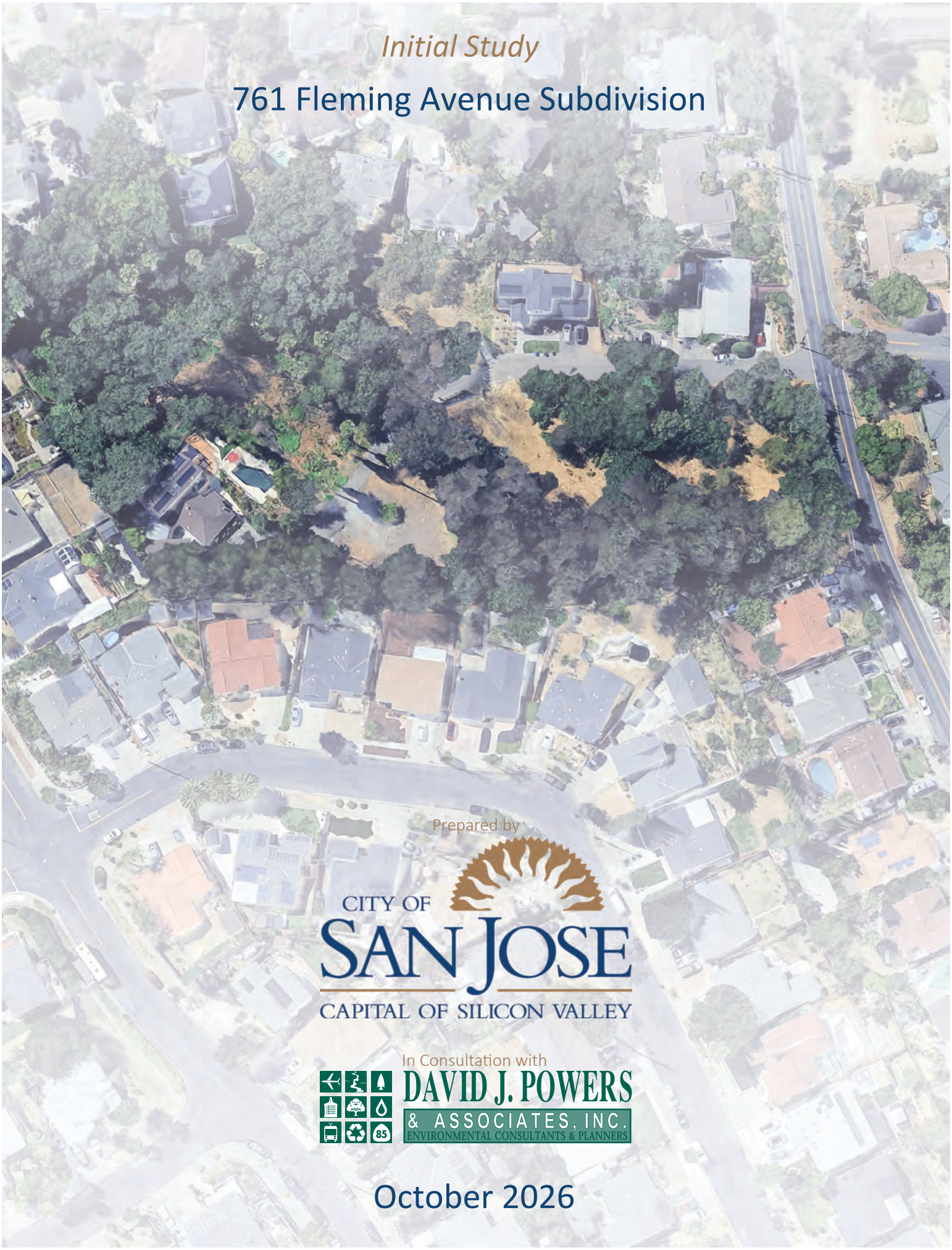
Initial Study

761 Fleming Avenue Subdivision



Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

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

October 2026

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Section 1.0 Introduction and Purpose

1.1 Purpose of the Initial Study

The City of San José, as the Lead Agency, has prepared this Initial Study for the 761 Fleming Avenue Subdivision Project (project, proposed project) in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The project includes prezoning of the (currently unincorporated) property to the R-1-8 zoning district and annexation into the City of San José to subdivide the site into nine separate residential lots. This Initial Study evaluates the environmental impacts that might reasonably be anticipated from implementation of the proposed project.

1.2 Public Review Period

Publication of this Initial Study marks the beginning of a 30-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 30-day public review period should be sent to:

Charlotte Yuen, Planner
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113
Charlotte.Yuen@sanjoseca.gov

1.3 Consideration of the Initial Study and Project

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

1.4 Notice of Determination

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

Section 2.0 Project Information

2.1 Project Title

761 Fleming Avenue Subdivision

2.2 Lead Agency Contact

Charlotte Yuen, Planner
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113
Charlotte.yuen@sanjoseca.gov

2.3 Project Applicant

VIAM Fleming Partners LLC

2.4 Project Location

761 Fleming Avenue, San José, CA 95127

2.5 Assessor's Parcel Number

601-29-009

2.6 General Plan Designation and Zoning District

The project site is an unincorporated parcel subject to the R-1-8 zoning district and is designated Residential Neighborhood in the Envision San José 2040 General Plan

2.7 Habitat Plan Designation

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

2.8 Project-Related Approvals, Agreements, and Permits

The City of San José as the lead agency primarily responsible for approving the project is expected to act on the following applications necessary to implement the project:

- Conforming Prezoning
- Tentative Map

- Special Use Permit
- Tree Removal Permit
- Grading permit
- Building permits for individual homes

The County of Santa Clara Local Agency Formation Commission is a responsible agency for the project and would act on the following application:

- Annexation

The Regional Water Quality Control Board is a responsible agency for the project and would act on the following application:

- Waste Discharge Requirements for the filling of seasonal wetlands/waters of the state

Section 3.0 Project Description

3.1 Existing Setting

The approximately 2.08-gross-acre project site is located at 761 Fleming Avenue (Assessor Parcel Number 601-29-009), in unincorporated Santa Clara County. For ease of reference, Townsquare Drive will be considered north of the site in this document. The site is bound by residential properties in all directions, as well as a vacant lot to the east and Townsquare Drive to the north. All surrounding land uses are residential. Regional and vicinity maps of the project site are shown on Figure 3.1-1 and Figure 3.1-2. An aerial photograph showing surrounding land uses is shown on Figure 3.1-3.

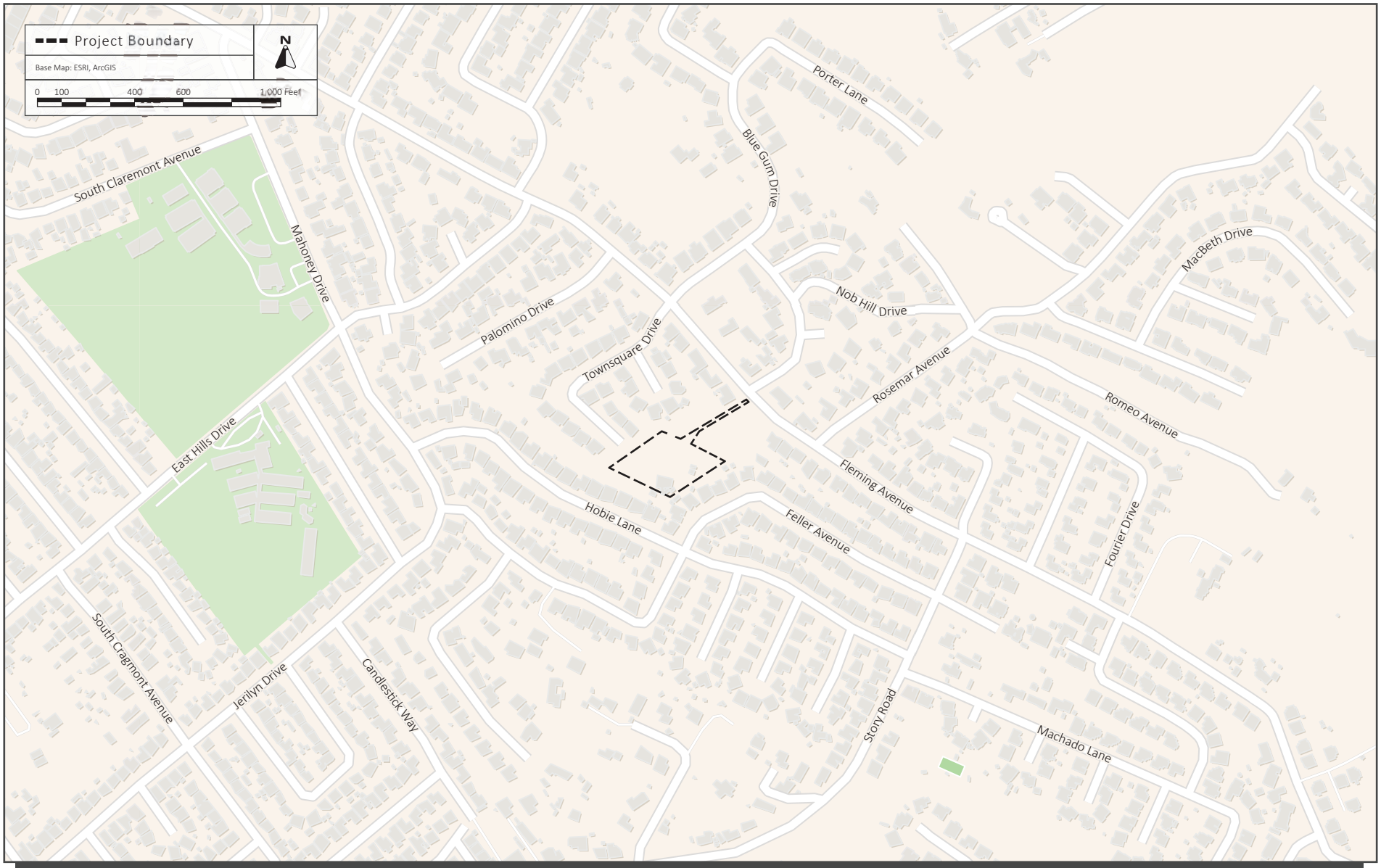
The project site consists of a residential lot developed with a single-story, 2,700 square-foot residence with a pool that is currently unoccupied. The lot includes a mix of urban landscaping and ornamental woodland with 49 trees. The property includes a long driveway, which is used by several adjacent residences, connecting onto Fleming Avenue. The site is located in Flood Zone D, which is an area where flood hazards are undetermined.[1] There is a seasonal wetland of approximately 0.23 acres located on the western portion of the project site.

The project site is currently an unincorporated parcel subject to the Santa Clara County R1 zoning district and upon annexation would be subject to the City's R-1-8 zoning district, and is designated Residential Neighborhood in the Envision San José 2040 General Plan.[2] This designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods. The base density for this land use designation is eight dwelling units per gross acre, the allowable floor area ratio (FAR) is up to 0.7, and the maximum building height is 2.5 stories.

[1] Federal Emergency Management Agency. "FEMA Flood Map Service Center." Accessed February 12, 2025. https://msc.fema.gov/portal/search?AddressQuery=449%20wooster%20avenue%2C%20san%20jose%2C%20ca.
[2] San Jose 2040 General Plan ArcGIS Map. Accessed February 12, 2025. https://www.arcgis.com/apps/mapviewer/index.html?webmap=1a27c0a15fc946d892ebedfa3b255038

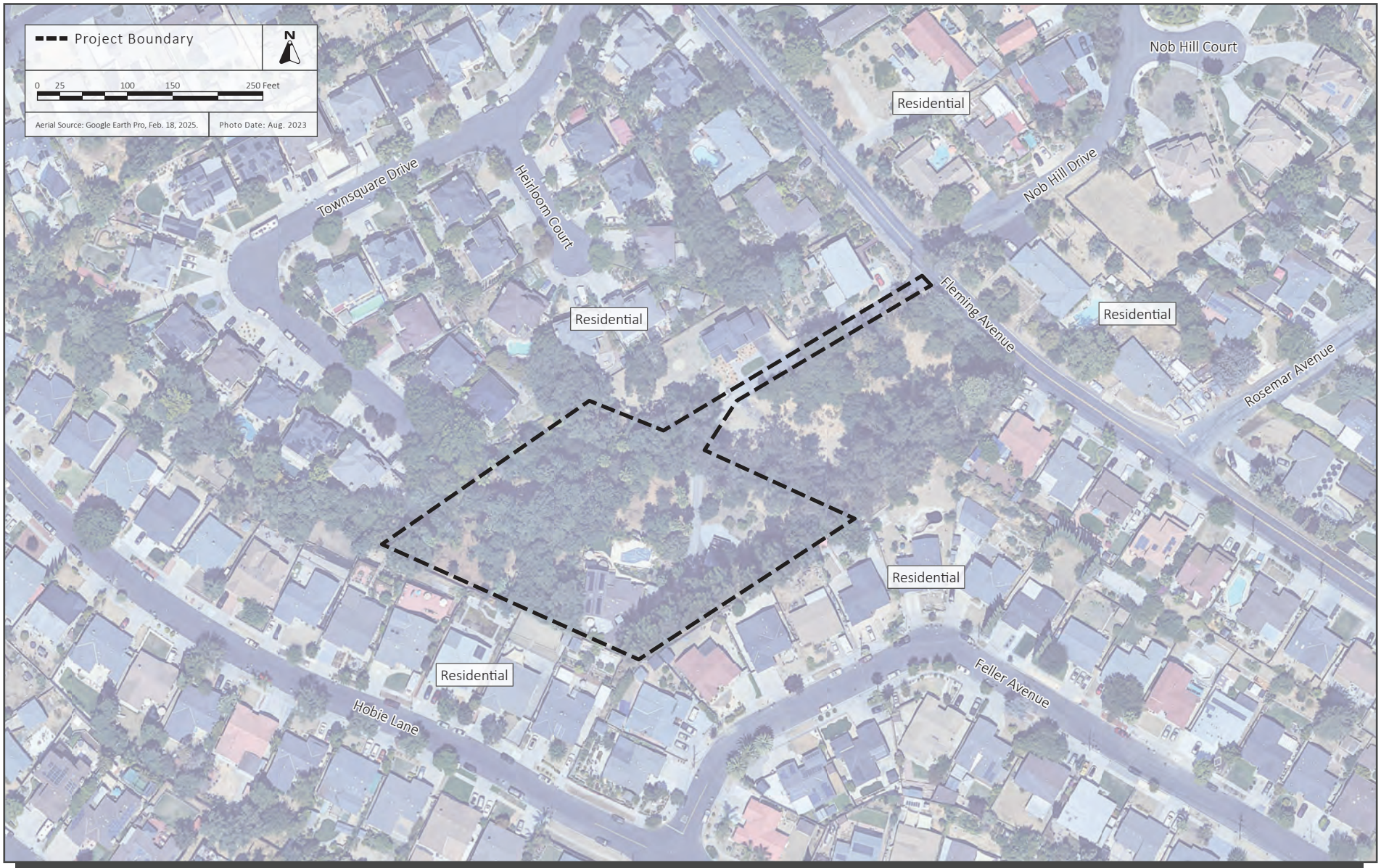


REGIONAL MAP | FIGURE 3.1-1



VICINITY MAP

FIGURE 3.1-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3.1-3

3.2 Proposed Development

3.2.1 Subdivided Lots

The project includes the prezoning of the property to the R-1-8 zoning district and an annexation into the City of San José to facilitate subdivision of the site into nine separate residential lots, as shown in Figure 3.2-1. One single-family home would be constructed on each subdivided lot except for lot 4, which already includes an existing residence to be retained, for a total of nine houses on the project site. The existing house onsite would remain and would be located on lot 4. The new lots would range from approximately 6,015 square feet to 22,571 square feet. No accessory dwelling units (ADUs) are currently proposed but would be allowed in the future at the discretion of each property owner subject to applicable regulations. The approximate proposed lot sizes are shown in Table 3.2-1.

Table 3.2-1: Subdivision Lot Sizes

Lot	Square Footage
1	8,929
2	7,893
3	7,081
4	12,193
5	6,713
6	6,015
7	6,551
8	6,410
9	22,571

The new residences would be subject to the R-1-8 zoning district regulations, including a maximum building height of 2.5 stories and 35 feet, a minimum side setback of 5 feet, a minimum rear setback of 20 feet, and a minimum front setback of 20 feet. The subdivision would include various retaining walls ranging in height from 1 to 10 feet.

3.2.2 Site Access

The project would include the extension of Townsquare Drive as a public street that terminates in a cul-de-sac to provide access to the proposed lots 5 through 9. The existing, unnamed private street that connects to Fleming Avenue would extend as a continuation of Townsquare Drive to the proposed ~~from the~~ cul-de-sac and provide access to lots 1-4, with the private street connecting to Fleming Avenue, and continuing to provide access to Fleming Avenue for the several existing residences that currently rely on the existing driveway for street access. The width of the Townsquare Drive public street extension would conform to the existing right-of-way until it terminates with the cul-de-sac. The width of the private street would vary but would maintain a

minimum width of 20 feet. The project would improve pedestrian facilities by constructing sidewalks along the Townsquare Road extension connecting to all lots, although only lots 5-9 would front on a public street. This new sidewalk would connect to the existing pedestrian facilities on Townsquare Road. The project would also include the addition of sidewalk along the western side of Fleming Avenue that fronts the project site.

3.2.3 Utility and Right-of-Way Improvements

The project would connect to and extend existing utilities (i.e., domestic water, storm drain, and sanitary sewer lines) present in Townsquare Drive. The new onsite six-inch domestic waterline, 15-inch storm drain, and 6-inch sanitary sewer line would connect to the existing six-inch waterline, 15-inch storm drain, and 6-inch sanitary sewer main in Townsquare Drive. The project would include two fire hydrants onsite. No natural gas connections are proposed.

The project would include sidewalks along the Townsquare Road extension and pedestrian safety lights along the extension . The pedestrian safety lights would be approximately ten to 15 feet in height and would comply with City Council Policy 4-3 for outdoor lighting on private developments. Figure 3.2-2 shows the proposed utility plan for the project.

3.2.4 Stormwater Treatment

The project would increase the impervious area on-site from 18,974 square feet to 43,419 square feet (24,445 square feet increase). The pervious area on-site would be decreased from 72,611 square feet to 48,166 square feet (24,445 square feet decrease).[3] The project would include the construction of ten bioretention basins, one on each new parcel and one northeast of lot 9, directly north of the Townsquare Drive extension, to capture stormwater runoff and promote on-site infiltration. In addition, the project would include installation of pervious pavement for each residence's private driveway. The project would also include two offsite bioretention basins within the public right-of-way along Townsquare Drive to treat stormwater runoff. Figure 3.2-3 shows the proposed stormwater plan.

3.2.5 Landscaping

The project applicant would remove 20 of the 49 existing trees, including seven ordinance sized trees, to construct the proposed improvements and plant approximately 60 new trees on-site. The project applicant would make an in-lieu payment for unmet replacement trees (refer to Section 4.4.2 for details on the tree replacement requirements). Landscaping in front yards and along the private street would consist of low-water use plants.

[3] These calculations include all sidewalks and other parts of the public right-of-way included in the project footprint.

3.2.6 Green Building Measures

The proposed project would be built to meet the California Building Standards Code, California Green Building Standards Code (CALGreen), City Municipal Code, and City Reach Building Code standards, which include design provisions to minimize wasteful energy consumption and increase energy efficiency. Notable green building measures and design features proposed by the project include the following:

- Compliance with CalGreen Code Tier 2 Electric Vehicle Requirements[4]
- Low-drip irrigation
- Low-water use landscaping
- All-electric appliances and mechanical equipment (100 percent electric project)
- High-efficiency appliances and fixtures
- Construction waste recycling when feasible
- Solar panels installed on the rooftops of all new residences

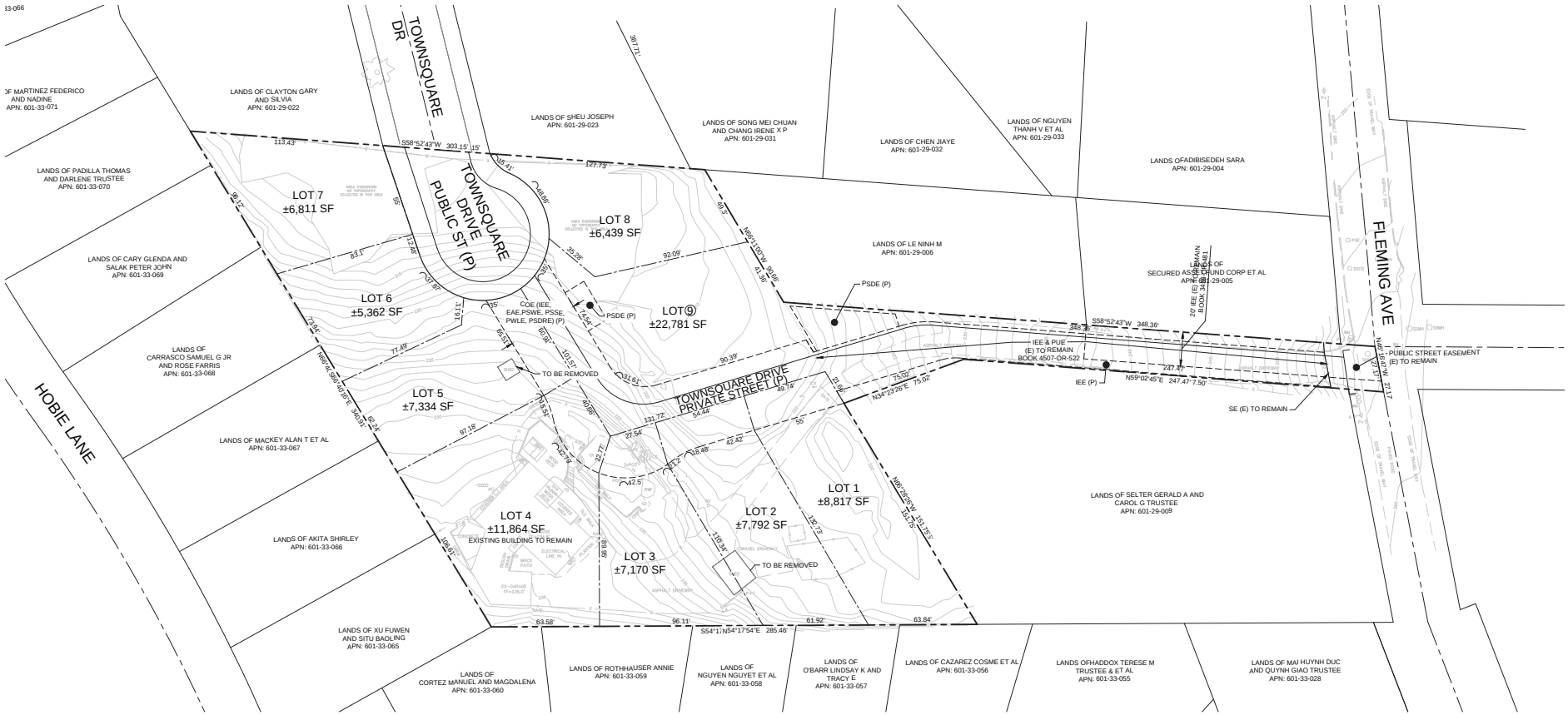
3.2.7 Construction

The existing residence onsite would be retained and demolition of several small sheds (accessory buildings) is proposed. Project construction would consist of site preparation, grading, utility connections, building construction, and paving, and would last approximately 14 months, as summarized in Table 3.2-2 below. Construction of the street extension/improvements would last between 12 to 18 months (non-continuous) and would occur concurrent with onsite building construction. The project would excavate to a maximum depth of 10 feet below ground to excavate approximately 4,500 cubic yards of soil and balance the site with 5,100 cubic yards of soil, 600 cubic yards of which would be imported. No pile driving is proposed. All required construction equipment would be staged on-site. Construction activities would occur between 7:00 AM and 7:00 PM Monday through Friday, consistent with Municipal Code Section 20.100.450. Construction activity access would utilize both Townsquare Drive as well as the existing driveway on Fleming Avenue; no extended construction hours or days are proposed.

Table 3.2-2: Construction Phases and Duration

Construction Phase	Duration (Working Days)
Demolition	20
Site Preparation	6
Grading/Excavation	10
Trenching/Foundation	15
Building	210
Paving	10

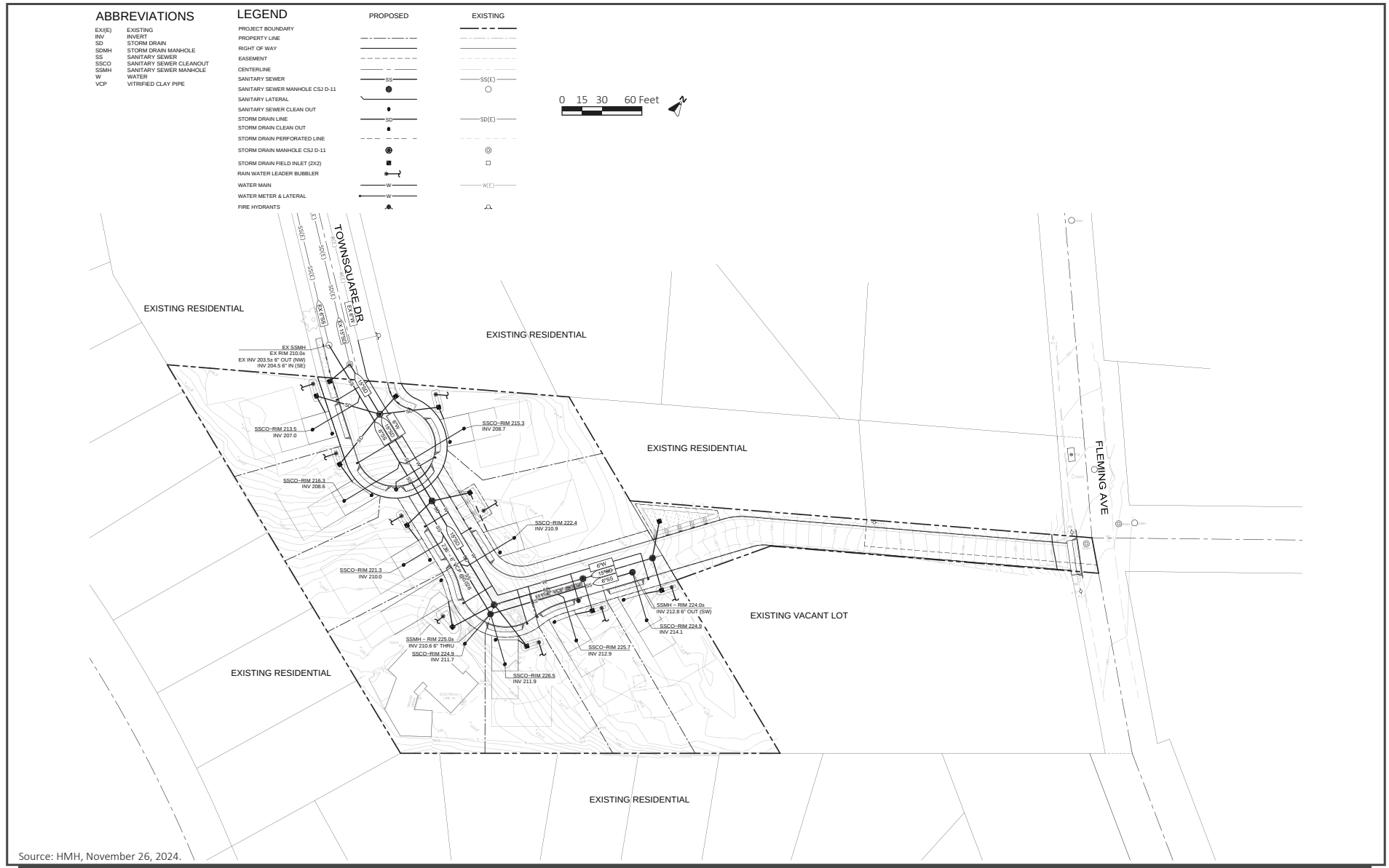
[4] In accordance with CalGreen Tier 2 EV requirements, a dedicated 208/240-volt branch circuit (level 2 EVSE) will be included for each dwelling unit in the raceway.



Source: HMH, November 26, 2024.

TENTATIVE MAP

FIGURE 3.2-1



Source: HMH, November 26, 2024.

UTILITY PLAN

FIGURE 3.2-2



Source: HMH, November 26, 2024.

STORMWATER PLAN

FIGURE 3.2-3

Section 4.0 Environmental Setting, Checklist, and Impact Discussion

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

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

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Mitigation measures are numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section. Impact discussions include reference to various City standard permit conditions, as relevant to the project, in accordance with the City's Standard Permit Conditions document, which can be accessed at: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/ordinances-proposed-updates/environmental-review-handbook-and-environmental-standard-permit-conditions.

The numbering convention utilized within the City's Standard Permit Conditions document is replicated exactly within this analysis. The City's Standard Permit condition document includes conditions that will not be used within this analysis, as not all conditions pertain to the project. Furthermore, environmental topics may be discussed in a different order within this analysis than as they are presented within the City's Standard Permit Condition document. As a result, standard permit conditions referenced within this analysis may skip numbers or be presented outside of sequential order.

4.1 Aesthetics

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in San José. Interstate 280 from the San Mateo County line to State Route (SR) 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway.[5]

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

Local

Envision San José 2040 General Plan

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

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

[5] California Department of Transportation. "Scenic Highways." Accessed January 13, 2026. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

Policy	Description
	street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Municipal Code

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

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

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

Single-Family Design Guidelines and Design Review Process

Nearly all new private development is subject to a design review process (architecture and site planning). The design review process is used to evaluate projects for conformance with adopted design guidelines and other relevant policies and ordinances. The City prepared and adopted the Single-Family Design Guidelines in December 1999 to assist those involved with the design, construction, review and approval of single-family development in San José. The Single-Family Design Guidelines are intended to help maintain the high quality of San José's neighborhoods by providing guidance for the design of new houses, additions and/or remodels in existing neighborhoods.

City Council Policy 4-2: Public Streetlights

Council Policy 4-2 requires dimmable, programmable lighting for new streetlights, which would control the amount and color of light shining on streets and sidewalks. Light is to be directed downward and outward. New and replacement streetlights should also offer the ability to change the color of the light from full spectrum (appearing white or near white) in the early evening to a monochromatic light in the later hours of the night and early morning. At a minimum, full-spectrum lights should be able to be dimmed by at least 50 percent in late-night hours.

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

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

4.1.1.2 *Existing Conditions*

Project Site

The project site consists of a single parcel containing and existing single-story, 2,700 square-foot residence with a pool. The lot includes a mix of urban landscaping and ornamental woodland with 49 existing trees. The property includes a private driveway, which is used by several adjacent residences, connecting onto Fleming Avenue.

Surrounding Area

The project site is in a suburban, developed area of San José. One- and two-story residential buildings consisting of a mix of architectural styles surround the project site.

Scenic Views

The General Plan defines scenic vistas or resources in the City of San José as broad views of the Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the Baylands. Panoramic views of hillside areas, including the foothills of the Diablo Range, Silver Creek Hills, Santa Teresa Hills, and foothills of the Santa Cruz Mountains, are identified as key scenic features in the City. Partial views of the Diablo Range to the northeast are available in the general project area, with buildings and landscaping creating obstructions.

Scenic Corridors and Highways

The City's General Plan identifies Gateways and Urban Throughways (urban corridors) where preservation and enhancement of views of the natural and man-made environment are crucial.[6] Sierra Road (from its intersection with Piedmont Road) is a designated Rural Scenic Corridor, and is located three miles northwest of the project site.[7] Caltrans' California Scenic Highway Mapping System lists one Officially Designated Scenic Highway in Santa Clara County; there are no state-designated scenic highways in the City of San José.[8] In Santa Clara County, the one State-designated

[6] City of San José. *Envision San José 2040 General Plan FPEIR.* Page 739. September 2011.
[7] City of San José. "Scenic Corridors Diagram". Accessed January 26, 2026. https://www.sanjoseca.gov/home/showpublisheddocument/22565/636688980487230000.
[8] California Department of Transportation. "Scenic Highway Guidelines." Accessed January 26, 2026. https://dot.ca.gov/-/media/dot-media/programs/design/documents/scenic-hwy-guidelines-04-12-2012.pdf.

scenic highway is SR 9 from the Santa Cruz County line to the Los Gatos City Limit, approximately 14 miles southwest of the project site. Eligible State Scenic Highways (not officially designated) include SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9, and the entire length of SR 152 within the County.[9] Interstate 280 from the San Mateo County line to SR 17, which includes segments in San José, is an eligible, but not officially designated, State Scenic Highway. The project site is approximately eight miles northeast of the SR 17 segment within San José and 13.5 miles northeast of state designated scenic Highway 9.

Light and Glare

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

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[10] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

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

[9] California Department of Transportation. "Scenic Highways." Accessed January 26, 2026. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

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

Partial views of the Diablo foothills are available in the general area, although existing residential homes and trees screen views significantly. Panoramic views of hillside areas such as the Diablo foothills are defined as scenic vistas by the City's General Plan.

The project site, which slopes to the north, is currently developed with one single-story, 2,700 square-foot residence and a mix of urban landscaping and ornamental woodland. The project would subdivide the site into nine separate residential lots, retaining the existing home on proposed Lot 4, and constructing a single-family home on each of the other eight new lots. The single-family dwelling units would be constructed in accordance with the R-1-8 Residence zoning district regulations, which have a maximum height of two stories and 35 feet, which is consistent with the zoning regulations on other properties in the area. Therefore, the project would not result in an adverse effect on a scenic vista since the project area already supports residential buildings ranging from one to two stories. **(Less than Significant Impact)**

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

There are no officially designated state scenic highways in the project area.[11] The nearest state designated scenic highway is Highway 9, which is located approximately 13.5 miles southwest of the project site and is not visible from the project site. The project, therefore, would not damage scenic resources within a highway officially designated as a state scenic highway. **(No Impact)**

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

The new residences on each lot would be subject to the R-1-8 zoning district regulations, including a maximum building height of 35 feet, a minimum side setback of five feet, a minimum rear setback of 20 feet, and a minimum front setback of 20 feet. The project site is located within an urbanized area of San José. Although the City's Zoning Ordinance does not include regulations governing scenic quality, the proposed project would comply with Title 20 of the City's Municipal Code, which governs the design of new single family homes. For these reasons, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality of the City. **(Less than Significant Impact)**

[11] California Department of Transportation. *California State Scenic Highways*. Accessed March 20, 2025. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

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

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

4.2 Agriculture and Forestry Resources

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is identified as Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.[12]

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.[13]

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (CAL FIRE) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[14] Programs such as CAL FIRE's Fire and Resource Assessment Program are used to identify whether forest land, timberland, or timberland production areas could be affected are located on or adjacent to a project site.[15]

[12] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed January 27, 2026. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.

[13] California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.

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

[15] California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed January 27, 2026. http://frap.fire.ca.gov/.

4.2.1.2 *Existing Conditions*

The project site is located within an urbanized area of Santa Clara County, and the project site is designated as Urban and Built-Up Land by the California Department of Conservation.[16] Common examples of Urban and Built-Up Land include urban residential, industrial, and commercial uses; golf courses; landfills; airports; sewage treatment; and water control structures. The site is not the subject of a Williamson Act contract.[17] No land adjacent to the project site is designated or used as farmland, timberland, or forest land.

4.2.2 Impact Discussion

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

[16] California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed January 27, 2026. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[17] County of Santa Clara. *Williamson Act Properties*. Accessed January 27, 2026. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce.

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

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

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

The project would prezone the property to the R-1-8 zoning district and annex the property into the City of San José. The site is currently unincorporated, and is located in the R1 zoning district in Santa Clara County.[18] According to Santa Clara County Office of the Assessor, the site is not subject to a Williamson Act contract. The project, therefore, would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

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

The project would prezone the property to the R-1-8 zoning district and annex the property into the City of San José. The site is currently unincorporated, and is located in the R1 zoning district in Santa Clara County.[19] The project, therefore, would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

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

No land on or adjacent to the project site is designated or used as timberland or forest land. The project, therefore, would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

[18] County of Santa Clara. Santa Clara County Zoning Atlas. Accessed January 27, 2026. https://plandev.santaclaracounty.gov/codes-and-policies/zoning-ordinance

[19] County of Santa Clara. Santa Clara County Zoning Atlas. Accessed January 27, 2026. https://plandev.santaclaracounty.gov/codes-and-policies/zoning-ordinance

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

As described above, no farmland or forest land is located on or near the site. The project, therefore, would not involve other changes in the existing environment which could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

4.3 Air Quality

The following discussion is based on a Construction Emissions and Health Risk Assessment prepared by Illingworth & Rodkin, Inc. on March 21, 2025. The report is attached as Appendix A to this memorandum. The project's potential criteria air pollutant emissions were estimated using the California Emissions Estimator Model (CalEEMod) and reviewed based on thresholds of significance outlined in the Bay Area Air District (Air District) CEQA Guidelines.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

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

Toxic Air Contaminants

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

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

[20] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed January 27, 2026. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

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

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

Pollutants	Description and Sources	Primary Effects
Ozone (O_3)	O_3 is a secondary criteria air pollutant that is the result of a photochemical (sunlight) reaction between reactive organic gases (ROG) and nitrogen oxides (NO_x). Pollutants emitted by motor vehicles, power plants, industrial boilers, refineries, and chemical plants are the common sources for this reaction. High O_3 levels are caused by the cumulative emissions of ROG and NO_X. These precursor or primary pollutants react under certain meteorological conditions to form high O_3 levels. Commons sources of ROG and NO_x are vehicles, industrial plants, and consumer products.	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO_2)	NO_2 is a reactive gas that combines with nitric oxide (NO) to form NO_x. NO_2 is the byproduct of fuel combustion, with common sources of NO_2 being emissions from cars, trucks, buses, power plants, and off-road equipment. Other sources of NO_2 include high temperature stationary combustion and atmospheric reactions.	• Aggravation of respiratory illness • Reduced visibility
Carbon Monoxide (CO)	CO is a colorless, odorless, and toxic gas that is the product of incomplete combustion of carbon-containing substances (e.g., when something is burned). Common outdoor sources of CO include mobile vehicles (passenger cars and trucks) and machinery that burn fossil fuels.	• Interferes with oxygen delivery to the body's organ due to binding with the hemoglobin in the blood • Fatigue, headaches, confusion, and dizziness
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Particulate Matter (PM) is any material that is emitted as liquid or solid particles or a gaseous material, such as dust, soot, aerosols, and fumes. PM_{10} and $PM_{2.5}$ are both small enough particulates to be inhaled into the human lungs, and $PM_{2.5}$ is small enough to deposit into the lungs, which poses an increased health risk compared to PM_{10}. Typical sources of PM include stationary combustion of solid fuels, construction activities, vehicles, industrial processes, and atmospheric chemical reactions.	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility

Pollutants	Description and Sources	Primary Effects
Sulfur Dioxide (SO_2)	SO_2 is a pungent and colorless gaseous pollutant. SO_2 is part of the sulfur oxides (SO_x) group and is the pollutant of greatest concern in the SO_x group. SO_x can react with other compounds in the atmosphere to form small particles. These particles contribute to pollution. SO_2 is primarily formed from fossil fuel combustion at power plants and other industrial facilities. Sources of SO_2 include motor vehicles, locomotives, ships, and off-road diesel equipment that are operated with fuels that contain high levels of sulfur. Industrial processes, such as natural gas and petroleum extraction, oil refining, and metal processing.	• Aggravation of respiratory illness • Respiratory irritation such as wheezing, shortness of breath and chest tightness • Increased incidence of pulmonary symptoms and disease, decreased pulmonary function
Lead	Lead is a naturally occurring element that can be found in all parts of the environment including the air, soil, and water. As an air pollutant, lead is present in small particles. The most common historic source of lead exposure was the past use of leaded gasoline in motor vehicles. The exhaust resulting from use of leaded gasoline would release lead emissions into the air. Now, major sources of lead in the air are from ore and metals processing plants and piston-engine aircraft operating on leaded aviation fuel. Other sources are waste incinerators, utilities, and lead-acid battery manufacturers. The highest air concentrations of lead are usually found near lead smelters.	• Adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems and the cardiovascular system
Toxic Air Contaminants (TACs)	TACs include certain air pollutants known to increase the risk of cancer and/or a range of other serious health effects. Sources of TAC include, but are not limited to, cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; and building materials and products.	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

Sensitive Receptors

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

Worker Receptors

In addition to the sensitive receptors mentioned above, the Air District considers worker receptors when reviewing impacts from air pollution and TACs. Worker receptors are adults (16 years and older) that work indoors and/or outdoors at off-site locations zoned for commercial and industrial

uses. Typical developments that include worker receptors are offices, retail shops, manufacturing uses, light industrial uses, or heavy industrial uses.[21]

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the EPA is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants, discussed previously; PM, O_3, CO, SO_2, NO_2, and lead.[22]

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Diesel Risk Reduction Plan

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

Regional

2017 Clean Air Plan

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

[21] Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines Appendix E: Recommended Methods for Screening and Modeling Local Risks and Hazards*. Page E-14.
[22] NO_x is the group of nitrogen compounds (NO_2 and nitric oxide [NO]) that typically represents NO_2 emissions because NO_2 emissions contribute the majority of NO_x exhaust emissions emitted from fuel combustion.

- Protect air quality and health at the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TAC; and
- Protect the climate by reducing Bay Area greenhouse gas (GHG) emissions 40 percent below 1990 levels by 2040 and 80 percent below 1990 levels by 2050.[23]

CEQA Air Quality Guidelines

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. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by the Air District within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, Air District rules, methods of analyzing impacts, and recommended mitigation measures. The latest CEQA Air Quality Guidelines are the 2022 CEQA Air Quality Guidelines adopted on April 20, 2023, by the Air District's Board of Directors.

City of San José

Envision San José 2040 General Plan

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

Policy	Description
MS-10.1	Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.

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

Policy	Description
MS-11.7	Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.
MS-12.2	Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separate distance will be determined based upon the type, size and operations of the facility.
MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

4.3.1.3 *Existing Conditions*

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

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

The closest sensitive receptors to the project site are the single-family residences surrounding the site.

4.3.2 Impact Discussion

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

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

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the air quality thresholds updated by the Air District in April 2023 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The Air District CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-1 below. Table 4.3-2 below lists the Air District's health risk and hazards thresholds for single-source and cumulative-sources.

Table 4.3-1: Air District Air Quality Significance Thresholds

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

Criteria Air Pollutant	Construction Thresholds*	Operation Thresholds	Operation Thresholds
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	

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

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

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

Table 4.3-2: Air District Health Risks and Hazards Thresholds

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

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

Thresholds are applicable to construction and operational activities.

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

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

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

2017 Clean Air Plan

The project supports the goals of the 2017 Air District CAP of protecting public health and protecting the climate and is consistent with Air District CAP transportation, building, natural and working lands, and water control measures by:

- Complying with City's standard permit conditions to reduce criteria air pollutant emissions during construction,
- Utilizing construction equipment that reduces PM_{10} and $PM_{2.5}$ emissions,
- Complying with applicable regulations that would result in energy and water efficiency (e.g., future solar photovoltaic system), including Title 24 and California Green Building Standards Code,
- Complying with the City's Construction and Demolition Diversion program and state waste diversion requirements to reduce the amount of waste in landfills, and
- Complying with the City of San José Reach Code that prohibits natural gas infrastructure in all new developments.

The project as proposed would not disrupt or hinder the implementation of the 2017 Air District CAP.

Regional Criteria Pollutants

The San Francisco Bay Area Air Basin (Bay Area) is designated as a nonattainment area for the federal ozone (O_3) and fine particulate matter ($PM_{2.5}$) standards and for the State O_3, $PM_{2.5,}$ and coarse particulate matter (PM_{10}) standards.[24,25] The Air District is responsible for attaining the National Ambient Air Quality Standards and California Ambient Air Quality Standards for these pollutants. In an effort to attain and maintain ambient air quality standards for O_3, $PM_{2.5}$ and PM_{10}, the Air District has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O_3 precursor pollutants (reactive organic gases [ROG] and nitrogen oxides [NO_x]), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts. The Air District's construction-related criteria pollutant screening threshold for single-family residential development is 254 dwelling units, and the operational criteria pollutant screening threshold is 421 dwelling units.[26]

Construction Air Quality

Average daily construction emissions were estimated for the total duration of project construction. Table 4.3-4 shows the average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. Refer to Appendix A for details about the modeling, data inputs, and assumptions.

[24] Bay Area Air Quality Management District. "Air Quality Standards and Attainment Status." Last Updated January 5, 2017.

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

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

Table 4.3-4: Construction Period Emissions – Unmitigated

Year	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Annual Construction Emissions (tons)				
2026 + 2027	0.29	0.69	0.02	0.02
Average Daily Construction Emissions (pounds/day)				
2026 + 2027 (272 construction workdays)	2.13	5.06	0.17	0.16
Air District Thresholds (pounds per day)	**54**	**54**	**82**	**54**
Exceed Threshold?	No	No	No	No

Source: Illingworth & Rodkin, Inc. 761 Fleming Avenue Construction Emissions and Health Risk Assessment. March 2025

As shown in Table 4.3-4, the project's average daily unmitigated construction emissions would be below the Air District thresholds. Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Fugitive dust is generated when soil is disturbed at the construction site and when trucks carrying loads of soil are not covered. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The Air District CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices (BMPs) are implemented to reduce these emissions. The City requires, as a standard permit condition, the implementation of the following Air District construction BMPs, which are routinely applied to construction projects throughout the Bay Area, to reduce construction air quality impacts:

Standard Permit Condition AIR-1 – Bay Area Air District Dust Control Best Management Practices

The applicant shall include the following measures on approved construction plans and implement the following Bay Area Air District (Air District) dust control requirements during construction of the project:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles-per-hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles-per-hour.

- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a six to 12-inch compacted layer of wood chips, mulch, or gravel.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than two minutes (a five-minute limit is required by the State airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at all access points to the site.
- Low volatile organic compounds (i.e., reactive organic gases) coatings that are used shall comply with the Air District's Regulation 8, Rule 3: Architectural Coatings.
- Maintain and properly tune all construction equipment in accordance with the manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and contact information for the City of San José Code Enforcement Division regarding dust complaints. If Code Enforcement determines a violation exists, the contractor shall take corrective action within 48 hours. The Air District's phone number shall also be included to ensure compliance with applicable regulations.

The project, with implementation of standard permit condition AIR-1 listed above, would reduce fugitive dust emissions to a less than significant level by controlling dust and exhaust, limiting exposed soil surfaces, and reducing PM_{10} and $PM_{2.5}$ exhaust emissions from construction equipment. Therefore, the project would have a less than significant criteria pollutant emissions impact and would not conflict with or obstruct implementation of the Bay Area 2017 CAP.

Operation

Operational period criteria pollutant emissions associated with the project would be generated primarily from vehicles driven by future residents. The eight new single-family residences proposed would be below the Air District's operational criteria pollutant screening threshold of 421 dwelling units.[27] Per the Air District, if a project includes less development than the screening criteria, it can be conservatively assumed the project would not result in a significant air quality impact. Therefore, emissions from project operation would not exceed the Air District's operational criteria air pollutant emissions thresholds.

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

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

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

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

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

Community Health Risk Impacts

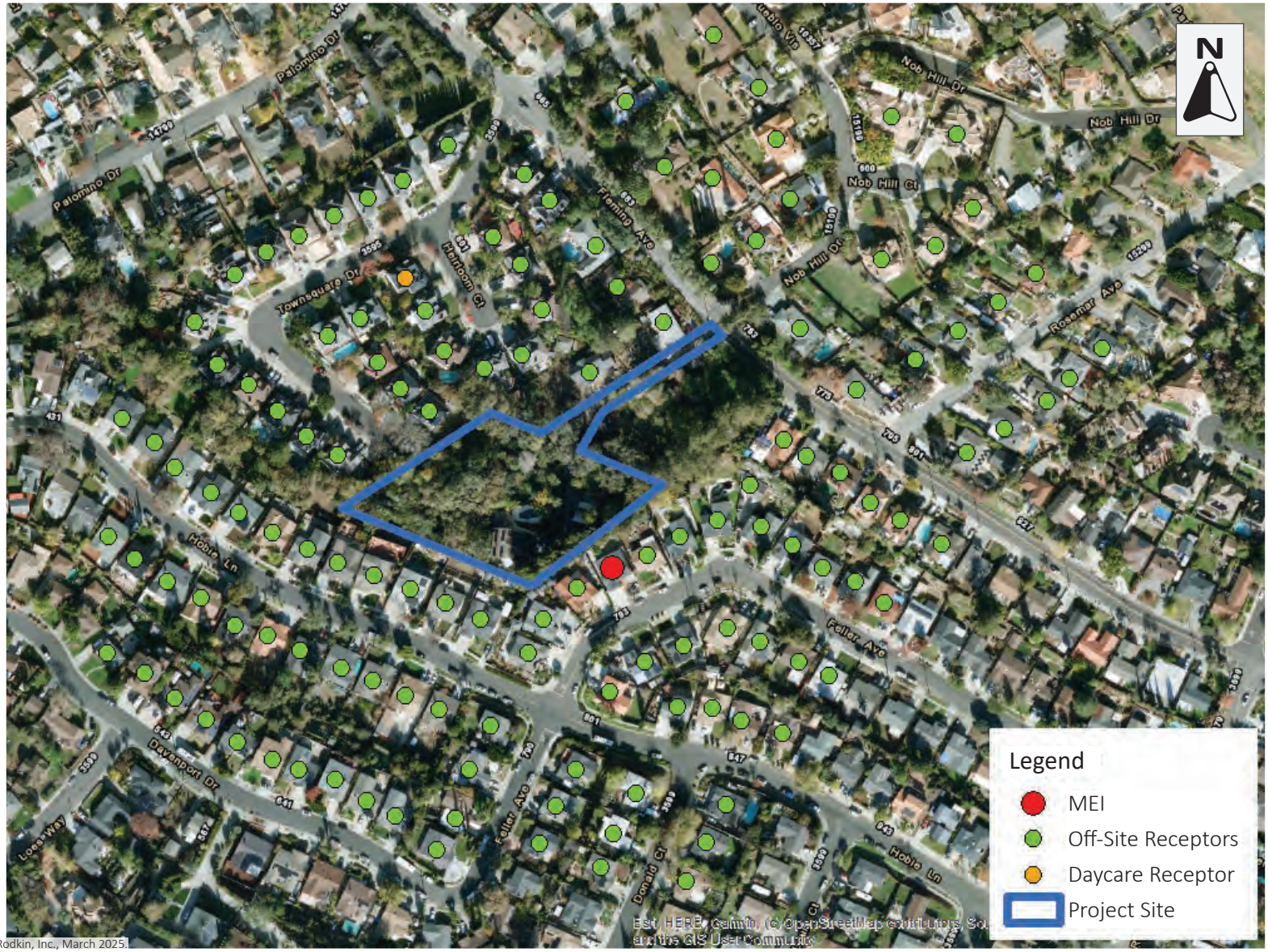
The project would introduce new sources of TACs during the project's construction phase (i.e., diesel fueled construction equipment and truck hauling emissions). There would be no operational sources of TAC, such as a diesel-powered emergency generator, as part of the proposed project. A community health risk analysis was completed to evaluate the impacts of the project's construction activities on nearby sensitive receptors. The nearest sensitive receptors to the project site are the residences adjacent to the site and the daycare located north of the project site, as shown in Figure 4.3-1. The project, by proposing to build residences, would also introduce new sensitive receptors to the area.

Community risk impacts were evaluated by estimating the increased cancer risk, the annual $PM_{2.5}$ concentration, and the Hazard Index (HI) for non-cancer health risks based on construction emissions of diesel particulate matter and $PM_{2.5}$.[28] A summary of the results of the community health risk assessment is shown in below in Table 4.3-5.

The construction MEI for annual DPM and $PM_{2.5}$ was located on the first floor of an adjacent single-family residence south of the project site, as shown in Figure 4.3-1. Additionally, modeling was conducted to predict the cancer risks, non-cancer health hazards, and maximum $PM_{2.5}$ concentrations associated with construction activities at the nearby daycare. A summary of construction risks is included in Table 4.3-5. The MEI represents the maximum increased probability of risks over a lifetime (e.g., 30 years as recommended by the Air District). The health risks

[28] Particulate matter (PM) is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$).

computed do not represent an actual incidence of cancer or statistical probability of actual harm. Refer to Appendix A for the health risk assessment dispersion modeling details.



Source: Illingworth & Rodkin, Inc., March 2025.

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

Table 4.3-5: Construction Health Risk Impacts at the Off-Site MEI

Source	Increased Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index (unitless)
Project Construction			
Unmitigated	**16.96 (infant)**	0.16	0.02
Mitigated[1]	3.34 (infant)	0.08	<0.01
Air District Single-Source Threshold	**>10.0**	**>0.3**	**>1.0**
Exceed Threshold?			
Unmitigated	Yes	No	No
Mitigated[2]	No	No	No
Maximum School Impact – Little Jay Bilingual Family Daycare			
Project Construction			
Without Tier 4 Emission Standards	0.74 (child)	0.02	<0.01
Air District Single- Source Threshold	**10**	**0.3**	**1.0**
Exceed Threshold?	No	No	No

[1,2] Mitigated assumes that construction equipment with Tier 4 interim engines is utilized on-site and that the standard permit condition discussed further below is implemented.

Source: Illingworth & Rodkin, Inc. *761 Fleming Avenue Construction Health Risk Assessment*. March 2025.

As shown in Table 4.3-5, assuming standard construction equipment use, project construction-related cancer risks would exceed the Air District thresholds for single-sources at the MEI. This is a common occurrence for new construction adjacent to residences.

Impact AIR-1: Project construction-related cancer risks would exceed the Air District thresholds for single-sources at the MEI.

Mitigation Measures:

MM AIR-1.1: The project shall implement a feasible plan to reduce diesel particulate matter emissions by 50 percent such that increased cancer risk from construction would be reduced below TAC significance levels as follows:

1. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 interim emission standards for PM (PM_{10} and $PM_{2.5}$), if feasible, otherwise the option below would be implemented.

MM AIR-1.2: As an alternative to Mitigation Measure MM AIR-1.1, the applicant may develop another construction equipment plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate

matter emissions by 50 percent or greater. Elements of the plan could include a combination of some of the following measures:

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

Such a construction equipment plan would be subject to review by an air quality expert and approved by the City's Director of Planning, Building and Code Enforcement or the Director's designee prior to construction.

With implementation of Mitigation Measures MM AIR-1.1 and MM AIR-1.2, the project's construction cancer risk levels would be reduced from 16.96 per million to 3.34 per million, which would be below the Air District's exceedance threshold of 10 incremental cancer cases per million.

The Construction Health Risk Assessment also included a cumulative health risk assessment to evaluate all substantial sources of TACs located within 1,000 feet of the project site that could affect sensitive receptors. These sources could include rail lines, highways, busy surface streets, and stationary sources identified by the Air District. A review of the project area using the Air District's screening maps determined that there are no stationary sources located within the 1,000 foot influence area, therefore, roadways in the project area represent the existing sources of TACs. The location of these roadways are shown on Figure 4.3-2 and the health risk impacts from these sources upon the identified MEIs are summarized in Table 4.3-6.



Source: Illingworth & Rodkin, Inc., March 2025.

NEARBY TAC AND $PM_{2.5}$ SOURCES

FIGURE 4.3-2

Table 4.3-6: Impacts from Combined Sources at Construction MEIs

Source	Increased Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index (unitless)
	Project Impacts		
Project Construction			
Unmitigated	**16.96 (infant)**	0.16	0.02
Mitigated[1]	3.34 (infant)	0.08	<0.01
Air District Single-Source Threshold	**>10.0**	**>0.3**	**>1.0**
Exceed Threshold?			
Unmitigated	Yes	No	No
Mitigated[1]	No	No	No
Maximum School Impact – Little Jay Bilingual Family Daycare			
Project Construction			
Without Tier 4 Emission Standards	0.74 (child)	0.02	<0.01
Air District Single- Source Threshold	**10**	**0.3**	**1.0**
Exceed Threshold?	No	No	No
	Cumulative Impacts		
Cumulative Roadways – Air District Screening GIS Data	2.24	0.09	0.01
Cumulative Total			
Unmitigated	19.20	0.25	0.03
Mitigated	5.58	0.17	<0.02
Air District Cumulative Source Threshold	**>100**	**>0.8**	**>10.0**
Exceed Threshold?			
Unmitigated	No	No	No
Mitigated	No	No	No

[1] Mitigated assumes Tier 4 Emission Standards and that the standard permit condition discussed further below is implemented.

Source: Illingworth & Rodkin, Inc. *761 Fleming Avenue Construction Health Risk Assessment*. March 2025.

The project's implementation of Mitigation Measure MM AIR-1.1 and Mitigation Measure MM AIR-1.2, as discussed above, would reduce construction risks below the Air District single-source threshold of 10 incremental cases of cancer per million. Further, as shown in Table 4.3-6 above, the cumulative annual cancer risk, maximum $PM_{2.5}$ concentration and HI values would not exceed the Air District's cumulative source health risk thresholds.

With implementation of the mitigation measure described above, the project would not expose sensitive receptors to substantial pollutant concentrations.**(Less than Significant Impact with Mitigation Incorporated)**

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

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

4.4 Biological Resources

The following discussion is based on a Biological Resource Report prepared for the project by H.T. Harvey & Associates, on February 28, 2025, and an Arborist Report prepared for the project by Certified Arborist Larry Van Groningen on March 7, 2025. These reports are attached as Appendix B and Appendix C, respectively.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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

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

Migratory Bird Treaty Act

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

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

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

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

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

Envision San José 2040 General Plan

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

Policy	Description
CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
ER-6.3	Employ low-glaring lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.
ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species

City of San José Municipal Code

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

Removal of or modifications to all trees on public property (e.g., street trees within a parking strip or the area between the curb and sidewalk) are handled by the City Arborist.

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

4.4.1.2 *Existing Conditions*

The project site consists of one residential lot developed with a single-story, 2,700 square-foot residence with a pool. The lot includes a mix of urban landscaping and ornamental woodland with 49 existing trees.

Habitat for Endangered, Rare, or Threatened Species

Biotic habitats within the project footprint were classified according to the land cover classifications described in the Habitat Plan, with modifications based upon site conditions verified during a field survey. As discussed in further detail in Appendix B and shown in Figure 4.4-1, the project site consists of three land cover types: seasonal wetland (approximately 0.23-acre), urban/suburban (approximately 0.56-acre), and ornamental woodland (approximately 1.26-acre).



Source: H.T. Harvey & Associates, February 2025.

EXISTING BIOTIC HABITATS

FIGURE 4.4-1

Special Status Species

A number of special status plants and animals occur in the vicinity of the project site; however, given the developed nature of the site and absence of serpentine and alkaline soils, all of the special status plants are considered absent from the site. All special status animal species were also determined to be absent from the site, as summarized in Table 4.4-1 below.

Table 4.4-1: Special Status Animal Species with Potential to Occur within Study Area

Species	Status	Occurrence Determination in the Study Area
California tiger salamander (Ambystoma californiense)	Federally and state listed as threatened and a Habitat Plan-covered species	**Absent.** The small shallow (one foot deep or less) freshwater wetland areas present on site do not provide suitable breeding habitat for this species due to its limited extent and shallow depth. California tiger salamanders have been extirpated from the urbanized Santa Clara Valley floor due to development, the alteration of hydrology of its aquatic habitats, and the introduction of nonnative predators such as non-native fishes and bullfrogs.
California red-legged frog (Rana draytonii)	Federally listed as threatened, a California species of special concern, and a Habitat Plan-covered species	**Absent.** The wetlands present on the project site are not deep enough for this species, which has been extirpated from the majority of the urbanized Santa Clara Valley floor due to development, the alteration of hydrology of its aquatic habitats, and the introduction of nonnative predators such as non-native fishes and bullfrogs.
Foothill yellow-legged frog (Rana boylii)	State listed as endangered, federally listed as threatened and a Habitat Plan - covered species	**Absent.** The breeding ecology of the foothill yellow-legged frog requires consistently slow-moving stream flows, which are absent from the project site, and this species has been extirpated from Valley floor areas of Santa Clara County.
Northwestern pond turtles (Actinemys marmorata)	Federally proposed as threatened, a California species of special concern, and a Habitat Plan - covered species	**Absent.** The water at this location is too shallow (i.e., one ft deep or less) and too limited in extent for use by pond turtles, which need deeper waters for cover and forage. The presence of impermeable fences and dense residential development surrounding the project site further reduces the likelihood that individual pond turtles would disperse from natural areas nearby to the site.
Burrowing owls (Athene cunicularia)	Candidate for listing under California Endangered Species List	**Absent.** No suitable nesting, roosting, or foraging habitat is present on the site.

Species	Status	Occurrence Determination in the Study Area
San Francisco dusky-footed woodrat (Neotoma fuscipes annectens)	California species of special concern	**Absent.** Suitable habitat for this species is present within the understory of the woodland habitat and vegetated margins of the wetland habitat on the project site, and suitable nesting material and forage such as Pacific poison oak (Toxicodendron diversilobum) is also present. However, given the lack of nests or other woodrat sign on the project site, and lack of connectivity to other suitable woodrat habitat areas such as creek corridors, occupancy of the site is unlikely.
American badger (Taxidea taxus)	California species of special concern	**Absent.** Known to occur in the project region primarily in the extensive grasslands and agricultural habitats in the foothills of the Diablo Range to the east. No dens of badgers were observed on site during the December 2024 site visit, nor are they expected to establish a den on the project site due to lack of habitat (i.e., open grasslands) and high levels of human activity. Although individual badgers may disperse into lowland/valley floor areas from the nearby foothills, given the lack of suitable habitat in the immediate vicinity and the isolated nature of the project site (i.e., surrounded by residential development), individual dispersants are not expected to move through the site.
Pallid bat (Antrozous pallidus),	California species of special concern	**Absent.** An examination of both the trees and the buildings on the project site failed to detect any cavities or crevices large enough to provide high-quality habitat for a roosting or maternity colony of common or special-status bat species. Further, no sign of bats (e.g., guano or urine staining) was observed on buildings or trees on the project site. Special-status bats, including the pallid bat (Antrozous pallidus), are not known to occur in the site vicinity, and are determined to be absent from the site due to a lack of suitable roosting habitat. Individual bats may fly over the site or forage opportunistically on the site on occasion.

Source: H.T. Harvey & Associates. 761 Fleming Avenue Biological Resources Report. February 28, 2025

Sensitive and Regulated Habitats

Sensitive and regulated habitats are rare, ecologically valuable, and/or protected by federal, state, regional, and/or local laws. Generally, such habitats require permits from regulatory agencies if they are to be disturbed, altered, or lost. The California Department of Fish and Wildlife (CDFW) ranks certain rare or threatened plant communities, such as wetlands, tracked in the California Native Diversity Database (CNDDB). The most commonly regulated habitats are wetland and aquatic habitats, including rivers, streams, ponds, and seasonal wetlands, which fall under the jurisdiction of the U. S. Army Corps of Engineers (USACE) via Section 404 of the Clean Water Act, the Regional Water Quality Control Board (RWQCB) via Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act, and/or the CDFW via Section 1602 of the California Fish

and Game Code. The only sensitive or regulated habitat on the project site is the freshwater wetland located on the western portion of the site, as determined below.

CDFW Sensitive Natural Communities and Sensitive Vegetation Alliance and Associations.

A query of sensitive natural communities in Rarefind identified three sensitive natural communities as occurring in the project vicinity: northern coastal salt marsh (Rank G3/S3.2), sycamore alluvial woodland (Rank G1/S1.1), and serpentine bunchgrass (Rank G2/S2.2). None of these sensitive natural communities occur on the project site. The CDFW also maintains a list of vegetation alliances and associations within the state of California. The seasonal wetland and ornamental woodland on the site do not correspond to any sensitive vegetation alliances or associations as defined by CDFW.

Wetlands

A reconnaissance-level survey of the project site and background review of available material indicates that there is a seasonal wetland of approximately 0.23 acres located on the western portion of the project site. Because the wetland was found to clearly lack a surface connection to features that are waters of the U.S., it does not meet the USACE's definition of a jurisdictional wetland under Section 404 of the Clean Water Act. However, this wetland would be considered a jurisdictional waters of the state by the RWQCB since it is a wetland with three parameters (wetland hydrology, hydrophytic vegetation, and hydric soils) of a jurisdictional wetland. The wetland may have originally formed as a backwater area or a historic channel of Babb Creek; however, no channel currently exists on site or connects to the seasonal wetland feature from upstream or downstream. The nearest channel of Babb Creek is now located approximately 1.4 miles southwest of the project site. Therefore, no riparian habitat regulated by CDFW under Section 1600 et seq. of the state Fish and Game Code occurs on the site.

Trees

The Tree Survey completed for the site (Appendix C) determined that there are 49 trees on-site. Seven of the trees on-site are ordinance size, and 31 of the trees are native to California (see Table 4.4-2 below).

Table 4.4-2: On-site Trees – Species, Classification, and Size

Species	Classification	Circumference of Trees in Inches:			Total Number of Trees
		Less than 19	Between 19 - 38	38 or Greater (Ordinance Size)	
Bitter Orange (*Citrus aurantium*)	Non-native	1	1	0	2
Bay Laurel (*Laurus nobilis*)	Non-native	4	0	0	4
Hollyleaf Cherry (Prunus ilicifolia)	**Native**	**5**	**0**	**0**	**5**
Valley Oak (*Quercus lobata*)	**Native**	**4**	**14**	**7**	**25**
Common Olive (*Olea europaea*)	Non-native	3	1	0	4
Taiwan Acacia (*Acacia confuse*)	Non-native	2	0	0	2
Glossy Privet (*Ligustrum lucidum*)	Non-native	5	0	0	5
Canyon Live Oak (*Quercus chrysolepis*)	**Native**	**1**	**0**	**0**	**1**
Cherry Plum (*Prunus cerasifera*)	Non-native	1	0	0	1
Total		**26**	**16**	**7**	**49**

4.4.2 Impact Discussion

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

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

As discussed in Section 4.4.1.2 Existing Conditions, a number of special status plants and animals occur in the vicinity of the project site, yet all special status plants and special status animal species were determined to be absent from the site. However, the proposed project would remove 43 of the 49 existing trees on-site, including six ordinance-sized native trees, which may provide nesting and/or foraging habitat for migratory birds, including raptors.

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

Standard Permit Condition BIO-1: Nesting Migratory 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 1st through August 31st, 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.

Implementation of standard permit condition BIO-1 would ensure that construction of the project takes place outside of the nesting season, thus avoiding any incidental loss of fertile eggs or

nestlings, or nest abandonment. Alternatively, if demolition and construction cannot be scheduled between September 1 and January 31, the implementation of standard permit condition BIO-1 would identify and protect all active nests within the project's area of effect from being disturbed during construction. For these reasons, with the implementation of standard permit condition BIO-1, the project would not result in significant impacts to nesting birds. **(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, regulations, or by the CDFW or USFWS?

Ornamental Woodland and Urban-Suburban Habitat

Proposed project activities would permanently impact 1.26 acres of ornamental woodland and up to 0.56 acre of urban-suburban habitat within the project footprint. However, the area of ornamental woodland and urban-suburban land cover to be impacted occurs in a location in San José that has been subject to disturbance and fragmentation in the past and is embedded within a highly developed urban area, such that these areas do not provide regionally rare or especially high-value habitat for native vegetation or wildlife, or special-status species. In addition, ornamental woodland and urban-suburban land cover types are abundant and widespread regionally and are not particularly sensitive, and the habitat within the project footprint is not especially valuable (from the perspective of providing important plant or wildlife habitat) or an exemplary occurrence of this habitat type. Therefore, impacts on these habitats are considered less than significant. **(Less than Significant Impact)**

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

A reconnaissance-level survey of the project site and background review of available material indicates that the 0.23 acre seasonal wetland located on the western portion of the project site would likely be regulated under the Porter-Cologne Water Quality Control Act by the RWQCB as a 'water of the state'. The entirety of the seasonal wetland (0.23-acre) would be permanently impacted from project development because the proposed project would result in fill of the wetlands to accommodate proposed homes.

The wetland is anticipated to be claimed as a jurisdictional water of the state by the RWQCB since it is a wetland with three parameters: wetland hydrology, hydrophytic vegetation, and hydric soils. Consistent with the Porter-Cologne Act, a permit from the RWQCB will be required for the project to be allowed to fill the wetland and allow for project implementation.

Given the small size of the project site, avoidance of the wetland while still meeting the primary objective of the project to subdivide the property to construct eight new houses would be infeasible. In the absence of suitable mitigation measures, any impacts to seasonal wetland would be potentially significant. The proposed project is a covered activity under the Habitat Plan, which

allows for the loss of wetlands for Plan-covered projects. The project site is designated for urban development under the Plan. The Plan includes conditions to protect wetlands, including Conditions 3 and 12. These Habitat Plan conditions require payment of impact fees when avoidance of wetlands is not feasible. Condition 3 pertains to the protection of water quality and is discussed in Section 4.10 Hydrology and Water Quality. Conformance with Condition 12 is discussed below:

Condition 12- Wetland and Pond Avoidance and Minimization

Condition 12 applies to covered projects that may affect ponds or wetlands within the VHP plan area. This condition requires that projects be designed to avoid and minimize impacts to wetlands to the extent practicable. When it is impracticable to avoid or minimize impacts to wetlands, such as with the proposed project, covered projects are required to pay impact fees to fund off-site mitigation. The project would be required to pay specialty wetland fees as determined by the Habitat Agency due to the permanent impact from filling of the wetlands. The wetland fees collected by the Habitat Agency are used elsewhere in the Plan area to fund restoration and enhancement of existing wetlands and to construct new wetlands to offset the loss of wetlands resulting from covered activities that are unable to avoid impacting wetlands, such as the proposed project.

Mitigation measure MM BIO-1.1, based on these Habitat Plan conditions and wetland regulatory agency procedures, is outlined below.

Impact BIO-1: The project would fill the 0.23 acre seasonal wetland onsite resulting in a significant impact to state jurisdictional wetlands.

Mitigation Measures:

MM BIO-1.1: **Wetland Delineation and Mitigation.** Prior to recordation of the Final Map, or issuance of any tree removal, demolition, grading, ground disturbance and/or building permits (whichever occurs first), a qualified wetland specialist shall conduct a formal delineation of wetlands and other waters of the State, and any other potentially jurisdictional aquatic resources within the project impact area. The delineation shall be prepared in accordance with procedures acceptable to applicable regulatory agencies and shall be submitted to the appropriate regulatory agencies for verification, as required.

Prior to any discharge of dredged or fill material into delineated wetlands or waters, the project applicant shall obtain all required authorizations, such as Waste Discharge Requirements from the Regional Water Quality Control Board, as applicable.

For unavoidable permanent impacts to wetlands or waters, the project applicant shall provide compensatory mitigation at a ratio approved by the

regulatory agencies, but not less than 1:1 unless otherwise authorized. Mitigation may include purchase of credits from an approved mitigation bank, payment into an approved in-lieu fee program, or implementation of permittee-responsible restoration, establishment, re-establishment, enhancement, and/or preservation. The selected mitigation shall ensure no net loss of wetland acreage, functions, and values.

If permittee-responsible mitigation is used, a compensatory mitigation plan shall be prepared by a qualified restoration specialist and approved by the applicable regulatory agencies prior to impacts. The plan shall identify the mitigation site, existing conditions, target habitat types, planting palette, hydrologic design, grading plans, success criteria, maintenance requirements, monitoring schedule, adaptive management measures, long-term management, and financial assurances. Monitoring shall continue for a minimum of five years, or longer if required by the permitting agencies.

The applicant shall submit documentation and approved permit to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee prior to Final Map recordation or any tree removal, demolition, grading, and/or building permits (whichever occurs first).

With implementation of BIO MM-1.1, the project would offset the loss of seasonal wetlands and not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(Less than Significant Impact with Mitigation Incorporated)**

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?

Movement corridors are segments of habitat that provide linkage for wildlife through the mosaic of suitable and unsuitable habitat types found within a landscape while also providing cover. On a broader level, corridors also function as paths along which wide-ranging animals can travel, populations can move in response to environmental changes and natural disasters, and genetic interchange can occur. In California, environmental corridors often consist of riparian areas along streams, rivers, or other natural features.

Due to the presence of development surrounding the project site and lack of well-vegetated corridors in the vicinity, there are currently no well-defined or important movement corridors for mammals, amphibians, or reptiles on or through the project site. Wildlife species may move through the area using cover and refugia as they find them available. However, most dispersal by both common and special-status species in the project vicinity likely occurs along higher-quality habitats, such as the Upper Penitencia Creek corridor located approximately 1.7 miles to the north

and northwest, as well as along the less developed and more open areas of the foothills of the Diablo Range approximately 0.5 mile to the east. While the project footprint is on the east side of San José, and is not isolated from these important dispersal and movement corridors by freeways, railroads, and commercial development, there are no high-quality, large tracts of natural habitat located to the west or north-west, so dispersing animals are not likely to use the project site as a dispersal corridor. In summary, the project footprint is not a particularly important area for movement by non-flying wildlife, and it does not contain any high-quality corridors allowing dispersal of such animals through the City.

Flying wildlife species (i.e., birds and bats) may move through the site using residential landscaping as cover, and they will continue to be able to move through following construction. Further, the wetlands on the site do not provide an important movement pathway for aquatic or terrestrial wildlife species, as they do not appear connected to any other aquatic habitat or any riparian corridor. As a result, the proposed redevelopment of the project site would not result in the fragmentation of natural habitats. Wildlife species that occur in nearby natural and urbanized areas may move through the site, and they will continue to be able to move through following construction of the new residences on the property, either by passing north and south of the new structures on the property or north and south of all development on the property (i.e., through other yards of adjacent residential parcels). Thus, any wildlife species that currently move through the project site would continue to be able to do so following project construction, and the project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors in the site vicinity. **(Less than Significant Impact)**

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

The City of San José maintains the urban landscape partly by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). The City of San José defines an ordinance-sized tree as “any live or dead woody perennial plan having a main stem or trunk which measures 38 inches or more in circumference (12-inch diameter) at a height measured 54 inches above natural grade slope.” For multi-stem trees, all stems must be measured at 54 inches above the ground; the sum of all these measurements equals the diameter of the tree for ordinance and mitigation purposes.

Ordinance trees are generally mature trees that help beautify the City, slow erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality. A tree removal permit is required from the City of San José for the removal of ordinance trees.

The project applicant would remove approximately 43 of the 49 existing trees, including six ordinance-size trees and 28 native trees, to construct the proposed improvements and plant approximately 60 new trees on-site. Of the native trees to be removed, six are of ordinance size.

The exact amount of replacement trees required will be determined based on the circumference and species of the trees to be removed, per the City's tree replacement requirements outlined below in Table 4.4-3. A tree disposition map depicting the location of the trees to be removed or retained is included as Figure 4.4-2.



Source: 761 Fleming Avenue Arborist Report- Certified Arborist Larry Van Groningen, March 7, 2025.

TREE DISPOSITION PLAN | FIGURE 4.4-2

Condition of Approval BIO-1 – Tree Replacement

The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 4.4-3 below.

Table 4.4-3: Tree Replacement Ratios

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 more	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

x:x = tree replacement to tree loss ratio

Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial and Industrial properties, a permit is required for removal of trees of any size. A 38-inch tree equals 12.1 inches in diameter.

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

Single Family and two-dwelling properties may be mitigated at a 1:1 ratio.

The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement (PBCE).

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

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

Construction activities onsite could result in the damage or loss of trees intended for preservation if not properly protected. The project will be required to implement the following mitigation to ensure trees to be retained are adequately protected during construction.

Impact BIO-2: Project construction could result in the damage or loss of trees intended for preservation.

Mitigation Measures:

MM BIO-2.1: **Tree Protection.** The applicant shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director of Planning. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the applicant to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.

The project would replace removed trees according to the standard permit requirements and make an in-lieu payment for any unmet replacement trees. Further, the project would protect trees to remain onsite throughout construction activities by complying with Mitigation Measure MM BIO-2.1. Therefore, the project would be consistent with the City's Tree Replacement requirements. **(Less than Significant Impact with Mitigation Incorporated)**

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?

Santa Clara Valley Habitat Conservation Plan

The City of San José is a signatory to the Habitat Plan, which is a Habitat Conservation Plan and Natural Community Conservation Plan. The project is classified as an "Urban Development" project, which is a "covered project" under the Habitat Plan. Urban Development projects include construction of residential densities greater than one dwelling unit per 2.5 acres.

Habitat Plan conditions that apply to the proposed project are as follows:

Condition 1. Avoid Direct Impacts on Legally Protected Plant and Wildlife Species

In addition to the Federal Endangered Species Act (FESA)/ California Endangered Species Act (CESA)-protected species that are covered by the Habitat Plan, several wildlife species that occur in the project vicinity are protected under state and federal laws. The Crotch's bumble bee (*Bombus crotchii*) is a candidate for listing under CESA and mountain lion (*Puma concolor*) CESA and are proposed for addition as a covered species via the Habitat Plan amendment currently in progress.

The white-tailed kite (*Elanus leucurus*) is designated as fully protected under the California Fish and Game Code. All other potentially occurring native bird species and their nests – with the exception of the California quail (*Callipepla californica*), which is in a family explicitly excluded from Migratory Bird Treaty Act (MBTA) protection – are protected under the MBTA, and all native bird species occurring on the site are protected by the California Fish and Game Code. Actions conducted under the Habitat Plan must comply with the provisions of the MBTA and California Fish and Game Code.

Condition 3. Maintain Hydrologic Conditions and Protect Water Quality

Condition 3 applies to all projects and identifies a set of programmatic BMPs, performance standards, and control measures to minimize increases of peak discharge of storm water and to reduce runoff of pollutants to protect water quality, including during project construction. These requirements include preconstruction, construction site, and post-construction actions. Preconstruction conditions are site design planning approaches that protect water quality by preventing and reducing the impacts of stormwater pollutants and increases in peak runoff rate and volume. They include hydrologic source control measures that focus on the protection of natural resources. Construction site conditions include source and treatment control measure to prevent pollutants from leaving the construction site and minimizing site erosion and local stream sedimentation during construction. Post-construction conditions include measures for stormwater treatment and flow control.

Condition 12. Wetland and Pond Avoidance and Minimization

Condition 12 applies to covered projects that may affect ponds or wetlands within the Habitat Plan planning area. The project would be required to pay specialty wetland fees as determined by the Habitat Plan due to the permanent impact to wetlands.

In conformance with the Habitat Plan, project proponents are required to pay impact fees in accordance with the types and acreage of habitat or "land cover" impacted, and to implement conservation measures specified by the Habitat Plan. The project is located within the Habitat Plan Urban Service Area for San José. The project impact areas fall within Fee Zone C (Small Vacant Sites Under 10 acres). For private developments under ten acres within the Habitat Plan's urban service area, Habitat Plan fees are calculated based on the entire area of the subject property where the development project occurs. The project site does not include lands mapped as occupied burrowing owl nesting habitat, and no burrowing owl fee applies. Because the project would increase vehicular traffic to and from the area, it would also be required to pay fees for nitrogen emissions based on the number of new vehicle trips created by the project. The following condition of approval would be implemented as part of the project.

Condition of Approval – Santa Clara Valley Habitat Plan:

The project may be subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form ((https://www.scv-

habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.

With conformance to the condition of approval described above, as well as standard permit condition BIO-1 described under impact discussion a), the project would be in compliance with the Habitat Plan. Therefore, the proposed project would not be in conflict with any other adopted habitat conservation plans or natural community conservation plans, or with any other approved local, regional, or state habitat conservation plans or natural community conservation plans. **(Less than Significant Impact)**

4.5 Cultural Resources

The following discussion is based in part on an Archaeological Sensitivity Assessment prepared by Archaeological/Historical Consultants in January 2025. The confidential report is on file with the City, available upon request, and referred to within this document as Appendix D.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

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

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

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

California Register of Historical Resources

The guidelines for identifying historic resources during the project review process under CEQA are set forth in Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5(a). These provisions of CEQA create three categories of historical resources: mandatory historical resources; presumptive historical resources; and resources that may be found historical at the discretion of the lead agency. These categories are described below.

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

    - Criterion 1 (Events): The resource is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the United States; or
    - Criterion 2 (Persons): The resource is associated with the lives of persons important to local, California, or national history; or
    - Criterion 3 (Architecture): The resource embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values, or
    - Criterion 4 (Information Potential): The resource has the potential to yield information important to the prehistory or history of the local area, California, or the nation.[32]

[29] Set forth in Public Resources Code Section 5024.1 and 14 California Code of Regulations (CCR) Section 4850, et. seq.
[30] Set forth in Public Resources Code Section 5020.1(k), a local register of historical resources is a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.
[31] Under Public Resources Code Section 5024.1(g), a resource can be identified as significant in a historical resources survey and found to be significant by the State Office of Historic Preservation (i.e., listed in the CRHR) if three criteria are met: (1) the survey has or will be included in the State Historic Resources Inventory; (2) the survey and documentation were prepared in accordance with State Office of Historic Preservation procedures and requirements; and (3) the State Office of Historic Preservation has determined the resource has a significance rating of Category 1 to 5 on Form 523.
[32] California Environmental Quality Act Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6. Accessed January 29, 2026. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

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

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

California Native American Historical, Cultural, and Sacred Sites Act

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

Public Resources Code Sections 5097 and 5097.98

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

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

City of San José

Historic Preservation Ordinance

The City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code) provides a framework for the City to identify, protect, and encourage the preservation of significant resources and foster civic pride in the City's cultural resources. The Historic Preservation Ordinance establishes processes for the designation of City Landmarks, City Landmark Districts and

Conservation Areas, review of proposed exterior alterations to designated City Landmarks and properties within City Landmark Districts and Conservation Area, maintenance of a Historic Resources Inventory (HRI), and administration of Mills Act Contracts.

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

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

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

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

Envision San José 2040 General Plan

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

Policy	Description
LU-13.22	Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.
ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

4.5.1.2 *Existing Conditions*

Historical Resources

Based on the *National Register of Historic Places* (NRHP)[33], *California Register of Historic Resources* (CRHR)[34], and *City of San José Historic Resources Inventory*, [35] there are no historic buildings located on or adjacent to the project site. The existing house constructed in 1957 is proposed to remain onsite and is not listed in the NRHP, the CRHR, or San José Historic Resources Inventory. The property was part of 300 acres owned by John M. Fleming (1823-1909), who had a single house with a small orchard to the north of the project area and another further downslope on Fleming Avenue near the intersection of Reed Avenue. Fleming was a fruit farmer and lived at the house on his property until his death. By 1890, only 56 acres remained in Fleming's possession, including the project area. The property was purchased in 1910 by Joseph H. Bone (1862-1947). Originally from England, Bone came to San Jose in 1906 after spending two decades in other parts of the United States, first as a bookkeeper and later in various agricultural pursuits. At the time he purchased the ranch, three-quarters of the land was unplanted, and Bone decided to grow apricots and walnuts. A 1939 aerial photograph shows the project area as part of an undeveloped riparian corridor along Babb Creek surrounded by orchards. It does not appear the property was ever historically developed prior to construction of existing single-family house in 1956, according to the County Assessor records. According to the City's Historic Resources Map, the nearest historical structure is

[33] National Register of Historic Places. "National Register Database and Research. Accessed January 29, 2026. https://www.nps.gov/subjects/nationalregister/database-research.htm
[34] California Register of Historic Places. "California Historical Resources." Accessed January 29, 2026. https://ohp.parks.ca.gov/listedresources/
[35] City of San José. "Historic Resource Inventory." Accessed January 29, 2026. https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=b2d7cc355a86493c8da904b8c2fc3e3e

located at 509 Porter Lane, which is approximately one mile north of the project site; the property is listed on the San José Historic Resources Inventory as an Identified Structure and the Santa Clara County Heritage Resource Inventory as the Hillside Orchard.

Archaeological Resources

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3,000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay south through the Santa Clara Valley and down to Monterey and San Juan Bautista. Artifacts pertaining to the Ohlone occupation of San José have been found primarily along the City's major waterways. The project site is located approximately 1.7 miles south of Penitencia Creek and one mile south of Miguelita Creek.

The project area mostly contains moderately sloped bedrock soils, which has low potential for buried archaeological resources. The historical course of Babb Creek crossed the project area; however, no cultural resources have been previously identified within a quarter mile of the project area. Therefore, the project site has moderate sensitivity for buried Native American resources. The project site has low sensitivity for historic-period archaeological deposits.

4.5.2 Impact Discussion

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

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

As documented in Section 4.5.1.2, there are no historical resources on the project site. The existing house was constructed in 1957 and is not listed in the NRHP, the CRHR, or the San Jose Historic Resources Inventory. Moreover, there are no historical resources under CEQA directly adjacent to the project site. The Hillside Orchard at 509 Porter Lane, located approximately one mile from the project site, is the closest historic resource listed under San José's Historic Resource Inventory. As such, the project would not cause a substantial adverse change in the significance of the historical resource. **(No Impact)**

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

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

Standard Permit Condition CUL-2 - Subsurface Cultural Resources

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

Adherence to standard permit condition CUL-2 described above would ensure that any objects encountered during ground-disturbing activities that meet the definition of a prehistoric or historic resource are appropriately identified and protected. A less than significant impact on archaeological resources would occur. **(Less than Significant Impact)**

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

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

Standard Permit Condition CUL-1 – Human Remains

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
    - The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
    - The MLD identified fails to make a recommendation; or
    - The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

By following the process set forth in standard permit condition CUL-1, the project would ensure that any human remains encountered during ground-disturbing activities are appropriately identified and treated and the impact reduced to a less than significant level. **(Less than Significant Impact)**

4.6 Energy

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

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

Renewables Portfolio Standard Program

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

Executive Order B-55-18 and Assembly Bill 1279

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

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

California Building Standards Code

The California Building Standards Code (CBSC) is Title 24 of the California Code of Regulations. The California Building Energy Efficiency Standards (California Energy Code) is under Title 24, Part 6 and

was established in 1978 in response to a legislative mandate to reduce California's energy consumption. The California Energy Code is overseen by the California Energy Commission (CEC) and includes design requirements to conserve energy in new residential and non-residential developments. The California Energy Code is enforced and verified by cities during the planning and building permit process. Title 24, Part 11 of the CBSC, also known as CALGreen, establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Title 24 is updated approximately every three years.[36,37] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[38]

California Green Building Standards Code

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

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars II program in 2022 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2026 through 2035. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[39]

[36] California Building Standards Commission. "California Building Standards Code." Accessed January 25, 2026. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

[37] After passage of Assembly Bill 130, the residential building code is frozen until June 2031. This does not apply to nonresidential codes.

[38] California Energy Commission (CEC). "2022 Building Energy Efficiency Standards." Accessed January 25, 2026. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency.

[39] California Air Resources Board. "Advanced Clean Cars II." Accessed January 25, 2026. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii

Regional and Local

Climate Smart San José

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

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

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 6,817 trillion British thermal units (Btu) in the year 2023, the most recent year for which this data was available.[40] Out of the 50 states, California is ranked third in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 17 percent (1,167 trillion Btu) for residential uses, 17 percent (1,158 trillion Btu) for commercial uses, 21 percent (1,457 trillion Btu) for industrial uses, and 45 percent (3,036 trillion Btu) for transportation.[41] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in Santa Clara County in 2024 was consumed primarily by the non-residential sector (76 percent), followed by the residential sector consuming 24 percent. In 2022, a total of approximately 17,794 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.[42]

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

[40] United States Energy Information Administration. "California State Energy Profile." Accessed January 29, 2026. https://www.eia.gov/state/print.php?sid=CA.
[41] Ibid.
[42] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed January 29, 2026. https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/california-energy-consumption-dashboards-0

Natural Gas

PG&E provides natural gas services within San José. California's natural gas supply comes from a combination of in-state production and imported supplies from other western states and Canada.[43] In 2024, California used 11,104 million therms (equivalent to 1.11 trillion kBtu).[44] Santa Clara County used 386.9 therms (or 38,690 kBtu), less than four percent of the state's total consumption of natural gas.[45]

Fuel for Motor Vehicles

In 2024, California produced 105 million barrels of crude oil and 13.4 billion gallons of gasoline were sold in California.[46, 47] The average fuel economy for new light-duty vehicles (motorcycles, cars, and light trucks/vans) in the United States has steadily increased from about 13 miles per gallon (mpg) in the mid-1970s to 27.1 mpg in 2023.[48] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in April 2022 to require all cars and light duty trucks achieve an overall industry average fuel economy of 49 mpg by model year 2026.[49,50]

4.6.2 Impact Discussion

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

[43] California Gas and Electric Utilities. 2024 *California Gas Report.* Accessed January 15, 2026. https://www.socalgas.com/sites/default/files/2024-08/2024-California-Gas-Report-Final.pdf
[44] California Energy Commission. "Natural Gas Consumption." Accessed January 29, 2026. https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/california-energy-consumption-dashboards-1.
[45] Ibid.
[46] U.S. Energy Information Administration. "Petroleum & Other Liquids, California Field Production of Crude Oil." Accessed January 29, 2026. https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca1&f=a
[47] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed January 29, 2026. https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm.
[48] United States Environmental Protection Agency. "The 2024 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." November 2024. Accessed March 21, 2025. https://www.epa.gov/automotive-trends.
[49] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed January 29, 2026. http://www.afdc.energy.gov/laws/eisa.
[50] United States Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed January 29, 2026. https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026.

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

Construction

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

Operation

The proposed project would be built to meet the California Building Standards Code, California Green Building Standards Code (CALGreen), City Municipal Code, and City Reach Building Code standards, which include design provisions to minimize wasteful energy consumption and increase energy efficiency. Notable green building measures and design features proposed by the project include the following:

- Compliance with CalGreen Code Tier 2 Electric Vehicle Requirements[51]
- Low-drip irrigation
- Low-water use landscaping
- All-electric appliances and mechanical equipment
- High-efficiency appliances and fixtures
- Construction waste recycling when feasible

The project would include the construction of eight single-family dwelling units. The proposed project would be required to be built in accordance with CALGreen requirements, which includes insulation and design provisions to minimize wasteful energy consumption. In addition, General Plan Action MS-2.11 requires development to incorporate green building practices through construction, architectural design, and site design techniques. The proposed project would be designed and constructed in compliance with the City of San José Council Policy 6-32 and the City's Green Building Ordinance. Therefore, implementation of the project would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during operation of the project. **(Less than Significant Impact)**

[51] In accordance with CalGreen Tier 2 EV requirements, a dedicated 208/240-volt branch circuit (level 2 EVSE) will be included for each dwelling unit in the raceway.

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

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

4.7 Geology and Soils

The following discussion is based, in part, on a Phase I Environmental Site Assessment (ESA) prepared for the project site by Silicon Valley Environmental, dated January 28, 2025 and a Geologic Hazards Evaluation & Geotechnical Investigation prepared for the project site by Stevens Ferrone & Bailey Engineering Company, Inc., dated October 11, 2024. The reports are included as Appendix E and Appendix F of this Initial Study, respectively.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

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

Seismic Hazards Mapping Act

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

California Building Standards Code

The CBSC prescribes standards for constructing safe buildings. Part 2 of the CBSC contains the California Building Code (CBC), which contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

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

Public Resources Code Section 5097.5

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

Local

Envision San José 2040 General Plan

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

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

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

City of San José Municipal Code

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

4.7.1.2 *Existing Conditions*

Regional Geology

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

On-Site Geologic Conditions

Soils and Topography

The project site slopes to the north, with elevations on site ranging from approximately 220 feet above sea level (asl) to 300 feet asl. The soils on-site generally consist of clay loam or clay to an approximate depth of 3.5 to five feet below ground surface, underlain by bedrock. According to the

Geologic Hazards Evaluation and Geotechnical Investigation completed for the site (see Appendix G), the clayey fills and soils have a high plasticity and high expansion potential.

Seismicity and Hazards

The San Francisco Bay Area is considered to be the most seismically active region in the U.S. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong-to-very-strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. The nearest active fault is the Hayward fault (southeast extension), located approximately 125 feet northeast of the project site.[52]

The project site is not within an Alquist-Priolo Earthquake Fault Zone. [53] The site is located within a Santa Clara County Fault Rupture Hazard Zone.[54] Due to the overall high seismic activity of the Bay Area, structures present on the project site would likely experience strong ground shaking during their occupation. The field reconnaissance completed as part of the Geologic Hazards Evaluation and Geotechnical Investigation completed for the site (see Appendix G) did not observe fault features extending through the site or within 100 feet of the site boundaries, except for fault created features seen along the current alignment of Fleming Avenue. The report concluded that active faulting (faulting that has disrupted sediments less than 11,000 years old) does not extend through the planned residential portion of the project site nor within 100 feet of the residential portion of the site.

Liquefaction and Lateral Spreading

Liquefaction is a temporary loss of shear strength as a result of increased pore pressure due to strong ground shaking or cyclic loading. Liquefaction is defined by saturation of soil and loss of cohesion. It is associated with loose, high-plasticity soils and near-surface groundwater levels. According to the Department of Conservation, the project site is not within a liquefaction zone.[55] The project site is also not within the County of Santa Clara liquefaction hazard zone.[56]

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying soil toward an open or “free” face such as an open body of water, channel, or excavation. This movement is often associated with liquefaction and commonly occurs on gentle slopes in seismically active regions. Lateral spread presents a significant hazard to the integrity of buildings and other structures. Areas of San José most prone to lateral spreading include lands adjacent to

[52] USGS. US Quaternary Faults. Accessed February 5, 2026. https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf
[53] California Geological Survey. “California Earthquake Hazards Zone Application (EQ ZAPP)”. Accessed February 3, 2026. https://maps.conservation.ca.gov/cgs/EQZApp/app/
[54] County of Santa Clara. SCCMap. Accessed February 3, 2026. Santa Clara County - SCCMap (sccgov.org).
[55] Department of Conservation. California Geologic Survey. Earthquake Zones of Required Investigation. Accessed February 5, 2026.
[56] County of Santa Clara. Geological Maps and Data. Accessed February 3, 2026. https://experience.arcgis.com/experience/adc2d6c29e654ba6aa5cf9fe3e2b3b83

the steep banks of Guadalupe River and Coyote Creek.[57] The project site is not located near any waterways with steeply sloping banks where there is potential for lateral spreading.

Landslides

The site is mapped within a landslide zone according to the California Geological Survey.[58] The closest landslide to the site shown by the California Geological Survey is just east of Fleming Avenue. This landslide is categorized by the California Geological Survey as a definite, dormant, mature rock slide exhibiting historic, recent, or active movement and with a depth of greater than 50 feet.[59] The field reconnaissance completed as part of the Geologic Hazards Evaluation and Geotechnical Investigation completed for the site (see Appendix G) did not observe landslides or evidence of landsliding onsite. Additionally, the field reconnaissance did not observe disruption due to landsliding of the access driveway that extends from Fleming Avenue.

Groundwater

Based on available groundwater data, groundwater has been encountered onsite between zero to eight feet below ground surface (bgs), with a typical estimated depth of five feet bgs.[60],[61] Fluctuations in groundwater levels may occur due to seasonal changes, variation in rainfall, and underground drainage patterns.

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These sediments have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. According to the City's Paleontological Sensitivity Map, the project site is located in an area of high paleontological sensitivity at depth.[62]

[57] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Page 518.
[58] California Geological Survey. "California Earthquake Hazards Zone Application (EQ ZAPP)". Accessed February 3, 2026. https://maps.conservation.ca.gov/cgs/EQZApp/app/
[59] Stevens Ferrone & Bailey Engineering Company, Inc. Geologic Hazards Evaluation & Geotechnical Investigation 761 Fleming Avenue Residential Development San Jose, California. October 11, 2024.
[60] Stevens Ferrone & Bailey Engineering Company, Inc. Geologic Hazards Evaluation & Geotechnical Investigation 761 Fleming Avenue Residential Development San Jose, California. October 11, 2024.
[61] Silicon Valley Environmental. Phase I Environmental Site Assessment. 761 Fleming Ave, San Jose, CA. January 28, 2025.
[62] C. Bruce Hanson. *Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California*. September 2010.

4.7.2 Impact Discussion

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

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

Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Zone, but is located within a Santa Clara County Fault Rupture Hazard Zone. The Geologic Hazards Evaluation and Geotechnical Investigation completed for the site (see Appendix G) concluded that the potential for known faults to rupture at the site is low, therefore the possibility of loss, injury, or death from fault ruptures at the project site would be low.

Seismic Ground Shaking

The project site is located within the seismically active San Francisco Bay region. The faults in this region are capable of generating earthquakes of magnitude 7.0 or higher. During an earthquake, very strong ground shaking could occur at the project site. Consistent with the City's General Plan and Municipal Code, to avoid and/or minimize potential damage from seismic shaking, the proposed project would be built using standard engineering and seismic safety design techniques. Consistent with these requirements, the following condition shall be implemented to ensure the proposed development is designed to address seismic hazards.

Standard Permit Condition GEO-1: Seismic Hazards

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

a) All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
b) Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
c) Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
d) The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of

a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

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

With implementation of Standard Permit Condition GEO-1 described above, the proposed project would not result in significant seismic and seismic related impacts.

Liquefaction and Lateral Spreading

As discussed above in Section 4.7.1.2, the project site is not located within a Liquefaction Hazard Zone. The project site is located approximately one mile south of the nearest creek, Miguelita Creek. By subjecting the proposed project to review by the City of San José's Geologist and adhering to Standard Permit Condition GEO-1 described above, hazards posed by seismically induced liquefaction and lateral spreading would be reduced to less than significant.

Landslides

Landslides are the movement of rock, debris, or earth down a slope and typically occur in connection with other natural disasters such as earthquakes and floods. Landslides occur when the stability of a slope changes from a stable to an unstable condition. In general, slopes steeper than approximately 15 degrees are typically most susceptible to landslides. Earthquakes can induce landslides in hillside areas and along creeks.

The project site is located within a landslide hazard zone according to the County of Santa Clara's *Geologic Hazard Zones* Map.[63] As such, the proposed project could pose a risk to human or building safety due to earthquake-induced landslides. However, the field reconnaissance completed as part of the Geologic Hazards Evaluation and Geotechnical Investigation completed for the site (see Appendix G) did not observe landslides or evidence of landsliding onsite, and with implementation of the standard permit condition described above, the proposed project would not directly or indirectly cause substantial adverse effects, including loss, injury, or death from fault rupture, seismic-related ground shaking or ground failure, or landsliding. **(Less than Significant Impact)**

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

Ground disturbance on the project site would occur during construction of the proposed buildings. These activities could increase the exposure of soil to wind and water erosion. Construction of the proposed project would disturb approximately 2.08 acres. As described in Section 4.10, Hydrology and Water Quality, preparation and implementation of a Storm Water Pollution Prevention Plan

[63] County of Santa Clara. Geological Maps and Data. Accessed June 16, 2023. https://plandev.sccgov.org/ordinances-codes/geology-and-natural-hazards/geological-maps-and-data [63] Ibid.

(SWPPP) is required prior to the start of construction of projects disturbing one or more acre. The mandatory SWPPP for the proposed project would include Best Management Practices to prevent erosion and the loss of topsoil during construction. Additionally, consistent with City requirements, standard permit condition GEO-1 described under Impact a) would be implemented to ensure that construction of the proposed project does not result in substantial erosion or soil loss.

The project would also be required by the City's Public Works Department to complete an erosion control plan for any grading occurring between October 1 and April 30. The erosion control plan shall be reviewed and approved by the City and ensure that grading operations do not impact local creeks and storm drainage systems. A less than significant impact would occur with regard to soil erosion. **(Less than Significant Impact)**

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

As discussed under checklist question a), the project site is not located within an Alquist-Priolo Earthquake Fault Zon and is located within a Santa Clara County Fault Rupture Hazard, yet has low potential for fault rupture. The project site is not located within a Liquefaction Hazard Zone. The project site is located within a landslide hazard zone according to the County of Santa Clara's *Geologic Hazard Zones* Map.[64]

Due to the project site's mapping within both a Santa Clara County Fault Rupture Hazard zone and a landslide hazard zone, the project is located on a geologic unit or soil that could be unstable, or that could become unstable, potentially resulting in on- or off-site landslide. However, the field reconnaissance completed as part of the Geologic Hazards Evaluation and Geotechnical Investigation completed for the site (see Appendix G) did not observe landslides or evidence of landsliding onsite, and the project would be constructed in accordance with a design-level geotechnical investigation (identified as a standard permit condition under checklist question a) to reduce any risk of landsliding, liquefaction, or other forms of ground failure.

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

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

[64] County of Santa Clara. Geological Maps and Data. Accessed June 16, 2023. https://plandev.sccgov.org/ordinances-codes/geology-and-natural-hazards/geological-maps-and-data [64] Ibid.

As described in Section 4.7.1.2, the soils on-site generally consist of clay loam or clay to an approximate depth of 3.5 to five feet bgs, underlain by bedrock, and have a high plasticity and high expansion potential. Compliance with the City's General Plan policies regarding soil and landslide hazards would reduce hazards associated with expansive soils and new development and redevelopment to a less than significant level.[65] Consistent with the General Plan policies identified in Section 3.7.1.1, a design-level geotechnical report would be prepared for the project that would include recommendations regarding the structural design and engineering techniques to reduce impacts from expansive soils (as well as other geologic hazards). Therefore, the project would not create substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

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

The project would connect to the existing sanitary sewer system and would not require the use of septic tanks or alternative wastewater disposal systems. The existing residence is served by a septic tank, which would be removed with construction of the project, refer to Section 4.9 Hazards and Hazardous Materials. **(No Impact)**

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

The General Plan FEIR recognized that while development allowed under the General Plan could directly impact paleontological resources, implementation of General Plan policies and existing regulations and programs would reduce potential impacts to a less than significant level.[66] As such, the following standard permit condition would be applied to the project to reduce and avoid impacts to unidentified paleontological resources.

Standard Permit Condition GEO-2: Paleontological Resources

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

[65] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report*. SCH: 2009072096. September 2011. Page 528.
[66] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report.* SCH: 2009072096. September 2011. Page 724.

With implementation of standard permit condition GEO-2 described above, the project would enable the identification and preservation of any undiscovered paleontological resources encountered during construction, and ensure that impacts to paleontological resources would be less than significant. **(Less than Significant Impact)**

4.8 Greenhouse Gas Emissions

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

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

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

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. Per the 2022 Scoping Plan from CARB, atmospheric concentrations of CO_2 have increased by 50 percent since the Industrial Revolution and continue to increase at a rate of two parts per million each year, which will result in increased global temperatures.[67] The climate within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

[67] CARB. *2022 Scoping Plan for Achieving Carbon Neutrality*. December 2022. Page 3.

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32 and State Bill 32

Under the California Global Warming Solutions Act, known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources. The first Scoping Plan was approved by CARB in 2008 and must be updated at least every five years. Since 2008, there have been two updates to the Scoping Plan.

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

2022 Scoping Plan

On December 15, 2022, CARB approved the 2022 Scoping Plan. The 2022 Scoping Plan provides a sector-by-sector guide on how to reduce man-made (i.e., anthropogenic) GHG emissions by 85 percent below 1990 levels and achieve carbon neutrality by 2045 over a 25-year horizon.[68] The primary focus of the 2022 Scoping Plan is to reduce the usage of fossil fuels by electricizing the transportation sector, procuring electricity from renewable resources, phasing out natural gas in land use developments, and building transit-oriented communities that encourage multi-modal transportation. If implemented successfully, the 2022 Scoping Plan would not only reduce GHG emissions but also reduce smog-forming air pollution (NO_x) by 71 percent and reduce fossil fuel demand by 94 percent. The 2022 Scoping Plan also details natural carbon capture and storage process along with mechanical carbon capture programs to address the remaining 15 of anthropogenic GHG emissions that will remain post-2045. To meet these goals, CARB also includes a revised goal of reducing state GHG emissions 48 percent below 1990 levels by 2030.

Senate Bill 375 and Plan Bay Area 2050

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

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

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

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified priority development areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[69]

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

SB 100

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

Executive Order B-55-18 and Assembly Bill 1279

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

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

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

Advanced Clean Cars II Regulation

To continue reducing air pollutants and GHG emissions in the transportation sector, CARB adopted the Advanced Clean Cars II Regulations (Resolution 22-12) on August 25, 2022. The new regulation requires that by 2035 all new passenger cars, trucks, and SUVs sold in California will be zero-emission vehicles. This regulation bans the sale of new gasoline or diesel passenger cars, trucks, and SUVs in California from automakers. Beginning in 2026, 35 percent of new vehicle sales must be zero-emission vehicles and plug-in hybrid electric vehicles (EV) and that percentage will increase per year. By 2030, 70 percent of new vehicle sales will be zero-emissions vehicles and by the 2035 model year 100 percent of new vehicle sales will be zero-emissions. CARB will limit the use of plug-in hybrid EVs in the percentage requirements to keep the manufacturing of zero-emissions as the primary goal. Existing gasoline cars can continue to be driven and sold as used cars beyond 2035. CARB is required to track and report on the zero-emissions vehicle market development annually.

California Building Standards Code

The CALGreen Code is part of the CBSC under Title 24, Part 11.[70] The CALGreen Code encourages sustainable construction standards that incorporate planning/design, energy efficiency, water efficiency resource efficiency, and environmental quality. These green building standard codes are mandatory statewide and are applicable to residential and non-residential developments. The most recent CALGreen Code (2022 CALGreen Code) was effective as of January 1, 2023.

The California Energy Code is under Title 24, Part 6 and is overseen by the CEC. This code includes design requirements to conserve energy in new residential and non-residential developments. This Energy Code is enforced and verified by cities during the planning and building permit process. The 2022 Energy Code replaced the 2019 Energy Code as of January 1, 2023. There are new 2022 standards for single-family residences, multi-family residences, and non-residential uses.[71,72,73] Major changes include electric-ready single-family and multi-family residence and solar photovoltaic systems and energy storage systems for residential and commercial developments.

Requirements for EV charging infrastructure are set forth in Title 24 of the California Code of Regulations and are regularly updated on a three-year cycle. The CALGreen standards consist of a set of mandatory standards required for new development, as well as two more voluntary standards known as Tier 1 and Tier 2. The 2022 CALGreen standards require deployment of additional EV chargers in various building types, including multi-family residential, hotel, and non-

[70] Refer to https://www.dgs.ca.gov/BSC/CALGreen.

[71] California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Single-Family Residential." Revised July 15, 2022. Accessed January 31, 2026. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Single-family_Whats_New_Summary_ADA.pdf.

[72] California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Multifamily." Revised August 4, 2022. Accessed January 31, 2026. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Multifamily_Whats_new_Summary_ADA.pdf.

[73] California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Nonresidential." Revised August 4, 2022. Accessed January 31, 2026. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Nonresidential_Whats_New_Summary_ADA.pdf.

residential land uses. They include requirements for both EV capable parking spaces and the installation of EV supply equipment for multi-family residential and nonresidential buildings. The 2022 CALGreen standards also include requirements for both EV readiness and the actual installation of EV chargers.

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

Regional and Local

2017 Clean Air Plan

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

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

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

Envision San José 2040 General Plan

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

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

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

Reach Codes

City of San José Reach Code

In 2019, the San José City Council approved Ordinance No. 30311 and adopted a Reach Code Ordinances (reach codes) to reduce energy related GHG emissions consistent with the goals of Climate Smart San José. Updates to the building reach code were approved by City Council on September 12, 2023, and January 30, 2024. The reach codes apply to all new construction projects in San José. It requires new developments (residential and non-residential) to demonstrate increased energy efficiency through a higher Energy Design Rating and to include EV charging infrastructure for all building types. Note that the City of San José has a moratorium on the enforcement of the prohibition of natural gas infrastructure in newly constructed buildings (refer to Chapter 17.845 in the City's Municipal Code).

Climate Smart San José

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

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

Local Greenhouse Gas Reduction Strategy

San José 2030 Greenhouse Gas Reduction Strategy

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

4.8.1.3 *Existing Conditions*

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

4.8.2 Impact Discussion

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

Project-Level Impact

Pursuant with the Air District, for land use projects to result in a less than significant GHG emissions impact, the land use project would need to comply with threshold A or B below.

A. Projects must include, at a minimum, the following project design elements:
   1. Buildings
      a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
      b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
   2. Transportation
      a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:
         i. Residential projects: 15 percent below the existing VMT per capita
         ii. Office projects: 15 percent below the existing VMT per employee
         iii. Retail projects: no net increase in existing VMT
      a. Achieve compliance with off-street EV requirements in the most recently adopted version of CALGreen Tier 2.

B. Be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

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

Construction Emissions

Construction activities on-site would result in temporary GHG emissions. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor Air District has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Project construction would occur over a period of approximately 14 months and would not result in a permanent increase in emissions. The proposed project construction activity would not interfere with the implementation of SB 32.

Operational Emissions

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

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

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

2030 Greenhouse Gas Reduction Strategy

As mentioned previously, projects that are consistent with an adopted GHGRS consistent with SB 32 goals would have a less than significant impact related to GHG emissions through 2030. The City's GHGRS includes seven strategies for emissions reductions. These include use of San José Clean Energy, achieving zero net carbon for residential construction, renewable energy development, retrofits of existing buildings to remove natural gas demands, achieving a zero-waste goal, modernization of Caltrain, and water conservation. Future residents of the project would have the option to enroll in San José Clean Energy at the TotalGreen level. The proposed project would also incorporate all applicable mandatory measures of the GHGRS (refer to Appendix H), including installing clean energy power generation sources, using 100 percent carbon-free electricity,

installing solar panels on the rooftop of all new residences, installing high-efficiency appliances/fixtures and water-sensitive landscaping. Further, the project includes all electric appliances and mechanical equipment. For these reasons, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

4.9 Hazards and Hazardous Materials

The following discussion is based, in part, on a Phase I Environmental Site Assessment (ESA) and a Phase II ESA prepared for the project site by Silicon Valley Environmental, dated January 28, 2025 and April 9, 2026, respectively. These reports are included as Appendix E and Appendix G of this Initial Study, respectively.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

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

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

Federal and State

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

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

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

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to

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

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

The law authorizes two kinds of response actions:

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

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[74]

Resource Conservation and Recovery Act

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

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

[74] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed September 17, 2025. https://www.epa.gov/superfund/superfund-cercla-overview.

authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[75]

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[76]

Toxic Substances Control Act

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

California Accidental Release Prevention Program

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

Asbestos-Containing Materials

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

[75] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed September 17, 2025. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.
[76] California Environmental Protection Agency. "Cortese List Data Resources." Accessed May 28, 2020. https://calepa.ca.gov/sitecleanup/corteselist/.

uses of asbestos products.[77] The EPA is currently considering a proposed ban on on-going use of asbestos.[78] National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

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

Regional and Local

Envision San José 2040 General Plan

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

Policy	Description
EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations, and guidelines.
EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation

[77] United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed April 19, 2022. https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos
[78] Ibid.

Policy	Description
	and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
EC-7.7	Determine for any development or redevelopment site that is within 1,000 feet of a known, suspected, or likely geographic ultramafic rock unit (as identified in maps developed by the Department of Conservation – Division of Mines and Geology) or any other known or suspected locations of serpentine or naturally occurring asbestos, if natural occurring asbestos exists and, if so, comply with the Bay Area Air Quality Management District's Asbestos Air Toxic Control Measure requirements.
EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.
TR-14.3	For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a

Policy	Description
	two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.
TR-14.4	Require avigation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptance of noise or other aircraft related effects, as needed, as condition of approval of development in the vicinity of airports.

City of San José Emergency Operations Plan

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

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

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

4.9.1.2 *Existing Conditions*

The project site is not included on any lists compiled pursuant to Section 65962.5 of the Government Code.

Site History

The project site is noted within a historical orchard between 1939 and 1960. Historical orchards are known to have used organochlorine pesticides (OCPs). OCPs are chlorinated hydrocarbons that were used extensively from the 1940s through the 1960s in agriculture and mosquito control. Representative compounds in this group include DDT, DDE, DDD, Dieldrin, Chlordane, Toxaphene, and others. These compounds are known for their high toxicity, slow degradation and bioaccumulation. Most OCP uses were banned in California in 1974. One common application for OCPs was fruit orchards, which were prevalent throughout many areas of California during the 1940s through the 1960s. Physical human contact with these chemicals by touching, playing, or working in can cause cancer and other physical ailments – even when concentrations are very low. New or redevelopment of properties that resided in potential OCP zones now require testing shallow soils for their residuals. If found to be present above specified concentration levels in the soil, they must be removed from areas where future direct contact by humans could occur. A Phase II ESA was completed in April 2026 to determine if elevated concentrations of OCPs, lead, and/or

arsenic are present in near-surface soils onsite as a result of historical agricultural use of the property (see Appendix G). The site contains an existing house constructed in 1956, which is supported by a septic tank.

On-Site Sources of Contamination

Soil Samples Investigation

Soil samples were collected as part of a Phase II ESA on April 1, 2026. Soil samples were compared to RWQCB environmental screening levels (ESLs) for direct exposure in a residential setting and construction worker health scenario. ESLs are guidelines established by the RWQCB. Any detected concentrations below its applicable ESL can be assumed to not pose a significant threat to human health, water resources, or the environment. The presence of a chemical at concentrations in excess of an ESL does not necessarily indicate adverse effects on human health or the environment, rather that additional evaluation is warranted.

Analyzed parameters of the soil samples conducted as part of the Phase II were not detected above laboratory method detection limits (MDLs), except as follows:

Arsenic

Arsenic was detected in soil samples at concentrations ranging from 5.2 to 5.9 milligrams per kilogram (mg/kg), all of which exceed both the residential direct exposure ESL (0.032 mg/kg) and construction worker health ESL (1.1 mg/kg).

Although these results exceed the applied risk-based screening levels, the detected concentrations are within the range commonly reported for background arsenic in Bay Area soils. A regional study of urbanized Bay Area soils identified an upper background limit of approximately 11 mg/kg for flatland locations, and an independent evaluation of naturally occurring metals reported an upper background concentration of approximately 24 mg/kg. These evaluations, as well as similar evaluations, have been widely cited by state and local agencies when interpreting arsenic data at development sites such as the project site. Regulatory guidance further recognizes that generic soil screening levels for arsenic (including CHHSLs and ESLs) are often lower than ambient background concentrations, and that it is generally neither practicable nor necessary to remediate naturally occurring metals to concentrations below background. In the absence of evidence of a site-specific arsenic release at the project site, the Phase II ESA interpreted the arsenic detections in shallow site soil as most consistent with regional background conditions rather than a release-related impact. Therefore, the arsenic results do not, by themselves, indicate a significant environmental concern nor warrant additional arsenic-focused investigation or remedial action.

Additional metal and OCP analytes

Additional metal and OCP analytes including lead, dichlorodiphenyldichloroethylene (DDE), dichlorodiphenyltrichloroethane (DDT), Chlordane, and Dieldrin were also detected above laboratory MDLs in one or more of the analyzed soil samples collected during the investigation.

However, the detected concentrations of each of these potential contaminants were well below their respective applied ESLs. Therefore, the Phase II ESA concluded that the results do not warrant additional environmental investigation or additional remedial action.

Regulatory Agency Records

The project site is not listed on any environmental Regulatory Agency Databases.

Site Reconnaissance

No evidence of current or former hazardous material usage or storage was observed onsite. No indications of mold growth or water damage were observed during visual inspection.

Other Environmental Considerations

Radon - Review of the US EPA Map of Radon Zones places the project site in radon risk zone 2 – moderate risk. Based upon this radon zone classification, radon is not considered to be a significant environmental concern.

Lead-Based Paint – It is likely that lead-based paint is present in buildings constructed before 1978. Due to the age of the residential home onsite (1958), lead-based paint may be present.

Asbestos-Containing Material – Asbestos was banned in California beginning in the 1970s. Due to the age of the residential home onsite (1958), asbestos may be present.

Off-Site Sources of Contamination

Regulatory Agency Records

Nearby Non-Cleanup Case; Haznet and Generator Listings. There are/were zero Hazmat listings, four Haznet listings, and five Generator Database listings within 1/8 mile of the project site. Most of these have been registered to store, use, and/or dispose of (or generate) quantities of hazardous wastes in their operations in the past – or continue to do so today. Many of these sites are in "inactive" status. There are no underground or above-ground storage tank listings nearby. Listings with significant Volatile Organic Compound (VOC) storage or disposals or that had violations concerning VOCs. There were no non-cleanup case sites nearby with conditions specified for significant concern.

CSL Chemical Cleanup Cases – MHP Database Searched to a One-Mile Radius. There are/were two listings within a mile of the project site that are Chemical Clean-Up Sites, both of which are closed cases where remediation has been successfully completed. There are no CSL database listings that pose any significant environmental concern or liability risks to the project site.

LUST Fuel Leak Cases – MHP Database Searched to ½ Mile Radius. There are no LUST database listings within the half-mile radius, and therefore no LUST database listings that pose any significant environmental concern or liability risk to the project site.

Treatment, Storage, and Disposal (TSD) Sites – Searched to One-Mile Radius. There are no TSD listings within the one-mile radius, and therefore no TSD listings that pose any significant environmental concern or liability risk to the project site.

Nearby Emergency Response Notification System (ERNS) Incidents – There was one nearby ERNS incident that occurred in 1992 about 350 feet southwest of the project site. This was at a residence where about 30-gallons of hydraulic oil spilled. There were no reported injuries, damage, or evacuations, and the oil was effectively cleaned up, leaving no lasting environmental impacts. Therefore, the listing does not pose any significant environmental concerns or liability risks at the project site.

MapHazardsPro Unlocatable Sites – There were no reported unlocatable sites in the MapHazardsPro environmental database radius.

Airport Operations

The project site is located approximately 2.2 miles northeast of Reid-Hillview Airport and 5.8 miles east from the San José Mineta International Airport. FAR Part 77 requires that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. The project site is located outside the FAR Part 77 noticing requirement.[79]

Wildfires

The proposed project is located in an urbanized area of San José which is not located in or near a State Responsibility Area (SRAs) classified as very high fire hazard severity zones (FHSZ). The project site is located in an area identified as Local Responsibility Area (LRA) land, but has no FHSZ.[80] The nearest FHSZ is a moderate FHSZ located 0.20 miles east of the project site and a high FHSZ located 0.30 miles east of the project site. According to fire wildland urban interface maps prepared by the City of San José, the project site is not located within a wildland-urban interface area.[81]

[79] Santa Clara County Airport Land Use Commission. Comprehensive Land Use Plan Santa Clara County. Reid-Hillview Airport. Figure 6. November 16, 2016. https://files.santaclaracounty.gov/migrated/ALUC_RHV_CLUP.pdf
[80] CalFire. "California Fire Hazard Severity Zone Viewer". Accessed February 3, 2026. https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones
[81] City of San José. "Wildland-Urban Interface". Accessed February 3, 2026. https://gisdata-csj.opendata.arcgis.com/datasets/CSJ::fire-wildland-urban-interface/explore

4.9.2 Impact Discussion

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

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

Construction

Construction of the project would involve the use of potentially hazardous materials, including vehicle fuels, oils, and fluids. All hazardous materials would be transported, contained, stored, used, and disposed of in accordance with manufacturers' instructions and would be handled in compliance with all applicable standards and regulations. Construction-related hazardous materials use would be temporary, and does not constitute routine transport, use, or disposal. Any hazardous

materials (e.g., debris or soil containing lead-based paint or coatings) that would be removed from the site during project construction would be properly disposed of in accordance with established regulations.

Project construction would include the removal of an existing septic tank currently serving the existing residence onsite. Improper removal of the septic tank could result in the release of hazardous materials, constituting a significant impact. Removal of the existing septic tank would be conducted in full compliance with applicable federal, state, and local regulations, including requirements of the Santa Clara County Department of Environmental Health and the California Plumbing Code (Part 5, Section 722.0 of the California Building Standards Code). A permit for septic tank abandonment/destruction would be obtained from the County Department of Environmental Health prior to removal of the septic tank. To further ensure no significant hazard to the public or the environment through the disposal of hazardous materials, the following mitigation measure shall be implemented.

Impact HAZ-1: Improper procedure during the removal of the septic tank on site could result in the release of hazardous materials into the environment.

Mitigation Measures:

MM HAZ-1.1: The following measures shall be implemented during the removal of the septic tank onsite.

- The septic tank shall be pumped out and cleaned by a licensed/registered septic tank pumper (certified by the local Environmental Health Department) to remove all septage, with contents hauled to and disposed of at an approved wastewater treatment facility or permitted disposal site.
- The septic tank cover/lids shall be removed, baffles broken down (if present), and the bottom and at least one side of the tank crushed or perforated to prevent future water accumulation or collapse hazards.
- The septic tank shall either be fully excavated and removed for proper off-site disposal/recycling or abandoned in place by filling with clean earth, gravel, concrete, or other approved inert material, followed by backfilling and compaction of the excavation.
- An inspection by the local Environmental Health (or Building) Department shall be required prior to backfilling (typically scheduled 48 hours in advance), with documentation (e.g., pumping receipts and photos) submitted for final approval.
- Submit documentation of the County Department of Environmental Health's approval of the permit for septic tank abandonment/destruction to the City

of San José Director of Planning, Building, and Code Enforcement prior to the issuance of a grading permit.

Compliance with mitigation measure HAZ-1.1, combined with standard construction best management practices (e.g., spill prevention/containment, use of personal protective equipment, and proper equipment maintenance), would prevent any significant hazard to the public or the environment through routine transport, use, or disposal of materials. No contaminated soils or hazardous substances are anticipated beyond typical septage; if unexpected contamination is encountered, it would be addressed in consultation with the appropriate regulatory agencies (e.g., local Environmental Health or Regional Water Quality Control Board). As a result, impacts related to hazardous materials from septic tank removal would be less than significant.

As described in Section 4.9.1.2, the project site does not contain any recognized environmental conditions, controlled recognized environmental conditions, or historic recognized environmental conditions. While the site does have a historical use as an orchard, the Phase II ESA completed for the site concluded that concentrations of arsenic within soil onsite are within the range commonly reported for background arsenic levels in Bay Area soils, even though they exceed the RWQCB's ESL, and therefore do not indicate a significant environmental concern nor warrant additional arsenic-focused investigation or remedial action. Further, the Phase II ESA concluded that detected concentrations of additional metal and OCP analytes (including lead, DDE, DDT, Chlordane, and Dieldrin) were well below their respective applied ESLs. Therefore, construction of the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Operation

Once operational, the proposed homes would routinely store and use small quantities of cleaning supplies, maintenance chemicals, herbicides and pesticides. No other hazardous materials would be used or stored on the site. These materials would be managed in accordance with existing laws and regulations that ensure that the routine transport, storage, use, and disposal of these materials would not result in a significant hazard to the public or environment.

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

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

As described under impact discussion a) and in Section 4.9.1.2, the project site does not contain any recognized environmental conditions, controlled recognized environmental conditions, or historic recognized environmental conditions. The project would comply with MM HAZ-1.1 for the removal of

the existing septic tank. The Phase II ESA completed for the site concluded that concentrations of arsenic within soil onsite are within the range commonly reported for background arsenic in Bay Area soils and that concentrations of additional metal and OCP analytes were well below their respective applied ESLs. Therefore, construction of the project would not 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. Further, as described above under impact discussion a), the proposed homes would routinely store and use small quantities of cleaning supplies, maintenance chemicals, herbicides and pesticides that would be managed in accordance with existing laws and regulations that ensure no significant hazard to the public or environment.

The proposed project would result in a less than significant hazard to the public and/or the environment. **(Less than Significant Impact)**

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

The nearest schools to the project site, Horace Cureton Elementary and Joseph George Middle School, are located approximately 0.5 miles from the project site. Therefore, the project site is not located within one-quarter mile of an existing or proposed school.

Further, as discussed under checklist question a), the proposed dwelling units would routinely store and use small quantities of cleaning supplies, maintenance chemicals, herbicides and pesticides. No other hazardous materials would be used or stored on the site. The project would not emit significant hazards or hazardous materials impacts from construction or operation. For this reason, the project would not result in hazards or hazardous materials impacts within proximity to existing schools. **(Less than Significant Impact)**

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

The project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As discussed above under checklist question a), the project would implement standard construction best management practices (e.g., spill prevention/containment, use of personal protective equipment, and proper equipment maintenance), and therefore would not create a significant hazard to the public or environment. **(Less than Significant Impact)**

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

The project site is not located within two miles of a public airport or public use airport. The nearest airport, Reid-Hillview Airport, is located approximately 2.2 miles south of the project site. Given the distance between this airport and the project site, the project site is not located within the AIA, safety zones, 60 dBA community noise equivalent level (CNEL) aircraft noise contour, or a Part 77 noticing requirement zone identified in the CLUP for the Reid-Hillview Airport.[82] Additionally, San José Mineta International Airport is located 5.8 miles west of the project site. Given the distance between this airport and the project site, the project site is not located within the AIA, safety zones, and 60 dBA community noise equivalent level (CNEL) aircraft noise contour identified in the CLUP for the San José International Airport. The project site is also located outside the Part 77 noticing requirement.[83] The project site is not located within an airport land use plan area or within two miles of any airport and, therefore, no people residing or working in the project area would be exposed to safety hazards or excessive noise from airport operations. **(No Impact)**

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

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

[82] Santa Clara County Airport Land Use Commission. Reid-Hillview Airport. October 24, 2007.
[83] Norman Y. Mineta San José International Airport. Notice Requirement Criteria for Filing FAA Form 7460-1. September 2013.

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

As discussed in Section 4.9.1.2 Existing Conditions, the project site is located in an urbanized area of San José which is not located in or near SRAs classified as very high fire hazard severity zones. The project site is located in an area identified as LRA land, but has no FHSZ.[84] According to fire wildland urban interface maps prepared by the City of San José, the project site is not located within a wildland-urban interface area.[85] The project would be constructed consistent with the CBC, which established minimum standards for materials in order to protect buildings. Therefore, the project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. **(Less than Significant Impact)**

[84] CalFire. "California Fire Hazard Severity Zone Viewer". Accessed February 3, 2026. https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones
[85] City of San José. "Wildland-Urban Interface". Accessed February 3, 2026. https://gisdata-csj.opendata.arcgis.com/datasets/CSJ::fire-wildland-urban-interface/explore

4.10 Hydrology and Water Quality

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

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

Under Section 303(d) of the federal Clean Water Act, the SWRCB and RWQCBs are required to identify impaired surface water bodies that do not meet water quality standards and develop total maximum daily loads (TMDLs) for contaminants of concern. The list of the state's identified impaired surface water bodies, known as the "303(d) list" can be found on the on the SWRCB's website.[86]

National Flood Insurance Program

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

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit

[86] California State Water Resources Control Board. "2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)." May 11, 2022. Accessed September 2, 2022. https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.

includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

San Francisco Bay Basin Plan

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

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in May 2022 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.[87] The MRP became effective on July 1, 2023. Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

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

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

(3) the project is located in a catchment or subwatershed that is highly developed (i.e., that is 70 percent or more impervious).[88]

Water Resources Protection Ordinance and District Well Ordinance

Valley Water operates as the flood protection agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. In accordance with Valley Water's Water Resources Protection Ordinance, any work within Valley Water's fee title right of way or easement or work that impacts Valley Water facilities requires the issuance of a Valley Water permit. Under Valley Water's Well Ordinance 90-1, permits are required for any boring, drilling, deepening, refurbishing, or destroying a water well, cathodic protection well, observation well, monitoring well, exploratory boring (45 feet or deeper), or other deep excavation that intersects the groundwater aquifers of Santa Clara County.

2021 Groundwater Management Plan

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

Local groundwater resources make up the foundation of the county's water supply, but they need to be augmented by the District's comprehensive water supply management activities to reliably meet the county's needs. These include the managed recharge of imported and local surface water and in-lieu groundwater recharge through the provision of treated surface water and raw water, acquisition of supplemental water supplies, and water conservation and recycling.[89]

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

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

Local

Envision San José 2040 General Plan

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

Policy	Description
EC-5.1	The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
EC-5.3	Preserve designated floodway areas for non-urban uses.
EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
ER-8.4	Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
ER-9.5	Protect groundwater recharge areas, particularly creeks and riparian corridors.
ER-9.6	Require the proper construction and monitoring of facilities that store hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or tidal flooding.
MS-20.3	Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.
IN-1.1	Provide and maintain adequate water, wastewater, and stormwater services to areas in and currently receiving these services from the City.
IN-3.4	Maintain and implement the City's Sanitary Sewer Level of Service Policy and Sewer Capacity Impact Analysis (SCIA) Guidelines to:

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

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

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

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

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

Construction Dewatering Waste Discharge Requirements

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

4.10.1.2 *Existing Conditions*

Hydrology and Drainage

The project site is located in the Coyote Creek Watershed, as identified in the General Plan. The Coyote Watershed drains approximately 320 square miles via Coyote Creek and its tributaries to the San Francisco Bay. [90]

According to the Water Board, the project site is located in a catchment or subwatershed that is not highly developed (i.e., that is 70 percent or less impervious).[91,92]

The project site is currently developed with one residential building. An existing 15-inch storm drain is present in Townsquare Drive Road.

Surface Water Quality

As noted above, stormwater runoff from the project vicinity drains into the Coyote Creek via the storm drain system in Townsquare Drive. Coyote Creek is listed on the California 303(d) list for diazinon, toxicity, and trash.[93]

Groundwater

Based on available groundwater data, groundwater has been encountered onsite between zero to eight feet below ground surface (bgs), with a typical estimated depth of five feet bgs.[94,95] Fluctuations in groundwater levels may occur due to seasonal changes, variation in rainfall, and underground drainage patterns

Flooding

The site is located in Flood Zone D, which is an area where flood hazards are undetermined.[96]

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[90] City of San José. *Envision San José 2040 General Plan, Appendix G.* December 2010.

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

[92] California Regional Water Quality Control Board. San Francisco Bay Region Municipal Regional Stormwater NPDES Permit. Attachment C. May 11, 2022. https://www.waterboards.ca.gov/rwqcb2/water_issues/programs/stormwater/MRP/mrp5-22/R2-2022-0018.pdf

[93] California State Water Resources Control Board. "2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)." May 11, 2022. Accessed February 10, 2026. https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.

[94] Stevens Ferrone & Bailey Engineering Company, Inc. Geologic Hazards Evaluation & Geotechnical Investigation 761 Fleming Avenue Residential Development San Jose, California. October 11, 2024.

[95] Silicon Valley Environmental. Phase I Environmental Site Assessment. 761 Fleming Ave, San Jose, CA. January 28, 2025.

[96] Federal Emergency Management Agency. "FEMA Flood Map Service Center." Accessed February 10, 2026. https://msc.fema.gov/portal/search?AddressQuery=449%20wooster%20avenue%2C%20san%20jose%2C%20ca.

Seiche, Tsunami, and Mudflows

A seiche is defined as a standing wave generated by rapid displacement of water within an enclosed body of water (such as a reservoir, lake, or bay) due to an earthquake that triggers land movement within the water body or land sliding into or beneath the water body. The nearest enclosed water body capable of generating a seiche is the San Francisco Bay, located approximately 11 miles northwest of the project site.

A tsunami is a large tidal wave caused by an underwater earthquake or volcanic eruption. Tsunamis affecting the Bay Area can result from off-shore earthquakes within the Bay Area. The project site is approximately 11 miles southwest of the shoreline of the San Francisco Bay Area and is not located in a Tsunami Hazard Area.[97]

A mudflow is a large rapid (up to approximately 50 miles per hour) mass of mud formed by loose earth and water. Hillsides and slopes of unconsolidated material could be at risk to mudflows if these areas become saturated. The site is mapped within a landslide zone according to the California Geological Survey[98], although the field reconnaissance completed as part of the Geologic Hazards Evaluation and Geotechnical Investigation completed for the site (see Appendix F) did not observe landslides or evidence of landsliding onsite.

4.10.2 Impact Discussion

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

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

[98] California Geological Survey. "California Earthquake Hazards Zone Application (EQ ZAPP)". Accessed February 3, 2026. https://maps.conservation.ca.gov/cgs/EQZApp/app/

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

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

Construction-Related Impacts

As discussed in Section 4.4 Biological Resources, the proposed project is a covered activity under the Habitat Plan, and shall therefore implement Conditions 3 of the Habitat Plan, which requires the following.

Condition 3: Maintain Hydrologic Conditions and Project Water Quality

Condition 3 applies to all projects and identifies a set of programmatic BMPs, performance standards, and control measures to minimize increases of peak discharge of storm water and to reduce runoff of pollutants to protect water quality, including during project construction. These requirements include preconstruction, construction site, and post-construction actions. Preconstruction conditions are site design planning approaches that protect water quality by preventing and reducing the impacts of stormwater pollutants and increases in peak runoff rate and volume. They include hydrologic source control measures that focus on the protection of natural resources. Construction site conditions include source and treatment control measure to prevent pollutants from leaving the construction site and minimizing site erosion and local stream sedimentation during construction. Post-construction conditions include measures for stormwater treatment and flow control.

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

The project would disturb more than one acre of soil; therefore, it would be subject to NPDES General Permit for Construction Activities. Prior to initiating grading activities, the project applicant will file a NOI with the SWRCB and prepare a SWPPP prior to commencement of construction. In addition, the project is required to comply with the City's Grading Ordinance. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The plan must detail the BMPs that would be implemented to prevent the discard of stormwater pollutants. The project site is located in a subwatershed lesser than or equal to 65 percent impervious.

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

Standard Permit Condition HYD-1: Construction-related Water Quality

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

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

Post-Construction Impacts

Following construction, the site would be 47 percent impervious (43,419 square feet) and 53 percent pervious (48,166 square feet). This project would increase impervious surfaces compared to the existing condition of 18,974 square feet. Construction of the project would result in the creation of more than 5,000 square feet of impervious surface area; therefore, the project would be required to comply with the MRP. This requires the project to incorporate site design, source control and runoff treatment controls to reduce the rates, volumes and pollutant loads of runoff from the project.

The project would treat surface runoff through the ten bioretention areas described in Section 3.2.4. In addition to the requirements of Provision C.3, the project would be subject to the San José Public Works Department standard permit condition HYD-1 identified above, which mandates compliance with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29). The project, in compliance with the City's Grading Policy, the City's Post Construction Urban Runoff Policy 6-29, and RWQCB's MRP NPDES Permit/C.3 requirements, would result in less than significant impacts on water quality.

With implementation of the identified standard permit condition HYD-1 listed above, the proposed project would result in a less than significant impact on water quality during project construction and operation. **(Less than Significant Impact)**

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

Based on available groundwater data, groundwater has been encountered onsite between zero to eight feet below ground surface (bgs), with a typical estimated depth of five feet bgs.[99,100] According to Valley Water's mapping tool, the western-most half of the project site is located within the Santa Clara Plain Recharge Area. The remainder of the project site is not located within a recharge area.[101] Construction of the project would not require any subsurface excavation activities or exporting of soil beyond what is necessary to grade existing surfaces and install utilities, however, groundwater may be encountered. Based on the Geologic Hazards Evaluation and Geotechnical Investigation (see Appendix F) completed for the project site, dewatering may be required. Dewatering would be temporary and involve limited quantities of groundwater while utilities are installed. As described in

[99] Stevens Ferrone & Bailey Engineering Company, Inc. Geologic Hazards Evaluation & Geotechnical Investigation 761 Fleming Avenue Residential Development San Jose, California. October 11, 2024.
[100] Silicon Valley Environmental. Phase I Environmental Site Assessment. 761 Fleming Ave, San Jose, CA. January 28, 2025.
[101] Santa Clara Valley Water District. ARCGIS Mapping Tool. SCVWD Groundwater Subbasins Layer. Accessed July 2, 2026. https://www.arcgis.com/apps/mapviewer/index.html?panel=gallery&layers=7c3f7808407045f88ae1d83d692c8be5

Section 4.10.1.1 Regulatory Framework, the RWQCB regulates construction dewatering discharges to storm drains or surface waters within the region under the NPDES program and Waste Discharge Requirements. As described under impact discussion a) above, the project applicant will file a NOI with the SWRCB, prepare a SWPPP, comply with the City's Grading Ordinance, and submit an Erosion Control Plan to the Director of Public Works for review and approval for any grading during the rainy season in order to protect water quality from construction discharges. Further, the bioretention features proposed as part of the project would facilitate infiltration, thereby restoring groundwater levels onsite.

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

All stormwater runoff generated by the project site would be treated via the ten bioretention areas before entering the storm drain system. The project would not establish groundwater wells to supply the site, deplete groundwater supply, or interfere with groundwater recharge. Therefore, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

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

There are no watercourses located on the project site (the nearest waterway is Miguelita Creek, located approximately one mile north of the project site), therefore, the development of the project would not alter the course of any waterways.

The project results in an increase in impervious surfaces compared to existing conditions. Currently the project site is 19 percent impervious (17,715 square feet square feet) and 81 percent pervious (73,373 square feet). Following construction, the site would be 47 percent impervious (42,858 square feet) and 53 percent pervious (48,230 square feet). The project would result in a net reduction of pervious surfaces. Post-construction stormwater runoff from the project's impervious surfaces would be directed towards landscaped areas and bioretention throughout the project site for treatment before being conveyed off-site to an existing 15-inch storm drain in Townsquare Drive. Although the project would increase the amount of impervious surfaces on the site, the proposed bioretention system would limit runoff from the proposed project to the equivalent of existing conditions under the design storm. As part of the development of the proposed project, a

SWPPP would be prepared in compliance with NPDES requirement and would ensure erosion or siltation impacts are less than significant.

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

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

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

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

As discussed in checklist question a), the project would comply with the City's Post-Construction Urban Runoff Policy 6-29 and Provision C.3 of the RWQCB Municipal Regional NPDES Permit requirements, and would implement the City's standard permit conditions addressing construction- and operational-related surface runoff quality. Thus, the project would not conflict with or obstruct implementation of the San Francisco Bay Basin Plan. As discussed under impact discussion b), the western portion of the project site is located within the Valley Water Santa Clara Plain Recharge Area. The project would include bioretention improvements onsite to facilitate infiltration, thereby restoring groundwater levels onsite. Further, as described under impact discussion a) above, the project will file a NOI with the SWRCB, prepare a SWPPP, comply with the City's Grading Ordinance, and submit an Erosion Control Plan to the Director of Public Works for review and approval for any grading during the rainy season in order to protect surface water quality from construction discharges. Therefore, the project would not interfere with the Valley Water 2021 Groundwater Management Plan for the Santa Clara and Llagas Subbasins, including the Plan's goals to manage groundwater to ensure sustainable supplies and protect groundwater from the threat of contamination.

The project, with the implementation of standard permit condition HYD-1 identified under checklist question a), would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

4.11 Land Use and Planning

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Regional

Local Agency Formation Commission of Santa Clara County

The Local Agency Formation Commission of Santa Clara County (LAFCO) is a state mandated independent local agency established to oversee the boundaries of cities and special districts in Santa Clara County. Boundary change proposals to LAFCO may include annexations to, or detachments from cities or districts; incorporation of new cities; formation of new districts; dissolution of districts; disincorporation of cities; or other changes such as consolidations and mergers of cities and districts. Cities and districts are required to obtain LAFCO's approval prior to extending services outside of their boundaries. Districts are required to obtain LAFCO's approval prior to exercising their power to provide new or different services.

Local

Envision San José 2040 General Plan

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

Policy	Description
IP-1.7	Ensure that proposals to rezone and prezone properties conform to the Land Use / Transportation Diagram, and advance Envision General Plan Vision, goals and policies.
IP-1.8	Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical characteristics that require special consideration due to those constraints.
IP-1.9	Consider and address potential land use compatibility issues, the form of surrounding development, and the availability and timing of infrastructure to support the proposed land use when reviewing rezoning or prezoning proposals.

4.11.1.2 *Existing Conditions*

The project site is an unincorporated parcel subject to County zoning currently developed with a single-family residence and is designated Residential Neighborhood in the Envision San José 2040 General Plan.[102] The surrounding area is residential.

4.11.2 Impact Discussion

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

a) Would the project physically divide an established community?

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

The project would prezone the property to the R-1-8 zoning district and annex it into the City of San José to subdivide the site into nine separate residential lots. One single-family home would be constructed per subdivided lot (eight total), and the existing home on-site would be retained. The project would extend Townsquare Drive as a public street to terminate in a cul-de-sac to provide access to the proposed lots 5 through 9 and construct a private street extending from the cul-de-sac to provide access to lots 1 through 4, with the private street connecting to the existing easement and Fleming Avenue, and continuing to provide access to Fleming Avenue for the several existing adjacent lots that currently rely on the existing driveway for street access. The proposed public and private road extensions would serve as continuation of existing development and would not physically divide an established community. **(Less than Significant Impact)**

[102] San Jose 2040 General Plan ArcGIS Map. Accessed February 12, 2025. https://www.arcgis.com/apps/mapviewer/index.html?webmap=1a27c0a15fc946d892ebedfa3b255038

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?

General Plan Consistency

As discussed previously in Section 3.0 Project Description, the site is currently an unincorporated parcel subject to County zoning and is designated Residential Neighborhood in the Envision San José 2040 General Plan. This designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods. The base density for this land use designation is eight dwelling units per gross acre, the allowable floor area ratio (FAR) is up to 0.7, and the maximum building height is 2.5 stories.

The project would include nine dwelling units on an approximately 2.08 acre site, and would therefore comply with the General Plan land use designation base density maximum of eight dwellings units per acre. The proposed single-family homes would be subject to the R-1-8 zoning regulations which limit building height to 35 feet (at most 2.5 stories), therefore complying with the General Plan land use designation requirements for height and density. Therefore, the project would be consistent with the General Plan designation for the site.

Zoning Consistency

The project would prezone the property to the R-1 zoning district and annex the property into the City of San José to subdivide the site into nine separate residential lots. One single-family home would be constructed per subdivided lot. The new residences on each lot would be subject to the R-1-8 zoning district regulations, including a maximum building height of 35 feet, a minimum side setback of five feet, a minimum rear setback of 20 feet, and a minimum front setback of 20 feet.

LAFCO Consistency

As part of the project entitlements, the applicant will file a change of organization to LAFCO for the annexation of the unincorporated project site into the City of San Jose. The project applicant would take all necessary steps to receive LAFCO approval of the annexation of the project site into the City of San José. LAFCO would review the annexation application for consistency with LAFCO policies regarding the elimination of unincorporated County 'pockets', i.e. isolated unincorporated parcels surrounded by City jurisdiction, within the City of San Jose Sphere of Influence.

Habitat Plan

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

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

4.12 Mineral Resources

4.12.1 Environmental Setting

4.12.1.1 *Regulatory Framework*

State

Surface Mining and Reclamation Act

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

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

4.12.1.2 *Existing Conditions*

The Communications Hill area in central San José is the only area within the City of San José that is designated by the State Mining and Geology Board as containing mineral deposits of regional significance. The project site is not on or adjacent to Communications Hill, which is located approximately 6.6 miles southwest of the project site.

4.12.2 Impact Discussion

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

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

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

As discussed above in Section 4.12.1.2, the Communications Hill area is the only area within the City of San José that is designated as containing mineral deposits of regional significance. The project site is approximately 6.6 miles northeast of Communications Hill. **(No Impact)**

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

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

4.13 Noise

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

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

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, DNL, or CNEL.[103] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

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

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

4.13.1.2 *Regulatory Framework*

State and Local

California Building Standards Code

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

Envision San José 2040 General Plan

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

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

Policy	Description
EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there

Policy	Description
	will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

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

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

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

City of San José Municipal Code

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

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

Reid-Hillview Airport Comprehensive Land Use Plan

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

4.13.1.3 *Existing Conditions*

The site is bound by residential properties in all directions, as well as a vacant lot to the east and Townsquare Drive to the north. All surrounding land uses are residential.

The existing noise environment at the project site primarily results from local vehicular traffic along the surrounding residential roadways and typical residential noise, such as dogs barking, children playing, etc.

4.13.2 Impact Discussion

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

4.13.2.1 *City of San José Standards*

Construction Noise

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

Operational Noise

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

Construction Vibration

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

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

Construction Noise Impacts

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

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

Construction of the project is planned to occur between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, over a period of 14 months.

Existing residential uses within 500 feet would be exposed to a temporary increase in ambient noise levels for a period of longer than one year, although the major noise generating construction activity (site preparation, grading, excavation, trenching and foundation work) would last less than one year, as shown in Table 3.2-2.

The following standard permit conditions would be applied to the project to reduce construction noise.

Standard Permit Condition NOI-1 – Construction Noise Reduction Measures

Noise minimization measures shall include, but are not limited to, the following:

a) Pile driving is prohibited.
b) Limit construction to the hours of 7:00 A.M. and 7:00 P.M., Monday through Friday for any on-site or off-site work within 500 feet of any residential unit (San José Municipal Code Section 20.100.450). Construction outside of these hours may be approved through a development permit based on a site-specific "Construction Noise Mitigation Plan" and a finding by the Director of Planning, Building and Code Enforcement or Director's designee that the Construction Noise Mitigation Plan is adequate to prevent noise disturbance of affected residential uses.
c) Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
d) Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
e) Prohibit unnecessary idling of internal combustion engines (no more than two minutes).
f) 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.
g) Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
h) Utilize "quiet" air compressors and other stationary noise sources where technology exists.

i) 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.
j) 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.
k) 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., beginning work too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the noise disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Standard Permit Condition NOI-2 – Enhanced Noise Reduction Measures for Construction Hours

The applicant shall retain a qualified acoustical consultant to prepare a site-specific, quantitative Construction Noise Assessment. In addition, the applicant shall include, but is not limited to, the following enhanced Construction Noise Reduction Measures:

a) Construct solid plywood fences around ground level construction sites located adjacent to operational businesses, residences, or other noise-sensitive land uses. Typically, a temporary eight-foot-tall noise barrier fence having a minimum surface density of two pounds per square foot (lbs/ft^2), such as 3/4-inch plywood, would provide a minimum attenuation of five A-weighted decibel for adjacent land uses when construction activities occur at the ground level, assuming no cracks or gaps.
b) If complaints are received or excessive noise levels cannot be reduced using the measures above, temporary noise control blanket barrier along surrounding building facades that face the construction sites shall be erected.
c) Substitute nail guns for manual hammering, where feasible.
d) Substitute electrically powered tools for noisier pneumatic tools, where feasible.
e) The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate intake and exhaust mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components. Utilize "quiet" air compressors and other stationary noise sources where technology exists.

The applicant shall submit the site-specific, quantitative Construction Noise Assessment to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

With incorporation of the City's standard permit conditions NOI-1 and NOI-2 described above, the project would reduce short-term construction noise impacts and reduce the level of construction noise to nearby sensitive receptors.

With incorporation of the City's standard permit conditions NOI-1 and NOI-2 described above, temporary construction noise would be less than significant.

Operational Noise

According to Policy EC-1.2 of the City's General Plan, a permanent noise increase would be considered significant if the project would substantially increase noise levels at existing sensitive receptors in the project vicinity. A substantial increase would occur if, a) the noise level increase is five dBA day-night average sound level (DNL) or greater, with a future noise level of less than 60 dBA DNL at residences, or b) the noise level increase is three dBA DNL or greater with a future noise level of 60 dBA DNL or greater at residences.

Project Generated Traffic

A project that generates substantial daily trips (equivalent to a doubling of existing traffic volumes on local roadways) could increase ambient noise levels in the project vicinity by three dBA DNL.

Based on the trip generation rates in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, the project would generate approximately 75 net new trips per day.[104] The main roadway with frequent daily traffic that would provide access to the project site is Fleming Avenue. The average daily traffic volume (ADT) along Fleming Avenue in the project vicinity is 4,256.[105] Therefore, the additional project trips (75 trips per day) would not double traffic on Fleming Avenue and would not result in a substantial increase in traffic noise compared to existing conditions in the project area. Furthermore, the project site is located in an existing residential area where similar residential traffic is generated by surrounding residential buildings. Increased traffic generated by the eight additional single family residences would not result in a perceptible increase in operational noise levels and would, therefore, be consistent with ambient noise levels produced by local vehicle traffic in the project vicinity. For these reasons, the project would not substantially increase the ambient noise levels at the nearest noise-sensitive receptors.

As described above, the project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project due to in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies due to project construction or operation. **(Less than Significant Impact)**

[104] Project trips were estimated using the Institute of Transportation Engineers (ITE) trip generation rates of 9.43 daily trips per dwelling unit (single-family detached Land Use Code 210).
[105] City of San Jose. "Traffic Volume." Accessed February 2, 2026. https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=067fbd3db8dd44f8a60f48148331b3d7

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

Construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used in the vicinity of nearby sensitive land uses. Construction activities would include site preparation, grading, excavation, trenching and foundation work, construction of building exteriors and interiors, and paving. Impact pile driving (which generates substantial vibration) is not proposed as a method of construction on-site. According to General Plan Policy EC-2.3, a continuous vibration limit of 0.2 in/sec PPV is used to minimize damage at buildings of conventional construction and a continuous vibration limit of 0.08 in/sec PPV is used to minimize the potential for cosmetic damage to historical structures. The vibration limits contained in this policy are conservative and designed to provide the ultimate level of protection for existing buildings in San José.

The nearest buildings to the project site are the adjacent residences. Based on the *National Register of Historic Places* (NRHP)[106], *California Register of Historic Resources* (CRHR)[107], and *City of San José Historic Resources Inventory*, [108] there are no historic buildings located on or adjacent to the project site. According to the City's Historic Resources Map, the nearest historical structure is located at 509 Porter Lane, which is approximately one mile north of the project site. At this distance, construction vibration levels would have no impact on the historical structure.

Table 4.13-2 below presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet. Project construction activities, such as drilling, the use of jackhammers, rock drills, and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. Jackhammers typically generate vibration levels of 0.035 in/sec PPV, and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. As described under standard permit condition NOI-1 described under impact discussion a), pile driving is prohibited. However, the use of other equipment listed in Table 4.13-2 has the potential to generate noise exceeding the 0.2 in/sec PPV threshold described under General Plan Policy EC-2.3.

[106] National Register of Historic Places. "National Register Database and Research. Accessed February 2, 2026. https://www.nps.gov/subjects/nationalregister/database-research.htm
[107] California Register of Historic Places. "California Historical Resources." Accessed February 2, 2026. https://ohp.parks.ca.gov/listedresources/
[108] City of San José. "Historic Resource Inventory." Accessed February 2, 2026. https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=b2d7cc355a86493c8da904b8c2fc3e3e

Table 4.13-2: Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 ft. (in/sec)	Minimum Distance to Meet 0.3 in/sec PPV (feet)
Pile Driver (Impact)	upper range	1.158	86
	typical	0.644	51
Pile Driver (Sonic)	upper range	0.734	57
	typical	0.170	15
Clam shovel drop		0.202	18
Hydromill (slurry wall)	in soil	0.008	1
	in rock	0.017	2
Vibratory Roller		0.210	19
Hoe Ram		0.089	9
Large bulldozer		0.089	9
Caisson drilling		0.089	9
Loaded trucks		0.076	8
Jackhammer		0.035	4
Small bulldozer		0.003	<1

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, modified by Illingworth & Rodkin, Inc., July 2025.

The following standard permit condition would be applied to the project to ensure construction equipment used by the project would not exceed the City's vibration limit of 0.2 in/sec PPV for buildings of conventional construction at adjacent residential buildings.

Standard Permit Condition VIB-1: Non-pile Driving within 30 feet

The applicant shall retain a qualified acoustical consultant to prepare a site-specific, quantitative Vibration Assessment. The applicant shall be required to implement the following Vibration Reduction Control Measures:

a) A list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted by the contractor to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to issuance of demolition or grading permits. This list shall be used to identify equipment and activities that may generate substantial vibration and to define the level of effort required to reduce vibration levels below the thresholds.

b) Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.
c) Smaller equipment (less than 18,000 pounds) shall be used near the property lines or adjacent sensitive buildings to minimize vibration levels. For example, a smaller vibratory roller similar to a Caterpillar model CP433E vibratory compactor could be used when compacting materials within 30 feet of sensitive buildings. The smaller equipment intended to implement this requirement shall be individually identified among the list of equipment required under the above condition as a subset of equipment allowed for use at the property lines.
d) Avoid dropping heavy equipment and using vibratory rollers within 30 feet of sensitive structures. Use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 30 feet of structurally sensitive buildings. Select demolition methods that do not involve large impact tools, such as hoe-rams, within 30 feet of sensitive buildings. Portable jackhammers, saws, or grinders shall be used to minimize impacts to the ground.

The applicant shall submit the site-specific, quantitative Vibration Assessment to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permit.

Implementation of the standard permit condition VIB-1 described above would reduce construction vibration generated by the project below the City's vibration limits and the project would therefore not result in generation of excessive groundborne vibration or groundborne noise levels. **(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 project site is located approximately 2.2 miles northeast of Reid-Hillview Airport. The site is located outside of the 65 dB Community Noise Equivalent Level (CNEL) noise contour of the airport.[109] Because the project site is located outside of the 65 dBA CNEL noise contour for the Reid-Hillview Airport, noise generated by airport activities would be less than 65 dBA CNEL at the project site, and the project would not expose residents to excessive airport-related noise levels. **(No Impact)**

[109] Santa Clara County. *Reid-Hillview Airport Comprehensive Land Use Plan.* October 24, 2007. Amended November 18, 2020.

4.14 Population and Housing

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[110] The City of San José Housing Element and related land use policies were last updated in June 2023.[111]

Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth.[112]

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

[110] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed February 2, 2026. http://hcd.ca.gov/community-development/housing-element/index.shtml.
[111] City of San Jose. Housing Element. Accessed February 2, 2026. https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/housing-element
[112] Association of Bay Area Governments and Metropolitan Transportation Commission. *Plan Bay Area 2050*. October 21, 2021. Page 20.

4.14.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 979,415 in January 2025[113], with an average of 3.12 persons per household.[114] Full build out of the General Plan includes 120,000 new dwelling units and 382,200 new jobs by 2040. Development approved under the General Plan is projected to increase the City's residential population to 1,313,811.

The project site is currently developed with one residential building.

4.14.2 Impact Discussion

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

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

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

The project would construct eight single-family detached homes, which would result in approximately 25 new residents on-site.[115,116] As discussed under checklist question b) in Section 4.11 Land Use and Planning, the proposed project is consistent with the site's land use designation, and therefore is consistent with the buildout analyzed in the General Plan FEIR. Additionally, the project does not include any employment-generating uses (e.g., retail, commercial, office, etc.) or

[113] State of California Department of Finance. Population and Housing Estimates for Cities, Counties, and the Sate – January 1, 2024 and 2025. Accessed February 2, 2026.
[114] City of San Jose. 2023-2031 Housing Element. Adopted June 20, 2023. Appendix A, Page A-53.
[115] Estimate is based on an average rate of 3.12 persons per household. Source: City of San Jose. 2023-2031 Housing Element. Adopted June 20, 2023. Appendix A, Page A-53.
[116] Eight proposed single-family homes x 3.12 persons/household = 23 new residents.

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

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

The project would retain the one house located onsite, while adding eight additional houses to the site. The displacement of existing residential uses, therefore, would not occur and the project would not necessitate the construction of replacement housing elsewhere. **(Less than Significant Impact)**

4.15 Public Services

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

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

Government Code Section 65995 through 65998

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

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

Regional and Local

Countywide Trails Master Plan

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

Envision San José 2040 General Plan

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

Policy	Description
PR-1.1	Provide 3.5 acres of per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
PR-1.3	Provide 500 square feet per 1,000 population of community center space.
PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a 3/4 mile radius of the project site that generates the funds.
PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, dog parks, sport fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.
ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.
ES-3.1	Provide rapid and timely Level of Service response time to all emergencies: 1. For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, achieve a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents. 3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models. 4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community. 5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
ES-3.8	Use the Land Use/Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.

Policy	Description
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
ES-3.10	Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.
ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
ES-3.13	Maintain emergency traffic preemption controls for traffic signals.
ES-3.15	Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.
ES-3.18	Maintain a program consistent with requirements of State law to inspect buildings not under authority of the Office of the State Fire Marshall.

Parkland Dedication Ordinance and Park Impact Ordinance

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

Greenprint

The Greenprint is a strategic plan to guide the City's expansion of parks, recreation facilities, and community services. The plan was first adopted by City Council in 2000 then updated in 2009. As such, the Greenprint was designed to reflect the current goals of the City Council and the community at the time of creation. The Greenprint contains strategies to support the overall mission of providing healthy communities through people, parks, and programs.
The Greenprint identifies areas of the City that are underserved by park and recreation facilities and includes policies and strategies to correct those deficiencies. The Envision San Jose 2040 General Plan incorporated the Greenprint 2009 strategies.

ActivateSJ Strategic Plan

This plan does not replace the Greenprint 2009 update but instead is a complement to the Greenprint document and focuses more on the daily operations of the Department of Parks, Recreation, and Neighborhood Services. The Plan serves as an outline of goals and policies of the City's Department of Parks, Recreation, and Neighborhood Services, and is intended to act as a 20-year strategic plan in alignment with the Envision San José 2040 General Plan. The ActivateSJ Strategic Plan will be updated at five-year intervals. The Plan identifies five major guiding principles, Stewardship, Nature, Equity & Access, Identity, and Public Life, to achieve the City's goal of connecting people through parks, recreation, and neighborhood services.

4.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services in San José are provided by the SJFD. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The SJFD protects 206 square miles and approximately 1.2 million residents in both City and county areas. There are 33 fire stations that serve the residents of San José. The SJFD has established the goal of responding to Priority 1 incidents (emergencies) within eight minutes, 80 percent of the time, and Priority 2 incidents (non-emergencies) within 13 minutes, 80 percent of the time. For 2021-2022, the SJFD responded to Priority 1 incidents within the set time standard 71 percent of the time. [117]

The closest fire station to the project site is Fire Department Station 2, located 1.7 miles west of the project site at 2949 Alum Rock Avenue.

Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately 8.5 miles west of the project site. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is directly served by the SJPD Foothill Division. The Foothill Division includes covers approximately 42 square miles.[118]

The SJPD has established the goal of responding to Priority 1 calls (present or imminent dangers to life or major damage to/loss of property) within six minutes and responding to Priority 2 calls (involving injury or property damage, or the potential for either to occur) within 11 minutes. In 2021-2022, the citywide average response time for Priority 1 calls was 7.3 minutes, and the average response time for Priority 2 calls was 23.9 minutes.[119]

[117] City of San José. *Annual Report on City Services 2021-2022*. December 2022.
[118] San José Police Department. "SJPD Foothill Division". Accessed February 2, 2026. https://www.sjpd.org/about-us/organization/bureau-of-field-operations/foothill-division
[119] City of San José. *Annual Report on City Services 2021-2022*. December 2022.

Schools

The project site is located within the attendance boundaries of the Alum Rock Union Elementary School District (which serves students from transitional kindergarten through eighth grade) and the East Side Union High School District (which serves students from grades nine through 12).[120] The project site is served by Lyndale Elementary School(located at 13901 Nordyke Drive, approximately 1.8 miles to the southwest of the project site), either William Sheppard Middle School (located at 480 Rough and Ready Road, approximately 3.4 miles to the west of the project site) or Ocala STEAM Academy (located at 2800 Ocala Avenue, approximately 3.0 miles to the south of the project site)[121], and James Lick High School (located at 57 N White Road, approximately 2.0 miles to the west).

Parks

The City of San José provides parklands, open space, and community facilities for public recreation and community services in the project area. The nearest park to the project site is Fleming Park, located approximately 0.8 miles northwest of the project site.

Libraries and Community Centers

The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 24 branch libraries.[122] The nearest library is the Dr. Roberto Cruz Alum Rock Branch Library, located approximately 1.5 miles west of the site.

The City of San José operates 48 community centers within the City limits. The nearest community center to the site is the Alum Rock Youth Center, approximately 1.8 miles west of the site.

[120] City of San José. "Public Information Search". Accessed February 2, 2026. https://portal.sanjoseca.gov/deployed/sfjsp?interviewID=PublicPropertySearch

[121] Students generated by the project would typically be assigned to Horace Elementary School and Joseph George Middle School, which are closed now. Therefore, students are reassigned to the schools sited above. Source: Personal Communication. Email. Teresa Decelles, Assistant Superintendent of Business Services, and Eric Wasinger, Senior Executive of Bonds, Maintenance, Operations, and Transportation. Alum Rock Union Elementary School District. August 23, 2026.

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

4.15.2 Impact Discussion

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

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

The project would intensify development at the project site, thus increasing the demand for fire protection services.

Although the site would increase demand for fire protection services in comparison with the existing development, the proposed development is consistent with the planned build-out anticipated in the Envision San Jose 2040 General Plan, which concluded would not have a significant impact on fire department services. The General Plan also includes policies that address the provision of fire services within the City. Implementation of these policies provide mitigation for additional fire services required within the City as a result of implementation of the General Plan. Therefore, the project would not require the construction of new or expanded fire facilities.

As discussed under checklist question d) in Section 4.17 Transportation, the project would meet the SJFD requirements that all portions of the buildings be within 150 feet of a SJFD access road and a minimum of three feet clearance from the property line to all sides of the buildings is provided. In addition, the project would provide adequate fire suppression infrastructure as required by General Plan Policy ES-3.11 Further, the project would be constructed in accordance with current state and local building and fire codes to ensure structural stability and safety. The SJFD would review the

final site design for consistency with applicable fire department standards. The project would not result in a significant impact on fire protection facilities and services. **(Less than Significant Impact)**

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

As discussed under checklist question a), the project would intensify development at the project site; therefore, the project would increase the demand for police protection services. This increase in demand would be diminished with compliance with applicable City policies, such as General Plan Policy ES-3.9, that promote public and property safety. Furthermore, as the proposed development is consistent with the build-out anticipated in the City's Envision San Jose 2040 General Plan, which concluded would not have a significant impact on police protection services, the project would not warrant new or expanded police facilities. The project's incremental increase in police protection services compared to existing conditions would not require new or expanded police protection facilities (the construction of which could cause significant environmental impacts) in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. In addition, SJPD would review the final site design, including proposed landscaping, access, and lighting, to ensure that the project provides adequate safety and security measures. The project would not result in a significant impact on police protection facilities or services. **(Less than Significant Impact)**

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

The project would generate additional K-12 students due to the increase in housing units on-site. The project would generate approximately two elementary students and two middle school students within the Alum Rock Unified School District.[123] The project would generate approximately two high school students within the East Side Union School District.[124][125] Table 4.15-1 below summarizes the student capacity and enrollment numbers for the schools that would serve the proposed project.

[123] The Alum Rock Unified School District did not provide a student generation rate for residential families when requested via email communication during this analysis. Therefore, the San Jose Unified School District student generation rate of 0.234 students per residential unit was used for this analysis. The San Jose Unified School District is located within the same city as the Alum Rock Unified School District, and is a reasonable source to use for this projection. Source: San José Unified School District. Developer Fee Justification Study. June 25, 2026. https://sjusd.app.box.com/s/vuycddqmw0rs4xb8r4qqbxgvhtyclplt

[124] East Side Union High School District. June 12, 2020.

[125] Assumes a student generation rate of 0.1886 per single-family unit.

Table 4.15-1: Local School Facilities

Local School	Capacity (# of students)	Current Enrollment (2024-2025) (# of students)
Lyndale Elementary School	450	300
William Sheppard Middle School	1200	750
Ocala STEAM Academy	850	650
James Lick High School	At least 862[126]	778

Sources: California Department of Education. "*2025-26 Enrollment by Ethnicity and Grade.*" Accessed August 24, 2026.

Personal Communication. Email. Teresa Decelles, Assistant Superintendent of Business Services, and Eric Wasinger, Senior Executive of Bonds, Maintenance, Operations, and Transportation. Alum Rock Union Elementary School District. August 24, 2026.

As shown above, the three schools servicing the area would have adequate capacity to serve the additional students generated by the project.[127]

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

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

The City of San José has a PDO which requires new housing projects to provide 3.0 acres of neighborhood/community serving parkland per 1,000 population, provide recreational facilities onsite, and/or pay an in-lieu fee. The proposed project would result in approximately 25 residents

[126] As part of this analysis, the East Side Union School District was contacted via email inquiring on the maximum enrollment capacity of James Lick High School. No response was received. The school's total enrollment from the 2024 – 2025 school year of 862 was conservatively assumed as the maximum enrollment rate for this analysis, although the maximum capacity is likely higher. Source: California Department of Education. "*2024-25 Enrollment by Ethnicity and Grade.*" Accessed August 24, 2026.
[127] Source for Lyndale Elementary School, William Sheppard Middle School, and Ocala STEAM Academy : Personal Communication. Email. Teresa Decelles, Assistant Superintendent of Business Services, and Eric Wasinger, Senior Executive of Bonds, Maintenance, Operations, and Transportation. August 24, 2026.

on-site.[128,129] The project would be required to pay the applicable PDO/PIO fees. The project's PDO/PIO fees would be used for neighborhood serving elements (such as playgrounds/tot-lots and basketball courts) within 0.75 miles of the project site, and/or community serving elements (such as soccer fields and community gardens) within a three-mile radius of the project site, consistent with General Plan Policies PR-2.4 and PR-2.5.

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

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

Development approved under the General Plan is projected to increase the City's residential population to 1,313,811. The existing and planned library facilities in the City would provide approximately 0.68 square feet of library space per capita for the anticipated population under build out of the General Plan by the year 2035, which is above the City's service goal of 0.59 square feet of library space per capita.[130] As discussed above in Section 4.14 Population and Housing, the growth resulting from the project is consistent with the buildout scenario analyzed in the General Plan FEIR. Accordingly, while the project would increase the use of local libraries, the project would not require the construction of new library facilities beyond what was analyzed in the General Plan FEIR.

As of 2021, San José had 558,000 square feet of community space.[131] Assuming a population of 959,352, the City would provide approximately 580 square feet for every 1,000 people.[132] The City has a service goal of 500 square feet of community center space for every 1,000 people. Accordingly, the project would not result in the City failing to meet its service goal for community space and the construction of new community facilities. **(Less than Significant Impact)**

[128] Estimate is based on an average rate of 3.12 persons per household. Source: City of San Jose. 2023-2031 Housing Element. Adopted June 20, 2023. Appendix A, Page A-53.
[129] Eight proposed single-family homes x 3.12 persons/household = 23 new residents.
[130] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report.* SCH: 2009072096. September 2011.
[131] City of San José. *ActivateSJ Strategic Plan (2020-2040)*. January 2020.
[132] Existing population as of January 1, 2023 (959,256) plus 96 residents generated by the project. Source: California Department of Finance. https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/.

4.16 Recreation

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Government Code Section 66477

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

Regional and Local

Countywide Trails Master Plan

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

Envision San José 2040 General Plan Policies

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

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

ActivateSJ Strategic Plan

This plan does not replace the Greenprint 2009 update but instead is a complement to the Greenprint document and focuses more on the daily operations of the Department of Parks, Recreation, and Neighborhood Services. The Plan serves as an outline of goals and policies of the city's Department of Parks, Recreation, and Neighborhood Services, and is intended to act as a 20-year strategic plan in alignment with the Envision San José 2040 General Plan. The ActivateSJ Strategic Plan will be updated at five-year intervals. The Plan identifies five major guiding principles, Stewardship, Nature, Equity & Access, Identity, and Public Life, to achieve the City's goal of connecting people through parks, recreation, and neighborhood services.

4.16.1.2 *Existing Conditions*

The City of San José provide parklands, open space, and community facilities for public recreation and community services in the project area. The nearest park to the project site is Fleming Park, located approximately 0.8 miles northwest of the project site.

4.16.2 Impact Discussion

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

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

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

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

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

4.17 Transportation

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Senate Bill 743

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

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

Regional and Local

Congestion Management Program

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

Transportation Analysis Policy (City Council Policy 5-1)

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

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

Envision San José 2040 General Plan

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

Policies	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand. Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems. The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1. Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

Policies	Description
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
TR-5.3	Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.
CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
LU-9.1	Create a pedestrian-friendly environment by connecting new residential development with safe, convenient, accessible, and pleasant pedestrian facilities. Provide such connections between new development, its adjoining neighborhood, transit access points, schools, parks, and nearby commercial areas.
LU-10.5	Facilitate the development of housing close to jobs to provide residents with the opportunity to live and work in the same community.

4.17.1.2 *Existing Conditions*

Roadway Network

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

- Interstate 680 (I-680) is a north-south freeway that begins at US 101 in San Jose, where I-280 transitions to I-680, and ends at I-80 in Solano County. I-680 provides access to the project site via Alum Rock Road.
- Fleming Avenue is a northwest – east two-lane road. Fleming Avenue provides direct access to the site.
- Townsquare Drive begins at its intersection with Fleming Avenue and dead ends at the project site. Townsquare Drive is a two-lane road.
- Alum Rock Avenue is a two-lane major throughway for the Alum Rock neighborhood. It begins where it meets East Santa Clara Street at its crossing over Bayshore Freeway and ends at Miguelita Road. Alum Rock Avenue provides access to the site at its crossing with Fleming Avenue.

Pedestrian Facilities

Sidewalks are found along Alum Rock Avenue and Town Square Drive in the vicinity of the project site. Sidewalks are intermittent along the north side of Fleming Avenue and absent along the south side of Fleming Avenue. The existing network of sidewalks provides minimal connectivity for pedestrians between the project site and other surrounding land uses and transit stops.

Bicycle Facilities

Bicycle facilities are divided into four classes:

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

No bicycle facilities described above are provided directly adjacent to the site. The closest bicycle facility to the site is a Class III bicycle facility located on Story Road, 1,000 feet east of the site, which is accessible via Fleming Avenue. Story Road eventually transitions to a Class II bicycle facility further south. The nearest Class I bikeway to the site is the Penitencia Creek multi-use trail system, which runs alongside Penitencia Creek and separates bicyclists from motor vehicle traffic. Access to the four-mile multi-use trail is three miles northwest the project site.

Transit Facilities

Existing transit services near the project site are provided by the Santa Clara Valley VTA. Local bus routes 25 and 71 service the area, as described below.

Local bus route 25 departs from Alum Rock Station and ends at Clove/Ginger with 12-minute headways during the weekday a.m. and p.m. peak commute hours of the day. The bus route has stops along White Road, with the closest stops at the intersection of East Hills Drive and White Road (1.4 miles southwest of the site) and the intersection of Story Road and White Road (1.5 miles southwest of the site).

Local bus route 71 operates along Alum Rock Avenue. Route 71 provides service between the Milpitas BART station and Eastridge Mall with 30- minute headways during the weekday a.m. and p.m. peak commute periods of the day.

The VTA currently operates the 42.2-mile LRT line system extending from south San Jose through downtown to the northern areas of San Jose, Santa Clara, Milpitas, Mountain View and Sunnyvale. The service operates nearly 24 hours a day with 15-minute headways during much of the day. The Alum Rock LRT station located two miles southwest of the project site.

4.17.2 Impact Discussion

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

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

Pedestrian and Bicycle Facilities

Townsquare Road currently includes sidewalk on both sides of the street, whereas the portion of Fleming Avenue adjacent to the project site does not include sidewalk. The project would improve pedestrian facilities by constructing sidewalks along the Townsquare Road extension connecting to all lots, although only lots 5-9 would front on a public street. This new sidewalk would connect to the existing pedestrian facilities on Townsquare Road, thereby improving pedestrian circulation in the area. The project would not inhibit pedestrian flow through the area by reducing sidewalk width or eliminating sidewalks to accommodate vehicular flow. The project would also include installing a sidewalk along the portion of Fleming Avenue that fronts the project site.

The project would not remove any bicycle facilities, nor would it conflict with any adopted plans or policies for new bicycle facilities. The City of San José Better Bike Plan 2025 identifies Story Road and White Road as having a Class II bikeway facilities. The project would not inhibit bicycle flow through the area by eliminating bicycle facilities.

Transit Facilities

As discussed in Section 4.17.1.2, local bus routes 25 and 71 provide service to the project area with stops on White Road. Given the distance of the bus stops from the project site (over a mile), the lack of sidewalk along Fleming, and the topography of the area, future project residential use of the transit services in the area is estimated to be limited. Therefore, any potential increase in transit demand generated by the proposed project would be minimal and could be accommodated by the current available ridership capacities of the transit services in the area.

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

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

The City of San José's Transportation Analysis Policy (Council Policy 5-1) establishes thresholds for transportation impacts in accordance with SB 743 and CEQA that define VMT as the metric for transportation impacts. Council Policy 5-1 identifies certain screening criteria for projects the City Council found would not result in significant transportation impacts, either individually or cumulatively. The type of development projects that may meet the screening criteria include the following:

1. Small infill projects
2. Local-serving retail
3. Local-serving public facilities
4. Projects located in Planned Growth Areas with low VMT and High-Quality Transit
5. Deed-restricted affordable housing located in Planned Growth Areas with High Quality Transit

For small infill projects, the threshold for single-family residential developments is 15 or fewer dwelling units.[133] The project would subdivide the site into nine separate residential lots with one single-family home constructed per subdivided lot (eight constructed total, as the existing single-family home would remain). Therefore, based on the screening criteria, the project would have a less than significant VMT impact.

The project is estimated to generate approximately six AM peak-hour trips, eight PM peak-hour trips, and 75 daily trips.[134] The increase in trips is incremental and would not have the potential to adversely affect the operation of the surrounding roadway facilities. Therefore, the project would

[133] City of San José. *Transportation Analysis Handbook*. April 2023. Page 12.

[134] Project trips were estimated using the Institute of Transportation Engineers (ITE) trip generation rates of 9.43 daily trips per dwelling unit, 0.70 AM peak hour trips per dwelling unit, and 0.94 PM peak hour trips per dwelling unit (single-family detached Land Use Code 210).

not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(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 uses (e.g., farm equipment)?

The project would extend Townsquare Drive as a public street to terminate in a cul-de-sac to provide access to the proposed lots 5 through 9. A private street would extend from the cul-de-sac to provide access to lots 1-4, with the private street connecting to Fleming Avenue, and continuing to provide access to Fleming Avenue for the several existing adjacent residences that currently rely on the existing driveway for street access. The width of the Townsquare Drive public street extension would conform to the existing right-of-way until it terminates with the cul-de-sac. The width of the private street varies but would maintain a minimum width of 20 feet.

There are no existing landscaping, roadway curvature, or other visual obstructions along the existing project driveway connecting to Fleming Avenue that would obscure sight distance at the project roadways. There is a slight roadway curvature on Fleming Avenue east of the existing project driveway, however the curvature is not substantial enough to provide a visual obstruction. While there is currently landscaping where Townsquare Drive dead-ends into the project site, the street extension proposed under the project would clear the landscaping to allow for the roadway and thereby remove visual obstructions. For Fleming Avenue, which has a posted speed limit of 35 mph, the Caltrans stopping sight distance is 250 feet. This means that a driver must be able to see 250 feet down Fleming Avenue to locate a sufficient gap to turn out of the project's roadway. This also gives drivers traveling along Fleming Avenue adequate time to react to vehicles exiting the project driveways. For Townsquare Drive, which has a speed limit of 25 mph, the Caltrans stopping sight distance is 150 feet.

Street parking is not allowed on Fleming Avenue within the project site vicinity; therefore, adequate sight distance will be maintained. Drivers exiting the project roadway onto Fleming Avenue would be able to see at least 250 feet in both directions. Therefore, it can be concluded that sight distance would be adequate at the project. Street parking on Townsquare Drive is permitted. Project driveways connecting to the proposed private street that would connect to the existing Townsquare Drive cul-de-sac would have sufficient visual clarity to safely enter the proposed private roadway. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

The proposed project would not result in changes to surrounding major circulation systems or established evacuation routes. The City requires consistency with applicable fire department standards before building permits are approved. The City of San Jose Fire Department requires that all portions of the buildings be within 150 feet of a fire department access road and requires a minimum of 3 feet clearance from the property line along all sides of the building. According to the

site plan, the project would meet the fire access requirements. Therefore, the proposed project would have a less than significant impact on emergency access. **(Less than Significant Impact)**

4.18 Tribal Cultural Resources

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a TCR, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a TCR or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

4.18.1.2 *Existing Conditions*

There are no known TCRs on the project site. A Sacred Lands File Search request was submitted to the NAHC for the project area. A response was received on March 23, 2024 stating that the search results were negative.

As discussed in Section 4.4 Cultural Resources, the project area has a moderate sensitivity for buried Native American archaeological deposits and low sensitivity for historic-period archaeological deposits. No tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified on the project site based on available information.

AB 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be significantly impacted by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation

requirement applies only if the tribes have sent written requests for notification of projects to the Lead Agency

On May 5, 2026, the City sent out AB 52 notifications for the project to Tamien Nation, the Indian Canyon Mutsun Band of Costanoan Ohlone People, and the Muwekma Ohlone Tribe. The City received a response from Tamien Nation requesting to consult under AB 52. The consultation meeting between the Tamien Nation and City staff occurred on May 21, 2026, and no follow up meeting was requested. Tamien Nation did not identify any TCRs or recommend any mitigation to the project during the meeting. The City sent the tribe a follow-up request for any recommended mitigation measures via email on June 10, 2026 (with a deadline of June 24, 2026) but no response was received.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☒	☐
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

The project area has a moderate sensitivity for buried Native American archaeological deposits and low sensitivity for historic-period archaeological deposits. No tribal cultural features, including sites,

features, places, cultural landscapes or sacred places have been identified on the project site based on available information. The project would implement standard permit condition CUL-2 under checklist question b) in Section 4.5 Cultural Resources to reduce the potential for adverse impacts to buried cultural resources (including TCRs) to a less than significant level. **(Less than Significant Impact)**

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

The project site does not contain any known TCRs. Refer to the discussion under checklist question a). With the implementation of standard permit condition CUL-2 identified under checklist question b) in Section 4.5 Cultural Resources would not cause a substantial adverse change in the significance of a tribal cultural resource. **(Less than Significant Impact)**

4.19 Utilities and Service Systems

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The San José Water Company, the water retailer serving the site, adopted its most recent UWMP in 2021.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the California Integrated Waste Management Board (CIWMB), required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels) beginning January 1, 2000. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

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

Senate Bill 610

SB 610 amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 requires preparation of a Water Supply Assessment (WSA) containing detailed information regarding water availability to be provided to the decision-makers prior to approval of specified large development projects that also require a General Plan Amendment. This WSA must be included in the administrative record that serves as the evidentiary basis for an approval action by the city or county on such projects. Under SB 610, WSAs must be furnished to local governments for inclusion in any environmental documentation for certain projects subject to CEQA. Pursuant to the California Water Code (Section 10912[a]), projects that require a WSA include any of the following:

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- A mixed-use project that includes one or more of the projects identified in this list; or
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling unit project.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025. CalRecycle released an analysis titled "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals" in August 2020 (revised November 2020), which recommended maintaining the disposal reduction targets set forth in SB 1383.[135]

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 buildings in California. The code is updated every three years.[136] CALGreen 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

[135] CalRecycle. "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals (DRRR-2020-1693)." Accessed January 3, 2026. https://www2.calrecycle.ca.gov/Publications/Details/1693.
[136] California Building Standards Commission. "California Building Standards Code." Accessed January 3, 2026. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and

- Providing readily accessible areas for recycling by occupants.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to utilities and service systems and applicable to the proposed project:

Policy	Description
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.
EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

In addition to the above-listed San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the Santa Clara County Integrated Watershed Management (IWM) Program, which minimizes solid waste.

San José Zero Waste Strategic Plan/Climate Smart San José

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

San José Sewer System Management Plan

The purpose of the Sewer System Management Plan (SSMP) is to provide guidance to the City in the operation, maintenance, and rehabilitation of the sewer assets of the City of San José. The SSMP includes construction standards and specifications for the installation and repair of the collection system and its associated infrastructure.

Private Sector Green Building Policy

The City of San José's Green Building Policy for new private sector construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the design process. This policy establishes baseline green building standards for private sector construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety, and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources.

San José Construction and Demolition Diversion Deposit Program

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

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

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

4.19.1.2 *Existing Conditions*

Water Service and Supply

Water service is provided to the City of San José by three water retailers, San Jose Water Company (SJW), the City of San José Municipal Water System, and the Great Oaks Water Company. Water service to the project sites is provided by the SJW. The service area of SJW is 139 square miles, including most of the cities of San José and Cupertino, the entire cities of Campbell, Monte Sereno, Saratoga, the Town of Los Gatos, and parts of unincorporated Santa Clara County. Potable water provided to the service area is sourced from groundwater, imported treated water, and local surface water. It is estimated that the existing residence onsite used approximately 187 gallons of water per day (gpd).[137,138] However, the existing residence is currently vacant, therefore the analysis within this Initial Study assumes no current water demand for the project site.

The South Bay Water Recycling's (SBWR) is the regional permit holder for recycled water in San José, Santa Clara and Milpitas, ensuring compliance with State regulations for recycled water quality and use. SBWR's recycled water system consists of over 150 miles of pipeline, five pump stations, and 10 million gallons of storage in reservoirs. Recycled water is used to irrigate large landscape areas and other non-potable applications. There are no recycled water lines in the project vicinity.[139]

Sanitary Sewer/Wastewater Treatment

Wastewater from the project site is treated at the San José-Santa Clara Regional Wastewater Facility (RWF), which is administered and operated by the City's Department of Environmental Services. The RWF has the capacity to treat 167 million gallons per day (mgd) of wastewater during dry weather and treats 110 mgd on average.[140] The City of San José currently generates approximately 69.8 mgd of dry weather average flow, leaving 38.8 mgd of excess treatment capacity at the RWF for the City's wastewater treatment demands.[141]

Wastewater from the project site is conveyed to the City's sewer system via a six-inch diameter main line in Townsquare Drive. The General Plan FEIR states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purposes of this analysis, wastewater flow rates are assumed to be 80 percent of the total on-site water use. The existing residence is on a septic tank and currently does not generate wastewater into the City's wastewater system.

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[137] Typical per capita water use for existing family residential customers was calculated to be approximately 60 gallons per day. Source: San José Water Company. 2020 Urban Water Management Plan. June 2021. Page 4-4.
[138] Estimate is based on an average rate of 3.12 persons per household. Source: City of San Jose. 2023-2031 Housing Element. Adopted June 20, 2023. Appendix A, Page A-53.
[139] City of San José. South Bay Water Recycling Program Pipeline System. May 21, 2025. https://www.sanjoseca.gov/home/showpublisheddocument/522/638850563545430000
[140] San José-Santa Clara Regional Wastewater Facility. "San José-Santa Clara Regional Wastewater Facility Fact Sheet." Accessed July 5, 2023. https://www.sanjoseca.gov/home/showpublisheddocument/32061/637267825445900000.
[141] City of San José. *Envision San José 2040 General Plan Integrated Draft Program Environmental Impact Report.* SCH: 2009072096. September 2011. Page 648.

Storm Drainage

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. The project site is located within an urbanized area served by an existing storm drainage system. Currently, the project site is currently covered with approximately 19 percent (approximately 17,715 square feet square feet) impervious surfaces. Surface runoff from the project site flows into a 15-inch diameter storm drain line in Townsquare Drive. Surface runoff from the Townsquare Drive storm drains discharge into the Coyote watershed.

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California IWMB in 1996 and was reviewed in 2004 and 2007. Based on the IWMP, the County has adequate landfill capacity. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. According to the IWMP, the County has adequate disposal capacity beyond 2030. [142] Solid waste generated within the County is transported to Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road landfills. The City has an existing contract with Newby Island Sanitary Landfill (NISL). The NISL has approximately 12.4 million cubic yards (12,415,831 cubic yards or 9,311,873 tons)[143] of capacity remaining and an estimated closure date of 2041.[144] The City has an annual disposal allocation for 395,000 tons per year.

The existing residence on the project site is estimated to generate approximately 0.81 tons of solid waste per year when occupied.[145] However, the existing residence is currently vacant, therefore the analysis within this Initial Study assumes no solid waste generation for the project site.

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐

[142] City of San José. *Envision San José 2040 General Plan Draft Program EIR*. June 2011. Page 631.
[143] CalRecycle. "Facility Information Toolbox (FacIT) Archived." April 15, 2023. https://www2.calrecycle.ca.gov/Docs/Home/GetDocument?publicKey=106232&opt=dln.
[144] Boccaleoni, Anthony. Republic Services. Personal Communication. May 12, 2023.
[145] Based on the default CalEEMod assumption of 0.26 tons per resident, per year for Single Family Housing residents.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

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

The project would extend existing water, wastewater, and other utility lines on Townsquare Drive to the project site, as described in more detail below.

Water Facilities

The project would connect to existing water lines in Townsquare Drive. As described under checklist question b) below, there are sufficient water supplies available to serve the area and new or expanded water infrastructure would not be required to meet the water needs of the project. Therefore, the project would not result in significant environmental effects due to construction or relocation of water utilities.

Wastewater Treatment Facilities

Under existing conditions, the existing residence does not generate wastewater, as the existing residence onsite is currently vacant and relies on a septic tank to process wastewater. The project would generate an increase of approximately 1,344 gallons per day, which represents an increase

from existing conditions.[146] The City currently has approximately 38.8 mgd of excess wastewater treatment capacity. The proposed project could be served by the available capacity. Relocation or the construction of new or expanded wastewater facilities would not be required.

Storm Drainage Facilities

The project would connect to existing storm drain lines in Townsquare Drive. The project would increase the impervious area on-site from 17,715 square feet to 42,858 square feet (25,143 square feet increase). The pervious area on-site would be decreased from 73,373 square feet to 48,230 square feet (25,143 square feet decrease). The increase in impervious surfaces on-site would be due to the addition of the new residences, driveways, and a paved street. The project would include the construction of ten bioretention basins to capture stormwater runoff and promote on-site infiltration, including one on each lot. In addition, the project would install pervious pavement for each residence's driveway. The project would be required to comply with the NPDES Municipal Regional Permit and all applicable plans, policies, and regulations for the treatment of stormwater. Therefore, implementation of the proposed project would have a less than significant impact on the City's storm drainage system such that no new or expanded facilities would be required. Figure 3.2-3 shows the proposed stormwater plan.

Other Utilities

The project would utilize existing utility connections to connect to the City's electric and telecommunications systems. The project would not connect to the existing natural gas lines because no natural gas infrastructure would be constructed, and the buildings would be 100 percent electric. Although the project would increase the demand on existing facilities in the City, relocation of existing or construction of new facilities would not be needed to serve the proposed project. As a result, the proposed project would have a less than significant impact on these facilities.

The proposed project would not result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities. **(Less than Significant Impact)**

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

The project site is currently developed with one single-family residence. San José Water Company adopted an Urban Water Management Plan (UWMP) in June 2021 to assess water supply and demand requirements within the service area. The UWMP accounted for existing and planned growth analyzed in the General Plan EIR and found sufficient water supplies would be available

[146]For the purposes of this analysis, wastewater flow rates are assumed to be 80 percent of the total on-site water use. Typical per capita water use for existing family residential customers was calculated to be approximately 60 gallons per day. Source: San José Water Company. 2020 Urban Water Management Plan. June 2021. Page 4-4.

during normal, single-dry, and multiple-dry years within its service area without conservation measures.[147] The water supply assessment prepared by San José Water Company accounted for planned growth in the General Plan. The project would result in an additional eight new homes expected to accommodate approximately 25 residents on-site, for a total of 28 residents on site when factoring in the existing residence on site.[148] The total demand for water usage from these 28 residents would be approximately 1,680 gallons per day (0.61 million gallons [MG] annually). [149] San José Water Company met a systemwide customer demand of 39,592 MG in 2020; therefore, the demand generated by the additional units on-site would account for approximately 0.001 percent of the total annual demand for water in the San José Water Company service area.[150] This incremental increase in water demand would not result in the need for San José Water Company to procure additional sources of water, nor would it require the expansion of any water infrastructure. For these reasons, sufficient water supplies would be available to serve the project during normal, single-dry, and multiple-dry years. **(Less than Significant Impact)**

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As discussed under impact discussion a), under existing conditions, the project site does not generate wastewater, as the existing residence onsite is currently vacant and relies on a septic tank to process wastewater. The project would generate an increase of approximately 1,344 gallons day, which represents an increase from existing conditions.[151] The City currently has approximately 38.8 mgd of excess wastewater treatment capacity. The City has sufficient capacity to treat the project's wastewater, and therefore the project would not result in a substantial increase in the amount of wastewater generated and would not exceed the City's allocated capacity at the Facility. **(Less than Significant Impact)**

[147] The San José Water Company has a service goal of developing water supplies to meet 100% of annual water demand during non-drought years and at least 80% of annual water demand in drought years. Therefore, there may be a call for up to 20% mandatory conservation during multi-year drought. San José Water Company. 2020 Urban Water Management Plan. June 2021. Pages 7-11 through 7-15.

[148] Using a rate of 3.12 persons per household. Source: City of San Jose. 2023-2031 Housing Element. Adopted June 20, 2023. Appendix A, Page A-53.

[149] Typical per capita water use for existing family residential customers was calculated to be approximately 60 gallons per day. Source: San José Water Company. 2020 Urban Water Management Plan. June 2021. Page 4-4.

[150] San José Water Company. 2020 Urban Water Management Plan. June 2021. Page 4-2.

[151] Typical per capita water use for existing family residential customers was calculated to be approximately 60 gallons per day. Source: San José Water Company. 2020 Urban Water Management Plan. June 2021. Page 4-4.

d) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

The existing residence on the project site is currently vacant and therefore does not generate solid waste. The proposed new development would generate an estimated 6.50 tons of solid waste per year, for a total generation of 7.31 tons of solid waste onsite per year.[152] As mentioned previously in Section 4.19.1.2, NISL had approximately 12.4 million cubic yards of capacity remaining as of May 2023. Given NISL's remaining capacity, the City's contract with NISL, the amount of waste the City disposes at NISL, and the amount of waste the project is estimated to generate, there is sufficient capacity at NISL to serve the project. Furthermore, the proposed project would be required to comply with existing federal, state, and local programs and regulations. Therefore, implementation of the project would not generate solid waste in excess of state or local standards. **(Less than Significant Impact)**

e) Would the project be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?

The project would be required to comply with the San Jose Zero Waste Strategic Plan/Climate Smart, including requirements such as recycling 75 percent of materials from construction, consistent with the City's Construction and Demolition ordinance. The Zero Waste Strategic Plan, in combination with existing regulations and programs and General Plan policies, would ensure that the project would not result in significant impacts on solid waste disposal capacity in excess of State or local standards or in excess of NISL capacity. **(Less than Significant Impact)**

[152] Based on the default CalEEMod assumption of 0.26 tons per resident, per year for Single Family Housing residents.

4.20 Wildfire

4.20.1 Environmental Setting

4.20.1.1 *Regulatory Framework*

State and Regional

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline-powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);
- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section 4428);
- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and

- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

Fire Management Plans

CAL FIRE has developed an individual Unit Fire Management Plan for each of its 21 units and six contract counties. CAL FIRE has developed a strategic fire management plan for the Santa Clara Unit, which covers the project area and addresses citizen and firefighter safety, watersheds and water, timber, wildlife and habitat (including rare and endangered species), unique areas (scenic, cultural, and historic), recreation, range, structures, and air quality. The plan includes stakeholder contributions and priorities and identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire issues.

Local

Envision 2040 General Plan

The following policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to wildfire.

Policy	Description
EC-8.1	Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.
EC-8.2	Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
EC-8.3	For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.

San José Fire Department Wildland-Urban Interface Fire Conformance Policy

Buildings proposed to be built within the SJFD WUI shall comply with all WUI materials and construction methods per CBC Chapter 7A and CRC Section R337.[153] These regulations require that an applicant shall, prior to construction, provide sufficient detail to demonstrate that the building proposed to be built complies with this policy. Building Permit Plans are also to be approved by the SJFD.

4.20.1.2 *Existing Conditions*

The proposed project is located in an urbanized area of San José which is not located in or near a SRAs classified as very high fire hazard severity zones. The nearest SRA Very High FHSZ is located approximately five miles east of the project site. The project site is located in an area identified as LRA land, but has no FHSZ.[154] The nearest LRA FHSZ is a moderate FHSZ located 0.20 miles east of the project site and a high FHSZ located 0.30 miles east of the project site. According to fire wildland urban interface maps prepared by the City of San José, the project site is not located within a wildland-urban interface area.[155]

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒

[153] San José Fire Department. *Wildland-Urban Interface (WUI) Fire Conformance Policy.* January 1, 2017. https://www.sanjoseca.gov/Home/ShowDocument?id=9345.

[154] CalFire. "California Fire Hazard Severity Zone Viewer". Accessed February 3, 2026. https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones

[155] City of San José. "Wildland-Urban Interface". Accessed February 3, 2026. https://gisdata-csj.opendata.arcgis.com/datasets/CSJ::fire-wildland-urban-interface/explore

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

4.21 Mandatory Findings of Significance

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐		☒	☐
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

As discussed in prior sections of this Initial Study, the proposed project would not degrade the quality of the environment with the implementation of the identified Standard Permit Conditions and mitigation measures.

As discussed in Section 4.4 Biological Resources, the project would not impact sensitive habitats or any special-status species. The project would remove 0.23 acres of seasonal wetlands, but would pay applicable SCVHP fees to offset the loss and comply with Mitigation Measure MM BIO-1.1. The project would implement standard permit condition BIO-1 to protect nesting birds. In addition, the project would implement standard permit condition BIO-3 for tree protection. The project would require discretionary approval by the City and would be subject to applicable SCVHP conditions and fees, as outlined in Mitigation Measure MM BIO-1.1 and related condition of approval. To avoid

impacts to as yet unidentified archaeological resources and human remains, the proposed project would implement the standard permit conditions CUL-1 and CUL-2 discussed in Section 4.5 Cultural Resources.

To reduce significant seismic and seismic-related impacts, the project would be constructed in conformance with the recommendations of a site-specific geotechnical investigation (refer to Section 4.7 Geology and Soils). The project would also implement the identified standard permit condition GEO-1 listed in Section 4.7 Geology and Soils to reduce construction-related erosion impacts. As discussed in Section 4.9 Hazards and Hazardous Materials, with the implementation of the Mitigation Measure MM HAZ-1.1 described, the project would ensure that potentially hazardous materials from the septic tank are properly handled to avoid releases into the environment. As discussed in Section 4.10 Hydrology and Water Quality, the project would implement standard permit condition HYD-1 to ensure that non-significant quantities of soil and construction byproducts enter the storm drain system and local waterways.

As discussed in Section 4.13 Noise, the project would implement the City's standard permit conditions NOI-1 and NOI-2 and to reduce construction noise and reduce construction vibration generated by the project below the City's vibration limit.

Based on the above, with the implementation of standard permit conditions and mitigation measures, the project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact with Mitigation Incorporated)**

b) Does the project have impacts that are individually limited, but cumulatively considerable?

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

The project would not impact agricultural or forestry resources or mineral resources, therefore, the project would have no contribution to cumulative impacts to these resources. Nor would the project contribute to any cumulative impacts associated with wildfire risk, as the project site is not

located in or near a state responsibility area or lands classified as very high fire hazard severity zones.

The geographic area for cumulative aesthetic impacts for the project is the immediate surrounding area. There are no other projects adjacent to the site in which the project would contribute towards a cumulative aesthetic impact. For this reason, the project would not contribute to a significant cumulative aesthetic impact.

In general, an individual project's impact on air quality, energy, GHGs, and VMT are evaluated at a cumulative level. That is, if a project results in a significant impact to air quality (specifically criteria air pollutants), energy, GHGs, and VMT, the project would be considered to have a significant cumulative impact to those resources. In addition, the BAAQMD thresholds used by the City of San José were developed such that a project-level impact would also be a cumulatively considerable impact. The project would not result in a significant emissions of criteria air pollutants or GHG emissions under BAAQMD thresholds and, therefore, would not make a substantial contribution to cumulative air quality or GHG emissions impacts (see sections 4.3 Air Quality and 4.8 Greenhouse Gas Emissions). As described in Section 4.3, a cumulative health risk assessment was completed to evaluate all substantial sources of TACs located within 1,000 feet of the project site that could affect sensitive receptors. The project's use of construction equipment meeting Tier 4 emission standards and implementation of the condition of approval discussed in Section 4.3 would reduce construction risks below the Air District single-source threshold. Further, as shown in Table 4.3-6, the cumulative annual cancer risk, maximum $PM_{2.5}$ concentration and HI values would not exceed the Air District's cumulative source health risk thresholds. The project's consumption of electricity and gasoline was assessed in comparison with consumption at the state and county level (see Section 4.6 Energy) and was found to result in less than significant impacts with adherence to local, state, and federal policies. Therefore, the proposed project would not make a substantial contribution to cumulative energy use impacts. As discussed in Section 4.17 Transportation, the project would result in a less than significant VMT impact. Therefore, the project would not contribute to cumulative VMT impacts.

The General Plan EIR concluded that buildout of the General Plan would result in less than significant cumulative impacts to public services (including recreational facilities) with future development complying with the City's PDO/PIO, state law requiring the payment of school impact fees, and applicable General Plan policies.[156] The project is consistent with the General Plan and would pay the applicable PDO/PIO fees required by the City and school impact fees required by California Government Code Section 65996, and compliance with General Plan Policies ES-3.9 and ES-3.11 pertaining to public and property safety design and adequate fire suppression infrastructure. For this reason, the project would result in the same less than significant cumulative public services and recreation impacts identified in the General Plan EIR.

[156] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Page 868.

Land uses in the City are primarily regulated through the City's General Plan and Municipal Code. As discussed in Sections 4.11 Land Use and 4.14 Population and Housing, with annexation into the City, the project is consistent with the General Plan designation for the site, would comply with the Municipal Code, and comply with applicable General Plan policies, mitigation measures, and standard permit conditions described throughout this Initial Study to reduce environmental impacts to a less than significant level. Furthermore, the project would not contribute to unplanned population/housing growth beyond what is planned in the General Plan and, therefore, would not increase the severity of the previously identified significant cumulative and unavoidable population and housing impact in the General Plan EIR.[157]

The project is consistent with the land use designation within the General Plan and, therefore, the project's utility demand is accounted for in the General Plan EIR. As such, the project is in compliance with General Plan policies pertaining to water efficiency, City's Zero Waste Strategic Plan and CALGreen pertaining to waste reduction, and the City Council Policy No. 6-29 and MRP C.3 pertaining to maximizing infiltration, would result in the same less than significant cumulative utility impact as identified in the General Plan EIR.[158]

The geographic area for cumulative biology, cultural resources, tribal cultural resources, geology and soils, hazards and hazardous materials, and hydrology and water quality impacts is generally the surrounding area of the project site because it would affect common resources and impacts would be limited to the immediate vicinity. There are no other projects adjacent to the site in which the project would contribute towards a cumulative impact. The General Plan EIR concluded that future development, such as the proposed project, would comply with the existing state, regional, and local regulations including the MBTA, Fish and Game Code, City's Tree Removal Ordinance, NHPA, CRHR, California Native American Historical, Cultural, and Sacred Sites Act, PRC Sections 5097 and 5097.98, CBC, MRP provisions, NPDES permit requirements, General Plan policies, and Municipal Code regulations identified in Section 4.4 Biological Resources, Section 4.5 Cultural Resources, 4.7 Geology and Soils, 4.9 Hazards and Hazardous Materials, and 4.10 Hydrology and Water Quality of this document to reduce impacts to biology, cultural resources, tribal cultural resources, geology and soils, hazards and hazardous materials, and hydrology and water quality to a less than significant level. The project would comply with the same regulations identified in the General Plan EIR, as well as implement City standard permit conditions and project-specific mitigation measures (mitigation measure MM AIR-1.1, MM AIR-1.2, MM BIO-1.1, MM BIO-2.1, and MM HAZ-1.1). For this reason, the project would not result in new or substantially more severe

[157] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Page 873.
[158] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Pages 870-871.

significant cumulative impacts than disclosed in the General Plan EIR for these resources.[159,160,161,162,163] **(Less than Significant Impact with Mitigation Incorporated)**

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

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction air quality, hazardous materials, and construction noise. As documented throughout this Initial Study, implementation of the General Plan policies, Standard Permit Conditions, and mitigation measures that have been identified would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact)**

[159] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Page 866.
[160] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Pages 871-872.
[161] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Page 866.
[162] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Page 867.
[163] City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Pages 866-867.

Section 5.0 References

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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

Bay Area Air Quality Management District. "Air Quality Standards and Attainment Status." Last Updated January 5, 2017.

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

Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines Appendix E: Recommended Methods for Screening and Modeling Local Risks and Hazards*. Page E-14.

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

C. Bruce Hanson. *Paleontological Evaluation Report for the Envision San José 2040 General Plan.*

CalFire. "California Fire Hazard Severity Zone Viewer." Accessed February 3, 2026. https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones

Cal Green. Building Standards Commission. https://www.dgs.ca.gov/BSC/CALGreen.

California Air Resources Board. "Advanced Clean Cars II." Accessed January 25, 2026. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii

California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed January 27, 2026. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

California Building Standards Commission. "California Building Standards Code." Accessed January 25, 2026. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.

California Department of Conservation. "Farmland Mapping and Monitoring Program." Accessed January 27, 2026. http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.

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

California Department of Conservation. "Williamson Act." http://www.conservation.ca.gov/dlrp/lca.

California Department of Education. "2024-25 Enrollment by Ethnicity and Grade." Accessed

February 24, 2026.

California Department of Finance. https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/.

California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed January 27, 2026. http://frap.fire.ca.gov/.

California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed February 2, 2026. http://hcd.ca.gov/community-development/housing-element/index.shtml.

California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed January 29, 2026. https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm.

California Department of Transportation. "Scenic Highway Guidelines." Accessed January 26, 2026. https://dot.ca.gov/-/media/dot-media/programs/design/documents/scenic-hwy-guidelines-04-12-2012.pdf.

California Department of Transportation. "Scenic Highways." Accessed January 13, 2026. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

California Department of Transportation. *California State Scenic Highways*. Accessed March 20, 2025. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

California Energy Commission (CEC). "2022 Building Energy Efficiency Standards." Accessed January 25, 2026. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency.

California Energy Commission. "2022 Building Energy Efficiency Standards What's New for Multifamily." Revised August 4, 2022. Accessed January 31, 2026. https://www.energy.ca.gov/sites/default/files/2022-08/2022_Multifamily_Whats_new_Summary_ADA.pdf.

.

California Energy Commission. "Natural Gas Consumption." Accessed January 29, 2026. https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/california-energy-consumption-dashboards-1.

California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed January 29, 2026. https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/california-energy-consumption-dashboards-0

California Environmental Protection Agency. "Cortese List Data Resources." Accessed May 28, 2020. https://calepa.ca.gov/sitecleanup/corteselist/.

California Environmental Quality Act Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6. Accessed January 29, 2026. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

California Gas and Electric Utilities. 2024 *California Gas Report.* Accessed January 15, 2026. https://www.socalgas.com/sites/default/files/2024-08/2024-California-Gas-Report-Final.pdf

California Geological Survey. "California Earthquake Hazards Zone Application (EQ ZAPP)." Accessed February 3, 2026. https://maps.conservation.ca.gov/cgs/EQZApp/app/

California Legislative Information. "Chapter 2.7. Modernization of Transportation Analysis for Transit-Oriented Infill Projects [21099- 21099.]." Accessed January 26, 2026. https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=13.&part=&chapter=2.7.&article=.

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

California Regional Water Quality Control Board. San Francisco Bay Region Municipal Regional Stormwater NPDES Permit. Attachment C. May 11, 2022. https://www.waterboards.ca.gov/rwqcb2/water_issues/programs/stormwater/MRP/mrp5-22/R2-2022-0018.pdf

California Register of Historic Places. "California Historical Resources." Accessed January 29, 2026. https://ohp.parks.ca.gov/listedresources/

California State Water Resources Control Board. "2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)." May 11, 2022. Accessed September 2, 2022. https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html.

CalRecycle. "Analysis of the Progress Toward the SB 1383 Organic Wase Reduction Goals (DRRR 2020-1693)." Accessed January 3, 2026. https://www2.calrecycle.ca.gov/Publications/Details/1693.

CalRecycle. "Facility Information Toolbox (FacIT) Archived." April 15, 2023. https://www2.calrecycle.ca.gov/Docs/Home/GetDocument?publicKey=106232&opt=dln.

CARB. *2022 Scoping Plan for Achieving Carbon Neutrality*. December 2022.

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

City of San José. "Historic Resource Inventory." Accessed February 2, 2026.

https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=b2d7cc355a86493c8da904b8c2fc3e3e

City of San José. "Public Information Search." Accessed February 2, 2026. https://portal.sanjoseca.gov/deployed/sfjsp?interviewID=PublicPropertySearch

City of San José. "Scenic Corridors Diagram". Accessed January 26, 2026. https://www.sanjoseca.gov/home/showpublisheddocument/22565/636688980487230000.

City of San Jose. "Traffic Volume." Accessed February 2, 2026. https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=067fbd3db8dd44f8a60f48148331b3d7

City of San José. "Wildland-Urban Interface". Accessed February 3, 2026. https://gisdatacsj.opendata.arcgis.com/datasets/CSJ::fire-wildland-urban-interface/explore

City of San Jose. 2023-2031 Housing Element. Adopted June 20, 2023. Appendix A, Page A-53.

City of San José. *ActivateSJ Strategic Plan (2020-2040)*. January 2020.

City of San José. *Annual Report on City Services 2021-2022*. December 2022.

City of San José. *Envision San José 2040 General Plan Draft Program EIR*. June 2011..

City of San José. *Envision San José 2040 General Plan FPEIR.* Page 739. September 2011.

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

City of San José. *Envision San José 2040 General Plan, Appendix G.* December 2010.

City of San Jose. Housing Element. Accessed February 2, 2026. https://www.sanjoseca.gov/yourgovernment/departments-offices/planning-building-code-enforcement/planning-division/citywide-planning/housing-element

City of San José. *Integrated Final Program Environmental Impact Report for the Envision San José 2040 General Plan.* SCH# 2009072096. September 2011. Page 518.

City of San José. South Bay Water Recycling Program Pipeline System. May 21, 2025. https://www.sanjoseca.gov/home/showpublisheddocument/522/638850563545430000

City of San José. *Transportation Analysis Handbook*. April 2023. Page 12.

County of Santa Clara. Geological Maps and Data. Accessed February 3, 2026. https://experience.arcgis.com/experience/adc2d6c29e654ba6aa5cf9fe3e2b3b83

County of Santa Clara. Santa Clara County Zoning Atlas. Accessed January 27, 2026. https://plandev.santaclaracounty.gov/codes-and-policies/zoning-ordinance

County of Santa Clara. Santa Clara County Zoning Atlas. Accessed January 27, 2026. https://plandev.santaclaracounty.gov/codes-and-policies/zoning-ordinance

County of Santa Clara. SCCMap. Accessed February 3, 2026. Santa Clara County - SCCMap (sccgov.org).

County of Santa Clara. *Williamson Act Properties*. Accessed January 27, 2026. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce.

Department of Conservation. California Geologic Survey. Earthquake Zones of Required Investigation. Accessed February 5, 2026.

East Side Union High School District. School Fee Justification Study. June 12, 2020.

Federal Emergency Management Agency. "FEMA Flood Map Service Center." Accessed February 12, 2025. https://msc.fema.gov/portal/search?AddressQuery=449%20wooster%20avenue%2C%20san%20jose%2C%20ca.

Institute of Transportation Engineers (ITE) trip generation rates of 9.43 daily trips per dwelling unit (single-family detached Land Use Code 210).

National Register of Historic Places. "National Register Database and Research. Accessed January 29, 2026. https://www.nps.gov/subjects/nationalregister/database-research.htm

National Register of Historic Places. "National Register Database and Research. Accessed February 2, 2026. https://www.nps.gov/subjects/nationalregister/database-research.htm

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

San Jose 2040 General Plan ArcGIS Map. Accessed February 12, 2025. https://www.arcgis.com/apps/mapviewer/index.html?webmap=1a27c0a15fc946d892ebedfa3b255038

San Jose 2040 General Plan ArcGIS Map. Accessed February 12, 2025. https://www.arcgis.com/apps/mapviewer/index.html?webmap=1a27c0a15fc946d892ebedfa3b255038

San José Fire Department. *Wildland-Urban Interface (WUI) Fire Conformance Policy.* January 1, 2017. https://www.sanjoseca.gov/Home/ShowDocument?id=9345.

San José Police Department. "SJPD Foothill Division". Accessed February 2, 2026. https://www.sjpd.org/about-us/organization/bureau-of-field-operations/foothill-division

San José Water Company. 2020 Urban Water Management Plan. June 2021.

San José-Santa Clara Regional Wastewater Facility. "San José-Santa Clara Regional Wastewater

Facility Fact Sheet." Accessed July 5, 2023. https://www.sanjoseca.gov/home/showpublisheddocument/32061/637267825445900000.

Santa Clara County Airport Land Use Commission. Comprehensive Land Use Plan Santa Clara County. Reid-Hillview Airport. Figure 6. November 16, 2016. https://files.santaclaracounty.gov/migrated/ALUC_RHV_CLUP.pdf

Santa Clara County. *Reid-Hillview Airport Comprehensive Land Use Plan.* October 24, 2007. Amended November 18, 2020.

Silicon Valley Environmental. Phase I Environmental Site Assessment. 761 Fleming Ave, San Jose, CA. January 28, 2025.

Silicon Valley Environmental. Phase I Environmental Site Assessment. 761 Fleming Ave, San Jose, CA. January 28, 2025.

Santa Clara Valley Water District. ARCGIS Mapping Tool. SCVWD Groundwater Subbasins Layer. Accessed July 2, 2026. https://www.arcgis.com/apps/mapviewer/index.html?panel=gallery&layers=7c3f7808407045f88ae1d83d692c8be5

State of California Department of Finance. Population and Housing Estimates for Cities, Counties, and the Sate – January 1, 2024 and 2025. Accessed February 2, 2026.

Stevens Ferrone & Bailey Engineering Company, Inc. Geologic Hazards Evaluation & Geotechnical Investigation 761 Fleming Avenue Residential Development San Jose, California. October 11, 2024.

U.S. Energy Information Administration. "Petroleum & Other Liquids, California Field Production of Crude Oil." Accessed January 29, 2026. https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrfpca1&f=a

United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed January 29, 2026. http://www.afdc.energy.gov/laws/eisa.

United States Department of Transportation. USDOT Announces New Vehicle Fuel Economy Standards for Model Year 2024-2026." Accessed January 29, 2026. https://www.nhtsa.gov/press-releases/usdot-announces-new-vehicle-fuel-economy-standards-model-year-2024-2026.

United States Energy Information Administration. "California State Energy Profile." Accessed January 29, 2026. https://www.eia.gov/state/print.php?sid=CA.

United States Environmental Protection Agency. "EPA Actions to Protect the Public from Exposure to Asbestos." Accessed April 19, 2022. https://www.epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos

United States Environmental Protection Agency. "Summary of the Resource Conservation and

Recovery Act." Accessed September 17, 2025. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.

United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed September 17, 2025. https://www.epa.gov/superfund/superfund-cercla-overview.

United States Environmental Protection Agency. "The 2024 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." November 2024. Accessed March 21, 2025. https://www.epa.gov/automotive-trends.

USGS. US Quaternary Faults. Accessed February 5, 2026. https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf

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

Section 6.0 Lead Agency and Consultants

6.1 Lead Agency

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Biological Resources
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Air Quality Consultants
Casey Divine, Senior Air Quality Consultant

Silicon Valley Environmental
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Section 7.0 Acronyms and Abbreviations

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACM	asbestos-containing material
ALUC	Airport Land Use Commission
APN	Assessor's Parcel Number
ATCM	air toxic control measure
BAAQMD	Bay Area Air Quality Management District
Bay Area	San Francisco Bay Area
bgs	below ground surface
Btu	British thermal unit
CAAQS	California Ambient Air Quality Standard
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	chlorofluorocarbon
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH_4	methane
CLUP	Comprehensive Land Use Plan
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO_2	carbon dioxide

CO_2e	carbon dioxide equivalents
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
dBA	A-weighted decibel
DNL	Day/Night Average Sound Level
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FHSZ	Fire Hazard Severity Zone
FMMP	Farmland Mapping and Monitoring Program
GHG	greenhouse gas
GHGRS	Greenhouse Gas Reduction Strategy
GWh	gigawatt hour
GWP	Global Warming Potential
Habitat Plan	Santa Clara Valley Habitat Plan
HSWA	Hazardous and Solid Waste Amendments
ibid	Same source as previous footnote
L_{eq}	Energy-Equivalent Sound/Noise Descriptor
L_{max}	Maximum A-weighted noise level during a measurement period
LBP	lead-based paint
LOS	Level of Service
LRA	Local Responsibility Area
MBTA	Migratory Bird Treaty Act
$MMTCO_2e$	million metric tons of carbon dioxide equivalent
MND	Mitigated Negative Declaration
mpg	miles per gallon
MSL	mean sea level

MTC	Metropolitan Transportation Commission
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standard
NAHC	Native American Heritage Commission
NCP	National Contingency Plan
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO_2	nitrogen dioxide
NOA	naturally occurring asbestos
NOD	Notice of Determination
NO_x	nitrogen oxides
NRHP	National Register of Historic Places
O_3	ozone
PCB	polychlorinated biphenyls
PFC	perfluorocarbon
PDA	Priority Development Areas
PG&E	Pacific Gas and Electric Company
PM	particulate matter
PM_{10}	particulate matter with a diameter of 10 microns or less
$PM_{2.5}$	particulate matter with a diameter of 2.5 microns or less
PPV	Peak Particle Velocity
R&D	Research and Development
RAP	Removal Action Plan
RCRA	Resource Conservation and Recovery Act
ROG	reactive organic gases
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SB	State Bill
SCS	Sustainable Communities Strategy
SF_6	sulfur hexafluoride
SHMA	Seismic Hazards Mapping Act
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board

SMP	Site Management Plan
SO_x	sulfur oxides
SR	State Route
SRA	State Responsibility Area
SWRCB	State Water Resources Control Board
TACs	Toxic Air Contaminants
Title 24	Title 24, Part 6 of the California Code of Regulations
TSCA	Toxic Substances Control Act
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
VMT	vehicle miles traveled
Williamson Act	California Land Conservation Act
WUI	wildland-urban interface
ZNE	zero net carbon emission