimum guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels. Building Energy Efficiency Standards and CALGreen standards are enforced through the local building permit process.

#### California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan

The California Public Utilities Commission's (CPUC's) Long Term Energy Efficiency Strategic Plan presents a single roadmap to achieve maximum energy savings across all major groups and sectors in California. This comprehensive Plan for 2009 to 2020 is the state's first integrated framework of goals and strategies for saving energy, covering government, utility, and private sector actions, and holds energy efficiency to its role as the highest priority resource in meeting California's energy needs (CPUC 2011).

### *Local*

#### Envision San José 2040 General Plan

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Several Subsections within the General Plan outline the City's energy goals and policies as they pertain to the sustainable utilization of energy resources within the City. Those included (below) are applicable to the Project (City of San José 2011a).

**Goal MS-2: Energy Conservation and Renewable Energy Use.** Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources.

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

**Policy MS-2.3:** Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.

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

**Policy MS-2.11:** Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

**Policy MS-3.2:** Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.

**Policy MS-3.3:** Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

**Goal MS-14: Reduce Consumption and Increase Efficiency.** Reduce per capita energy consumption by at least 50% compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040.

**Policy MS-14.3:** Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised, and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.

**Policy MS-14.4:** Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

**Policy CD-5.6:** Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City's outdoor lighting policies in development review processes.

#### City of San José Municipal Code

The San José Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water, and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

#### City of San José Private Sector Green Building Policy (6-32)

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance greenhouse gas reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater. This policy requires all private sector and municipal building projects constructing or adding more than 10,000 square feet of occupied space (as defined in the adopted building code) are required to be designed and constructed to achieve at a minimum the United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED™) Rating System Silver level of certification with a goal of reaching LEED Gold or Platinum.

#### Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community while continuing to foster the City's projected growth (City of San José 2018). The Climate Smart San José plan includes three "pillars" or goals:

Create a sustainable and climate smart city by:

- Transitioning to renewable energy
- Embracing the Californian climate

Create a vibrant city of connected and focused growth by:

- Densifying the City to accommodate growth
- Making homes more efficient and affordable for families
- Creating clean, personalized mobility choices
- Developing integrated, accessible public transportation infrastructure

Create an economically inclusive city of opportunity by:

- Creating local jobs to reduce VMT
- Improving commercial building stock
- Making commercial goods movement clean and efficient

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

### *Construction*

Energy use during construction activities would be in the form of fuel consumption (e.g., gasoline and diesel fuel) to operate heavy equipment, light-duty vehicles, machinery, and generators for lighting. Energy use during construction would be temporary in nature, and equipment used would be typical of construction projects in the region. Construction contractors would be required to demonstrate compliance with applicable CARB regulations that restrict the idling of heavy-duty diesel motor vehicles and govern the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off-road equipment. Construction activities would be required to utilize fuel-efficient equipment consistent with federal and State regulations and would comply with State measures to reduce the inefficient, wasteful, or unnecessary consumption of energy. In addition, the proposed Project would be required to comply with construction waste management practices to divert at least 50 percent of construction and demolition debris pursuant to San José Municipal Code Section 9.10.085. These practices would result in efficient use of energy during construction. Furthermore, in the interest of both environmental awareness and cost efficiency, construction contractors would not utilize fuel in a manner that is wasteful or unnecessary. Therefore, construction activities associated with the Project would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy, and impacts would be less than significant.

### *Operation*

The proposed Project would be required to comply with California State regulations for energy conservation including the California Energy Code and CALGreen, along with the City's Green Building Standards. The proposed Project is an all-electric design and would not include natural gas usage. The Project site is located less than one mile from the College Park Caltrain station and bus stops along The Alameda, which would encourage the use of public transit, thereby reducing fuel consumption. The proposed Project would also comply with 2022 CALGreen and include solar panels on roofs and include EV spaces in each garage. Therefore, operation of the Project would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy, and impacts would be less than significant.

### **LESS-THAN-SIGNIFICANT IMPACT**

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

Climate Smart San José, the City's Climate Action Plan adopted in 2018, outlines the City's plan to transition to a renewable energy future through community choice energy programs and local generation of renewable energy. Further, the Envision San José 2040 General Plan contains goals and policies related to energy conservation and efficiency. Table 10 and Table 11 include applicable goals and policies and describes Project consistency with Climate Smart San José and the General Plan.

**Table 10 Project Consistency with Climate Smart San José**

| Goal/Policy                                             | Consistency                                                                                                                                                                                                                                                    |
|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Transition to renewable energy                          | <b>Consistent.</b> The Project would include rooftop solar panels and would provide EV parking spaces in each garage.                                                                                                                                          |
| Densifying the City to accommodate growth               | <b>Consistent.</b> The Project would involve construction of 12 townhouses on a parcel that is not currently utilized for residential development.                                                                                                             |
| Making homes more efficient and affordable for families | <b>Consistent.</b> The Project is designed and would be constructed in compliance with State and local Green Building Codes, and would include energy efficient appliances, low-flow water fixtures, and other green features to meet applicable requirements. |

Source: City of San José 2018

**Table 11 Project Consistency with the Envision San José 2040 General Plan**

| Goal/Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Consistency                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Policy MS-14.1.</b> 1 Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.                                                                                                                                                                                                                                                                                                 | <b>Consistent.</b> The Project site is served by VTA bus route 22 at several bus stops proximate to the Project site on The Alameda. The Project site is within a 20-minute walking distance of office, commercial, and retail uses. See Section 17, <i>Transportation</i> , for further information.                                                                                           |
| <b>Policy MS-14.4.</b> Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption. | <b>Consistent.</b> The Project is designed and would be constructed in compliance with State and local Green Building Codes, and would include energy efficient appliances, low-flow water fixtures, and other green features to meet applicable requirements. The Project would also include rooftop solar panels and EV parking spaces in each garage, which would reduce energy consumption. |
| <b>Policy MS-16.5.</b> Establish minimum requirements for energy efficiency measures and onsite renewable energy generation capacity on all new housing developments.                                                                                                                                                                                                                                                                                            | <b>Consistent.</b> Pursuant to State and local Green Building Codes, the Project would include the installation of energy efficient appliances, low-flow water fixtures, and would include rooftop solar panels.                                                                                                                                                                                |

Source: City of San José 2011a

As shown in Table 10 and Table 11, the proposed Project would not conflict with the energy-related policies of Climate Smart San José and the City's 2040 General Plan. The proposed Project would also be required to comply with the energy standards in the California Building Energy Efficiency Standards. Compliance with these regulations would avoid potential conflicts with adopted energy conservation plans. Therefore, the Project would have a less than significant impact.

#### LESS-THAN-SIGNIFICANT IMPACT

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## 7 Geology and Soils



|                                                                                                                                                                                                                                     | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|-------------------------------------|
| <b>Would the project:</b>                                                                                                                                                                                                           |                                      |                                                             |                                      |                                     |
| a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:                                                                                                      |                                      |                                                             |                                      |                                     |
| 1. 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?             | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| 2. Strong seismic ground shaking?                                                                                                                                                                                                   | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| 3. Seismic-related ground failure, including liquefaction?                                                                                                                                                                          | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| 4. Landslides?                                                                                                                                                                                                                      | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| b. Result in substantial soil erosion or the loss of topsoil?                                                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| 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? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| 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?                                                                 | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?                                                  | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?                                                                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |

### Existing Setting

#### Regional Geology

The Project site is located in the Santa Clara Valley, an alluvial basin in the Coast Ranges geomorphic province between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. The Coast Ranges are comprised of northwesterly trending mountain ranges and structural valleys formed by tectonic processes commonly found around the Circum-Pacific belt. The rocks that underlie the basins and form the surrounding mountains are primarily marine sediments and metamorphic and igneous rocks, all of which are Mesozoic age but locally include rocks of the Cenozoic age.

The Project site is located within the San Francisco Bay Area, one of the most seismically active regions in the country, transected by a series of subparallel faults that together accommodate the relative motion between the Pacific and North American plates. The nearest faults to the Project site include the Evergreen fault, located approximately 6 miles east of the site; the Crosley fault, located approximately 6 miles northeast of the site; and Hayward fault, located approximately 7.5 miles east of the Project site.

### *On-Site Soils and Geology*

Based on information obtained from the United States Department of Agriculture, Natural Resources Conservation Service Web Soil Survey online database (United States Department of Agriculture [USDA] 2025), the Project site is mapped as Urbanland-Hangerone complex, 0 to 2 percent slopes drained, as well as Urbanland-Clear Lake complex, 0 to 2 percent slopes. The Urban land series consists of disturbed and human-transported material, and both the Hangerone and Clear Lake series consists of alluvium derived from metamorphic and sedimentary rock or metavolcanics (USDA 2025).

The surface of the site is covered by impervious surfaces and maintained landscaping. The site is relatively level, with no major changes in grade.

Liquefaction occurs when loose sand and silt behaves like a liquid and loses its ability to support structures; it is caused by a complete loss of strength when the effective stress of soil particles drops to zero. The Project site is located within an area identified as having susceptibility to liquefaction (DOC 2025). The Project site is not near earthquake-induced landslide zones (DOC 2025).

According to Appendix J of the Envision San José General Plan EIR, the Project site is located in an area with high paleontological sensitivity at depth; thus, geologic formations known to contain fossils are not found close to the ground surface on the site (City of San José 2011b).

## **Regulatory Setting**

### *State*

#### California Building Code

The California Building Code (CBC) provides the standards for building design by providing the minimum design criteria for building with respect to seismic safety. The California Division of Occupational Safety and Health (Cal/OSHA) regulations specify additional safety standards for excavation, shoring, and trenching (Title 8 of the California Code of Regulations).

#### Alquist-Priolo Earthquake Fault Zoning Act

The main purpose of the Alquist-Priolo Earthquake Fault Zoning Act's is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. The maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Regulation of development projects within the zones is the responsibility of the local agencies (California Department of Conservation 2019a).

#### Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 requires that seismic hazard zones are identified and mapped in order to assist cities and counties in fulfilling their responsibilities for protecting the public health and safety from the effects of strong ground shaking, liquefaction, landslides, or other ground failure and other seismic hazards caused by earthquakes (California Department of Conservation 2019b).

*Local*

Envision San José 2040 General Plan

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. The General Plan outlines the City's design goals and policies as they pertain to environmental hazards and considerations. Those included (below) are applicable to the Project's geology and soils (City of San José 2011a).

**Goal EC-3: Seismic Hazards.** Minimize the risk of injury, loss of life, property damage, and community disruption from seismic shaking, fault rupture, ground failure (liquefaction and lateral spreading), earthquake-induced landslides, and other earthquake-induced ground deformation.

**Policy EC-3.1:** Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.

**Policy EC-3.2:** Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

**Goal EC-4: Geologic and Soil Hazards.** Minimize the risk of injury, loss of life, and property damage from soil and slope instability including landslides, differential settlement, and accelerated erosion.

**Policy EC-4.1:** Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

**Policy EC-4.2:** Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

**Policy EC-4.4:** Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

**Policy EC-4.5:** Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

**Policy EC-4.11:** Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

**Policy EC-4.12:** Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of a grading permit by the Director of Public Works.

## Impacts Assessment

- a.1. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*

The Project site is not located within the boundaries of an Earthquake Fault Zone for fault rupture hazard as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no faults are known to pass through the site. As discussed above in Existing Setting, the nearest mapped Alquist-Priolo Earthquake Fault Zone to the Project site are the Evergreen fault and the Crosley fault, approximately 6 miles to the east and northeast of the Project site, respectively. Therefore, no impact related to fault rupture would occur as a result of the Project.

### NO IMPACT

- a.2. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*
- a.3. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*

Due to its location in a seismically active region, the Project would be highly likely to experience strong ground shaking from seismic events on local and regional faults. Strong ground shaking poses a risk to the proposed development. Furthermore, the Project site is located within a State of California liquefaction hazard zone, although not mapped by the City as a liquefaction zone. The potential for differential settlement as a result of seismic ground shaking or liquefaction could weaken the structural integrity of the proposed Project, thereby creating risk of loss, injury, or death; however, the proposed Project would be subject to the following City of San José Standard Permit Condition, which would serve to minimize this risk. Adherence to the Standard Permit Condition would reduce impacts involving risk of loss, injury, or death from strong seismic ground shaking or seismic-related ground failure to a less than significant level.

### Standard Permit Condition – Seismic Hazards

- a. A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist. The Geotechnical Report shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation shall 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.
- i. 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.

### LESS-THAN-SIGNIFICANT IMPACT

- a.4. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

The Project site is not located within a State of California landslide hazard zone. The topography of the Project site is relatively flat, and no steep slopes are located near the site. Thus, the Project site is not susceptible to landslides, and no impact would occur.

**NO IMPACT**

- b. *Would the project result in substantial soil erosion or the loss of topsoil?*

The Project site is developed and generally level, which limits the potential for substantial soil erosion. The grading and excavation phase, when soils are exposed, has the highest potential for erosion. Project construction would include ground disturbance and excavation, which would potentially result in short-term soil erosion. Long-term impacts of the Project would not result in substantial erosion, as the soils would be covered by buildings, pavement, vegetation, and landscaping. Additionally, the Project would be required to implement the Standard Permit Condition, as shown in thresholds a.2 and a.3, for avoiding and reducing construction-related erosion impacts. For example, the State Permit Condition requires covering construction stockpiles, which would prevent wind or precipitation from eroding loose soils. With implementation of the Standard Permit Condition Project impacts related to erosion would be less than significant.

**LESS-THAN-SIGNIFICANT IMPACT**

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

The Project site is not located near steep slopes which would be susceptible to landslides. Standard permit conditions would ensure the proposed Project would be constructed in a way that would not be substantially affected by potential liquefaction of Project site soils, as described under threshold a.2 and a.3. Lateral spreading is commonly associated with liquefaction and occurs when a continuous layer of soil liquefies at depth and the soil layers above move toward an unsupported face. Lateral spreading would not be expected to occur due to the site's relatively flat topography and due to the less than significant liquefaction-related impacts. Thus, the Project site is not located on a geologic unit or soil that is unstable or would become unstable as a result of the Project. Moreover, compliance with the CBC and applicable City ordinances, as well as adherence to the recommendations provided in the Geotechnical Report, would further reduce potential risks related to soil stability. Therefore, associated impacts would be less than significant.

**LESS-THAN-SIGNIFICANT IMPACT**

- d. *Would the project 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?*

Expansive soils can undergo substantial volume change with changes in moisture content; they shrink and harden when dried and expand and soften when wetted. Much of the soil that underlies San José is moderately to highly expansive, and expansive soils are more likely to be encountered in the flat portions of Santa Clara Valley (City of San José 2011b). Construction of the proposed Project atop expansive soils could result in reduced structural integrity, leading to risks to life or property. However, the proposed Project would be required to implement the Standard Permit Condition, as shown in thresholds a.2 and a.3. Implementation of this Standard Permit Condition would minimize impacts associated with expansive soils, as the permit condition would require proper grading and construction, preparation of a Geotechnical Report, and implementation of recommendations outlined in the Geotechnical Report. With

compliance of Standard Permit Conditions impacts regarding expansive soils would be less than significant.

**LESS-THAN-SIGNIFICANT IMPACT**

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

The proposed Project would be connected to the municipal sanitary sewer system operated by the City of San José. The Project would not include septic tanks or alternative wastewater disposal systems. Therefore, no impact related to septic tanks or alternative wastewater disposal systems would occur.

**NO IMPACT**

- f. *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Paleontological resources include the fossilized remains, traces, or imprints of organisms preserved in or on the earth's crust. Paleontological sensitivity is defined based on the underlying geologic formation. Areas with the highest sensitivity are those where geologic formations known to contain fossils are found close to the ground surface. Geologic formations known to contain fossils are not found close to the ground surface on the Project site (City of San José 2011b), and the proposed Project would not involve or require deep excavation (approximately two to three feet) since the 12 townhouses would be constructed at grade. Nevertheless, there always exists a possibility of encountering paleontological resources when conducting subsurface earthwork activities for the Project, such as shallow excavation for installation of utilities. Adherence to the City of San José Standard Permit Condition below would reduce impacts associated with disturbance to buried paleontological resources, if encountered, to a less than significant level.

*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.

**LESS THAN SIGNIFICANT IMPACT**

## 8 Greenhouse Gas Emissions



|                                                                                                                                   | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact             |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|--------------------------|
| <b>Would the project:</b>                                                                                                         |                                      |                                                             |                                      |                          |
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?       | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |

### Existing Setting

Various gases in the atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. GHGs, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), ozone (O<sub>3</sub>), water vapor, nitrous oxide (N<sub>2</sub>O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

The Project site is currently paved with an existing surface parking lot and has minimal GHG emissions sources, mainly from energy consumption to power lighting on-site.

### Regulatory Setting

#### *Federal and State*

##### Clean Air Act

The EPA is the federal agency responsible for implementing the Clean Air Act (CAA). The United States Supreme Court in its 2007 decision in *Massachusetts et al. v. Environmental Protection Agency et al.* ruled that carbon dioxide (CO<sub>2</sub>) is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of GHGs. Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

##### Executive Order S-3-05

In 2005, the governor issued Executive Order (EO) S-3-05, establishing statewide GHG emissions reduction targets. EO S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent below 1990 levels (CARB 2017). In response to EO S-3-05, CalEPA created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report (the "2006 CAT Report"). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce GHG emissions.

These are strategies that could be implemented by various state agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the state agencies. The strategies include the reduction of passenger and light duty truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, etc. In April 2015, the governor issued EO B-30-15, calling for a new target of 40 percent below 1990 levels by 2030.

### Assembly Bill 32

California's major initiative for reducing GHG emissions is outlined in AB 32, the "California Global Warming Solutions Act of 2006," signed into law in 2006. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 statewide GHG level and 2020 limit of 427 million metric tons CO<sub>2</sub>e. The Scoping Plan was approved by CARB on December 11, 2008, and included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures.

Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since approval of the Scoping Plan.

In May 2014, CARB approved the first update to the AB 32 Scoping Plan. The 2013 Scoping Plan update defines CARB's climate change priorities for the next five years and sets the groundwork to reach post-2020 statewide goals. The update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluates how to align the State's longer-term GHG reduction strategies with other State policy priorities, such as for water, waste, natural resources, clean energy and transportation, and land use (CARB 2017).

### Senate Bill 32

On September 8, 2016, the governor signed SB 32 into law, extending AB 32 by requiring the further reduction of GHGs statewide to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, as well as implementation of recently adopted policies and policies, such as SB 350 and SB 1383 (see below). The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan Update, the 2017 Scoping Plan does not provide Project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally appropriate quantitative thresholds consistent with a statewide per capita goal of six metric tons (MT) CO<sub>2</sub>e by 2030 and two MT CO<sub>2</sub>e by 2050 (CARB 2017). As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, subregional, or regional level), but not for specific individual projects because they include all emissions sectors in the State (CARB 2017).

### Executive Order B-55-18

On September 10, 2018, the governor issued Executive Order B-55-18, which established a new statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing statewide GHG reduction targets established by SB 375, SB 32, SB 1383, and SB 100.

## *Regional*

### Bay Area Air District

The Air District is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. The Air District and other agencies prepare clean air plans as required under the state and federal CAAs. The Bay Area 2017 Clean Air Plan (2017 CAP) focuses on two closely related Air District goals: protecting public health and protecting the climate. The 2017 CAP lays the groundwork for the Air District's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The Air District CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA Air Quality Guidelines, the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for GHG emissions developed by the Air District. The CEQA Air Quality Guidelines include information on legal requirements, Air District rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and background information.

## *Local*

### City of San José Greenhouse Gas Reduction Strategy

The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA Air Quality Guidelines, as well as the Air District's requirements for Qualified GHG Reduction Strategies. The Envision San José 2040 General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings.

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. The City updated its GHG Reduced Strategy and adopted the *City of San José 2030 Greenhouse Gas Reduction Strategy* in August 2020. The City's 2030 Greenhouse Gas Reduction Strategy (2030 GHG Reduction Strategy) is a comprehensive update to the city's original GHG Reduction Strategy and reflects the plans, policies, and codes as approved by the City Council. The 2030 GHG Reduction Strategy provides a set of strategies and additional actions for achieving the 2030 target established by SB 32. The 2030 GHG Reduction Strategy serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The City included a Development Compliance Checklist in the 2030 GHG Reduction Strategy that serves to apply the relevant General Plan and 2030 GHG Reduction Strategy policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA.

### Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions (City of San José 2011a). Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic

buildings. The following General Plan policies are related to GHG emissions and are applicable to the proposed Project.

**Policy MS-1.2:** Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.

**Policy MS-2.11:** Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

**Goal MS-10: Air Pollutant Emission Reduction.** Minimize air pollutant emissions from new and existing development.

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

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

**Policy MS-10.7:** Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.

**Policy MS-10.10:** Actively enforce the City's ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling. The City may consider adopting other policies or ordinances to reinforce this effort to help reduce damage to the global atmospheric ozone layer.

**Goal MS-13: Construction Air Emissions.** Minimize air pollutant emissions during demolition and construction activities.

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

**Policy MS-14.4:** Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

#### City of San José Municipal Code

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

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)

- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

#### City of San José Private Sector Green Building Policy (6-32)

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance GHG reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

#### *Significance Thresholds*

The 2022 Air District CEQA *Guidelines* document contains two approaches for determining significance of GHGs (Air District 2022). The two approaches are as follows:

1. Projects must include, at a minimum, the following project design elements:

##### **Buildings**

- The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
- The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.

##### **Transportation**

- Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:

**Residential projects:** 15 percent below the existing VMT per capita

**Office projects:** 15 percent below the existing VMT per employee

**Retail projects:** no net increase in existing VMT

- Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
2. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).
    - According to the BAAQMD CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans, a qualified GHG reduction strategy must:
    - Quantify GHG emissions, both existing and projected over a specified period, resulting from activities in a defined geographic area
    - Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable
    - Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated in the geographic area
    - Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level

- Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels
- Be adopted in a public process following environmental review

The City's 2030 GHG Reduction Strategy serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA, consistent with criterion '2' of the Air District significance criteria, above.

## Impacts Assessment

- Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*
- Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Project construction would generate temporary short-term GHG emissions through travel to and from the worksite and from the operation of construction equipment such as graders, backhoes, and generators. Excavation and grading typically generate the greatest amount of emissions due to the use of grading equipment and soil hauling. The Project developer would be required to comply with all Air District rules and regulations regarding emission control measures, including the Basic Construction Measures, which include reducing idling time and imposing speed limit for construction equipment, and Regulation 8, Rule 3, which requires the use of low volatile organic compound containing paints, which reduces GHG emissions during the architectural coating phase. In addition, the construction contractor would be required to use off-road construction equipment with CARB compliant engines and emissions systems. Additionally, construction emissions would be temporary and not contribute to ongoing or long-term global emissions of GHGs.

For operational emissions, as described above in *Regulatory Setting*, the City's 2030 GHG Reduction Strategy serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The City included a Development Compliance Checklist in the 2030 GHG Reduction Strategy that serves to apply the relevant General Plan and 2030 GHG Reduction Strategy policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA. General compliance with the Development Compliance Checklist indicates that a proposed Project is consistent with helping the City to meet the 2030 GHG reduction targets established by SB 32. The Development Compliance Checklist completed for the proposed Project is included as Appendix C to the Initial Study. The General Plan Consistency portion of the Compliance Checklist is also provided below in Table 12.

Table 12 City of San José General Plan Consistency Checklist

| Checklist Item                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Consistent?    | Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Consistency with the Land Use/Transportation Diagram (Land Use and Density)                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Is the proposed project consistent with the Land Use/Transportation Diagram?                                                                                                                                                                                                                                                                                                                                                                                                                                                | No             | The parcel at 1030 McKendrie Street is currently designated as Residential Neighborhood (RN) under the City’s Envision San José 2040 General Plan, which primarily supports single-family residential projects and development with a density of up to eight dwelling units per acre. The parcel at 1030 McKendrie Street is approximately 0.23 acres, which would accommodate less than two residential units under the current RN land use designation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| If not, and the proposed project includes a General Plan Amendment, does the proposed amendment decrease GHG emissions (in absolute terms or per capita, per employee, per service population) below the level assumed in the GHG Reduction Strategy based on the existing planned land use? (The project could have a higher density, mix of uses, or other features that would reduce GHG emissions compared to the planned land use).                                                                                    | Yes            | The other parcel comprising the Project site at 1038 McKendrie Street is designated as Neighborhood/Community Commercial (NCC), which allows for commercial and retail uses that serve the surrounding community, as well as residential development that is 100 percent deed-restricted affordable housing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| If not, would the proposed project and the General Plan Amendment increase GHG emissions (in absolute terms or per capita, per employee, per service population)? Project is not consistent with GHG Reduction Strategy and further modeling will be required to determine if additional mitigation measures are necessary.                                                                                                                                                                                                 | –              | The proposed Project would merge the two parcels and include a General Plan Amendment to designate the site as Mixed Use Neighborhood (MUN). The MUN land use designation supports townhouses, medium-density residential uses, or small lot single-family residences, and allows a density of up to 30 dwelling units per acre and one to three stories.<br><br>The proposed Project would include 12 three-story townhouses at a density of 27 dwelling units per acre, representing an increase in residential density compared to what is currently permitted. This increase would place more residents within proximity to jobs and services, such as the many offices and retail/commercial businesses on The Alameda, thereby reducing reliance on single-occupancy vehicles and contributing to a reduction in greenhouse gas emissions from mobile sources.                                                                                                                                               |
| Implementation of Green Building Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| MS-2.2: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.                                                                                                                                                                                                                                                                                                                                                                                                               | Yes            | The proposed Project would include solar panels on the rooftops of the 12 townhouses.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| MS-2.3: Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.                                                                                                                                                                                                                                                                                                                                    | Yes            | All of the proposed units would have south and west facing sides that include windows, which is optimal solar orientation to reduce energy consumption for heating during winter months.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| MS-2.7: Encourage the installation of solar panels or other clean energy power generation sources over parking areas.                                                                                                                                                                                                                                                                                                                                                                                                       | Not applicable | The proposed Project does not include expansive surface parking lots. The Project is a residential Project and parking would be provided in an attached garage for each unit. Six surface parking spaces would be provided on-site, which would not be an expansive area effective for a solar canopy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design). | Yes            | The Project would comply with the City's Green Building Ordinance. Additionally, as described above, each unit would have south and west facing sides to maximize solar exposure and reduce heating energy use in winter months. The townhouse design of the buildings would allow for cross ventilation because each unit would have windows on both the front and rear sides that could be opened concurrently.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| MS-16.2: Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.                                                                                                                                                                                                                                                                                                               | Not applicable | The Project is a private residential development in an urbanized area of San José where electricity utility exists and would be provided for the Project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Pedestrian, Bicycle, and Transit Site Design Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| CD-2.1: Promote the Circulation Goals and Policies in the Envision San José 2040 General Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of the Envision San José 2040 General Plan:                                                                                                                                                                                                                                          | Not applicable | The Project would include construction of 12 townhouses on private property with a private drive connecting directly to each attached garage provided in each unit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness.                                                                                                                                                                                                                                                                                                                                                                                | Not applicable | The proposed Project would include a single driveway along McKendrie Street in approximately the same location as the existing driveway and would not include modifications to travel patterns on McKendrie Street or other streets. There are no bicycle lanes on McKendrie Street; the nearest Class II bicycle lane is on W Hedding Street. Since the proposed Project would not remove or modify McKendrie Street, no bicycle lanes would be affected. Likewise, pedestrian sidewalk exists on McKendrie Street which is part of a much larger pedestrian sidewalk network in the area. Temporary closure of the sidewalks along the Project frontage would be required during Project construction, but the sidewalks would be restored and reopened consistent with existing conditions following construction. Sidewalks are present on the opposite side of McKendrie Street from the Project site and would be available to pedestrians during the temporary sidewalk closure along the Project frontage. |
| Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb-outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles.                                                                                                                                | Not applicable |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parking are considered in real estate And business transactions.                                                                                                                      | Not applicable | The proposed Project would include attached garages for the 12 individual units as well as six surface parking spaces. This would be a reduction in parking spaces compared to the existing use of a surface parking lot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| Checklist Item                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Consistent?    | Explanation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CD-2.5: Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.                                                                                                                                                                                                     | Yes            | <p>Parking would be provided in individual garages, which would therefore be shaded parking. New trees would be planted next to the 6 surface parking spaces, which would provide shade once the trees mature. Residents would be able to exit or enter the Project site using existing sidewalks on McKendrie Street, providing a direct pedestrian connection to the larger sidewalk network in the Project area.</p> <p>Stormwater runoff would be treated onsite within a series of bioretention areas before discharge into the existing storm drain system. This would be an improvement compared to existing conditions, which is a large impervious parking surface with no on-site treatment.</p> <p>As described above, each unit would have south and west facing sides to maximize solar exposure and reduce heating energy use in winter months. Because the multi-family buildings would be townhome units, each unit would also have a side that faces north and east, which would provide relief from direct sunlight and unwanted heating during the summer months.</p> |
| CD-2.11: Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures. | Not applicable | The proposed Project is not located within the Downtown and Urban Village Overlay areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| CD-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.                                                                                                                                                                                                                                                  | Yes            | <p>McKendrie Street does not include bicycle lanes. The nearest Class II bicycle lane is on W Hedding Street approximately 0.2 mile south of the Project site, which future residents would be able to utilize. The Alameda, located approximately 0.1 mile from the Project site, has transit stops that would be accessible from existing bicycle lanes or pedestrian sidewalks. The bicycle lane on W Hedding Street would also provide bicycle connections to nearby schools, such as Bellarmine College Preparatory east of the Project site and Hearts and Hands Christian Childcare and Preschool southwest of the site.</p> <p>McKendrie Street also has pedestrian sidewalks that connect to the larger sidewalk network in the Project area, including streets adjacent to the Project site such as The Alameda, Myrtle Street, and W Hedding Street. This sidewalk network connects to numerous schools, commercial areas, and transit stops.</p>                                                                                                                             |
| CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.                                                                         | Yes            | The Project is located along McKendrie Street which has pedestrian sidewalks that connect to the larger sidewalk network in the Project area. The Alameda, approximately 0.1 mile west of the Project site, includes multiple bus stops. W Hedding Street approximately 0.2 mile south of the Project site, also has transit stops. In addition, the College Park Caltrain station is located approximately 0.8 mile east of the Project site, or approximately a 13-minute walk away. Caltrain only stops at the College Park station twice in either direction on weekdays. Diridon Station is approximately 1.8 miles from the Project site using sidewalks along The Alameda and has numerous trains running throughout the day and late into the night. The existing sidewalk network in the area provides access to public spaces as well, such as Newhall Park, approximately 0.6 miles north of the Project site.                                                                                                                                                                |
| LU-3.5: Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.                                                                                                                                                                                                      | Not applicable | This measure is not applicable because the Project is not located in the downtown area of San José.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| TR-2.8: Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.                                                                                                                                                                                                                                      | Yes            | <p>The proposed Project would provide attached parking garages at grade for easy storage of bicycles, and each of the 12 townhouses would include showers. Residents with bicycles would be able to access existing Class II bicycle lanes on W Hedding Street, which connect to larger bicycle lane network in the area, including bicycle lanes on Park Avenue and W Taylor Street, and providing access to transit.</p> <p>Sidewalks exist along the entire frontage of the site, and no bicycle lanes are located on McKendrie Street. Adjacent properties are separated from the Project site by fences and trees. Therefore, it would not be practical to construct bicycle lanes on the Project site</p>                                                                                                                                                                                                                                                                                                                                                                          |
| TR-7.1: Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.                                                                                                                                                                                                                                                                           | Not applicable | The proposed Project would include 12 townhomes. As such, the proposed Project would not be occupied by a large employer, such as a new office tower or employment campus.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| TR-8.5: Promote participation in car share programs to minimize the need for parking spaces in new and existing development.                                                                                                                                                                                                                                                                                                                                                                                                                              | Not applicable | The Project is not an employment Project with opportunity for car share or carpooling. However, the Project site is served by Uber, Lyft, and other rideshares. Additionally, ZipCar, a private car share company, has vehicles available near Santa Clara University, approximately 0.7 miles from the Project site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Water Conservation and Urban Forestry Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| MS-3.1: Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial and developer-installed residential development unless for recreation needs or other area functions.                                                                                                                                                                                                                                                                              | Yes            | The Project includes landscaping that would be drought tolerant and conforms to the State's Model Water Efficient Landscape Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| MS-3.2: Promote the use of green building technology or techniques that can help reduce the depletion of the City’s potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.                                                                                                                                                    | Yes            | The proposed Project includes drought tolerant landscaping that would not require substantial irrigation. The Project must and would be constructed to comply with the City's Green Building Code. Additionally, as described above, stormwater runoff from the Project site would be directed toward bioretention areas, which would coincide with landscaped areas of the Project site, providing irrigation from rainwater.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Checklist Item                                                                                                                                                                                                                                                                                                                                                                                      | Consistent?    | Explanation                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.                                                                                                                                                                                                                                                                              | Not applicable | The proposed Project is a residential Project with demand for potable water. Currently, South Bay Water Recycling is the regional permit holder for recycled water in San José and provides recycled water for non-drinking purposes only. Additionally, recycled water from South Bay Water Recycling is for commercial sites only.                              |
| MS-21.3: Ensure that San José’s Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest. | Yes            | Landscaping would consist of a mix of trees and shrubs along the Project frontage and the eastern boundary of the site. Native, drought-tolerant plant species would be used for landscaping. Additionally, some of the existing trees along the perimeter of the site would be retained.                                                                         |
| MS-26.1: As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.                                                                                                                                                   | Yes            | Landscaping would consist of a mix of trees and shrubs along the Project frontage and the eastern boundary of the site. Native, drought-tolerant plant species would be used for landscaping. Tree coverage would and must meet all City requirements and regulations.                                                                                            |
| ER-8.7: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.                                                                                                                                                                                           | Not applicable | The Project would involve very little landscaping or lawn areas that would otherwise require irrigation or water consumption. Additionally, as described above, stormwater runoff from the Project site would be directed toward bioretention areas, which would coincide with landscaped areas of the Project site, providing reuse of stormwater as irrigation. |
| Source: Appendix C                                                                                                                                                                                                                                                                                                                                                                                  |                |                                                                                                                                                                                                                                                                                                                                                                   |

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As shown in Table 12, the proposed Project would be consistent with the relevant 2030 GHG Reduction Strategy policies. The proposed Project is proposing a use that is different than the underlying General Plan land use designation of the site; nonetheless, the proposed Project would increase the residential density compared to what is currently permitted, which would in turn place more residents within proximity to jobs and services, such as the many offices and retail/commercial businesses on The Alameda. Proximity to these services, as well as transit, would reduce reliance on single-occupancy vehicles and GHG emissions from mobile sources. The Project would also include an all-electric design, further reducing operational GHG emissions associated with commitments to fossil fuels, such as natural gas. Given the aforementioned, the Project would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of GHGs, as it would not substantially increase GHG emissions and is consistent with the City's 2030 GHG Reduction Strategy or the Climate Smart San José Plan to reduce GHG emissions. Accordingly, the GHG emissions of the proposed Project would be less than significant.

While the 2022 Air District CEQA Guidelines do not provide a quantified or numerical threshold of significance for GHG emissions, the potential GHG emissions of the proposed Project were estimated using CalEEMod for informational purposes (see Section 3, *Air Quality*, for model inputs). Table 13 presents the estimated operational GHG emissions of the Project. Table 13 does not present GHG emissions from Project construction because these emissions occur once during construction and do not occur annually.

**Table 13 Estimated Operational GHG Emissions of the Project**

| Emission Source                         | Annual Emissions (CO <sub>2</sub> e) in MTs |
|-----------------------------------------|---------------------------------------------|
| Mobile                                  | 57                                          |
| Area                                    | <1                                          |
| Energy                                  | 24                                          |
| Water                                   | 1                                           |
| Waste                                   | 3                                           |
| Refrigerants                            | <1                                          |
| <b>Total</b>                            | <b>84</b>                                   |
| See Appendix A for CalEEMod worksheets. |                                             |

#### LESS-THAN-SIGNIFICANT IMPACT

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## 9 Hazards and Hazardous Materials



|                                                                                                                                                                                                                                                                                 | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|-------------------------------------|
| <b>Would the project:</b>                                                                                                                                                                                                                                                       |                                      |                                                             |                                      |                                     |
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?                                                                                                                                         | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| 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?                                                                                 | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?                                                                                                                        | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| d. Be located on a site that is included on a list of hazardous material 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?                                                    | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| e. For a project located in 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? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?                                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?                                                                                                                                        | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |

### Existing Setting

A Phase I Environmental Site Assessment (ESA) was prepared for the Project site by Earth Science LLC in July 2025 (Appendix D). The analysis below relies upon the findings of the Phase I ESA as well as reviews of federal and State databases. As discussed within the Phase I ESA, the site was developed with residential uses from 1942 to 1968, then with a surface parking lot from 1970 up to the present. As such, it was determined that the site does not contain existing structures that could contain hazardous materials in building materials. Based on a review of federal and state records and databases, the Project site is not known to contain or be contaminated with hazardous materials or hazardous waste. Specifically, the Project site was queried on June 30, 2025, in the following record sets and databases compiled pursuant to Government Code Section 65962.5:

- Department of Toxic Substances Control (DTSC) Online Cortese List of Hazardous Waste and Substances Sites (DTSC 2025)
- California State Water Resources Control Board (SWRCB) GeoTracker (SWRCB 2025)

A search of the above listed government databases and environmental records compiled pursuant to Government Code Section 65962.5 did not reveal known hazardous materials sites on or adjacent to the Project site. The closest leaking underground storage tank cleanup site is located approximately 0.2 miles west of the Project site at 1155 McKendrie Street and the closest cleanup program site is located approximately 0.2 miles northwest of the site at 1072-1082 Vermont Street. Neither site is active and both are closed.

The closest airport to the Project site is the Norman Y. Mineta San José International Airport, approximately 1.2 miles to northeast of the site. The Santa Clara County Airport Land Use Commission adopted its Airport Land Use Compatibility Plan in 2024 (Santa Clara County Airport Land Use Commission 2024). The proposed Project is not located within the Norman Y. Mineta San José International Airport's Airport Influence Area or Safety Zone.

The closest school to the Project site is the Bellarmine College Preparatory Mathewson Hall, located approximately 0.2 mile northeast of the site.

## **Regulatory Setting**

### *Federal*

#### The Federal Toxic Substances Control Act and the Resource Conservation Recovery Act

The Federal Toxic Substances Control Act and the Resource Conservation Recovery Act (RCRA) were administered by the U.S. EPA in 1976 to streamline regulations pertaining to the generation, transportation, treatment, storage, and disposal of hazardous waste.

#### The Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through Comprehensive Environmental Response, Compensation, and Liability Act, the EPA was given power to seek out those parties responsible for release and assure their cooperation in the cleanup. The Superfund Amendments and Reauthorization Act of 1986 reauthorized Comprehensive Environmental Response, Compensation, and Liability Act to continue cleanup activities around the country.

#### Hazardous Materials Transportation Act

Under the Hazardous Materials Transportation Act the transportation of hazardous materials is regulated by the Secretary of the Department of Transportation (DOT). In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act to clarify the maze of conflicting state, local, and federal regulations. Like the Hazardous Materials Transportation Act, the Hazardous Materials Transportation Uniform Safety Act requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce. The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property.

The statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials (OSHA 2020).

#### Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 "Objects Affecting Navigable Airspace" (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective

surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

## *State*

### The Department of Toxic Substances Control

The Department of Toxic Substances Control (DTSC) is a department operating under the EPA that is responsible for regulating hazardous waste in California. Management and staff of the DTSC protect Californians and their environment from exposure to hazardous wastes by enforcing hazardous waste laws and regulations. The department takes enforcement action against violators; oversees cleanup of hazardous wastes on contaminated properties; makes decisions on permit applications from companies that want to store, treat or dispose of hazardous waste; and protects consumers against toxic ingredients in everyday products.

### Regional Water Quality Control Board

The San Francisco Bay RWQCB oversees cases involving groundwater contamination within the Bay Area from Spills, Leaks, Incidents and Clean-up (SLIC) cases while the County of Santa Clara's Department of Environmental Health would oversee most leaking underground storage tank (LUST) cases. In the incidence of a spill at a project site, the applicant would notify the County of Santa Clara and a lead regulator (County, RWQCB or DTSC) would be determined.

### Government Code §65962.5 (Cortese List)

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

## *Local*

### City of San José Emergency Operations Plan

An Emergency Operations Plan (EOP) is required for each local government in California. The guidelines for the plan come from the Federal Emergency Management Agency (FEMA) and are modified by the State Office of Emergency Services (OES) for California needs and issues. The purpose of the plan is to provide a legal framework for the management of emergencies and guidance for the conduct of business in the Emergency Operations Center (EOC). The EOP provides guidance for City response to extraordinary emergency situations associated with natural disasters, technological incidents, and nuclear defense operations—both war and peacetime (City of San José 2019).

### Envision San José 2040 General Plan

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. The General Plan outlines the City's design goals and policies as they pertain to environmental hazards and considerations. Those included (below) are applicable to the Project (City of San José 2011a).

**Policy EC-6.1:** Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, state and federal laws, regulations and guidelines.

- Policy EC-6.2:** Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
- Policy EC-7.1:** For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
- Policy EC-7.2:** Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
- Policy EC-7.4:** On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
- Policy EC-7.5:** On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.
- Policy EC-7.9:** Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
- Policy EC-7.10:** Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
- Policy EC-7.11:** Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
- Policy TR-14.2:** Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.

## **Impacts Assessment**

- a. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b. *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

### **Construction**

Project construction would include the temporary transport, storage, use, or disposal of potentially hazardous materials including fuels, lubricating fluids, cleaners, solvents, or soils assumed to be contaminated from pesticides due to wide-spread agricultural practices in San José. If spilled, these substances could pose a risk to the environment and to human health. However, the transport, storage, use, or disposal of hazardous materials is subject to various federal, state, and local regulations designed to reduce risks associated with hazardous materials, including potential risks associated with upset or accident conditions. Hazardous materials would be required to be transported under U.S. Department of Transportation (DOT) regulations (U.S. DOT Hazardous Materials Transport Act, 49 Code of Federal Regulations), which stipulate the types of containers, labeling, and other restrictions to be used in the movement of such material on interstate highways. In addition, the use, storage, and disposal of hazardous materials are regulated through the Resources Conservation and Recovery Act (RCRA). The California Department of Toxic Substances Control (DTSC) is responsible for implementing the RCRA program, as well as California's own hazardous waste laws. DTSC regulates hazardous waste, cleans up existing contamination, and looks for ways to control and reduce the hazardous waste produced in California. It does this primarily under the authority of RCRA and in accordance with the California Hazardous Waste Control Law (California H&SC Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (Title 22, California Code of Regulations, Divisions 4 and 4.5). DTSC also oversees permitting, inspection, compliance, and corrective action programs to ensure that hazardous waste managers follow federal and state requirements and other laws that affect hazardous waste specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Compliance with existing regulations would reduce the risk of potential release of hazardous materials from spills and transport during construction.

As noted in the Phase I ESA, no recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs), historical recognized environmental conditions (HRECs), or other environmental concerns were identified on the Project site. The Phase I ESA did not observe any hazardous materials, underground storage tanks, or evidence of spills or releases (Appendix D). Therefore, the proposed Project would not result in the release of hazardous materials into the environment, nor would it expose construction workers or future residents to hazardous substances. This impact would be less than significant.

### **Operation**

Residential buildings typically do not use or store large quantities of hazardous materials other than those typically used for household cleaning, maintenance, and landscaping. For example, households may contain one or several gallons of paint for touching up interior architectural features, such as baseboards along walls. Therefore, Project operation would not involve the use, storage, transportation, or disposal of substantial quantities of hazardous materials and would not result in the release of such materials into the environment. Impacts from Project operation would be less than significant.

## **LESS-THAN-SIGNIFICANT IMPACT**

- c. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?*

Children are particularly susceptible to long-term effects from exposure to hazardous materials. Locations where children spend extended periods of time, such as schools, are considered sensitive to hazardous air emissions and accidental release associated with the handling of extremely hazardous materials, substances, or wastes. The closest school to the Project site is the Bellarmine College Preparatory Mathewson Hall, located approximately 0.2 mile northeast of the site

As discussed above, Project operation would not involve the use or storage of hazardous materials other than minor household chemicals in household quantities. Though potentially hazardous materials such as fuels, lubricants, solvents, and oils could be used during Project construction, the transport, use and storage of hazardous materials would be conducted in accordance with applicable State and federal laws, such as the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and the CCR, Title 22. Licensed hazardous materials transporters leaving the Project site would most likely utilize The Alameda to transport waste to an appropriate disposal facility because The Alameda has ingress/egress to state highways and interstates. Therefore, it is unlikely transporters would be required to drive past the school while carrying hazardous materials. Additionally, as discussed under Threshold a, according to the Phase I ESA, no hazardous materials were found on-site. Construction activities would not result in the release of hazardous materials into the environment through wind or surface runoff. Therefore, impacts related to hazardous materials to the school would be less than significant.

#### **LESS-THAN-SIGNIFICANT IMPACT**

- d. *Would the project be located on a site that is included on a list of hazardous material 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?*

As described in the Existing Setting above, a review of regulatory agency databases revealed that the Project site is not listed as a hazardous waste and substances site. There are two closed cleanup sites approximately 0.2 miles northwest and west of the Project site. Construction and operation of the Project would not occur on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create no significant hazard to the public or the environment. There would be no impact.

#### **NO IMPACT**

- 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?*

Although the Project site is located approximately 1.2 miles southwest of the Norman Y. Mineta San José International Airport, it is not located within the airport's Airport Influence Area, Safety Zone, or Community Noise Equivalent Level (CNEL) noise contour (City of San José 2025c)

Under Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace," any proposed structure on the project site exceeding approximately 13 feet in height above ground level (AGL) / 93 feet above mean sea level (AMSL) would require submittal to the FAA for airspace safety review. As the maximum proposed height for the multi-family buildings exceeds 12 feet AGL, the applicant would be required to implement the following Condition of Approval for projects proximate to the airport to reduce impacts on airports.

#### *Condition of Approval – FAA Determination of No Hazard*

The permittee shall obtain a "Determination of No Hazard" from the FAA for the proposed buildings' rooftop corners and any additional higher points.

With adherence to the Condition of Approval and compliance with conditions set forth by the FAA in its determinations, the proposed Project would not present a safety hazard to people residing or working in the area, and impacts would be less than significant.

**LESS-THAN-SIGNIFICANT IMPACT**

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

The proposed Project would be constructed on private property that is not part of an emergency response plan or emergency evacuation plan. The Project is located on McKendrie Street 0.1-mile from The Alameda and I-880, a main roadway and highway for evacuation. The Project would not involve closures of The Alameda or I-880 during construction, and they would remain open to be used for evacuation or emergency response. Accordingly, there would be no impact.

**NO IMPACT**

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

The Project site is in a developed, urbanized area surrounded by roadways as well as residential, commercial and office uses. There are no adjacent wildlands or densely vegetated areas that would represent a significant fire hazard. Additionally, the Project site is not within a High Fire Hazard Severity Zone or Very High Fire Hazard Severity Zone for wildland fires (CAL FIRE 2007). Therefore, the Project would not expose people or structures to significant hazards related to wildland fires and there would be no impacts.

**NO IMPACT**

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# 10 Hydrology and Water Quality



|                                                                                                                                                                                                                        | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|-------------------------------------|
| <b>Would the project:</b>                                                                                                                                                                                              |                                      |                                                             |                                      |                                     |
| a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?                                  | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| 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 substantial erosion or siltation on- or off-site;                                                                                                                                                        | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| (ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;                                                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| (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                            | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| (iv) Impede or redirect flood flows?                                                                                                                                                                                   | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?                                                                                                                    | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?                                                                                                | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |

## Existing Setting

There are no waterways present on the Project site or immediate vicinity. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the Project site is located in Zone D, an area where flood hazards are undetermined but possible (FEMA 2009). The site is not located within the 100-year floodplain. The City does not have floodplain restrictions for development in Zone D.

The Project site is underlain by the Santa Clara Valley Groundwater Basin, Santa Clara Subbasin. The Project site is within the water service area of the San José Water Company where water is supplied using groundwater sources (SJWC). Groundwater comprises approximately 40 percent of SJWC's water supply (SJWC 2020).

Over 100 wells pump water from the major water-bearing aquifers of the Santa Clara Subbasin. These aquifers are recharged naturally by rainfall and artificially by a system of local reservoirs, percolation ponds, and injection wells operated by the Santa Clara Valley Water District (SCVWD 2016). Groundwater

levels have been steadily on the rise since the mid-1960s, and overdraft of the groundwater basin is not projected.

The nearest surface water in the vicinity of the Project site is the Guadalupe River approximately 1.1 miles to the east at its closest point. Stormwater is removed from the site primarily by percolation into the ground and by overland flow into the City's existing storm drain within McKendrie Street.

## **Regulatory Setting**

### *Federal*

#### Clean Water Act

The EPA implements pollution control programs through the Clean Water Act (CWA). The CWA was officially recognized by congress in 1972 and made it unlawful to discharge a pollutant or pollutants from a point source into navigable waters (see 33 CFR Part 329) unless a permit was obtained. EPA's NPDES permit program controls discharges with the main goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters.

### *State*

#### State Water Resources Control Board Construction General Permit

Any construction or demolition activity that results in land disturbance equal to or greater than 1 acre must comply with the Construction General Permit (CGP), administered by SWRCB. The CGP requires the installation and maintenance of BMPs to protect water quality until the site is stabilized.

#### Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) of 2014 is intended to provide for sustainable management of groundwater basins and to locally manage groundwater basins while minimizing state intervention to only when necessary. The SGMA requires the creation of Groundwater Sustainability Agencies (GSAs) to implement the SGMA. The Santa Clara Valley Water District (SCVWD) is the GSA for the Santa Clara Subbasin. The 2021 Groundwater Management Plan (GWMP) for the Santa Clara and Llagas Subbasins describes the district's groundwater sustainability goals, and the strategies, programs, and activities that support those goals. The 2021 GWMP identifies the following sustainability goals (SCVWD 2021):

- Manage groundwater to ensure sustainable supplies and avoid land subsidence.
- Aggressively protect groundwater from the threat of contamination.

To achieve these goals, the 2021 GWMP includes four strategies (SCVWD 2021):

- Manage groundwater in conjunction with surface water.
- Implement programs to protect and promote groundwater quality.
- Maintain and develop adequate groundwater models and monitoring networks.
- Work with regulatory and land use agencies to protect recharge areas, promote natural recharge, and prevent groundwater contamination.

### *Local and Regional*

#### Water Quality Control Plan for the San Francisco Bay Basin

The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the San Francisco Bay RWQCB master water quality control planning document (San Francisco Bay RWQCB 2019). The Basin

Plan designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. Chapter 2 of the Basin Plan identifies a range of beneficial uses for waters of the State, such as agricultural uses, uses for wildlife habitat, groundwater recharge, municipal water supply, and recreation, as examples. Chapter 3 of the Basin Plan identifies the water quality objectives for waters of the State, such as bacterial objectives, water-color objectives, dissolved oxygen objectives, pH, water temperature objectives, and salinity. The Basin Plan also includes programs of implementation to achieve water quality objectives. The Basin Plan has been adopted and approved by the State Water Resources Control Board, U.S. EPA, and the Office of Administrative Law.

#### Envision San José 2040 General Plan

The Envision San José 2040 General Plan contains goals, policies and actions pertaining to stormwater discharges into the City's storm drain system. The following policies are applicable to the Project.

- Policy IN-3.7:** Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
- Policy IN-3.9:** Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
- Policy MS-3.4:** Promote the use of green roofs (i.e., roofs with vegetated cover), landscape based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

**Goal ER-8: Stormwater.** Minimize the adverse effects on ground and surface water quality and protect property and natural resources from stormwater runoff generated in the City of San José.

- Policy ER-8.1:** Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
- Policy ER-8.2:** Coordinate with regional and local agencies and private landowners to plan, finance, construct, and maintain regional stormwater management facilities.
- Policy ER-8.3:** Ensure that private development in San José includes adequate measure treat stormwater runoff.
- Policy ER-8.4:** Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
- Policy ER-8.5:** Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

**Goal EC-5: Flooding Hazards.** Protect the community from flooding and inundation and preserve the natural attributes of local floodplains and floodways.

- Policy EC-5.1:** The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.

**Policy EC-5.7:** Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

**Action EC-5.16:** Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

**Action EC-5.17:** Implement the Hydromodification Management requirements of the City's Municipal NPDES Permit to manage runoff flow and volume from project sites.

### Grading Ordinance

All development projects, regardless of whether they are subject to the CGP, must comply with the City of San José's Grading Ordinance pursuant to Section 17.04.310 of the City's Municipal Code, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season, the project would submit an Erosion Control Plan detailing BMPs that would prevent the discharge of stormwater pollutants to the City Director of Public Works.

### Municipal Stormwater National Pollution Discharge Elimination System Permit

The City of San José is required to operate under a NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. The San Francisco Bay RWQCB has adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San José. The MRP (NPDES Permit No. CAS612008) mandates that the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

- Projects that create or replace 5,000 square feet or more of impervious surfaces.
- Detached single-family residences that create or replace 10,000 square feet or more of impervious surfaces.

The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained. The Project would be required to comply with the LID stormwater management requirements of Provision C.3 of the MRP.

Provision C.12.g of the MRP requires co-permittee agencies to implement a control program for PCBs that reduces PCB loads by a specified amount during permit term, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030. Programs must include focused implementation of PCB control measures, such as source control, treatment control, and pollution prevention strategies. Municipalities throughout the Bay Area updated their demolition permit processes to incorporate the management of PCBs in demolition building materials to ensure PCBs are not discharged to storm drains during demolition. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family residential and wood frame structures are exempt.

### Post-Construction Urban Runoff Management Policy and Hydromodification Management Policy

The City has developed policies that implement Provision C.3, consistent with the MRP. The City's Post-Construction Urban Runoff Management Policy (City Council Policy 6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. The City's Post-Construction Hydromodification Management Policy (City Council Policy 8-14) establishes an

implementation framework for incorporating measures to control hydromodification impacts from development projects.

The MRP also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace 1 acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65 percent impervious must manage increases in runoff flow and volume so that post-project runoff does not exceed estimated pre-project rates and durations. Based on the project site's location in a subwatershed or catchment with greater than or equal to 65 percent impervious area (Santa Clara Valley Urban Runoff Pollution Prevention Program 2009), the project would not be required to comply with the hydromodification requirements of Provision C.3.

## **Impacts Assessment**

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

Construction of the Project would result in short-term soil-disturbing activities that could lead to increased erosion and sedimentation, which would decrease water quality and be a potential violation of water quality standards. The Project would disturb less than one acre and would not be required to obtain an NDPES General Construction Permit. However, all development projects in the City of San José are required to comply with the City's Grading Ordinance regardless of whether the Project is required to obtain an NDPES General Construction Permit. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the applicant for projects that disturb less than one acre must submit grading plans that include Clean Bay Blueprint to the Director of Public Works for review and approval (City of San José 2023b). Clean Bay Blueprint includes BMPs that would be implemented to prevent the discharge of stormwater pollutants. Furthermore, the Project would be subject to the City of San José's Standard Permit Condition, below.

### *Standard Permit Condition – Construction-Related Water Quality*

The following Project-specific measures, based on RWQCB BMPs, would be included in the Project to reduce construction and development-related water quality impacts. BMPs would be implemented prior to and during earthmoving activities on site and would continue until the construction is complete and during the post-construction period as appropriate.

- 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. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered with secured tarps or plastic sheeting.
- iv. All trucks hauling soil, sand, and other loose materials shall be covered, and all trucks shall maintain at least two feet of freeboard.
- v. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- vi. Vegetation in disturbed areas shall be replanted as quickly as possible.
- vii. All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- viii. Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- ix. All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.

The 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.

As listed in the Standard Permit Condition, compliance with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction, would be required. This would prevent Project construction from adversely impacting water quality or violating water quality standards.

During Project operation the potential for on-site erosion would be negligible because the Project site would be developed with impervious surfaces such as the 12 townhouses, six surface parking spaces, and sidewalk; as well as pervious surfaces such as landscaped areas. Impervious surface and landscaping would cover soils and prevent erosion. Impervious surfaces prevent the infiltration of water and other fluids, such as motor oil that may collect on parking surface over time. During Project operation, on-site vehicles would be stored in individual garages. Because vehicles would be parked in garages and not on driveways, there would be little potential for vehicle fluids, such as minor oil leaks, to infiltrate and impact groundwater quality, or to flow overland into surface water or storm drains. Stormwater runoff from impervious exterior surfaces, such as the rooftop of the townhouses or the surface parking lot would be directed toward bioretention areas that would be constructed along the Project frontage and eastern boundary of the site. The bioretention areas would allow stormwater runoff to collect and be treated through biofiltration before discharge into the existing storm drain system. This treatment process involves infiltration of stormwater through soils, which slows the velocity of the stormwater runoff and releases treated stormwater into the existing storm drain system gradually. This would be an improvement compared to baseline conditions because currently vehicles park on-site with no cover from precipitation and runoff from the parking surface enters the storm drain without pre-treatment.

The residential uses on-site during operation would not involve activities with potential for substantial impacts to water quality. Small quantities of household chemicals, such as cleaners or paint, could be stored on-site, but would be stored within the interior of the townhouses. Existing law prohibits improper use and disposal of these substances, such as by pouring down sink drains or onto lawn areas. Additionally, the Project would be subject City Council Policies 6-29 and 8-14, requiring measures to minimize and treat post-construction runoff. Therefore, there would be no potential for these substances to be discharged to groundwater or surface water.

In summary, compliance with the Construction General Permit, City of San José's Standard Permit Condition, and applicable City Council Policies 6-29 and 8-14 would minimize water quality impacts during Project construction and operation, such that impacts would be less than significant.

#### **LESS-THAN-SIGNIFICANT IMPACT**

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

The Project site is currently utilized as a surface parking lot that is paved with impervious asphalt. The Project would replace the existing impervious parking lot with new impervious surfaces as well as pervious landscaped areas. Precipitation falling on the impervious surfaces of the Project, such as the proposed townhouses and six surface parking spaces, would be unable to infiltrate the impervious ground surfaces and instead flow overland to bioretention areas installed in landscaping along the eastern boundary of the site. The bioretention areas are where stormwater would collect and be treated before discharge to the City's storm drain system. Bioretention involves infiltration of stormwater through soils, which slows the velocity of the stormwater runoff and allow some infiltration instead of all runoff going into the existing storm drain system. The soil also acts as a natural filter to reduce the concentration of pollutants in the runoff. Stormwater that does flow through the bioretention areas and into existing stormwater drains, would eventually outfall in the San Francisco Bay. As described above in

the *Existing Setting*, the Project site is located within a groundwater recharge area. However, compared to the existing use on site, the proposed Project would reduce the amount of impervious surfaces by including landscaped areas and bioretention basins. Additionally, the Project would be subject City Council Policies 6-29 and 8-14, requiring measures to minimize and treat post-construction runoff. Therefore, the proposed Project would not substantially interfere with groundwater recharge.

The Project would connect to the SJWC existing water supply system within McKendrie Street. The Project would not involve new groundwater wells or extraction of groundwater. The Project's incremental increase in water use would not result in substantial depletion of the aquifer. Therefore, the Project's impacts on groundwater supplies and recharge would be less than significant.

#### **LESS-THAN-SIGNIFICANT IMPACT**

- c.(i) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?*
- c.(ii) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

There are no natural drainage features on or adjacent to the Project site. The Project would not alter the course of a stream or river. Construction activities would entail grading, excavation, and other ground-disturbing activities which could temporarily alter surface drainage patterns on-site and increase the potential for erosion and siltation. However, the Project would be required to comply with the City's Grading Ordinance, which would require implementation of BMPs and erosion control measures, thereby reducing the potential for construction activities to result in soil erosion and siltation of waters. During Project operation the potential for on-site erosion would be negligible because the Project site would be developed with impervious surfaces such as the proposed townhouses and sidewalk, or landscaped areas where plants and root systems would hold soils in place. Impervious surface and landscaping would cover soils and prevent soil erosion and siltation of waters.

The Project site currently developed with a surface parking lot and is almost entirely impervious. Since the proposed Project would include landscaped areas and bioretention basins, it would result in a decrease in impervious surfaces compared to existing conditions. As described above, the Project would be required to comply with the LID stormwater management requirements of Provision C.3 of the MRP. The bioretention areas would adequately capture increased stormwater runoff from the Project site and prevent flooding. Therefore, flooding and siltation impacts resulting from the Project's effects on drainage patterns would be less than significant.

#### **LESS-THAN-SIGNIFICANT IMPACT**

- c.(iii) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would 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?*

There are no natural drainage features on or adjacent to the Project site. The Project would not alter the course of a stream or river. After construction of the Project is complete, the site would include less impervious surface than currently exist, and would not substantially alter the drainage pattern of the site. The Project would not create or contribute runoff water that would exceed the capacity of existing stormwater drainage systems. The Project would be required to implement LID treatment controls on site to treat and capture runoff, in accordance with Provision C.3 of the MRP, as well as City Council Policies 6-29 and 8-14. For this reason, the Project would not create a significant new source of stormwater runoff which would exceed the capacity of existing or planned stormwater drainage system or contribute substantial amounts of polluted runoff. Runoff from impervious surfaces on the Project site would be directed to bioretention areas where it could infiltrate

the ground, reducing and slowing the volume discharged to the storm drain system. Therefore, the Project's impact on stormwater drainage systems would be less than significant.

#### **LESS-THAN-SIGNIFICANT IMPACT**

- c.(iv) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?*

There are no natural drainage features on or adjacent to the Project site. The Project would not alter the course of a stream or river. The Project site is located within Zone D of the Special Flood Hazard Areas (SFHA) map and is not located within a 100-year floodplain as mapped by FEMA. Therefore, no housing or structures or other Project components would be placed within a 100-year flood hazard area. The Project would reduce impervious surface area on the Project site compared to existing conditions and would include on-site bioretention areas where stormwater would collect and be treated before discharge. This treatment process involves infiltration of stormwater through soils, which slows the velocity of the stormwater runoff and releases treated stormwater into the existing storm drain system gradually. Consequently, impacts related to impeding or redirecting flood flows would be less than significant.

#### **LESS-THAN-SIGNIFICANT IMPACT**

- d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?*

Tsunamis are sea waves that are generated in response to large-magnitude earthquakes. When these waves reach shorelines, they sometimes produce coastal flooding. Seiches are the oscillation of large bodies of standing water, such as lakes, that can occur in response to ground shaking. In addition, mudflows are large, rapid masses of mud formed by loose earth and water, primarily affecting hillsides and slopes of unconsolidated material.

Tsunamis and seiches do not pose hazards due to the inland location of the Project site and lack of nearby bodies of standing water. No steep slopes that would be subject to mudflows are located on or near the Project site. The Project site is also not located within a dam failure inundation area (City of San José 2011b). The nearest levee is the Anderson Lake Dam, approximately 24 miles southeast of the site. Additionally, because the Project is residential, it would not involve the use and storage of large quantities of pollutants on-site. For example, households may keep up to a few gallons of paint to touch up walls, baseboards and so forth, or household cleaning products, which typically come in containers of less than a gallon. Therefore, even if the site were to be inundated, there would be no risk of release of pollutants from the proposed residential units which have substantial effects on the environment. Therefore, no impact related to the release of pollutants from inundation from tsunamis, seiches or otherwise would occur.

#### **NO IMPACT**

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

The Project site overlies the Santa Clara Subbasin, which is designated as a high-priority groundwater subbasin under the SGMA. The SCVWD serves as the GSA for the Santa Clara Subbasin and the adjacent Llagas Subbasin. SCVWD prepared the 2021 GWMP for the Santa Clara and Llagas Subbasins, which was developed to meet SGMA objectives and focuses on ensuring long-term groundwater sustainability, maintaining reliable groundwater supplies, and protecting groundwater quality from contamination.

As discussed above under Threshold b, the proposed Project would not substantially deplete groundwater supplies or result in a net deficit in aquifer volume. The Project would also not cause a measurable or localized lowering of groundwater table levels. The Project would not rely on direct

groundwater pumping and would not increase groundwater extraction rates beyond those already managed and monitored under the GWMP.

In addition, the Project would be required to comply with LID stormwater management requirements under Provision C.3 of the Municipal Regional Stormwater Permit, the Construction General Permit, and applicable City ordinances and Standard Permit Conditions. These regulatory requirements would ensure that erosion, sedimentation, and pollutant discharges are controlled during construction and operation, and that stormwater runoff is treated and managed to protect underlying groundwater resources. As discussed above under Threshold a, the Project would not violate applicable water quality standards.

The Project would also not interfere with or conflict with existing beneficial uses of groundwater identified in the applicable Basin Plan, such as agricultural, municipal, or industrial uses. Groundwater recharge, quality protection, and sustainable use in the Santa Clara Subbasin would remain consistent with regional groundwater management objectives.

Accordingly, the proposed Project would be consistent with the goals and strategies of the 2021 GWMP, including the prevention of groundwater contamination and the preservation of long-term groundwater sustainability. Therefore, the Project would not result in conflicts with water quality control plans or sustainable groundwater management plans, and impacts related to groundwater would be less than significant.

**LESS-THAN-SIGNIFICANT IMPACT**

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# 11 Land Use and Planning



|                                                                                                                                                                                        | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than - Significant Impact      | No Impact                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|
| <b>Would the project:</b>                                                                                                                                                              |                                |                                                    |                                     |                                     |
| a. Physically divide an established community?                                                                                                                                         | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

## Existing Setting

The site is currently developed with a surface parking lot, landscaping, utilities, and pedestrian sidewalks. Landscaping consists primarily of Chinese elm and English ivy and is mostly limited to the perimeter of the site. An existing driveway on McKendrie Street provides access to the surface parking lot.

The Project site is in a developed and urbanized area of San José. Single-family residences are immediately adjacent to the site to the east; surface parking, the Holy Redeemer Lutheran Church, and office uses are located to the west; surface parking and single-family residences are located to the south; and office uses, and single-family residences are located to the north across McKendrie Street.

## Regulatory Setting

### Local

#### Envision San José 2040 General Plan

The parcel at 1030 McKendrie Street is designated as RN under the City's Envision San José 2040 General Plan. This designation applies mainly to single-family residential neighborhoods but supports development of commercial uses, hospitals and other healthcare facilities, and private community gathering facilities. This designation allows a FAR up to 0.7 (1 to 2.5 stories).

The parcel at 1038 McKendrie Street is designated as NCC under the City's Envision San José 2040 General Plan. This designation supports a broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. This designation allows a FAR up to 3.5 (1 to 5 stories).

#### City of San José Zoning Ordinance

The parcel at 1030 McKendrie Street is zoned R-1-8, which supports the construction, use and occupancy of single-family subdivisions. The allowable density range for the R-1 districts is one to eight dwelling units per acre. The R-1-8 district has a maximum height limit of 35 feet and a maximum number of 2.5 stories (San José Municipal Code Section 20.30.010).

The parcel at 1030 McKendrie Street is zoned CP, which intends to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. The CP District also encourages mixed residential/commercial development where appropriate (San José Municipal Code Section 20.40.010).

## Impacts Assessment

a. *Would the project physically divide an established community?*

The Project site is currently developed with a surface parking lot. The Project site is located within an urbanized area and surrounded by other urban land uses. The Project would involve construction of 12 townhouses and would not include the construction of barriers such as roadways or other dividing or linear features that could physically divide an established community. Additionally, the Project site consists of private property and is not accessible as a public connection between two or more communities. Therefore, the proposed Project would have no impact.

### NO IMPACT

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

The Project site is designated as RN and NCC under the City's Envision San José 2040 General Plan. Multi-family residential development is not consistent with these land use designations. The proposed Project would merge the two parcels at 1030 and 1038 McKendrie Street and would include a General Plan Amendment to change the land use designation to MUN. The MUN land use designation is intended for development primarily with either townhouse or small lot single-family residences, and it allows a FAR of 0.25 to 2.0 (1 to 3.5 stories) and a density of up to 30 dwelling units per acre. The proposed townhouses would be three stories tall with a density of 27 dwelling units per acre, which would be consistent with the MUN land use designation if the proposed amendment is approved.

Relevant goals and policies adopted for the purpose of avoiding or mitigating an environmental effect in the Envision San José 2040 General Plan that are applicable to the proposed Project are listed in the regulatory settings in Sections 1 through 20 of this Initial Study. Implementation of the City's Standard Permit Condition for nesting birds would ensure that the Project would not conflict with General Plan policies related to biological resources. Implementation of the City's Standard Permit Condition for the unanticipated discovery of cultural resources would ensure that the Project would not conflict with the General Plan policies related to cultural resources. Mitigation identified for potential hazards and hazardous materials impacts (see Section 9, *Hazards and Hazardous Materials*) would ensure that the Project would not expose construction workers or future residents to environmental hazards. As described in Section 4, *Biological Resources*, the Project would be compliant with the SCVHP and the City's tree ordinance. Additionally, the proposed Project would be consistent with policies LU-1.2 and 1.3 of the General Plan as it would place an increased number of residents in proximity to jobs, transit, and services, and encourage walking to reduce VMT. The proposed Project would also add 12 units to the City's housing stock which would help the city meet its Regional Housing Need Allocation goals. As such, the proposed Project would not conflict with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant.

### LESS-THAN-SIGNIFICANT IMPACT

## 12 Mineral Resources



|                                                                                                                                                                        | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|-------------------------------------|
| <b>Would the project:</b>                                                                                                                                              |                                      |                                                             |                                      |                                     |
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                 | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |

### Existing Setting

The California Geological Survey is responsible for classifying land into Mineral Resource Zones under the Surface Mining Control and Reclamation Act (SMARA) based on the known or inferred mineral resource potential of that land. As described in the General Plan, under the SMARA, the State Mining and Geology Board has designated only the Communications Hill area of San José as containing mineral deposits of regional significance for construction aggregate materials (City of San José 2011a). Communications Hill is approximately 8.7 miles southwest of the Project site. Neither the State Geologist nor the State Mining and Geology Board has classified other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation.

### Regulatory Setting

#### Local

#### Envision San José 2040 General Plan

The Envision San José 2040 General Plan establishes sustainability goals for the City through 2040. The Environmental Resources subsection discusses the goals, policies, and actions related to mineral resources. Those included below are applicable to the Project.

**Goal ER-11: Extractive Resources.** Conserve and make prudent use of commercially usable extractive resources.

**Policy ER-11.1:** When urban development is proposed on lands which have been identified as containing commercially usable extractive resources, consider the value of those resources.

**Policy ER-11.2:** Encourage the conservation and development of SMARA-designated mineral deposits wherever economically feasible.

**Policy ER-11.3:** When making land use decisions involving areas which have a SMARA designation of regional significance, balance mineral values against alternative land uses and consider the importance of these minerals to their market region as a whole and not just their importance to San José.

**Policy ER-11.4:** Carefully regulate the quarrying of commercially usable resources, including sand and gravel, to mitigate potential environmental effects such as dust, noise and erosion.

**Policy ER-11.5:** When approving quarrying operations, require the preparation and implementation of reclamation plans for the contouring and revegetation of sites after quarrying activities cease.

## **Impacts Assessment**

- a. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

The Project site is currently vacant and surrounded by existing urban development in San José. The Project site is located outside the Communications Hill area—the only area in San José containing mineral deposits subject to SMARA; therefore, the Project would have no impact on the loss of availability of a known mineral resource.

**NO IMPACT**

# 13 Noise



|                                                                                                                                                                                                                                                                                                           | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|--------------------------|
| <b>Would the project result in:</b>                                                                                                                                                                                                                                                                       |                                      |                                                             |                                      |                          |
| 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?                                                         | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| b. Generation of excessive groundborne vibration or groundborne noise levels?                                                                                                                                                                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| 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? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |

## Overview of Noise and Vibration

### Noise

Sound is a vibration that transmits through a medium (such as a gas, liquid, or solid) created by a moving or vibrating source, which is capable of being detected by the hearing organs. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired, and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (California Department of Transportation [Caltrans] 2013).

Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response, which is most sensitive to frequencies around 4,000 hertz (Hz) and less sensitive to frequencies around and below 100 Hz (Kinsler et al. 1999). Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as the doubling of vehicle traffic volumes, results in a noise level increase of 3 dB, whereas dividing the energy in half results in a 3 dB decrease (Crocker 2007).

Human perception of noise has no simple correlation with sound energy (i.e., the perception of sound is not linear in terms of dBA or in terms of sound energy). Two sources, each containing the same sound energy, do not “sound twice as loud” as one source. It is widely accepted that the average healthy human ear can detect changes (either increases or decreases) of 3 dBA, which is recognized as being barely perceptible to most people. Similarly, a change of 5 dBA is readily perceptible and a change of 10 dBA sounds twice (or half) as loud (Crocker 2007).

The level and frequency content of sound change as it travels from the source to a receiver. The most obvious change is the decrease in level as the distance from the source increases. The manner by which sound is reduced with distance depends on factors, such as the type of source (e.g., a point or line source), the path the sound travels, site conditions, and the presence of intervening structures or other obstacles. Noise from a point source (e.g., construction equipment, industrial machinery, ventilation

units) typically is reduced at a rate of 6 dBA per each doubling of distance away from the source. Noise from a line source (e.g., roadway, pipeline, railroad) typically is reduced at a rate of 3 dBA per each doubling of distance away from the source (Caltrans 2013). The propagation of noise is also affected by the absorption characteristics of the ground: a hard site, such as a parking lot or smooth body of water, provides no absorption/attenuation and the changes in noise levels with distance result simply from the geometric spreading of the source (i.e., 3 or 6 dBA reduction per doubling of distance for a point source or line source, respectively). Conversely, a soft site, such as soft dirt, grass, or scattered bushes and trees, may provide additional absorption/attenuation, potentially reducing noise levels an additional 1.5 dBA per doubling of distance away from the source (Caltrans 2013). Noise levels may also be reduced by intervening structures. The amount of reduction provided by the “shielding” of these features depends on the size of the structure/s, the location of the structure/s relative to the noise source and receivers, and the frequency content of the noise levels. Natural terrain features, such as hills and dense woods, and man-made features, such as buildings and walls, can significantly alter noise levels. Generally, any large structure blocking the line of sight between a noise source and receiver will provide at least a 5 dBA reduction in source noise levels at the receiver (Federal Highway Administration [FHWA] 2011). The presence of building structures can substantially reduce noise levels from the exterior to the interior as well. The FHWA’s guidelines indicate that modern building construction generally provides an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows.

### Descriptors

The impact of noise is not a function of loudness alone. The time of day at which noise occurs and the duration of the noise are also important factors when considering potential noise impacts. Most noise that lasts for more than a few seconds is variable in its amplitude (i.e., the noise level continuously fluctuates over time). Consequently, a variety of noise descriptors have been developed. One of the most frequently used noise metrics is the equivalent continuous sound level ( $L_{eq}$ ), which considers both duration and the sound power level of the source.  $L_{eq}$  is defined as the single steady A-weighted level equivalent to the same amount of energy as that contained in the actual fluctuating levels over time. The extent of sound level fluctuations over a period of time is characterized by the minimum ( $L_{min}$ ) and maximum ( $L_{max}$ ) sound pressure levels, which represent the lowest and highest sound pressure levels measured during a given period, respectively.

The sound level that is exceeded “n” percent of time during a given sample period in the percentile noise level is represented as  $L_n$ . For example, the  $L_{50}$  level is the statistical indicator of the time-varying noise signal that is exceeded 50 percent of the time (during each sampling period); that is, half of the sampling time, the changing noise levels are above this value and half of the time they are below it. This is called the “median sound level.” The  $L_{10}$  level, likewise, is the value that is exceeded 10 percent of the time (i.e., near the maximum), and this is often known as the “intrusive sound level.” The  $L_{90}$  is the sound level exceeded 90 percent of the time and is often considered the “effective background level” or “residual noise level.”

Noise that occurs at night tends to be more disturbing than noise that occurs during the day. Community noise is usually measured using the Day-Night Average Level (DNL), which is the 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime hours (10:00 p.m. to 7:00 a.m.) hours. It is also measured using the Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a +5 dBA penalty for noise occurring during evening hours (7:00 p.m. to 10:00 p.m.) and a +10 dBA penalty for noise occurring during nighttime hours (10:00 p.m. to 7:00 a.m.) (Caltrans 2013). Noise levels described by the DNL and CNEL usually differ by about 1 dBA. The relationship between the peak-hour  $L_{eq}$  value and the DNL/CNEL depends on the distribution of traffic during the day, evening, and night.

### *Vibration*

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent structures. The number of cycles per second of oscillation makes up the vibration frequency, described in terms of Hz. The frequency of a vibrating object describes

how rapidly it oscillates. The normal frequency range of most groundborne vibration that can be felt by the human body ranges between less than 1 Hz to 200 Hz (Crocker 2007).

While people have varying sensitivities to vibrations at different frequencies, in general they are most sensitive to low-frequency vibration. Vibration in buildings, such as that from nearby construction activities, may cause windows, items on shelves, and pictures on walls to rattle. Vibration of building components can also take the form of an audible low-frequency rumbling noise, referred to as groundborne noise. Groundborne noise is usually only a problem when the originating vibration spectrum is dominated by frequencies in the upper end of the range (60 to 200 Hz), or when foundations or utilities, such as sewer and water pipes, physically connect the structure and the vibration source (Federal Transit Administration [FTA] 2018). Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors. The primary concern of vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses.

### Descriptors

Vibration amplitudes are usually expressed in peak particle velocity (PPV), or root mean squared (RMS) vibration velocity. The PPV and RMS velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (Caltrans 2020).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. It takes some time for the human body to respond to vibration signals. As with airborne sound, the RMS velocity is often expressed in decibel notation as vibration decibels (VdB), which serves to compress the range of numbers required to describe vibration (FTA 2018). Vibration significance ranges from approximately 50 VdB (the typical background vibration-velocity level) to 100 VdB, the general threshold where minor damage can occur in fragile buildings (FTA 2018). The general human response to different levels of groundborne vibration velocity levels is described in Table 14.

**Table 14 Human Response to Different Levels of Groundborne Vibration**

| Vibration Velocity Level | Human Reaction                                                                                                                                                        |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 65 VdB                   | Approximate threshold of perception for many people                                                                                                                   |
| 75 VdB                   | Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable |
| 85 VdB                   | Vibration acceptable only if there are an infrequent number of events per day                                                                                         |
| Source: FTA 2018         |                                                                                                                                                                       |

### *Propagation*

Vibration energy spreads out as it travels through the ground, causing the vibration level to diminish with distance away from the source. Variability in the soil strata can also cause diffractions or channeling effects that affect the propagation of vibration over long distances (Caltrans 2020). When a building is impacted by vibration, a ground-to-foundation coupling loss (the loss that occurs when energy is transferred from one medium to another) will usually reduce the overall vibration level. However, under rare circumstances, the ground-to-foundation coupling may actually amplify the vibration level due to structural resonances of the floors and walls.

### **Ambient Noise Levels**

The most prominent source of noise in the Project site vicinity is vehicular traffic on nearby roadways. Figure 3.3-1 of the Draft Program EIR for the Envision San José 2040 General Plan (City of San José

2011b) presents existing citywide traffic noise contours. According to this figure, the existing noise environment at the Project site is between approximately 65 and 70 dBA DNL.

## Sensitive Receptors

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. The Envision San José 2040 General Plan defines noise-sensitive land uses as residential, hotels, motels, hospitals, residential care, outdoor sports and recreation, neighborhood parks and playgrounds, schools, libraries, museums, meeting halls, churches, public and quasi-public auditoriums, concert halls, and amphitheaters (City of San José 2011a).

The nearest sensitive receptors to the Project site include adjacent single-family residences located along the eastern Project site boundary. Other sensitive receptors near the Project site include single-family residences located approximately 90 feet to the north, single-family residences located approximately 90 feet to the south, and the Holy Redeemer Lutheran Church located approximately 175 feet to the west of the Project site.

## Regulatory Setting

### *Local*

#### Envision San José 2040 General Plan

The Envision San José 2040 General Plan establishes interior and exterior noise standards and thresholds under CEQA for different land uses within the City as well as vibration thresholds during demolition and construction activities. The following goals and policies are applicable to the Project:

**Goal EC-1: Community Noise Levels and Land Use Compatibility.** Minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.

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

- **Interior Noise Levels.** The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new 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). The acceptable exterior noise level objective is established for the City, except in the environs of the 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.

**Policy EC-1.2:** Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain “Normally Acceptable;” or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.

**Policy EC-1.6:** Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City’s Municipal Code.

**Policy EC-1.7:** Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City’s Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.
- For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

**Policy EC-1.9:** Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA  $L_{max}$  in bedrooms and 55 dBA  $L_{max}$  in other rooms.

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

of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

#### City of San José Municipal Code

The City's noise environment for development review is regulated by the Zoning Ordinance (Title 20 of the Municipal Code). Table 20-135 of the Zoning Ordinance outlines the maximum sound pressure level thresholds as measured at the receiving property lines. For all adjacent properties used or zoned for industrial purposes, noise levels generated at the project site shall not exceed 70 dBA  $L_{max}$  at the shared property lines. For adjacent properties used or zoned for commercial purposes, noise levels generated at the project site shall not exceed 60 dBA  $L_{max}$  at the shared property line. For all residential land uses, noise levels generated at the project site shall not exceed 55 dBA  $L_{max}$  at the shared property lines. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

### Impact Assessment

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

#### *Construction Noise*

The Project would generate temporary construction noise during demolition, site preparation, grading, building construction, paving, and architectural coating activities. Heavy construction equipment utilized during construction of the Project is expected to include concrete saws, dozers, tractors, loaders, backhoes, graders, cranes, pavers, and rollers based on information generated by the California Emissions Estimator Model (CalEEMod) prepared as part of the Air Quality analysis. Table 15 lists the noise levels typically generated by these types of construction equipment at a reference distance of 50 feet away.

**Table 15 Construction Equipment Noise Levels**

| Equipment Type   | Reference Noise Level at 50 feet (dBA $L_{max}$ ) |
|------------------|---------------------------------------------------|
| Backhoe          | 78                                                |
| Compressor (air) | 78                                                |
| Concrete Saw     | 90                                                |
| Crane            | 81                                                |
| Dozer            | 82                                                |
| Front End Loader | 79                                                |
| Generator        | 72                                                |
| Grader           | 85                                                |
| Paver            | 77                                                |
| Roller           | 80                                                |
| Tractor          | 84                                                |

Source: FTA 2018

As shown in Table 15, noise levels for typical construction activities would generate maximum noise levels ranging between 72 and 90 dBA at a distance of 50 feet. Depending on construction work areas and equipment types used, Project construction activities may cause a temporary increase in ambient noise levels, which range between approximately 65 and 70 dBA DNL in the vicinity of the Project site.

Policy EC-1.7 of the City's General Plan requires that all construction operations within the City use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code allowable hours, which are between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday when construction occurs within 500 feet of a residential land use unless permission is granted with a development permit or other planning approval by the City. Further, 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. While the Project site is within 500 feet of existing residences, the construction period would only last 5 months; therefore, the Project would not result in significant construction noise impacts according to Policy EC-1.7.

Ambient noise levels at the surrounding uses would potentially be exceeded by 5 dBA  $L_{eq}$  or more at various times throughout construction. However, the temporary noise impact due to Project construction would be minimized with the incorporation of the Standard Permit Condition described below, and would also occur during daytime hours when most people are awake or away from their residences at places of employment and less sensitive to noise. Although construction of the Project would only occur for approximately 5 months, the following Standard Permit Condition is provided to reduce construction noise impacts to the extent feasible at nearby sensitive receptors.

*Standard Permit Condition – Construction-Related Noise*

- i. Pile Driving is prohibited.
- ii. Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.
- iii. Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- iv. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- v. Prohibit unnecessary idling of internal combustion engines.
- vi. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- vii. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- viii. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- ix. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- x. If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.

- xi. Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

### *Operational Noise*

Operational noise generated by the Project would include on-site stationary sources (i.e., heating, ventilation, and air conditioning [HVAC] equipment) and off-site mobile sources (i.e., traffic). These noise sources and their noise impacts are discussed further in the following sections.

#### On-Site Stationary Noise Sources

The primary noise source associated with operation of the Project is anticipated to be HVAC equipment, which is assumed to be located at the exterior of each proposed building at the ground level. Based on the site plan, HVAC equipment is conservatively assumed to be located along the eastern side of townhome unit TH-12 (located near the southeastern part of the Project site), which represents the equipment with the greatest potential for noise impacts due to the close proximity to the nearest residences located to the east. This analysis assumes the use of a typical HVAC system for residential applications: a 2.5-ton Carrier 24ABA4030 unit, which produces a noise level of 68 dBA at a reference distance of 3 feet (see Appendix E for equipment specification sheets). HVAC equipment is assumed to be located as close as approximately 10 feet from the adjacent residential property line to the east. When also accounting for the noise reduction provided by the existing six-foot-tall fence<sup>5</sup> along the eastern property line, the noise level due to operation of HVAC equipment at the eastern property line would be approximately 49 dBA, which would not exceed the City’s noise threshold of 55 dBA at residential properties. Therefore, operational noise impacts associated with the Project’s on-site stationary noise sources would be less than significant.

#### Off-Site Mobile Noise Sources

Another source of noise expected during Project operation would be off-site mobile noise in the form of additional vehicle trips to and from the Project by residents and visitors. Project traffic noise increases were estimated by comparing the existing traffic volumes on roadways near the Project site to traffic volumes generated by the Project during operation.

Existing traffic volumes on nearby roadways were based on average daily traffic (ADT) data published by the City of San José. Based on this data, The Alameda and West Hedding Street have ADT volumes of 33,646 and 13,298 vehicles,<sup>6</sup> respectively (City of San José 2025). Based on operational trip generation estimates from the CalEEMod developed as part of the Air Quality analysis (Appendix A), the Project would generate an additional 98 trips on Saturdays, which would be the day with the highest Project-generated traffic volumes expected during Project operation.

Traffic noise generated by implementation of the Project is governed by Policy EC-1.2 of the Envision San José 2040 General Plan. A significant permanent noise impact would occur if the Project would:

- Cause the DNL at noise-sensitive receptors to increase by 5 dBA DNL or more where the noise levels would remain “Normally Acceptable” (up to 60 dBA DNL); or
- Cause the DNL at noise-sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level (equal to or more than 60 dBA DNL)

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<sup>5</sup> The noise reduction provided by the existing six-foot-tall fence along the eastern property line was estimated according to the methodology described in the *Design Guidelines for Highway Noise Barriers* (Klingner et al. 2003), which takes into account the distances between the noise source, receiver, and the fencing, as well as the height of the fencing. Based on the calculations, the existing fence is estimated to provide 9 dBA of noise reduction.

<sup>6</sup> The ADT volume of 33,646 vehicles for The Alameda was based on data from 2016, while the ADT volume of 13,298 vehicles for West Hedding Street was based on data from 2010 (City of San José 2025).

As discussed above, the existing ambient noise environment at the Project site is between 65 and 70 dBA DNL; therefore, significant permanent noise impacts would occur if traffic noise generated by the Project would cause a noise increase of 3 dBA DNL or more.

An increase of 98 daily vehicle trips would result in noise increases of less than 0.1 dBA DNL on The Alameda and West Hedding Street. Noise increases on both roadways would not exceed the 3.0 dBA DNL threshold identified in the Envision San José 2040 General Plan for significant, permanent noise impacts for noise environments of 60 dBA DNL or greater. Therefore, noise increases due to Project-generated traffic would be less than significant.

### **LESS-THAN-SIGNIFICANT IMPACT**

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

#### *Construction*

Construction activities known to generate excessive groundborne vibration, such as pile driving, would not be conducted during construction of the Project. The greatest source of vibration during Project construction would be large offroad equipment (e.g., dozer, excavator, grader, etc.) during earthmoving activities and a static roller used during paving activities. Based on the proposed site plan, these equipment types may be used as close as 20 feet from the nearest off-site residential structure to the east (single-family home near the eastern Project site boundary) and approximately 95 feet from the nearest off-site historic structure to the west when accounting for equipment dimensions and setbacks. Large earthmoving equipment generates a vibration level of 0.089 in/sec PPV at a reference distance of 25 feet (FTA 2018), while a static roller generates a vibration level of approximately 0.05 in/sec PPV at a reference distance of 25 feet (IR McIver 2012).

At the nearest residence located 20 feet to the east, use of large earthmoving equipment would generate vibration levels up to 0.124 in/sec PPV, which would not exceed the City's threshold of 0.2 in/sec PPV for potential cosmetic damage to residential buildings. Use of a static roller would generate vibration levels up to 0.070 in/sec PPV at the nearest residence located to the east, which would not exceed the City's threshold of 0.2 in/sec PPV. Vibration impacts at the nearest residential structures to the east would be less than significant.

At the nearest historic structure located 95 feet to the west, use of large offroad equipment would generate vibration levels up to 0.012 in/sec PPV, which would not exceed the City's threshold of 0.08 in/sec PPV for potential cosmetic damage to residential buildings. Use of a static roller would generate vibration levels up to 0.007 in/sec PPV at the nearest historic structure, which would not exceed the City's threshold of 0.08 in/sec PPV. Vibration impacts to the nearest historic structure to the west would be less than significant.

#### *Operation*

The Project would not include substantial vibration sources associated with operation. Therefore, operational vibration impacts would be less than significant.

### **LESS-THAN-SIGNIFICANT IMPACT**

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

The airport nearest to the Project site is the San José International Airport, located less than one mile north of the Project site. The Project site is located just outside of the Airport Influence Area and is not located within the 65 dB CNEL noise contour of this airport (Santa Clara County Airport Land Use Commission 2024). While construction workers may perceive some level of airport-related noise while working at the Project site, the construction period would be temporary (only lasting 5 months) and would therefore not expose workers to excessive levels of airport-related noise. Regarding exposure of future residents to airport-related noise, the Project would not include any exterior use areas; therefore, exterior exposure of residents to airport-related noise would be limited. Furthermore, standard building construction practices would provide approximately 20 or more dBA of exterior-to-interior noise reduction, which would reduce exterior noise levels within proposed residences to below the City's interior noise limit of 45 dBA CNEL. Therefore, the proposed Project would not expose people residing or working in the Project area to excessive noise levels associated with airport noise. Airport-related noise impacts would be less than significant.

**LESS-THAN-SIGNIFICANT IMPACT**

# 14 Population and Housing

|                                                                                                                      | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|-------------------------------------|
| <b>Would the project:</b>                                                                                                                                                                             |                                      |                                                             |                                      |                                     |
| a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/>            |
| b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |

## Existing Setting

According to the California Department of Finance (DOF) population and housing estimates, the population of San José was 979,415 as of January 2025, with 348,673 housing units (DOF 2025). There are approximately 2.88 persons per household in San José (DOF 2025). The Project site is within ABAG's Central Santa Clara County Superdistrict, with ABAG estimating that approximately 63,000 households would be added to this Superdistrict by 2050 (ABAG 2021). ABAG has yet to publish population forecasts for Superdistricts or for cities and counties within the Bay Area as part of their recently adopted Plan Bay Area 2050. However, the projection of 63,000 new households in Superdistrict would be correlated with population growth because households by definition have residents.

## Regulatory Setting

### Local

#### Association of Bay Area Governments

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. California's Housing Element Law requires cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the regional housing need; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plans to mitigate or eliminate those constraints; and 5) adopt a housing element that is to be updated on a regular recurring basis.

#### Envision San José 2040 General Plan

The 2040 General Plan contains a Housing Element that is updated every eight years and certified by the State Department of Housing and Community Development. The City's current Housing Element is the 2023-2031 Housing Element, which was certified on January 29, 2024. The 2023-2031 Housing Element contains an assessment of the amount, type, and phasing of development needed to achieve the City's social, economic, and environmental goals related to housing. Consistent with the objectives of ABAG's Plan Bay Area 2050, the City's Housing Element has the following objectives (City of San José 2023a):

- Increasing the supply, diversity, and affordability of housing
- Promoting infill development and a more efficient land use pattern
- Promoting an improved intraregional relationship between jobs and housing

- Protecting environmental resources
- Promoting socioeconomic equity

## Impacts Assessment

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

The proposed Project would include the construction of 12 new townhouses. Based on the DOF's estimated persons per household rate of 2.88 for the city of San José, the construction of 12 townhouses would result in a population increase of approximately 35 people.<sup>7</sup> As discussed in the General Plan EIR, the General Plan projected the development of approximately 120,000 dwelling units and an increase of 367,200 residents by 2035. Although the proposed Project was not specifically identified in the General Plan EIR, the addition of 12 dwelling units and approximately 35 residents would represent less than 0.01 percent of the City's projected dwelling unit growth and less than 0.01 percent of the projected population increase through 2035. As such, the proposed Project would not result in substantial or unplanned population growth within the city.

The Project site is within ABAG's Central Santa Clara County Superdistrict<sup>8</sup>, with ABAG estimating that approximately 63,000 households will be added to this Superdistrict by 2050 (ABAG 2021). The 12 townhouses that would be constructed in the Superdistrict as a result of the Project would represent approximately 0.02 percent of the household growth projected through 2050 by ABAG. Therefore, by correlation, the 35 people residing in the 12 townhouses would be a similar negligible percentage of the population growth that would result from 63,000 new households in the Superdistrict forecasted by ABAG. Additionally, the addition of approximately 35 people to a city that has close to one million residents would be a negligible increase in population. Therefore, the Project would have a less than significant impact on direct and indirect population growth.

### LESS-THAN-SIGNIFICANT IMPACT

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

The Project site does not contain existing residential development, and future construction of residences on the Project site would not result in the removal of existing housing or displacement of existing residents. There would be no impact.

### NO IMPACT

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<sup>7</sup> The Project's 12 residential units multiplied by an average of 2.88 persons per household equals approximately 35 people.

<sup>8</sup> Superdistricts are combinations of cities, towns, and unincorporated areas that allow the public to see the more localized growth pattern in Plan Bay Area 2050 (ABAG 2021).

# 15 Public Services



|                                                                                                                                                                                                                                                                                                                                                                                                                                           | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|--------------------------|
| <b>a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</b> |                                      |                                                             |                                      |                          |
| 1 Fire protection?                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| 2 Police protection?                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| 3 Schools?                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| 4 Parks?                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| 5 Other public facilities?                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |

## Existing Setting

Fire protection services are provided to the Project site by the San José Fire Department (SJFD), which serves a total population of approximately 1.2 million people. SJFD responds to fires, hazardous materials spills, and medical emergencies (including injury accidents) in the Project area. SJFD currently has 34 fire stations through the City. The closest fire station to the Project site is Station 20, located at 1120 Coleman Avenue, approximately 2.1 miles north of the Project site.

Police protection services are provided to the Project site by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street, approximately 1.4 miles northeast of the Project site.

The Project site is located within the San José Unified School District (SJUSD), which has 41 schools across the City. The closest school to the Project site is Bellarmine College Preparatory, which is a private secondary school located approximately 0.2 mile east of the Project site. The closest schools in the SJUSD include Herbert Hoover Middle School located approximately 0.9 mile southwest of the site; Hester Elementary School located approximately 1 mile southeast of the site; Trace Elementary School located approximately 1.2 miles southwest of the site; and Abraham Lincoln High School located approximately 1.3 miles southwest of the site.

The City manages approximately 205 neighborhood and 10 regional parks, as well as facilities such as community gardens, trails, and swimming pools. The city also has three golf courses as well as 1,499 acres of open space and undeveloped land, for a total of 3,621 acres of parkland (City of San José 2024). The nearest parks to the Project site are Newhall Park approximately 0.6 mile north of the site; the Beautiful Way Park approximately 1 mile southeast of the site; the Municipal Rose Garden approximately 1 mile southwest of the site; and the Guadalupe Gardens approximately 1.1 miles east of the site.

Other public facilities evaluated in this section of the Initial Study consist of public libraries. The San José Public Library operates 25 branches, including the Rose Garden Branch Library. The Rose Garden Branch Library is approximately 1.1 miles southwest of the Project site.

## Regulatory Setting

### *Local*

#### Envision San José 2040 General Plan

The Envision San José General Plan Quality of Life chapter (chapter four in the General Plan) includes Goals, Policies and Implementation Actions for various public services, including Education, Libraries, Health Care, Public Safety (Police and Fire), and Code Enforcement. In addition, the Parks, Open Space, and Recreation Subsection, within the same chapter, provides the Goals, Policies, and Actions related to parks, open space, and recreational facilities. The following is a summary of the applicable Goals and Policies related to education, libraries, police and fire protection, and parks.

**Goal ES-1: Education.** Promote the operation of high-quality educational facilities throughout San José as a vital element to advance the City's Vision and goals for community building, economic development, social equity, and environmental leadership.

**Policy ES-1.1:** Facilitate open communication between the City, public school districts and the development community in order to coordinate the activities of each to achieve the highest quality of education for all public-school students.

**Policy ES-1.2:** Encourage school districts, the City, and developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures. These discussions should occur as early as possible in the project planning stage, preferably preceding land acquisition.

**Goal ES-2: Libraries.** Maintain and expand Library Information Services within the City to:

- Enrich lives by fostering lifelong learning and providing every member of the San José community access to a vast array of ideas and information
- Give all members of the community opportunities for educational and personal growth throughout their lives
- Develop partnerships to further the educational, cultural and community missions of organizations in San José
- Support San José State University Library's educational mission in expanding the base of knowledge through research and scholarship
- Locate branch libraries in central commercial areas of neighborhoods for essential public access to library resources, events, and community meeting spaces, and to stimulate economic development
- Maximize branch library hours of operation to facilitate daily patronage

**Policy ES-2.2:** Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.

**Goal ES-3: Law Enforcement and Fire Protection.** Provide high-quality law enforcement and fire protection services to the San José community to protect life, property and the environment through fire and crime prevention and response. Utilize land use planning, urban design and site development measures and partnerships with the community and other public agencies to support long-term community health, safety and well-being.

- Policy ES-3.1:** Provide rapid and timely Level of Service (LOS) response time to all emergencies:
- For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
  - For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
  - Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
  - Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
  - Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
- Policy ES-3.2:** Strive to ensure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with law enforcement and fire service operations.
- Policy ES-3.8:** Use the Land Use / Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.
- Policy ES-3.9:** Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
- Policy ES-3.10:** Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.
- Policy ES-3.15:** Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.
- Policy ES-3.17:** Promote installation of fire sprinkler systems for both commercial and residential use and in structures where sprinkler systems are not currently required by the City Municipal Code or Uniform Fire Code.
- Policy ES-3.20:** Require private property owners to remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish to the satisfaction of the Fire Chief to prevent and minimize fire risks to surrounding properties.
- Action ES-3.22:** Maintain the City's Fire Department Strategic Plan as a tool to achieve Envision General Plan Level of Service and other related goals and policies. Base fire station location planning on a four-minute travel radius.
- Action ES-3.23:** Engage public safety personnel in the land use entitlement process for new development projects.

**Goal PR-1: High Quality Facilities and Programs.** Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant natural, historic, scenic and other open space resources; and meet the parks and recreation services needs of San José's residents, workers, and visitors.

**Policy PR-1.1:** Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

**Policy PR-1.2:** Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

**Policy PR-1.3:** Provide 500 square feet per 1,000 population of community center space.

## Impacts Assessment

*a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

SJFD currently provides fire protection services to the area and would continue to provide fire protection services to the Project site. As discussed in Section 14, *Population and Housing*, the proposed Project would result in the construction of 12 townhouses and a population increase of approximately 35 people. The final Project design would be reviewed by the SJFD and future development facilitated by the Project would be required to comply with the SJFD conditions and recommendations, including specific fire clearances around proposed structures and the provision of fire sprinkler systems. Because the Project would not result in a significant increase to the population of the city, is within an established service area, and would be required to comply with fire district building conditions, and because the site is currently developed and served by SJFD, it would not result in increased demand for fire services on the site. Therefore, the Project would not result in the need for new or physically altered fire facilities and impacts would be less than significant.

### LESS-THAN-SIGNIFICANT IMPACT

*a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

SJPD currently serves the area and would continue to provide police protection services to the Project site. As discussed in Section 14, *Population and Housing*, the proposed Project would result in the construction of 12 townhouses and a population increase of approximately 35 people. The population could increase the demand for police services but would not be expected to increase demand such that additional facilities would be required to service the site. Additionally, the Project site is an urban area of the city where there are already existing residential and commercial buildings and other land uses that could require police services and the site is currently developed and served by SJFD. Because the Project site is located in such an area, the service area of the SJPD would not expand. Therefore, the Project would not result in the need for new or physically altered police facilities and impacts would be less than significant.

### LESS-THAN-SIGNIFICANT IMPACT

*a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?*

The proposed Project would result in the construction of 12 townhouses and a population increase of approximately 35 people. The school-aged residents of the proposed Project would likely attend the nearest SJUSD schools to the site, which are Herbert Hoover Middle School, Hester Elementary School,

Trace Elementary School, and Abraham Lincoln High School. Students may also attend Bellarmine College Preparatory, a nearby private school. According to DOF population estimates, the population of San José was 979,415 as of January 2025 (DOF 2025). According to the 2022 US Census Five-Year Estimates, the number of school-aged children in San José (residents 18 years old or younger) was approximately 207,489 representing approximately 21 percent of the population of San José (US Census Bureau 2023). Applying this ratio of 21 percent school-aged children to the projected population increase due to the proposed Project, the Project would generate approximately eight school-aged children.<sup>9</sup> Eight students would not incrementally increase the service population and demand for SJUSD school services given the existing supply of elementary, middle, and high schools within five miles of the Project site. In accordance with Senate Bill 50, the Project applicant would be required to pay development impact fees to SJUSD at the time of the building permit issuance. SJUSD would use collected funds towards new facilities to offset any impacts associated with the new development. Pursuant to California Government Code Section 65996, payment of these fees is deemed to fully mitigate cumulative CEQA impacts of new development on school facilities. Therefore, payment of State-mandated impact fees would reduce the Project's potentially cumulatively considerable environmental impacts on school facilities to less than significant levels.

### LESS-THAN-SIGNIFICANT IMPACT

a.4. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?*

The Envision San José General Plan Quality of Life chapter (chapter four in the General Plan) includes the following policies which require the City to provide accessible parkland to its residents:

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

As discussed in Section 14, *Population and Housing*, the proposed Project includes the construction of 12 townhouses for a population increase of approximately 35 people. According to DOF population estimates, the population of San José was 979,415 as of January 2025 (DOF 2025). The proposed Project would result in a total population of approximately 979,450. The Project would not result in substantial adverse physical effects or require the construction of new park facilities. Additionally, given the proximity of the Project site to the Newhall Park, Beautiful Way Park, Municipal Rose Garden, and the Guadalupe Gardens, many Project residents would likely walk to a nearby park, reducing the need for expanding parking or bathroom facilities at the park. Impacts would be less than significant.

### LESS-THAN-SIGNIFICANT IMPACT

a.5. *Would the project result in substantial adverse physical impacts associated with the provision of other new or physically altered public facilities, or the need for other new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

Because the Project would not result in a significant increase in the City's population, existing public facilities such libraries, recreation and community centers, public amenities, and other facilities would not need to be constructed or physically altered. Impacts would be less than significant.

### LESS-THAN-SIGNIFICANT IMPACT

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<sup>9</sup> 21 percent multiplied by 35 potential residents equals approximately 8 residents under 18 years of age.

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# 16 Recreation



|                                                                                                                                                                                                                | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|--------------------------|
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| 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?                        | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |

## Existing Setting

Parklands in the city are managed by the US Department of Fish and Wildlife, Santa Clara County Parks and Recreation, City of San José Department of Parks, Recreation, and Neighborhood Services, and the Santa Clara Valley Open Space Authority. The City manages approximately 3,621 acres of parkland to serve its residents. The nearest parks to the Project site are Newhall Park approximately 0.29 mile north of the site; the Beautiful Way Park approximately 1 mile southeast of the site; the Municipal Rose Garden and Hester Park approximately 1 mile southwest of the site; and the Guadalupe Gardens and Columbus Park approximately 1.1 miles east of the site. Another city facility near the project site is Hamline Community Garden approximately 0.19 miles north of the project site.

## Regulatory Setting

See the "Parks" subsection in Section 15 above.

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

As discussed in Section 14, *Population and Housing*, the proposed Project would result in a population increase of approximately 35 people. This population growth would result in a nominal increase in parkland use within the city. As discussed above in Section 15, *Public Services*, the Envision San José General Plan Quality of Life chapter (chapter four in the General Plan) includes the following policies which require the City to provide accessible recreational facilities/parklands to its residents:

**Policy PR-1.1:** Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

**Policy PR-1.2:** Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

**Policy PR-2.4:** To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds.

**Policy PR-2.5:** Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

The Quimby Act authorizes local governments to require developers of new residential subdivisions to dedicate parkland, pay in-lieu fees, or provide a combination of both. The City of San José implements this authority through the Parkland Dedication Ordinance (PDO; Municipal Code Chapter 19.38) and the Park Impact Ordinance (PIO; Municipal Code Chapter 14.25). These ordinances require new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the cost of providing new park facilities. The required parkland acreage is calculated using the minimum dedication formula established in the PDO and PIO, consistent with the Quimby Act. The project is required to comply with the PDO/PIO.

Newhall Park, the Beautiful Way Park, Hester Park, Columbus Park, the Guadalupe Gardens and the Municipal Rose Garden are within 1 mile of the Project site. The site is served by existing recreational facilities and would not result in an accelerated deterioration of facilities given the small Project population and would not require the construction of additional facilities. Accordingly, impacts would be less than significant.

**LESS-THAN-SIGNIFICANT IMPACT**

# 17 Transportation



|                                                                                                                                                                 | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|--------------------------|
| <b>Would the project:</b>                                                                                                                                       |                                      |                                                             |                                      |                          |
| a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?         | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?                                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| d. Result in inadequate emergency access?                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |

## Existing Setting

### Existing Roadway Network

Regional access to the Project site is provided by I-880. Local access to the Project site is provided by The Alameda, McKendrie Street, W. Hedding Street, and Myrtle Street. These facilities are described below.

- **I-880** is a north/south freeway that extends northward from the Project site to Oakland and terminates at its interchange with I-280 and State Route (SR) 17 in San José. In the vicinity of the Project site, I-880 has four lanes traveling northbound and three lanes travelling southbound. Access to and from the Project is provided via a ramp connecting to The Alameda.
- **The Alameda** is a north-south arterial that connects to El Camino Real at its northern end and W Santa Clara Street at its southern end. The Alameda has four travel lanes separated by a raised median and sidewalks on both sides of the street.
- **W Hedding Street** is an east-west connector that connects to Pruneridge Avenue and Winchester Boulevard at its western end and to E Hedding Street at its eastern end. W Hedding Street includes a Class II buffered bicycle lane.
- **Myrtle Street** is a north-south local street that terminates at its northern end and connects to Villa Avenue on its southern end.
- **McKendrie Street** is an east-west local street that connects to Dana Avenue on its western end and terminates at its eastern end.

### Existing Pedestrian Facilities

Pedestrian facilities in the Project area consist primarily of sidewalks along the streets and crosswalks with pedestrian signal heads at intersections. Sidewalks are found along all previously described local roadways in the study area. The existing network of sidewalks and crosswalks provides adequate connectivity for pedestrians between the Project site and other surrounding land uses and transit stops.

### *Existing Bicycle Facilities*

Bicycle facilities in the Project area are described below:

- W Hedding Street: Class II bicycle lane that transitions into a Class IV bicycle lane adjacent to Bellarmine College Preparatory
- W Taylor Street: Class II bicycle lane
- Stockton Avenue: Class II bicycle lane

Caltrans define Class II and Class IV bicycle facilities as follows (Caltrans 2025):

- Class II Bikeway (Bike Lane): Bike lanes are established along streets in corridors where there is significant bicycle demand, and are intended to delineate the right of way assigned to bicyclists and motorists and to provide for more predictable movements by each.
- Class IV Bikeway (Separated Bikeway): A separated bikeway is a bikeway for the exclusive use of bicycles and includes a separation required between the separated bikeway and the through vehicular traffic.

### *Existing Transit Service*

Existing transit service in the Project vicinity is provided by the VTA. The Project area is served by bus route 22. There are multiple bus stops located along The Alameda, with the closest one approximately 0.1 mile from the Project site. Bus route 22 provides frequent service between Eastridge Mall and the Palo Alto Transit Center. Route 22 operates along Tully Road and King Road (north of Tully Road) in the Project area, with 15-minute headways during the weekday peak commute periods. Bus stops are located at the intersection of King Road and Tully Road.

The College Park Caltrain station is located approximately 0.8 mile east of the Project site, or approximately a 13 minute walk away. Caltrain only stops at the College Park station twice in either direction on weekdays. Diridon Station is approximately 1.8 miles from the Project site using sidewalks along The Alameda and has numerous trains running throughout the day and late into the night every day of the week.

## **Regulatory Setting**

### *Regional*

#### Regional Transportation Planning

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources through 2050).

#### Congestion Management Program

The Santa Clara VTA oversees the Santa Clara Congestion Management Program (CMP). The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gasoline tax revenues. The legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element, 2) a transit service and standards element, 3) a trip reduction and transportation demand management

element, 4) a land use impact analysis program element, and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including a county-wide transportation model and database element, an annual monitoring and conformance element, and a deficiency plan element.

In accordance with California Statute, Government Code Section 65088, Santa Clara County has established a CMP. The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision-making and air quality. VTA serves as the Congestion Management Agency for Santa Clara County and maintains the county's CMP.

Congestion Management Agencies are required by California State statute to monitor roadway traffic congestion and the impact of land use and transportation decisions on a countywide level, at least every two years. VTA conducts CMP monitoring and produces the CMP Monitoring and Conformance Report on an annual basis for freeways, rural highways and CMP-designated intersections. VTA also prepares and adopts guidelines for preparing transportation impact analyses (TIS) and traffic level of service (LOS) Analysis Guidelines, and Local Model Consistency Guidelines.

The Santa Clara County CMP also includes Deficiency Plan Requirements. Deficiency plans, as they relate to traffic congestion management, are plans that identify offsetting measures to improve transportation conditions on the CMP facility in lieu of making physical traffic capacity improvements such as widening an intersection or roadway.

### *Local*

#### City of San José Council Policy 5-1 Vehicle Miles Traveled

In adherence to State of California SB 743 and the City's goals as set forth in the Envision San José 2040 General Plan, the City of San José has adopted Transportation Analysis Policy, Council Policy 5-1. The policy replaces its predecessor (Policy 5-3) and establishes the thresholds for transportation impacts under the CEQA based on VMT instead of levels of service (LOS). The intent of this change is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway auto capacity to a reduction in vehicle emissions.

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. As established in the City's Transportation Analysis Policy, projects that include residential uses would create a significant adverse impact when:

- Residential: project-generated VMT exceeds the existing Citywide average VMT per capita

In addition to a VMT analysis, Policy 5-1 also requires the preparation and analysis of a Local Transportation Analysis (LTA) to address the effects of a project on transportation, access, circulation, and related safety elements as it relates to the operation of the project. LTAs provide additional information to evaluate transportation conditions proximate to a Project and supplements the VMT analysis. LTAs implement the multimodal vision of the City's General Plan.

#### Transportation Analysis Handbook

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. As discussed in the City's Transportation Analysis Handbook, small infill projects such as single-family detached residential projects of 15 or fewer units and single-family attached or multi-family residential projects of 25 or fewer units are screened out of requiring a detailed CEQA transportation analysis and are assumed not to result in significant VMT impacts (City of San José 2023).

### Envision San José 2040 General Plan

The Envision San José 2040 General Plan outlines goals and policies intended to ensure that the transportation network with the city is safe, efficient and sustainable.

The Circulation Element of the General Plan aims 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 goals and policies applicable to the Project are included below:

**Goal TR-1: Balanced Transportation System:** Complete and maintain a multimodal transportation system that gives priority to the mobility needs of bicyclists, pedestrians, and public transit users while also providing for the safe and efficient movement of automobiles, buses, and trucks.

**Policy TR-1.2:** Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

**Policy TR-1.4:** Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.

- Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems.
- The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1.
- Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.

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

**Policy TR-1.8:** Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emission standards are met.

**Policy TR-1.10:** Require needed public street right-of-way dedication and improvements as development occurs. The ultimate right-of-way shall be no less than the dimensions as shown on the Functional Classification Diagram except when a lesser right-of-way will avoid significant social, neighborhood or environmental impacts and perform the same traffic movement function. Additional public street right-of-way, beyond that designated on the Functional Classification Diagram, may be required in specific locations to facilitate left-turn lanes, bus pullouts, and right-turn lanes in order to provide additional capacity at some intersections.

**Goal TR-3: Maximize Use of Public Transit.** Maximize use of existing and future public transportation services to increase ridership and decrease the use of private automobiles.

**Policy TR-3.3:** As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

**Goal TR-5: Vehicular Circulation.** Maintain the City's street network to promote the safe and efficient movement of automobile and truck traffic while also providing for the safe and efficient movement of bicyclists, pedestrian, and transit vehicles.

**Goal TR-8: Parking Strategies.** Develop and implement parking strategies that reduce automobile travel through parking supply and pricing management.

#### San José Better Bike Plan 2025

Adopted in October 2020, the City's Better Bike Plan assesses current bicycle facilities in San José and outlines several goals for improving facilities and increasing bicycle ridership by 2025 (City of San José 2020c). Goals applicable to the Project include:

- Get more people on bikes. Change street design and parking pricing practices to actively disincentivize driving.
- Improve process and design. Adopt separated bike lanes, shared-use paths, and bicycle boulevards as preferred bikeway types.
- Establishing a bikeway network. Rapidly implement a dense, interconnected bikeway network in key focus areas that are most likely to address safety, demand, and equity.

### **Impacts Assessment**

- a. *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

#### *Transit*

The Project area is well-served by local bus routes and proximate to Caltrain; therefore, it is reasonable to assume that some Project residents would utilize transit service. The incremental increase in transit demand generated by the Project would be accommodated by the current available ridership capacity of the VTA bus service and Caltrain. Project construction would not require the removal or modification of existing transit facilities. Therefore, the proposed Project would not conflict with a program, plan, ordinance or policy addressing transit.

### *Roadways*

Construction-related vehicle trips would include construction workers traveling to and from the Project site, haul trucks (for moving and importing soil), and other trucks associated with equipment and material deliveries. Such trips would occur on area roadways, such as McKendrie Street, Myrtle Avenue, W Hedding Street, The Alameda, and I-880. Given that construction would be a short-term and temporary activity, trips would account for a relatively small portion of existing travel on area roadways. Consistent with City standard practice, the Project would be required to submit a construction management plan for City approval that addresses the construction schedule, street closures and/or detours, construction staging areas and parking, and the planned truck routes. Therefore, construction of the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system as it pertains to roadways.

The Project would not alter the existing roadway network in the vicinity of the Project site and there would be no changes to existing vehicular travel patterns or usage of roadways due to operation of the Project. The driveway entrance on McKendrie Street would be in a similar location to the existing driveway. Because the Project would not alter roadways or substantially change travel patterns on roadways, operation of the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system as it pertains to roadways.

### *Bicycle*

The Project would not remove bicycle facilities, nor would it conflict with adopted plans or policies for new bicycle facilities. Although McKendrie Street is a local collector street with low vehicle traffic and likely used by cyclists, there are no existing bicycle lanes on McKendrie Street. Therefore, the proposed Project would not require the closure or modification of bicycle facilities.

Existing bicycle facilities in the Project area consist mainly of Class II bicycle lanes on W. Hedding Street (south of The Alameda only) that connect to a larger bicycle lane network, such as Class II bicycle lanes on Park Avenue and W Taylor Street. Some future residents of the Project would likely utilize these bicycle lanes given that the proposed Project includes attached garages at grade suitable for convenient bicycle storage.

The San José Better Bikeway Plan 2025 identifies a planned Class IV protected bike lane along The Alameda approximately 0.1 mile from the Project site (City of San José 2025e). This Class IV bike lane will be essential to safely moving bicycles through the Project area. Given that the Project would be in proximity to the planned bicycle lane, it is reasonable to assume the Project would increase use of the planned bike lane. However, the intent of the planned Class IV bike lane is to increase bicycle transportation on The Alameda, including the residential neighborhoods along The Alameda. Therefore, use of the planned bicycle lane by Project residents would be consistent with the San José Better Bikeway Plan. The proposed Project would not conflict with a plan addressing bicycle facilities. Impacts would be less than significant.

### *Pedestrian*

The proposed Project would not modify existing pedestrian travel or crosswalks in the Project area. Construction of the Project could require temporary closure of the sidewalk on McKendrie Street along the Project site frontage. However, the sidewalk on the opposite side of McKendrie would remain open during Project construction. Future residents would be able to utilize pedestrian sidewalks along McKendrie Street, Myrtle Street, W. Hedding Street, and The Alameda to walk to transit, jobs, schools, and services. Accordingly, impacts related to pedestrian circulation would be less than significant.

### **LESS-THAN-SIGNIFICANT IMPACT**

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

CEQA Guidelines Section 15064.3(b) identifies criteria for evaluating transportation impacts. Specifically, the guidelines state that VMT exceeding an applicable threshold of significance may indicate a significant impact. As discussed above under Regulatory Setting, small infill projects such as single-family detached residential projects of 15 or fewer units and single-family attached or multi-family residential projects of 25 or fewer units are screened out of requiring a detailed CEQA transportation analysis and are assumed not to result in significant VMT impacts (City of San José 2023). The proposed Project would include construction of 12 townhouses and would therefore satisfy the City's VMT screening criteria. In addition, The Alameda, approximately 0.1 mile west of the Project site, includes multiple bus stops. West Hedding Street approximately 0.2 mile south of the Project site, also has transit stops. Furthermore, the College Park Caltrain station is located approximately 0.8 mile east of the Project site, or approximately a 10-15 minute walk away. Caltrain only stops at the College Park station twice in either direction on weekdays. Diridon Station is approximately 1.8 miles from the Project site using sidewalks along The Alameda and has numerous trains running throughout the day and late into the night. Proximity to alternative forms of transit would encourage future residents to bike or walk, reducing reliance on single-occupancy vehicles. Therefore, VMT impacts would be less than significant.

**LESS-THAN-SIGNIFICANT IMPACT**

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

Circulation improvements at the Project site would be minimal and the proposed driveway would be in a similar location to the existing driveway on McKendrie Street. The proposed Project would reduce the number of existing driveways on the site from two to one, which would improve conditions for pedestrians and bicyclists along the adjacent public right-of-way and reduce potential pedestrian and bicycle conflicts with vehicles. Fewer driveways would result in a more continuous sidewalk experience, minimizing interruptions in pedestrian and cyclist flow. The proposed Project would not significantly change site access or road operations surrounding the Project site. Accordingly, the Project would not substantially increase hazards due to a design feature (e.g., sharp curves or inadequate site distance), and the impact would be less than significant.

**LESS-THAN-SIGNIFICANT IMPACT**

*d. Would the project result in inadequate emergency access?*

The design of the Project is required to comply with the City's standards for emergency vehicle access (including providing adequate points of access, vertical clearance, and turning radius). Consistent with City standard practice, the Project would be required to submit a construction management plan for City approval that addresses the construction schedule, street closures and/or detours, construction staging areas and parking, and the planned truck routes. The Project plans would also be subject to review by the SJFD to ensure that adequate emergency access would be available prior to issuance of building permits. Therefore, the Project would not result in inadequate emergency access, and the impact would be less than significant.

**LESS-THAN-SIGNIFICANT IMPACT**

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# 18 Tribal Cultural Resources



|                                                                                                                                                                                                                                                                                                                                                                                                                          | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|--------------------------|
| <b>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code Section 21074 as either a site, feature, place, or 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:</b>                  |                                      |                                                             |                                      |                          |
| 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)?                                                                                                                                                                                                                              | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>             | <input type="checkbox"/> |
| b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>             | <input type="checkbox"/> |

## Existing Setting

Senate Bill (SB) 18 and Assembly Bill (AB) 52, detailed in the *Regulatory Setting* below, requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a Project. At the time of preparation of this Initial Study, the Tamien Nation and the Indian Canyon Mutsun Band of Costanoan Ohlone People have sent written requests for notification of projects to the City of San José.

Archaeological (pre-historic) resource sensitivity is considered low at the Project site, as described in Section 5, *Cultural Resources*, of this Initial Study.

## Regulatory Setting

### Federal

Refer to Section 5, *Cultural Resources*, for the federal regulatory setting pertaining to Tribal Cultural Resources.

### State

Refer to Section 5, *Cultural Resources*, for a description of the California Register of Historic Places.

### Senate Bill 18

SB 18 of 2004 (California Government Code §65352.3) requires local governments to contact, refer plans to, and consult with tribal organizations prior to making a decision to adopt or amend a General Plan or specific plan. The tribal organizations eligible to consult have traditional lands in a local government's jurisdiction and are identified, upon request, by the Native American Heritage Commission (NAHC). As noted in the California Office of Planning and Research's Tribal Consultation Guidelines (2005), "The intent of SB 18 is to provide California Native American Tribes an opportunity to participate in local land

use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places.”

### *Assembly Bill 52*

As of July 1, 2015, California Assembly Bill 52 of 2014 was enacted and expands CEQA by defining a new resource category, “tribal cultural resources.” AB 52 establishes that “A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment” (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and is:

1. 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
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 is a formal consultation process for California Tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to “begin consultation with a California Native American Tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

- The City contacted the Tamien Nation on November 7, 2025. A representative of the Tamien Nation requested formal consultation on November 13, 2025. Tribal consultation was conducted on November 20, 2025, during which the Tamien Nation inquired about the extent of ground disturbance, recommended tribal cultural awareness training and tribal monitoring, and requested to receive any cultural or archaeological reports if and when they become available. Tamien Nation repeated their recommendations during an SB 18 consultation for this project on June 9, 2026.
- The City contacted the Indian Canyon Mutsun Band of Costanoan Ohlone People on December 10, 2025. Canyon CoyoteWoman Sayers-Roods, representing the Indian Canyon Mutsun Band of Costanoan Ohlone People, requested consultation on January 6, 2026. Ms. Sayers-Roods confirmed that the Indian Canyon Mutsun Band of Costanoan Ohlone People agrees with the comments provided by Tamien Nation. Ms. Sayer-Roods repeated these sentiments during an SB 18 consultation for this project on May 26, 2026.
- A joint AB52 and SB 18 meeting was conducted with representatives of the Muwekma Ohlone Tribe on May 28, 2026. Representatives of Muwekma Ohlone Tribe requested tribal cultural awareness training and tribal monitoring.

### *Local*

Refer to Section 5, *Cultural Resources*, for the local regulatory setting.

## Impact Analysis

- a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*
- b. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?*

The Project site is not located within an area mapped for high archaeological or pre-historic/Tribal cultural resources. However, there is always potential to uncover buried archaeological and Tribal cultural resources during ground disturbing activities, such as the excavation and grading that would be required for Project construction. As described above in the Existing Setting, the Project site is in an area of San José that the City considers to be a low sensitivity for archaeological (pre-historic) resources. Should Project construction activities encounter and damage or destroy a Tribal cultural resource or resources, impacts would be potentially significant. Implementation of mitigation measures TCR-1a and 1b, which consist of the actions requested by the Tribes through the consultation process, as well as the City's Standard Permit Condition related to Subsurface Cultural Resources and Human Remains, would ensure that potential impacts to tribal cultural resources would be less than significant.

**Impact CUL-1:** Construction activities could have the potential to encounter tribal cultural resources.

### *Mitigation Measures*

#### MM TCR-1a: Cultural Awareness Training

Prior to the issuance of any demolition or grading permits, the project applicant shall submit to the Director of Planning, Building and Code Enforcement or the Director's designee a contract for Contractor Awareness Training which would be held prior to ground disturbance, and archaeological monitoring during ground disturbance activities. The training shall be facilitated by the project archaeologist in coordination with a Native American representative from a California Native American tribe that has consulted on the project, and the Tribe is registered with the Native American Heritage Commission (NAHC) for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. The contract shall include potential dates for training facilitation and a description of services to be rendered.

#### MM TCR-1b: Archaeological Monitor and Tribal Cultural Monitoring

Prior to the issuance of any grading permits, the project applicant shall retain an archaeological monitor and a Native American Tribe registered with the NAHC and that has consulted on the project to be present at the project site during all demolition and ground disturbance activities. Submit a copy of the agreement to the Director of Planning, Building and Code Enforcement or the Director's designee prior to issuance of grading or building permits.

**LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

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# 19 Utilities and Service Systems



|                                                                                                                                                                                                                                                                                      | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|--------------------------|
| <b>Would the project:</b>                                                                                                                                                                                                                                                            |                                      |                                                             |                                      |                          |
| 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? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?                                                                                                                            | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?                                                    | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| 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?                                                                                              | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?                                                                                                                                                                   | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |

## Existing Setting

San José Water Company (SJWC) provides water service to the Project site. SJWC relies on groundwater, imported treated water, and local surface water for its potable water supply. On average, SJWC purchases approximately 50 percent of its water supply from the Santa Clara Valley Water District, pumps approximately 40 percent of its supply from the groundwater aquifer and draws the remaining approximately 10 percent from local surface water sources (SJWC 2020).

Wastewater treatment and disposal is provided by the San José-Santa Clara Regional Wastewater Facility (RWF). The RWF treats an average of 110 million gallons per day (mgd) of wastewater, with a capacity of up to 167 mgd. The resulting fresh water from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution. The RWF is jointly owned by the cities of San José and Santa Clara and is managed and operated by the City of San José's Environmental Services Department. The City is currently implementing a \$1.4 billion, 10-year Capital Improvement Program, which comprises a portion of the \$2 billion in facility investments envisioned over the next 30 years in the Plant Master Plan, adopted in 2013 (City of San José 2024).

The City owns and maintains the municipal stormwater drainage system which serves the Project site. Stormwater is removed from the site primarily by sheet flow action across the paved surfaces towards storm drains located throughout the paved surfaces on nearby roads such as McKendrie Street and Myrtle Street, or by percolation into the ground. Precipitation falling within the Project site currently flows to the existing storm drainage systems located at the intersection of McKendrie Street and Myrtle Street.

Garden City Sanitation would provide solid waste collection services to the Project site; California Waste Solutions would provide recycling and junk pickup service; and GreenWaste Recovery would provide yard trimming pickup service (City of San José 2025f). Collected waste and any remaining residue is disposed at Newby Island Sanitary Landfill. Newby Sanitary Landfill has a remaining capacity of over 21 million cubic yards and a closure date estimated in 2041 (CalRecycle 2019b).

## **Regulatory Setting**

### *State*

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

CALGreen establishes mandatory green building requirements and provides guidelines for all buildings in California. The code includes specific regulations pertaining to:

- Planning and design
- Energy efficiency
- Water efficiency and conservation
- Material conservation and resource efficiency
- Indoor environmental quality
- 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.

The guidelines provide measures for new construction projects to achieve green building performance levels, including reducing indoor water use by 20 percent, reducing wastewater by 20 percent, recycling and salvaging 65 percent of non-hazardous construction debris and providing readily accessible areas for recycle.

#### Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000.

#### Assembly Bill 341

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

#### Assembly Bill 1826

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

### Senate Bill 1383

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

### *Local*

### 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.

### Construction and Demolition Diversion Deposit Program

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

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.

### 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.

### Envision San José 2040 General Plan

The Envision San José 2040 General Plan establishes goals and policies that relate to green building design, construction and operation. The following are applicable to the Project:

- Policy MS-2.11:** Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
- Policy MS-3.1:** Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
- Policy MS-3.2:** Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
- Policy MS-3.3:** Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

### **Impacts Assessment**

- a. *Would the project 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?*
- b. *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The proposed Project would not use natural gas or require connections to natural gas. The Project would be served by the existing water, wastewater treatment, stormwater drainage, electric power, and telecommunications infrastructure near the Project site, with new service connections provided for the new development. Given that the site currently has no residents, the Project would result in an increase in water use and wastewater generation based on 12 dwelling units and anticipated 35 residents. In the City's 2020 Urban Water Management Plan, it is anticipated that water consumption would be 145 gallons per capita per day (City of San José 2021). Based on this data, the Project would generate an estimated 5,075 gallons per day, or 5.7 acre-feet per year, of net new water demand.<sup>10</sup> There is an existing 42 inch and 6 inch sanitary sewer main along the McKendrie Street Project frontage, which may serve the Project site.

Table 16 details the anticipated supply and demand of water in San José in normal, single-dry, and multiple-dry years through 2045 in acre-feet per year.

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<sup>10</sup> 35 people multiplied by 145 gallons per person per day equals 5,075 gallons per day.

**Table 16 San José Water Supply and Demand Through 2045 (AFY)**

| Supply and Demand         |              | 2025   | 2030   | 2035   | 2040   | 2045   |
|---------------------------|--------------|--------|--------|--------|--------|--------|
| <b>Normal Year</b>        |              |        |        |        |        |        |
| Supply Total              |              | 21,080 | 24,156 | 27,343 | 32,815 | 33,552 |
| Demand Total              |              | 21,080 | 24,156 | 27,343 | 32,815 | 33,552 |
| Difference                |              | 0      | 0      | 0      | 0      | 0      |
| <b>Single Dry Year</b>    |              |        |        |        |        |        |
| Supply Total              |              | 19,265 | 22,330 | 25,505 | 30,977 | 31,257 |
| Demand Total              |              | 21,080 | 24,156 | 27,342 | 32,814 | 33,553 |
| Difference                |              | -1,815 | -1,826 | -1,837 | -1,837 | -2,296 |
| <b>Multiple Dry Years</b> |              |        |        |        |        |        |
| First Year                | Supply Total | 19,265 | 22,330 | 25,505 | 30,977 | N/A    |
|                           | Demand Total | 21,080 | 24,156 | 27,342 | 32,814 | N/A    |
|                           | Difference   | -1,815 | -1,826 | -1,837 | -1,837 | N/A    |
| Second Year               | Supply Total | 19,421 | 22,508 | 26,140 | 30,666 | N/A    |
|                           | Demand Total | 21,695 | 24,793 | 28,437 | 32,962 | N/A    |
|                           | Difference   | -2,274 | -2,285 | -2,297 | -2,296 | N/A    |
| Third Year                | Supply Total | 20,036 | 23,145 | 27,235 | 30,813 | N/A    |
|                           | Demand Total | 22,310 | 25,431 | 29,531 | 33,110 | N/A    |
|                           | Difference   | -2,274 | -2,286 | -2,296 | -2,297 | N/A    |
| Fourth Year               | Supply Total | 20,652 | 23,783 | 28,329 | 30,636 | N/A    |
|                           | Demand Total | 22,926 | 26,068 | 30,626 | 33,258 | N/A    |
|                           | Difference   | -2,274 | -2,285 | -2,297 | -2,622 | N/A    |
| Fifth Year                | Supply Total | 21,267 | 24,420 | 29,200 | 30,784 | N/A    |
|                           | Demand Total | 23,541 | 26,705 | 31,720 | 33,405 | N/A    |
|                           | Difference   | -2,274 | -2,285 | -2,520 | -2,621 | N/A    |

Note: Water supply and demand totals are in acre feet per year

N/A: Not available (data is not published in the UWMP)

Source: City of San José 2021

As shown in Table 16, demand for water could exceed water supplies by as much as 2,622 AFY, depending on the hydrologic conditions and year. The Project would represent a negligible and incremental increase in the City's water demand, including years when demand exceeds supplies. However, even when demand exceeds supply by up to 2,622 AFY, the approximately 5.7 AFY demand of the Project would be 0.2 percent of the excess 2,622 AFY excess demand. Further, several existing and planned water conservation programs and strategies would reduce the difference between projected water supply and demand. Measures include, but are not limited to, landscape irrigation restrictions, public noticing and outreach, and restrictions on filling of pools, spas, and fountains. The proposed Project does not include pools, fountains, or spas, and landscaping would be minimal. In response to prolonged drought conditions, the San Francisco Public Utilities Commission (a water supplier in the San Francisco Bay area) asked its retail and wholesale customers to voluntarily reduce system-wide water consumption by 10 percent. The City's UWMP also establishes a Water Shortage Contingency Plan and demand management measures for each water supplier in the City to ensure that adequate water supply is available in normal, single-dry, and multiple-dry years (City of San José 2021).

Conservatively assuming that wastewater flow rates from the Project would be 95 percent of the estimated water demand, the Project would generate an estimated net increase of 4,800 gpd of wastewater. Given that the RWF has the capacity to treat 167 mgd of wastewater and treats an average of 110 mgd, an additional capacity of approximately 57 mgd remains. The estimated net new wastewater generation from the Project would constitute a negligible portion (approximately 0.008 percent) of the RWF's remaining capacity. Therefore, the existing RWF would be able to accommodate increased wastewater flows associated with the Project and the Project would not require the construction of new or expansion of existing wastewater treatment facilities. Given the foregoing, the Project's impacts on water and wastewater treatment facilities would be less than significant.

As described in Section 10, *Hydrology and Water Quality*, while the Project would increase the impervious surface areas on the Project site, the Project would also include new stormwater treatment and drainage features in accordance with the LID stormwater management requirements of Provision C.3 of the MRP and City Council Policies 6-29 and 8-14 to minimize and control post-construction stormwater runoff. The Project would not contribute stormwater runoff which would exceed the capacity of existing or planned stormwater drainage system. The Project would include a new storm drain lateral along the eastern, southern, and western borders of the site as well as along the private street separating the two proposed buildings, which would connect to an existing stormwater main and drain pipe at the intersection of McKendrie Street and Myrtle Street. Therefore, the Project's impact on the capacity of stormwater drainage systems would be less than significant.

#### **LESS-THAN-SIGNIFICANT IMPACT**

- c. *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

As stated above under checklist question b, although the Project would generate more wastewater than under existing conditions, the Project's wastewater generation would comprise a negligible portion of the RWF's remaining capacity. Therefore, the Project would have a less than significant impact related to wastewater treatment capacity.

#### **LESS-THAN-SIGNIFICANT IMPACT**

- d. *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

The California Department of Resources Recycling and Recovery (CalRecycle) estimates that residences generate an average of 12.23 pounds of solid waste per day, or 2.2 tons per year per residence (CalRecycle 2006). Using these solid waste generation rates, the proposed Project would generate approximately 147 pounds of solid waste per day or 26 tons of solid waste per year. Garden City Sanitation, the solid waste service provider for the Project site, primarily disposes solid waste residue at Newby Island Sanitary Landfill. This landfill has a maximum daily throughput of 4,000 tons per day and has a remaining capacity of 16.4 million cubic yards (CalRecycle 2025). The amount of solid waste generated by the Project would constitute a negligible portion of the remaining available landfill capacity. Therefore, the Project would have a less than significant impact on landfill capacity.

#### **LESS-THAN-SIGNIFICANT IMPACT**

- e. *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

The Project would be required to comply with City and State plans and policies to reduce solid waste generation, including a requirement to divert at least 50 percent of solid waste and recyclables, and 75 percent of organics as of 2025, as required by Assembly Bill 939, Senate Bill 1383, and the City of San José's Zero Waste Strategic Plan. The Project's incremental increase in solid waste would not adversely affect solid waste facilities. Impacts would be less than significant.

**LESS-THAN-SIGNIFICANT IMPACT**

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## 20 Wildfire



|                                                                                                                                                                                                                                                                    | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|-------------------------------------|
| <b>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>                                                                                                                            |                                      |                                                             |                                      |                                     |
| a. Substantially impair an adopted emergency response plan or emergency evacuation plan?                                                                                                                                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| 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?                                                         | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |
| d. Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?                                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/> |

### Existing Setting

The California Department of Forestry and Fire Protection (CAL FIRE) maps areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors, pursuant to Public Resources Code 4201-4204 and Government Code 51175-51189. These areas are referred to as Fire Hazard Severity Zones (FHSZs) and are identified for areas where the state has financial responsibility for wildland fire protection (i.e., state responsibility areas, or SRAs), and areas where local governments have financial responsibility for wildland fire protection (i.e., local responsibility areas, or LRAs). There are three FHSZ mapped for SRAs (moderate, high, and very high), while only lands zoned as very high are identified in LRAs. The Project site is located within a LRA and is not located near a SRA or a very high FHSZ (CAL FIRE 2007; 2023). Additionally, the Project site is located within an urbanized area of the City of San José and is surrounded by other developed land uses or roads on all sides. Given the surrounding land uses, there are insufficient fuels for a wildland fire.

### Regulatory Setting

#### *Local*

#### Envision San José 2040 General Plan

The Envision San José 2040 General Plan establishes goals and policies that relate to wildfire. The following are applicable to the Project:

**Goal EC-8: Wildland and Urban Fire Hazards.** Protect lives and property from risks associated with fire-related emergencies at the urban/wildland interface.

**Policy EC-8.1:** Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.

**Policy EC-8.2:** Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.

**Policy EC-8.3:** For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.

## Impacts Assessment

- a. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*
- b. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- c. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*
- d. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The closest VHFHSZs are located 10 miles east and 10 miles west of the Project site. As the Project site is not located in or near SRAs or lands classified as very high FHSZs, no impact would occur related to wildfire hazards, including emergency response/evacuation, pollutants and uncontrolled wildfire spread, associated infrastructure, or post-fire effects.

**NO IMPACT**

## 21 Mandatory Findings of Significance

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation<br>Incorporated | Less-than -<br>Significant<br>Impact | No<br>Impact             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|--------------------------------------|--------------------------|
| <b>Does the project:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                      |                                                             |                                      |                          |
| a. 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? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| b. 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)?                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |
| c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/>  | <input type="checkbox"/> |

- 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?*

The Project site is developed with a paved surface parking lot. Habitat for wildlife or endangered plants does not occur on the Project site. Adherence to the City's Standard Permit Condition for nesting birds would prevent impacts to migratory nesting birds that may use nearby trees for nest sites. The Project would not 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.

There are no important examples of the major periods of California history on the Project site. The proposed Project would have no impact on historic resources. There are no known prehistoric resources on the Project site. Adherence to the City's Standard Permit Condition for subsurface cultural resources would prevent impacts to potential prehistoric resources encountered during construction. The proposed Project would not eliminate important examples of the major periods of California history or prehistory.

### LESS-THAN-SIGNIFICANT IMPACT

- 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)?*

The City's General Plan EIR identified the following cumulative impacts: loss of agricultural land in southern Santa Clara County/north Coyote Valley, traffic congestion, traffic-related noise, increase in VMT per capita and emissions of criteria air pollutants, nitrogen deposition, a regional jobs-housing imbalance, and GHG emissions. The Project would neither contribute to cumulative impacts on agricultural land as none is located on or near the Project site (see Section 2, *Agricultural and Forestry Resources*), nor to nitrogen deposition impacts on species composition of serpentine ecosystems with payment of the nitrogen deposition fee required by the SCVHP (implemented after the adoption of the General Plan; see Section 4, *Biological Resources*). In addition, the Project would not result in a substantial increase in employment because it is a residential Project. Therefore, the Project would not contribute to a regional jobs-housing imbalance and would provide housing in the region. As discussed in Section 3, *Air Quality*, cumulative criteria pollutant emission impacts and health risk impacts would be less than significant. As discussed in Section 8, *Greenhouse Gas Emissions*, the Project would have a less than significant impact with regard to GHG emissions, which are cumulative in nature. As described in Section 13, *Noise*, the Project would result in an increased in vehicle trips on roadways in the Project area, but the increase would be a fraction of existing traffic volume and result in no discernible increase in noise levels. Therefore, the Project would not result in cumulative traffic noise impacts. Similarly, as described in Section 17, *Transportation*, the Project would not result in a cumulative increase in VMT, as the Project screens out from detailed analysis and is assumed to have less than significant impacts. Given the foregoing, the Project's contribution to significant cumulative impacts would be less than cumulatively considerable.

#### **LESS-THAN-SIGNIFICANT IMPACT**

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

Implementation of the Project would not result in impacts that are significant and unavoidable or cumulatively considerable, including those related to hazardous materials, emergency response, proximity to airport activities, or transportation hazards. The implementation of the Standard Permit Conditions described in Section 3, *Air Quality*; Section 10, *Hazards and Hazardous Materials*; and Section 13, *Noise*; as well as required mitigation measures applicable to tribal cultural resources would ensure that impacts are less than significant. Therefore, the Project would not result in impacts that would cause substantial adverse effects on human beings, either directly or indirectly.

#### **LESS-THAN-SIGNIFICANT IMPACT**

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Rincon Consultants prepared this Initial Study under contract to the City of San José. Persons involved in data gathering analysis, Project management, and quality control are listed below.

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