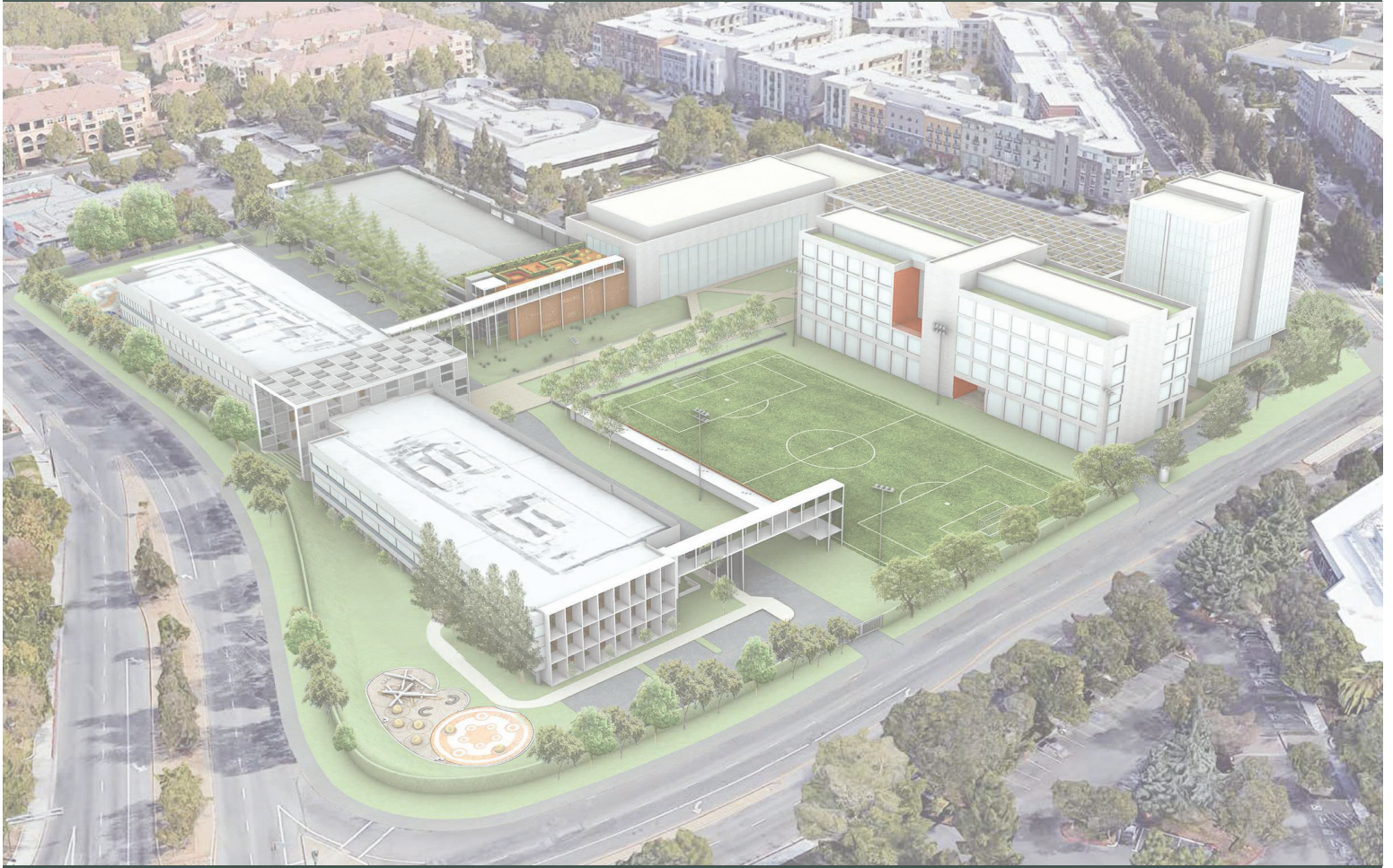


Draft Environmental Impact Report

Avenues: The World School Campus Project

File No. CP19-013

(SCH#201907027)



Prepared by



In Consultation with



March 2020

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EXECUTIVE SUMMARY

PROJECT LOCATION

The 11.87-acre project site is located north of Parkmoor Avenue and bounded by Race Street and Meridian Avenue in the City of San José, Santa Clara County, California. The project site is located north of Interstate 280, across Parkmoor Avenue, west of the Race Street light rail station, south of various commercial, office, and residential uses, and east of a commercial shopping center, across Meridian Avenue.

EXISTING SITE CONDITIONS

Currently, the project site is developed with three office buildings (550 Meridian, 570 Meridian, 1401 Parkmoor Avenue) totaling 212,142 square feet, three warehouse buildings (691, 581, 529 Race Street) totaling 150,426 square feet, a 463-space parking structure, surface parking lots and associated landscaping. There are a total of 232 trees on the site. Vehicular access to the site is provided via one driveway on Harmon Avenue, two driveways on Race Street, and one driveway on Parkmoor Avenue. Sidewalks border the project site on Race Street, Parkmoor Avenue and Meridian Avenue.

The project site is designated *CIC-Combined Industrial/Commercial* in the Envision San José 2040 General Plan and is zoned *IP-Industrial Park*. The CIC designation allows flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. The *IP-Industrial Park* zoning district is an exclusive district that includes industrial uses such as research and development.

PROJECT OVERVIEW

The project proposes to demolish one existing office building (1401 Parkmoor Avenue) and three warehouse buildings (691, 581, 529 Race Street) and redevelop the site for use as a private pre-kindergarten through 12th grade school, titled Avenues: The World School (Avenues). The school would support approximately 2,744 students and 480 faculty and staff. The project would adaptively re-use two office buildings (550 and 570 Meridian Avenue), retain the existing parking structure, construct four new buildings (including a gymnasium and aquatic center, theater building, secondary classroom building, and student lab/administrative support building), construct a lighted sports field, and make various access and site improvements to the proposed campus. The project would provide 642 parking spaces, including the existing parking structure, and 751 bicycle parking spaces at ground level throughout the site.

Institutional uses, such as a private school, are not permitted in the *IP-Industrial Park* zoning district; the project proposes a conforming rezone to *CIC-Combined Industrial/Commercial* to retain consistency with its General Plan designation.

SUMMARY OF SIGNIFICANT IMPACTS

Significant Impact	Mitigation Measures
<i>Air Quality</i>	
Impact AIR-1: Construction activities at the project site would result in significant cancer risk (greater than 10.0 chances per million) at the maximally affected sensitive receptor.	<p>MM AIR-1.1: Off-road equipment greater than 25 horsepower (hp) that would be operated for more than 20 hours over construction phase, including equipment from subcontractors, shall be zero emissions, or have engines that meet or exceed either EPA Tier 2 off-road emission standards; and have engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used. Equipment with engines that meet Tier 4 Interim or Tier 4 Final emission standards meet this requirement; therefore, a VDECS on Tier 4 engines is not required.</p> <p>MM AIR-1.2: Portable diesel generators used for more than 100 hours shall be prohibited. Grid power electricity shall be used to provide power at construction sites; or propane and natural gas generators may be used when grid power electricity is not feasible.</p> <p>MM AIR-1.3: Prior to the issuance of any demolition, grading, and/or building permits, whichever occurs earliest, the project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in the above mitigation measures. The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.</p>
<i>Biological Resources</i>	
Impact BIO-1: Project construction could impact nesting birds on or adjacent to the site, if present.	<p>MM BIO-1.1: Tree removal and construction shall be scheduled to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st, inclusive.</p> <p>If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a</p>

shorter nesting period, such as Yellow Warblers. During this survey, the ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with CDFW. The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.

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

Cultural Resources

Impact CUL-1: Construction activities could disturb unknown buried archaeological resources associated with prehistoric Native American deposits.

MM CUL-1.1: The proposed project shall conduct presence/absence exploration for all areas that would be impacted by the project, specifically along the rear fence line in the area which contained former residences and outbuildings. Subsurface exploration shall be completed after asphalt has been removed, but prior to any ground disturbing activities including grading, potholing for utilities, and building foundation removal. If these activities or similar ground-disturbing activities need to be completed prior to presence/absence work, then an archaeological monitor shall be required. As part of this effort, at least one trench shall be mechanically excavated below existing stratigraphic layers to eliminate the potential for Native American deposits and provide a better understanding for potential historic-era soil surfaces. If archaeological deposits or features that appear eligible to the California Register are identified during any stage of exploration, and if the project cannot be redesigned to avoid the cultural resource, an archaeological research design and work plan shall be prepared. The plan shall be designed to facilitate archaeological excavation and evaluate any cultural resources discovered by the California Register eligibility criteria to assess if any qualify as historical resources. Should the plan be required, it shall be submitted to the Director of Planning, Building and Code Enforcement or Director’s designee.

MM CUL-1.2: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find

shall be stopped, the Director of Planning, Building and Code Enforcement or Director's designee and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement will be notified, and a qualified archaeologist will examine the find. The archaeologist will 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. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.

MM CUL-1.3: 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. In the event of the discovery of human remains 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 or the Director's designee and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.

MM CUL-1.4: If the remains are believed to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

MM CUL-1.5: If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

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

Hazards and Hazardous Materials

Impact HAZ-1: Proposed demolition and excavation activities near the former railroad spur area could expose construction workers and/or the environment to elevated levels of metals and NOA.

MM HAZ-1.1: Prior to any demolition of buildings near former railroad spur line and excavation to establish basement level for Building 7 or any ground disturbance activities, additional soil sampling/testing shall be completed to define the lateral and vertical extent and magnitude of the impacted soil for metals and NOA. The results of this sampling would assist in determining the area/volume of concern for potential regulatory oversight requirements including air monitoring during construction activities that disturb soil containing asbestos.

MM HAZ-1.2: An Asbestos Dust Mitigation Plan (ADMP) along with perimeter air monitoring confirmation sampling shall be implemented during all ground-disturbing construction activities to prevent spreading of asbestos fibers.

MM HAZ-1.3: A Soil Management Plan (SMP) and Health and Safety Plan (HSP) shall be prepared for the proposed demolition and redevelopment activities, and specifically for the identified and mapped area/volume of concern. The SMP shall identify additional sampling based on the mapped areas up to appropriate depth. The actual number and locations of samples for the NOA and metals must be based on site inspection and in consultation with the oversight (SCCDEH or DTSC) project manager. Clean-up of the NOA shall include measures based on the DTSC, School Division's 2004 Interim Guidance, Naturally Occurring Asbestos (NOA) at School Sites. The purpose of these documents will be to establish appropriate management practices, including regulatory performance standards and criteria for handling impacted soil or other materials that may potentially be encountered during construction activities in this area.

MM HAZ-1.4: If the contaminated materials are planned to be capped during construction by site improvements (landscape beds, buildings, pavements, turf sections, etc.), it

	<p>should be included in the SMP and HSP, for the approval under the regulatory oversight of the Santa Clara County Department of Environmental Health (SCCDEH) or State Department of Toxic Substances Control (DTSC). If the contaminated soils are planned to be removed from the site, these shall be hauled off-site and disposed of at a licensed hazardous materials disposal site. Capped areas (if and as included in the SMP) will require institutional controls which may include a deed restriction for the affected areas and an operations and maintenance (O&M) Plan.</p> <p>MM HAZ – 1.5: The SMP, HSP and O&M plans shall be provided to the Director of Planning, Building and Code Enforcement or Director’s designee, the Environmental Services Department (ESD) staff, and SCCDEH for approval prior to any demolition, grading permits or ground disturbing activities.</p>
<p>Impact HAZ-2: Numerous VOCs were detected in the indoor and outdoor ambient air samples.</p>	<p>MM HAZ-2.1: Indoor air and soil vapor sampling shall be conducted at the existing buildings at 550 and 570 Meridian Avenue by a qualified environmental professional to re-evaluate potential impacts from vapor intrusion. This re-sampling shall be conducted prior to building occupancy to further evaluate indoor air quality. The results of the indoor air and soil vapor sampling shall be submitted to the City’s Director of Planning, Building and Code Enforcement or Director’s designee, the Municipal Compliance Officer in the Environmental Services Department, and SCCDEH, prior to issuance of any demolition or grading permits.</p> <p>Approval by the SCCDEH is a requirement before issuance of any occupancy or other use permits. If air sampling determines that vapor intrusion is a concern for future users of the building, the project shall implement measures to reduce vapor intrusion; these measures could include vapor barriers, passive venting, sub-slab depressurization, and/or building over-pressurization.</p>
<p>Noise and Vibration</p>	
<p>Impact NOI-1: Noise levels due to construction activities would substantially exceed ambient conditions for a period exceeding one year resulting in a potentially significant impact.</p>	<p>MM NOI-1.1: The following standard noise control measures shall be implemented:</p> <ul style="list-style-type: none"> • Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan

is adequate to prevent noise disturbance of affected residential uses.

- 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 mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- The unnecessary idling of internal combustion engines shall be prohibited.
- Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet)
- The surrounding neighborhood shall be notified early and frequently of the construction activities.
- A “noise disturbance coordinator” shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

MM NOI-1.2: A Construction Noise Logistics Plan, in accordance with Policy EC-1.7, would be required. Typical construction noise logistics plan would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:

- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists.
 - Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - Construct temporary noise barriers to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses. Temporary noise barrier fences would provide a five (5) dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
 - If stationary noise-generating equipment must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be
-

	<p>used. Any enclosure openings or venting shall face away from sensitive receptors.</p> <ul style="list-style-type: none"> • Ensure that generators, compressors, and pumps are housed in acoustical enclosures. • Locate cranes as far from adjoining noise-sensitive receptors as possible. • During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible. • Substitute nail guns for manual hammering, where feasible. • Substitute electrically-powered tools for noisier pneumatic tools, where feasible. • The Construction Noise Logistic Plan, inclusive of the above shall be signed by a certified acoustical engineer verifying that the implementation measures included in this Plan meets the reduction to noise levels as required by this mitigation measure.
<p>Impact NOI-2: Project mechanical equipment could generate noise in exceedance of 55 dBA DNL at noise-sensitive land uses in the project vicinity.</p>	<p>MM NOI-2.1: Mechanical equipment shall be selected and designed to reduce excessive noise levels at the surrounding uses to meet the City’s 55 dBA DNL noise level requirement at the nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City’s noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as along the building façades farthest from adjacent neighbors, where feasible. The noise exposure of neighboring properties would be reduced to meet the General Plan thresholds resulting in a less than significant impact.</p>
<p>Transportation</p>	
<p>Impact TRN-1: The proposed project would generate VMT which is three percent above the significance threshold for employment uses and 17 percent above the significance threshold for student uses.</p>	<p>MM TRN-1.1: Prior to the issuance of any public work clearances, the project applicant shall implement a Transportation Demand Management Plan which includes the following measures:</p> <ul style="list-style-type: none"> • Annual Monitoring. An annual monitoring requirement establishing a trip cap of 1,795 net AM Peak Hour Trips shall be conducted by Avenues. Annual trip monitoring reports will be submitted to the

Department of Planning, Building and Code Enforcement's Environmental Review for approval.

- **Follow-up Monitoring.** After implementing TDM mitigation measures, the project will be required to submit a follow-up monitoring report that demonstrates compliance with the trip cap requirements within a grace period, which will not exceed six (6) months per Section 3.8 of the Transportation Analysis Handbook.
 - **TDM Coordinator.** Contact information for the TDM coordinator shall be posted on the school's website.
 - **Availability.** Information regarding the TDM program shall be distributed to all families of Avenues' students and shall be posted on the school website prior to program implementation.
 - **Additional TDM measures to help the project meet the trip cap include:**
 - Commute Trip Reduction Marketing/Educational Campaign: promote the use of transit, shared rides, walking, and bicycling through a TDM Coordinator
 - School Carpool Program: coordinate carpools amongst parents
 - Alternative Work Schedules/Staggered Class Start Times: shift schedules or commute outside of peak congestion periods by staggering the start time for classes for staff and students
 - Staff Parking "Cash-Out" Program: provide staff the choice to forgo subsidized/free parking for a cash payment equivalent to the cost that the school would otherwise pay for the parking space
 - Bicycle Storage: provide safe storage (lockers or racks) for staff and students to park their bicycles to encourage commuting by bicycle
 - Showers/Changing Rooms: provide showers and changing rooms to encourage students and staff to walk or bike to and from school
 - Bike Sharing Program: provide land or subsidies for a bike sharing system
 - Subsidized or Discounted Transit Program: provide partially or fully subsidized/discounted transit passes
 - Free Direct Shuttle/Bus Service: provide shuttle service between the school and areas with high concentrations of student residence
-

SECTION 1.0 INTRODUCTION

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The City of San José, as the Lead Agency, has prepared this Draft Environmental Impact Report (EIR) for the proposed Avenues: The World School (Avenues), a Silicon Valley private school campus Project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a proposed project, as well as identifies mitigation measures and alternatives to the proposed project that could reduce or avoid adverse environmental impacts (CEQA Guidelines 15121(a)). As the CEQA Lead Agency for this project, the City of San José is required to consider the information in the EIR along with any other available information in deciding whether to approve the project. As described in CEQA Guidelines Section 15160-15161, this Project EIR examines the changes to the environment that would result for the proposed development project including planning, construction, and operations. The basic requirements for an EIR include discussions of the environmental setting, significant environmental impacts including growth-inducing impacts, cumulative impacts, mitigation measures, and alternatives. It is not the intent of a Project EIR to recommend either approval or denial of a project.

1.2 EIR PROCESS

1.2.1 Notice of Preparation and Scoping

In accordance with Section 15082 of the CEQA Guidelines, the City of San José prepared a Notice of Preparation (NOP) for this Project EIR. The NOP was circulated to the local, state, and federal agencies on July 8, 2019. The standard 30-day comment period concluded on August 8, 2019. The NOP provided a general description of the proposed project and identified possible environmental impacts that could result from implementation of the project. The City of San José also held a public scoping meeting on July 18, 2019 to discuss the project and solicit public input as to the scope and contents of this EIR. The meeting was held at Westminster Presbyterian Church at 1100 Shasta Avenue, San José, CA 95126. Appendix A of this EIR includes the NOP and comments received on the NOP.

1.2.2 Draft EIR Public Review and Comment Period

Publication of this Draft EIR will mark the beginning of a 45-day public review period. During this period, the Draft EIR will be available to the public and local, state, and federal agencies for review and comment. Notice of the availability and completion of this Draft EIR will be sent directly to every agency, person, and organization that commented on the NOP, as well as the Office of Planning and Research. Written comments concerning the environmental review contained in this Draft EIR during the 45-day public review period should be sent to:

Meenaxi Raval, AICP
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Tower 3rd Floor
San José, CA 95113
Phone: (408) 535-7895
Email: Meenaxi.raval@sanjose.ca.gov

1.3 FINAL EIR/RESPONSES TO COMMENTS

Following the conclusion of the 45-day public review period, the City of San José will prepare a Final EIR in conformance with CEQA Guidelines Section 15132. The Final EIR will consist of:

- Revisions to the Draft EIR text, as necessary;
- List of individuals and agencies commenting on the Draft EIR;
- Responses to comments received on the Draft EIR, in accordance with CEQA Guidelines (Section 15088);
- Copies of letters received on the Draft EIR.

Section 15091(a) of the CEQA Guidelines stipulates that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings. If the lead agency approves a project despite it resulting in significant adverse environmental impacts that cannot be mitigated to a less than significant level, the agency must state the reasons for its action in writing. This Statement of Overriding Considerations must be included in the record of project approval.

1.3.1 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 and available for public inspection 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 15094(g)).

SECTION 2.0 PROJECT INFORMATION AND DESCRIPTION

2.1 PROJECT LOCATION

The 11.87-acre project site is comprised of eight parcels (APNs 264-08-060, 063, 066, 067, 071, 072, 077, 078) and is located north of Parkmoor Avenue and bounded by Race Street and Meridian Avenue in the City of San José, Santa Clara County, California. The project site is located within a mixed-use, urban area adjacent to the City's Midtown district. Surrounding uses include various commercial, office, and residential uses to the north, residential uses and light-rail tracks to the east, office uses and Interstate 280 (I-280) to the south, and commercial uses to the west. The project site is shown on the following figures:

Figure 2.2-1: Regional Map

Figure 2.2-2: Vicinity Map

Figure 2.2-3: Aerial Photograph and Surrounding Land Uses

2.2 PROJECT DESCRIPTION

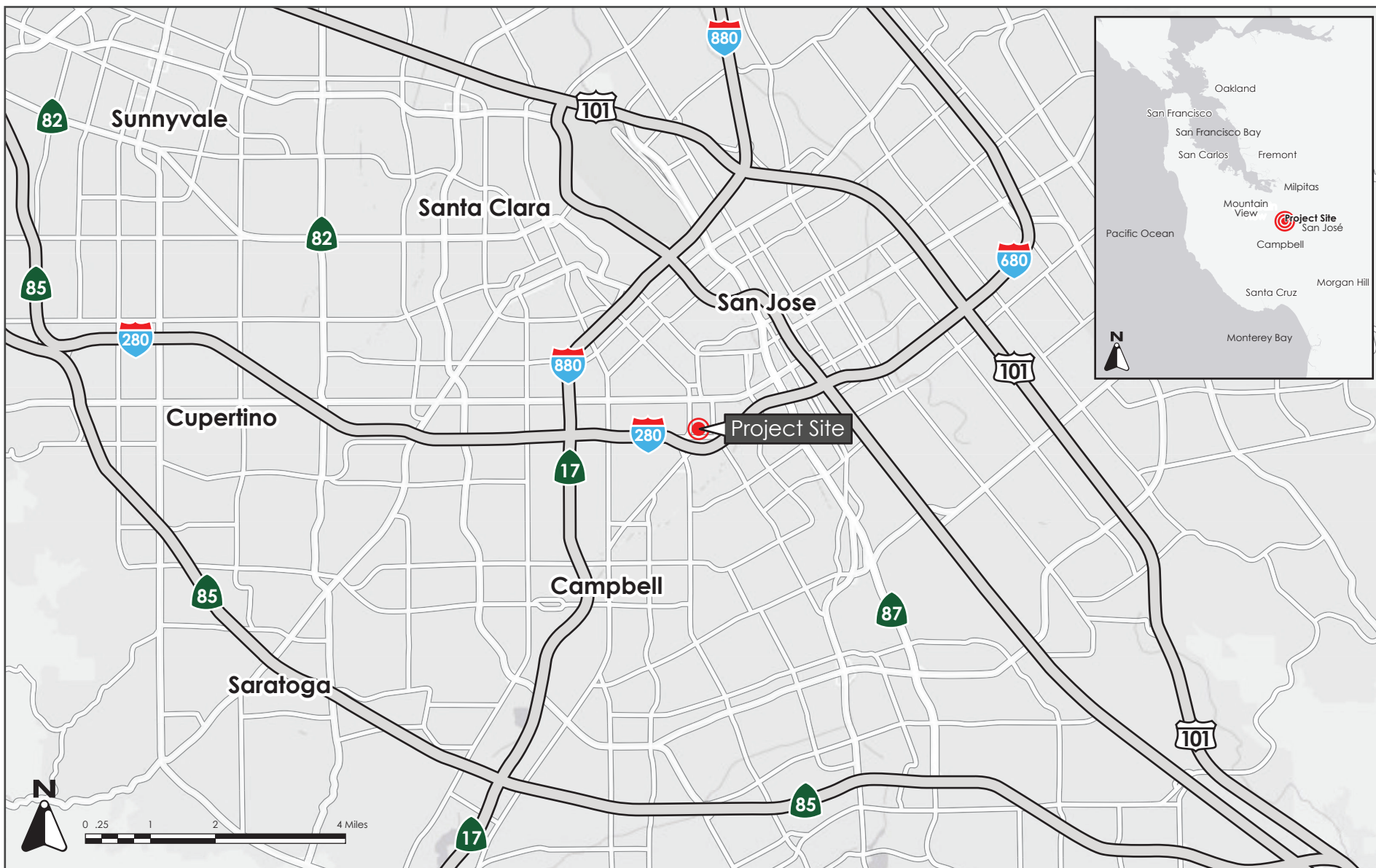
Avenues: The World School, the proposed project is a private, regionally serving pre-kindergarten through 12th grade school, for approximately 2,744 students and 480 daytime employees, including 285 faculty. The school is organized into three divisions – Early Learning Center, Primary Division, and Secondary Division. Early Learning Center would be comprised of students in nursery, pre-kindergarten, and kindergarten grades. The Primary Division would include students from grades one to five, and the Secondary Division would include students from grade six to twelve.

The project would include seven buildings, approximately 642 vehicle parking spaces, and 751 bicycle parking spaces on the 11.87-acre project site. The project also includes outdoor recreational spaces for students and landscaping throughout the site.

2.2.1 Existing Development

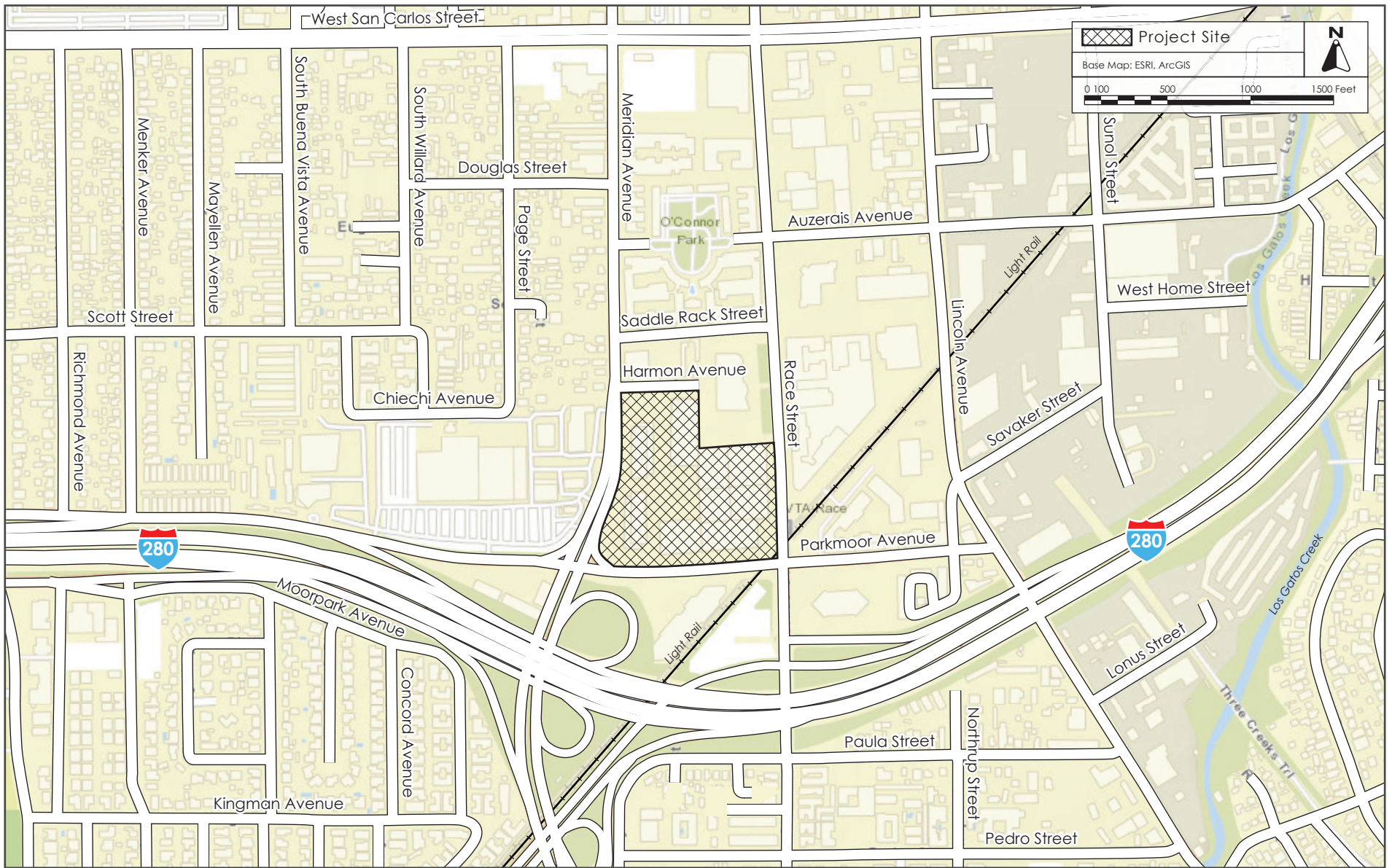
The project site is currently developed with three office buildings (550 Meridian, 570 Meridian, 1401 Parkmoor Avenue), multiple warehouses (691, 581, 529 Race Street), parking garage, existing surface parking lots and associated landscaping. The site includes 362,568 square feet of existing buildings comprised of approximately 150,426 square-feet of warehouse structures and 212,142 square feet of office space. The project site is currently designated *CIC Combined Industrial/Commercial* in the City's General Plan and zoned *IP-Industrial Park* and as noted above, the site would be rezoned, as part of the proposed project, to the *CIC Combined Industrial/Commercial* district.

Current ingress/egress at the site is provided via full access driveways from Parkmoor Avenue, a right-out driveway onto northbound Meridian Avenue, and full access driveways on Race Street and Harmon Avenue. The existing development is shown on Figure 2.2-4.



REGIONAL MAP

FIGURE 2.2-1



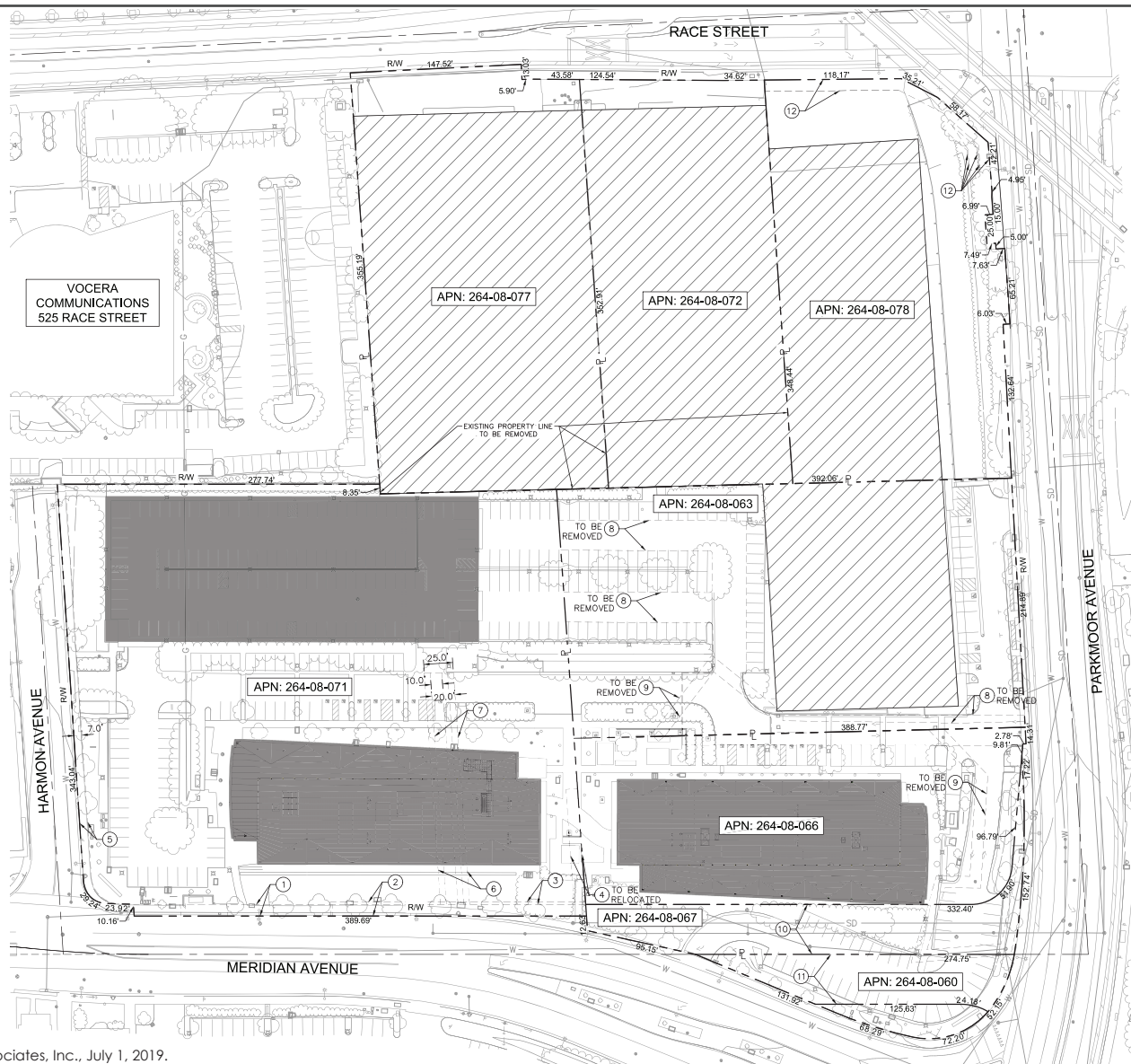
VICINITY MAP

FIGURE 2.2-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.2-3



Source: Kimley-Horn and Associates, Inc., July 1, 2019.

EXISTING SITE PLAN

FIGURE 2.2-4

2.2.2 Proposed Development

The proposed project entails the redevelopment of the site as a private school campus. The school would support approximately 2,744 students and 480 faculty and staff.

The campus development would include both adaptive re-use of existing buildings (non-historic in nature, further described and analyzed in *Section 3.5 Cultural Resources*) and new construction, resulting in a total of seven buildings including classrooms, a theater, gymnasium and aquatic center, administrative space, and a sports field, as shown in Figure 2.2-5.

The proposed project is consistent with the land use designation in the General Plan and includes a request for a conforming rezone from *IP Industrial Park* to *CIC Combined Industrial/Commercial*. Full build-out of the proposed project would include up to approximately 460,000 square feet of new development above grade and 80,000 gross square feet of basement area (under Buildings 4, 5, and 7). The proposed buildings would maintain maximum heights of approximately 50 feet along Race Street and extend to heights of 90 feet and 120 feet along Parkmoor Avenue. The proposed building elevations are shown on Figure 2.2-6.

2.2.3 Site Access, Parking, and Circulation

Vehicular access to the site would be provided via gated entry points on Harmon Avenue and Race Street. The driveway on Harmon Street would serve the staff, the Early Learning Campus (Nursery, Pre-kindergarten, and Kindergarten), and the Primary Division (Grades 1-5). A driveway on Race Street would provide access to the Secondary Division (Grades 6-12). Both driveways would be ingress only, with two egress driveways on Parkmoor Avenue. The access point on Harmon Avenue would connect to an internal drive extending south across the site to Parkmoor Avenue and would provide the primary access to the campus (see Figure 2.2-7).

The internal drive from Harmon Avenue would access the parking garage and surface parking in the northern portion of the site and a surface parking lot in the southwest corner of the site, in addition to serving as a student drop-off zone for the proposed Primary Division buildings (Buildings 1 and 2) and an emergency vehicle access lane for the buildings in the western portion of the site. The access point on Race Street would provide secondary access to the campus and the below-grade parking garage under Building 5 and would connect to an internal drive extending south and west to exit onto Parkmoor Avenue. The internal drive from Race Street would serve as a student drop-off zone for the proposed Secondary Division (Buildings 5 and 7) and an emergency vehicle access lane for the buildings in the eastern half of the site.

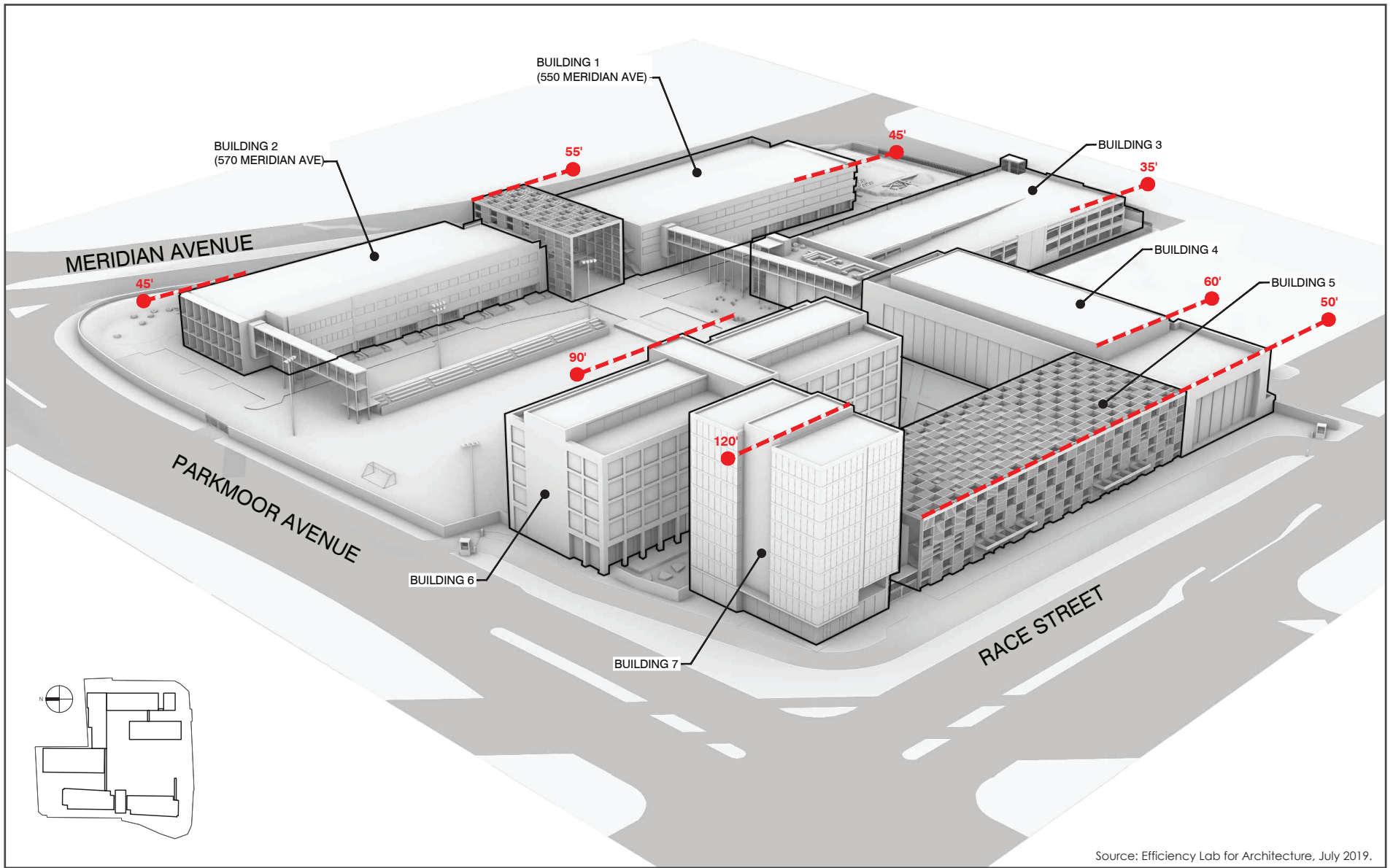
There are existing sidewalks on Race Street, Parkmoor Avenue and Meridian Avenue that would connect to pedestrian pathways circulating throughout the project site. Bicycle access to the site would be provided via a Class II bike lane¹ on Race Street.

¹ Class II bikeways are striped bicycle lanes on roadways that are marked by signage and pavement markings.



PROPOSED SITE PLAN

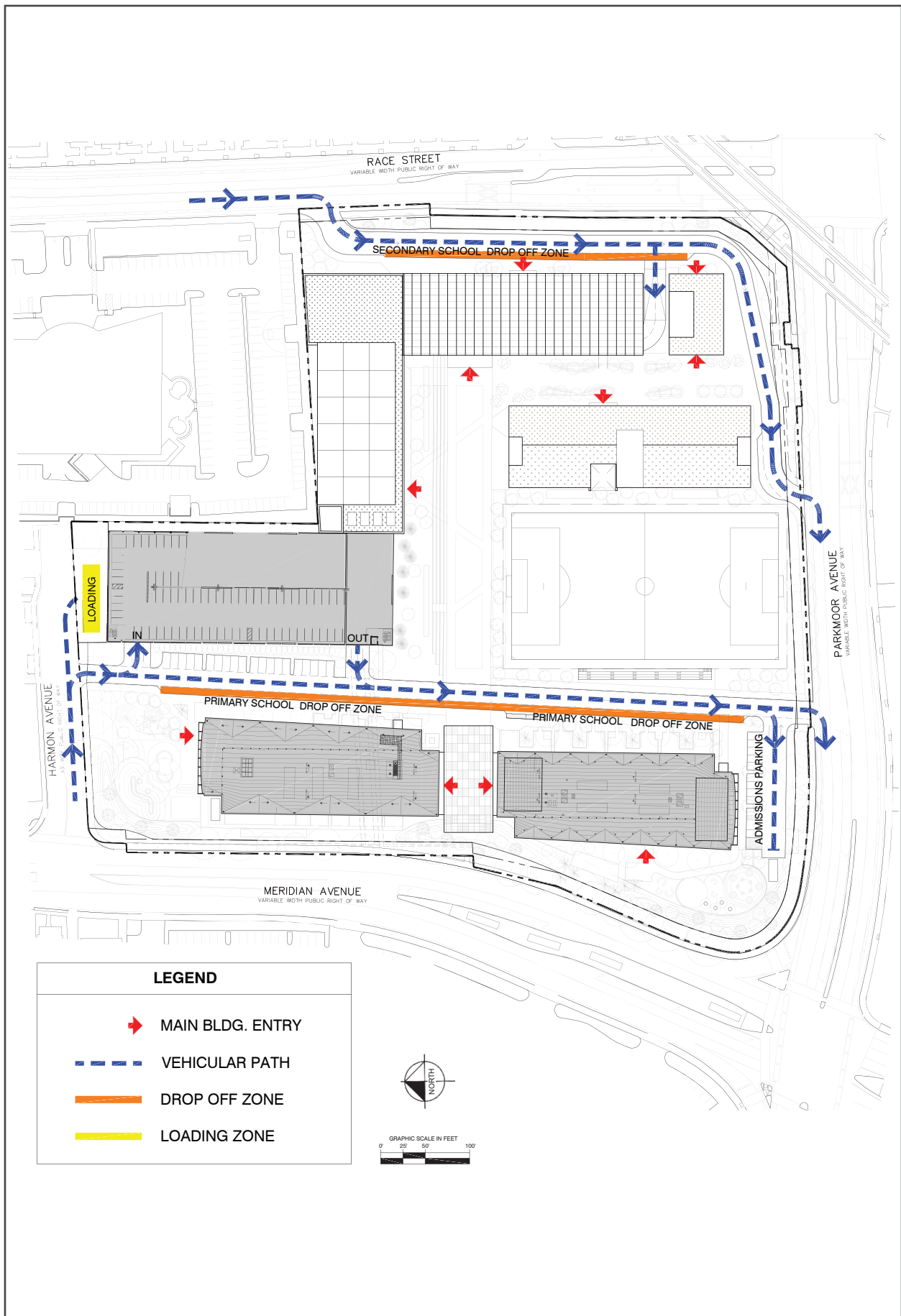
FIGURE 2.2-5



Source: Efficiency Lab for Architecture, July 2019.

BUILDING HEIGHT DIAGRAM

FIGURE 2.2-6



SITE ACCESS AND CIRCULATION

FIGURE 2.2-7

Total on-site parking would include 642 parking spaces, with the existing 463-space parking structure to be maintained. The project includes a below ground parking garage under Building 5 which would provide 146 parking spaces. The basement levels in Buildings 4 and in Building 7 won't provide any parking and would primarily be used as storage areas. Approximately 32 surface parking spaces would be provided at the southwest corner of the site and immediately adjacent to the parking garage. Additionally, 751 bicycle parking spaces would be located outside on the ground level.

The project would stagger start times between the lower grades and high school grades to achieve reasonable drop-off operations in the morning.

2.2.4 Project Construction

Construction of the project is planned in four phases as described in Table 2.2-1. The total construction duration is assumed to be approximately ten-to fifteen years, estimated to begin in August 2020. The commencement dates provided for Phases III and IV are estimates and would be subject to market conditions and student enrollment.

For the purposes of this Project EIR, each construction phase is estimated to last for approximately a year. The construction schedule below shows large gaps between phases of construction and operation. The construction schedule for air quality, greenhouse gas and noise analysis assume a continuous construction over a shorter period of five years with no overlap between construction and operational activities, starting in Fall 2020 with full buildout by 2026. This provides a worst-case scenario projection for the purposes of analysis of project's effect on the environment. Figure 2.2-5, illustrates the buildings planned by phases.

Phase I - The first phase would include the adaptive re-use of the existing buildings at 550 and 570 Meridian Avenue from their current use as commercial office buildings to education facilities. It should be noted that both 550 and 570 Meridian Avenue buildings are not historic in nature. Demolition of the office building at 1401 Parkmoor Avenue and the remaining warehouses along 529, 581, and 691 Race Street are also part of Phase I. The first phase would also construct a portion of the gymnasium building (Building 4), and a portal structure connecting the 550 and 570 Meridian Avenue buildings. The total area for Phase I is approximately 184,000 gross square feet (excluding the new sports field and existing parking structure that would be retained) and would accommodate 1,112 students. The sports field would be built during Phase I. It is anticipated that construction of Phase I would commence in the summer of 2020 and would be complete in fall of 2021 for the beginning of the school year.

Phase II - The second phase of construction would add an approximate 120,000 gross square foot academic building located to the east of the sports field. Phase II would accommodate an additional 1,008 students. It is anticipated that construction of Phase II would commence in the winter of 2023 and would be complete in summer of 2024 for the beginning of the school year.

Phase III - The third phase of construction would expand the gymnasium facilities to include an aquatic center as well as a theater building. The total area for Phase III construction is

approximately 87,000 gross square feet and would accommodate an additional 472 students to the campus. It is anticipated that construction of Phase III would commence in the winter of 2027 or 2028 and would be complete in summer of 2028 or 2029, for the beginning of the school year.

Phase IV - The fourth and final phase of construction would construct an approximate 67,000 gross square foot academic building on the southeast corner of the site. Phase IV would add 152 new students. It is anticipated that construction of Phase IV would commence in the winter of 2032 or 2033 and would be complete in summer of 2033 or 2034, for the beginning of the school year.

Approximately 9,500 cubic yards of soil would be excavated during Phase I to establish a basement level under Building 4; approximately 43,000 cubic yards would be excavated during Phase III to establish two subterranean levels under Building 5 and complete the expansion of Building 4; and approximately 7,000 cubic yards would be excavated during Phase IV to establish a basement level under Building 7. In total, the project would excavate approximately 59,000 cubic yards of soil to a maximum depth of 22 feet. Approximately 12 cubic yards of soil would be off-hauled for every truck trip, which means a total of up to 5,000 truck trips are anticipated for all the phases.

Table 2.2-1: Proposed Development Phasing

Phase # /Year¹	Total Area (square feet)	Area to be demolished	Area to be Retained/ Converted/Constructed New	Increase of Students	Increase of employment
Phase I [Summer of 2020 – Summer/ Fall of 2021]	184,000 (excluding the new sports field and existing parking structure that would be retained).	1401 Parkmoor Avenue and remaining warehouses along Race Street (approximat ely 210,426 square feet)	<p>Retain existing parking structure (Building 3)</p> <p>Demolish three existing warehouses at 529 Race Street, 581, and 691 Race Street.</p> <p>Convert 550 and 570 Meridian Avenue (Buildings 1 and 2) from their current use as commercial office buildings to education facilities.</p> <p>Construct a portion of the gymnasium building (Building 4), and a portal structure connecting the 550 and 570 Meridian Avenue buildings. The sports field would also be built during Phase I.</p>	1,112 students	260 employees
Phase II [Winter 2023 – Summer 2024]	120,000	No Demolition	Construct an academic building (Building 6) east of the sports field.	1,008 students	110 employees
Phase III [Winter 2027 or 2028 - Summer 2028 or 2029]	87,000	No Demolition	Expand the gymnasium facilities (Building 4) to include an aquatic center as well as construct a theater building (Building 5).	472 students	80 employees
Phase IV [Winter 2032 or 2033 – Summer of 2033 or 2034]	67,000	No Demolition	Construct an academic building (Building 7) on the southeast corner of the project site.	152 students	30 employees

¹The table provides an approximate phasing schedule. These dates are subject to market conditions and future school enrollment.

2.2.5 Green Building Measures

Consistent with the City's Private Sector Green Building Policy and the Green Building Ordinance, the proposed project would be designed to achieve, at minimum, Leadership in Energy and Environmental Design (LEED) Certification. This would be met through community design and planning, site design, landscape design, building envelope performance, and material selections. The project proposes to include the following sustainable design features that will be maintained as part of the proposed project:

- **Rooftop Solar:** An approximately 5,000-square foot photovoltaic power system will be installed on the roof of 570 Meridian Avenue that will provide approximately 110,000 kWh/year in Phase I. An additional 5,000 square foot photovoltaic will be installed on the Fitness Facility (Building 4) in Phase III.
- **Repurpose Existing Buildings:** The project would repurpose the 550 and 570 Meridian buildings as educational facilities, which would significantly reduce the embodied energy² associated with the initial phase of the school. To make these buildings energy efficient during operational phase the following features will be incorporated:
 - **HVAC Retrofit:** The motors, compressors, fan belts and air filters of the existing AC units of 550 and 570 Meridian will be replaced.
 - **Thermal Retrofits:** All replaced exterior enclosure will be replaced with high performance building enclosures incorporating insulated glass units with low emissivity coating.
 - **Retro-commissioning:** All AC units, boilers and associated pumps of the existing buildings will be serviced, and all coils will be cleaned. A new Building Automation System will be installed and the existing AC units will tie into the new building automation system.
- **Lighting:** All Avenues' schools strive to align themselves with LEED v4 Integrative Process (IP) credit requirements. All lighting will be fully replaced with LED Lighting.
- **Water Conservation:** The project would seek to conserve potable water by incorporating smart and efficient water systems into its design. In order to conserve water for irrigation, the project will collect shower drain and condensate from AC units to a tank and treat greywater for irrigation.
- **California Landscaping -** The project proposes to use native or locally adaptive plants for San José climate, as described in the following *Section 2.2.6*.

2.2.6 Planned Street Improvements

The Local Transportation Analysis (see Appendix H) identifies the following offsite improvements to the traffic flow along Meridian Avenue, Parkmoor Avenue, and Race Street. Though these improvements are not part of the application proposal, review by the Department of Public Works, Department of Transportation, and Planning triggers need for off-site improvements which may be required by the City as conditions of approval. The off-site improvements would likely be built in

² Embodied energy is the sum of all the various forms of energy required to produce a building – including raw material extraction, manufacturing materials for construction, transporting materials to site, assembly and installation. As opposed to operational energy which includes items such as heating, cooling and lighting once a building is built and occupied. Adapting existing buildings for new uses (as opposed to demolishing them and building new ones) significantly reduces the overall carbon footprint of a project.

phases to ensure the appropriate number of off-site improvements are built during each phase commensurate with the student capacity for each phase. These offsite improvements have operational benefits, that can also be part of offsetting improvements triggered under the Vehicle Miles Traveled (VMT) metric under CEQA. Potential improvements at the intersections include:

- Meridian Avenue and Parkmoor Avenue
 - Convert one through lane to a shared left-turn/through lane on westbound Parkmoor Avenue. Add a right-turn lane on westbound Parkmoor Avenue. Add a southbound right-turn pocket on Meridian Avenue.
- Race Street and Parkmoor Avenue
 - Reconfigure the southbound lanes to one shared through/right-turn lane and one left turn lane. Provide bulb-outs. Remove one westbound through lane. Remove the eastbound right turn lane. Reconfigure the northbound lanes to two left turn lanes and one shared through/right-turn lane.

As part of the improvement plans, the City also identified improvements for Parkmoor Avenue, Meridian Avenue and Race Street near the school (see Figure 2.2-8). The potential improvements are listed below:

- Parkmoor Avenue
 - Install a landscaped median to reduce the number of eastbound lanes from two to one
- Meridian Avenue south of Harmon Avenue
 - Install a landscaped median between Harmon Avenue and 545 Meridian
- Race Street south of Saddle Rack Street
 - Install a landscaped median with left turn pockets at driveways
 - Restripe the northbound lanes into one through lane

2.2.7 Landscaping

The proposed project would include landscaped plazas, artificial turf sports field, play areas, outdoor classroom areas, outdoor dining areas, rooftop outdoor areas, bioretention zones, and walkways throughout the site. The landscaping chosen for the project would emphasize indigenous species with low water demands. The project would retain many of the existing trees on-site and plant new street trees along the site frontages. The conceptual landscape plan for the project is shown on Figure 2.2-9 on the following page. The various components of the proposed landscaping are discussed below.

Sports Field. The sports field is centrally located within the site and is covered with artificial turf. The sports field would provide for students' sports practice. Bleachers are located on the east and west sides of the field.

Central Campus Green. In alignment with the entrance portal, the central campus green connects the campus internally. This central walkway is flanked on one side with formal tree planting and a landscaped bio-retention area.

Play Area for Daycare. An outdoor play area for toddlers is planned in proximity to the day care. Outdoor timber stack balance beams, play mounds, a swing-set, and a ball court with seating is planned at the northwest corner of the site at Meridian Avenue and Harmon Avenue.

Other Play Areas. Similar to the play area for toddlers, another play area is planned at the south-west corner, facing the Meridian and Parkmoor Avenue intersection. Play areas could include, but are not limited to, timber balance logs, timber climbing features, and seating to complete the play area. Both the play areas are protected from the roadway by landscaped berms acting as sound barriers, as seen illustrated on Figure 2.2-11 and Figure 2.2-12.

Perimeter Landscaping. In addition to preservation of some of the existing perimeter trees, bioretention basins and trees with perimeter fencing is planned along street frontages.

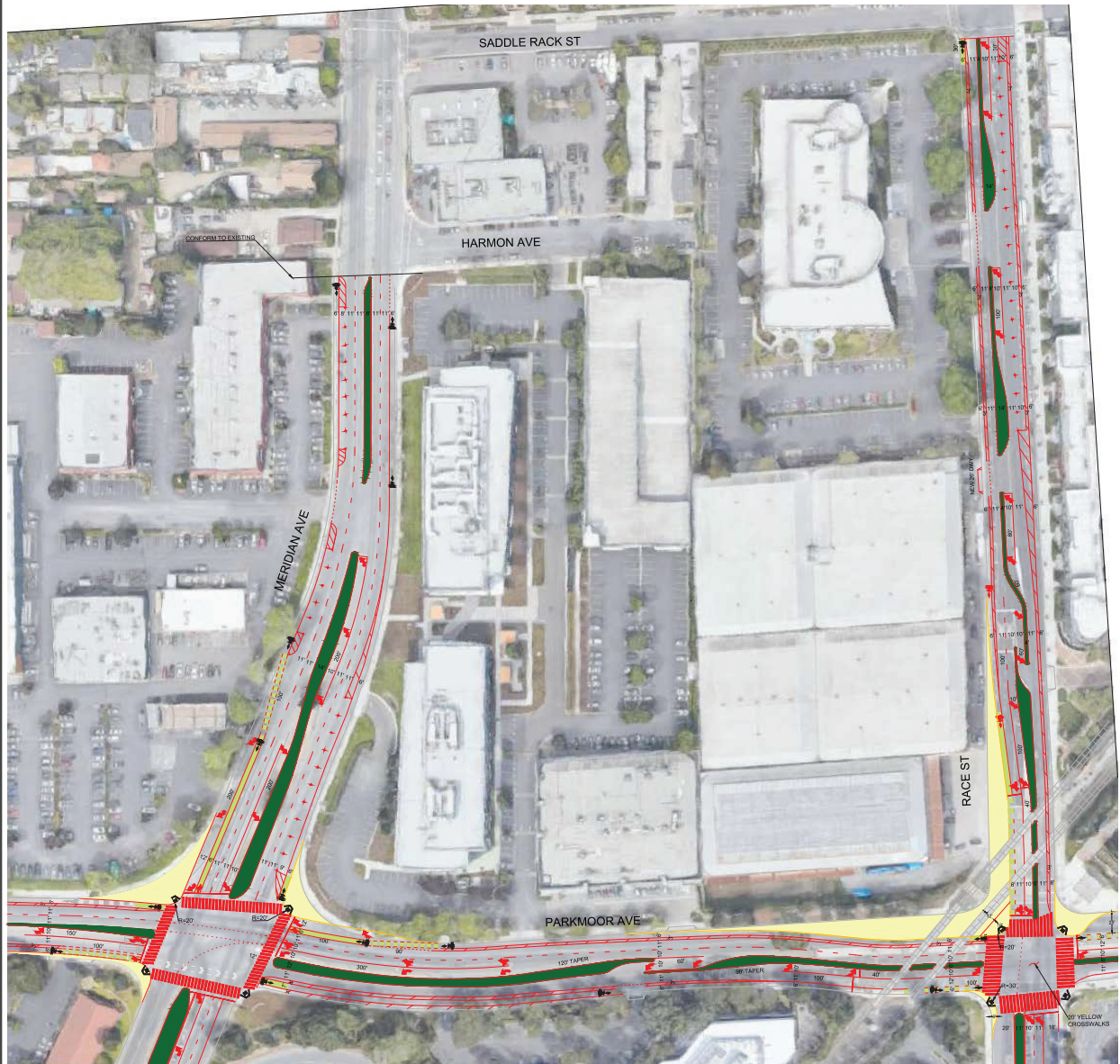
Outdoor Learning Classrooms. As seen on Figure 2.2-10, landscaped areas immediately adjoining classrooms provide opportunities for outdoor learning.

Rooftop Play Area. Designed over the existing parking structure, the rooftop play area is an open-air space that extends from the proposed gymnasium.

Other Landscaped Areas. Includes a mini running track, climbing pyramid, swing-set, and raised seating amongst tree planters.

2.2.8 Utilities

The proposed project would connect to existing utilities in the area for water, wastewater, storm drain, electric and natural gas services. The project would establish an eight-inch sanitary sewer line in the eastern driveway which would connect Buildings 4, 5, 6, and 7 to existing sewer mains in Race Street. The existing Buildings 1 and 2 would retain existing water and sewer utility connections. Bioretention areas are proposed throughout the site which would treat stormwater runoff for pollutants prior to release to the City's drainage system. Existing electric and natural gas utility lines in the surrounding roadways would be used to service the project.



LEGEND:

PROPOSED STRIPING	
PROPOSED FACE OF CURB	
PROPOSED VACATION AREA	
RAISED MEDIAN ISLAND	
NEW ADA CURB RAMP	

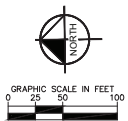


Source: Hexagon Transportation Consultants, Inc.

OFFSITE IMPROVEMENTS

FIGURE 2.2-8

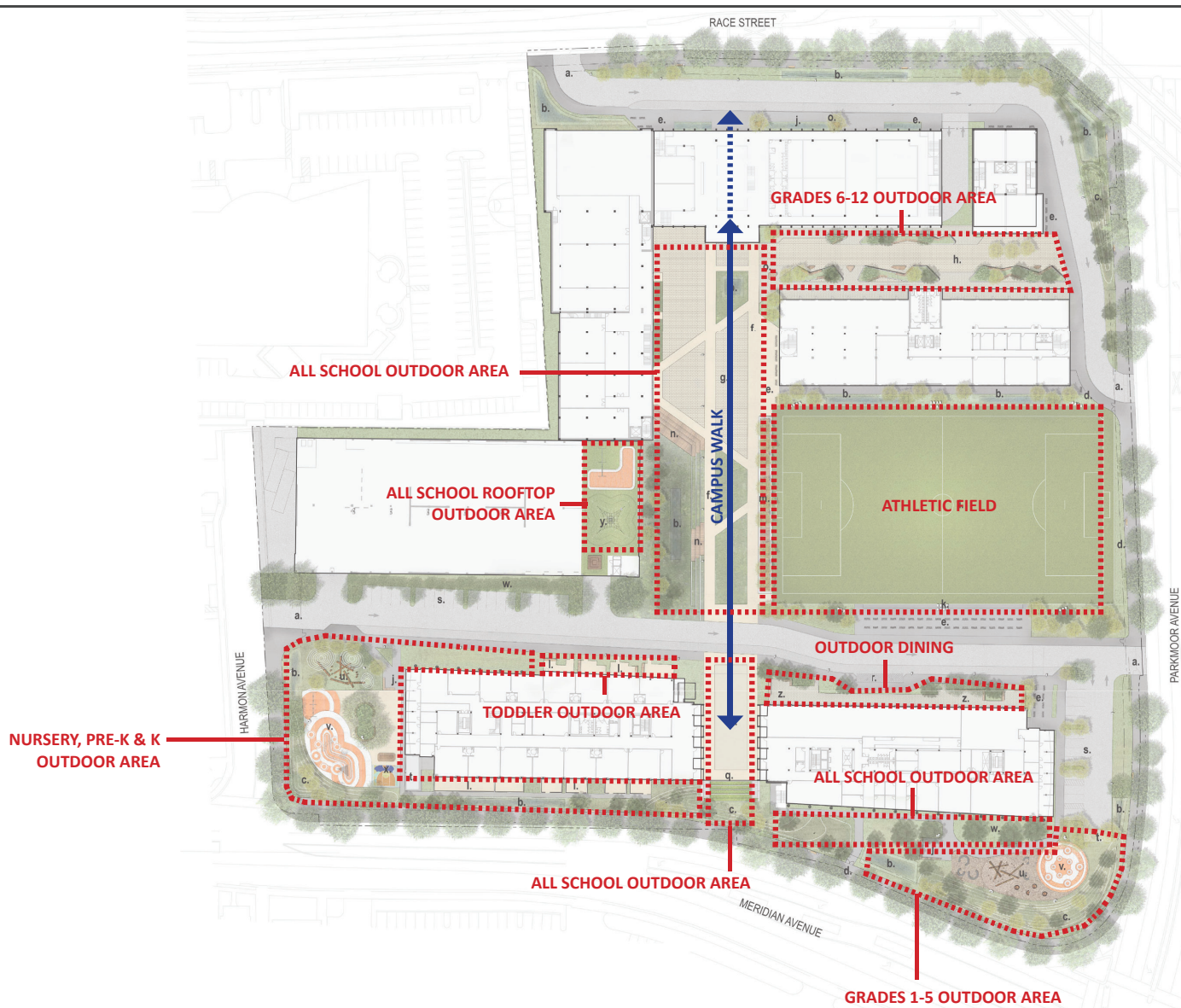
- a. ENTRY GATE
- b. BIORETENTION ZONE
- c. OAK SAVANNA BERM
- d. PERIMETER FENCE
- e. BICYCLE PARKING AREA
- f. MAIN CAMPUS WALK
- g. CENTRAL CAMPUS PLAZA
- h. HIGH SCHOOL PLAZA
- i. ARTIFICIAL TURF SPORTS FIELD
- j. BUILDING ENTRY PLAZA
- k. SPORTS FIELD BLEACHERS
- l. OUTDOOR LEARNING CLASSROOM
- m. TIMBER DECK w/ INSET TREES
- n. TIMBER BLEACHER CASCADE
- o. TIMBER PLATFORM w/ INSET TREE
- p. PORTAL GATHERING PLAZA
- q. AMPHITHEATER SEATING
- r. ACCESSIBLE DROP-OFF
- s. PARKING SPACES
- t. RELOCATED GENERATOR w/ SCREEN
- u. NATURE PLAY PLAYGROUND
- v. TRADITIONAL PLAY PLAYGROUND
- w. EXISTING TREES
- x. BALL COURT
- y. ROOFTOP PLAYGROUND
- z. CAFETERIA TERRACE



Source: Kimley-Horn and Associates, Inc., July 2, 2019.

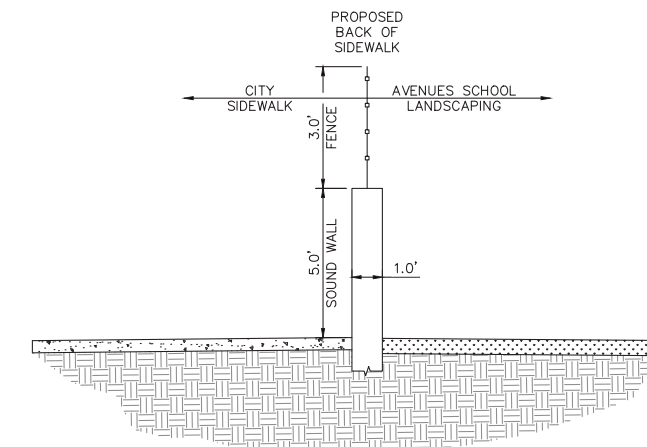
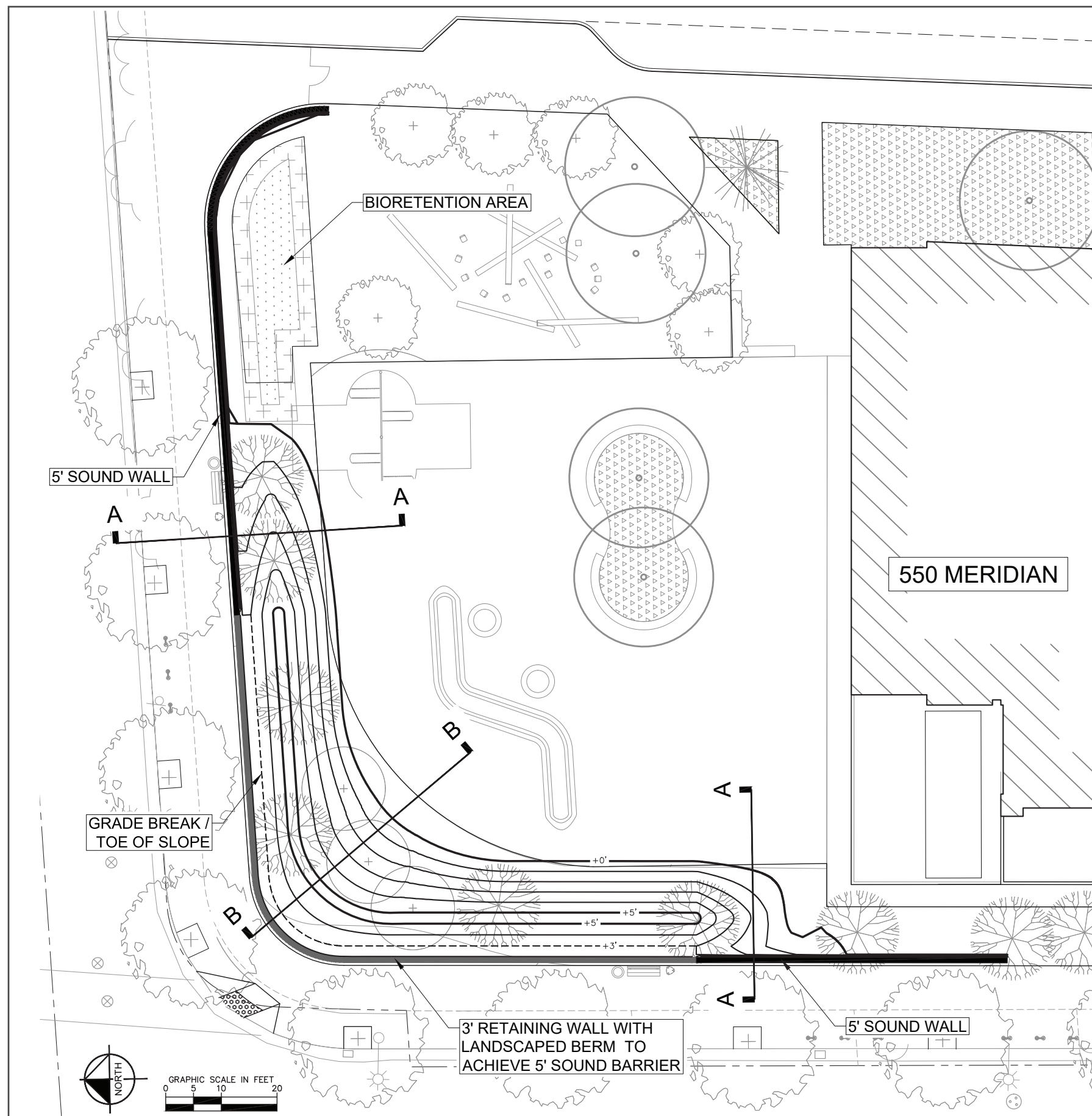
CONCEPTUAL LANDSCAPE PLAN

FIGURE 2.2-9

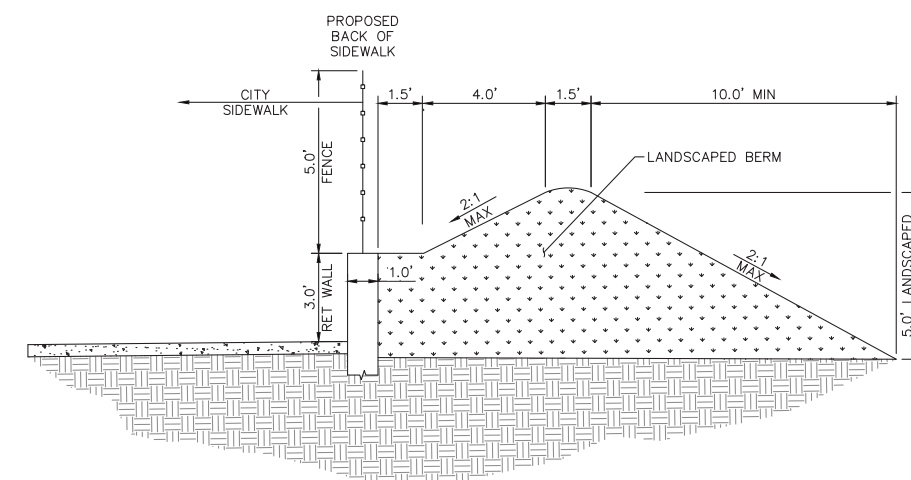


CONCEPTUAL PLAN FOR OUTDOOR PLAY AREAS

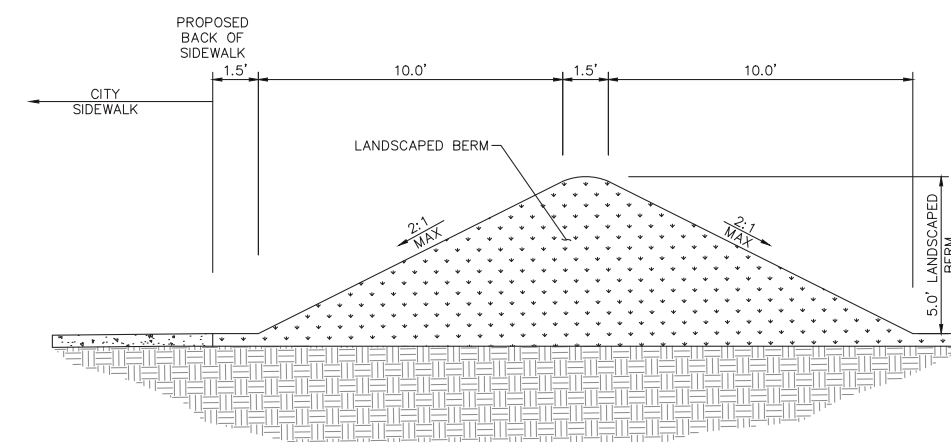
FIGURE 2.2-10



SECTION A-A
NTS



SECTION B-B
NTS

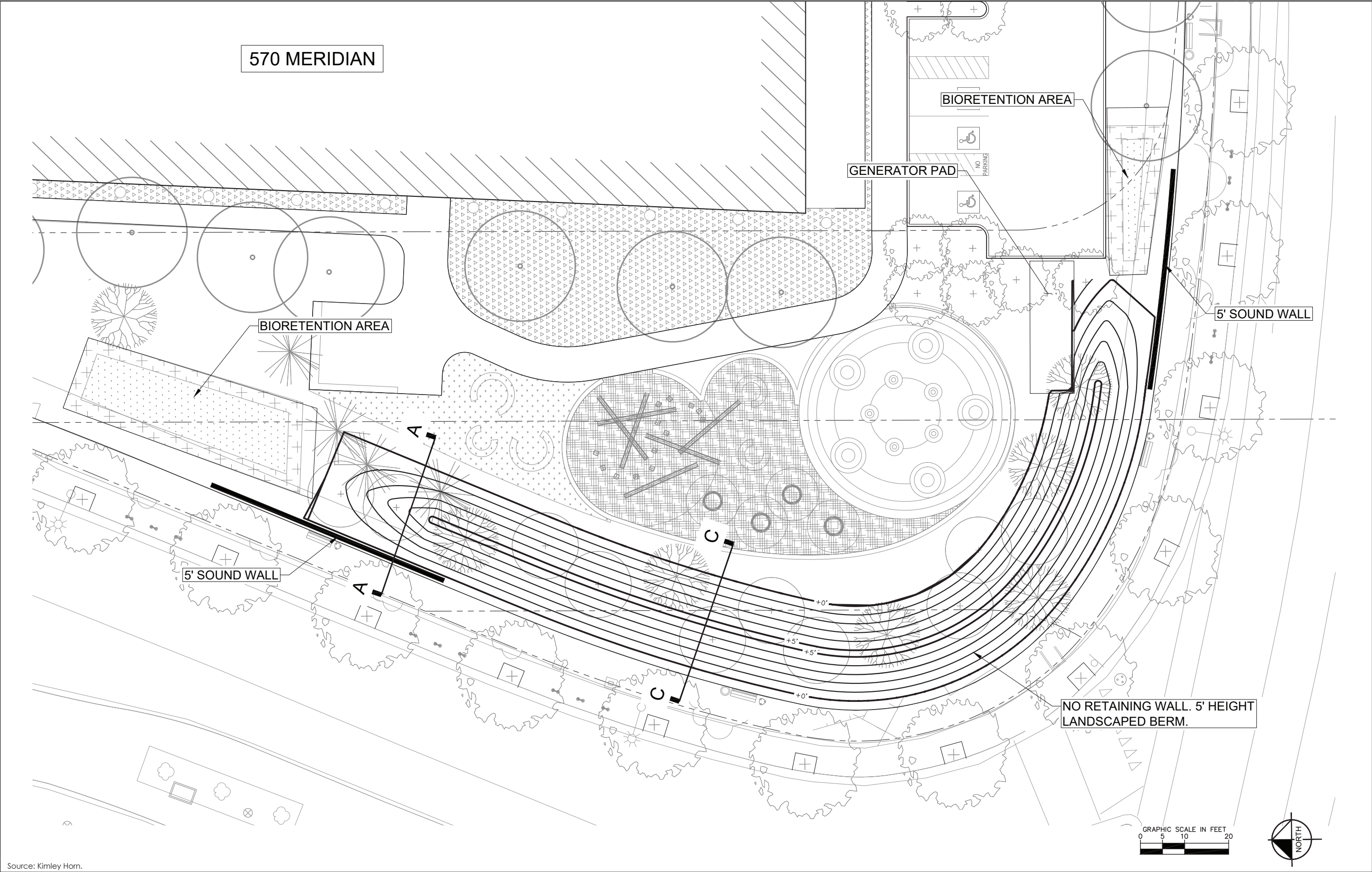


SECTION C-C
NTS

Source: Kimley Horn.

PROPOSED LOCATION OF 5-FOOT NOISE BARRIER AT BUILDING 1 PLAYGROUND

FIGURE 2.2-11



PROPOSED LOCATION OF 5-FOOT NOISE BARRIER AT BUILDING 2 PLAYGROUND

FIGURE 2.2-12

2.2.9 General Plan and Zoning Designation

The project site has an Envision San José 2040 General Plan (General Plan) land use designation of *CIC-Combined Industrial/Commercial* and is zoned *IP-Industrial Park*. The land use designation of *CIC* allows flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses.

The *IP* zoning district is an exclusive district that includes industrial uses such as research and development, manufacturing, assembly, testing, and offices. Industrial uses are consistent with this designation insofar as any functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Areas exclusively for industrial uses may contain a very limited amount of supportive commercial uses. Schools are not permitted uses within the *IP* zoning; as such, the project would require a conforming rezone to *CIC*.

Additionally, the project site is located within the boundary of the Race Street Light Rail Urban Village, which is a Local Transit Horizon 2 Urban Village. Urban Villages are designed to provide a vibrant and inviting mixed-use setting to attract pedestrians, bicyclists, and transit users of all ages and to promote job growth.

2.3 PROJECT OBJECTIVES

Pursuant to CEQA Guidelines Section 15124, the EIR must include a statement of the objectives. The objectives for the proposed project are as follows:

- Develop a state-of-the-art campus in San José, providing world-class education to students from pre-kindergarten to high school. The campus will be part of Avenues: The World School (Avenues) network of internationally connected and interdependent campuses, located in leading global cities.
- Establish a phasing strategy that best incorporates the existing site structures and infrastructure with an expansion plan that responds to market demand and student enrollment growth.
- Provide a comprehensive circulation network with integrated mobility options including pedestrian and bicycle amenities, with enhanced on-site connectivity and safety for improved access to the Race Street light rail station, as an alternative to automobile use.
- An interconnected campus design with a central-axial campus walk that links the functional and programmatic components of the school buildings and outdoor spaces.
- Provide opportunities for outdoor curriculum activities and classrooms with a large amount of outdoor areas (internal to the campus) to meet the needs of the Avenues curriculum including the exercise and wellness needs for the students.
- Adaptively reuse and repurpose two of the existing buildings on the site, thereby substantially reducing the embodied energy associated with the Phase I of the school development and maximize the use and functionality of other existing onsite resources, such as existing buildings and parking structure.

2.4 USES OF THE EIR

This EIR would provide decision-makers in the City of San José (the CEQA Lead Agency), responsible agencies, and the general public with relevant environmental information to use in considering the project. The City of San José anticipates that discretionary approvals by the City, including but not limited to the following, will be required to implement the project addressed in this EIR:

- Conditional Use Permit
- Demolition permit
- Grading Permit
- Building Permit
- Conforming Rezone
- Tree Removal Permits
- Public Works Clearance
- Final Map
- Haul Route Permit

City of San José, as the lead agency, anticipates that discretionary approvals by responsible agencies, including but not limited to the following, may be required to implement the proposed project addressed in this EIR

- Santa Clara County Department of Environmental Health for soil cleanup
- California Public Utilities Commission (Railroad)
- Santa Clara Valley Transportation Authority (VTA)

SECTION 3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

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

3.1	Aesthetics	3.11	Land Use and Planning
3.2	Agriculture and Forestry Resources	3.12	Mineral Resources
3.3	Air Quality	3.13	Noise
3.4	Biological Resources	3.14	Population and Housing
3.5	Cultural Resources	3.15	Public Services
3.6	Energy	3.16	Recreation
3.7	Geology and Soils	3.17	Transportation
3.8	Greenhouse Gas Emissions	3.18	Tribal Cultural Resources
3.9	Hazards and Hazardous Materials	3.19	Utilities and Service Systems
3.10	Hydrology and Water Quality	3.20	Wildfire

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 includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts.

- **Project Impacts** – This subsection discusses the project’s impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.
- **Cumulative Impacts** – This subsection discusses the project’s cumulative impact on the environmental subject. Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant effects taking place over a period of time. CEQA Guideline Section 15130 states that an EIR should discuss cumulative impacts “when the project’s incremental effect is cumulatively considerable.” The discussion does not need to be in as great detail as is necessary for project impacts, but is to be “guided by the standards of practicality and reasonableness.” The purpose of the cumulative analysis is to allow decision makers to better understand the

impacts that might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence (CEQA Guidelines Section 15130(b)). To accomplish these two objectives, the analysis should include either a list of past, present, and probable future projects or a summary of projections from an adopted general plan or similar document (CEQA Guidelines Section 15130(b)(1)). This EIR uses the list of projects approach.

The analysis must determine whether the project's contribution to any cumulatively significant impact is cumulatively considerable, as defined by CEQA Guideline Section 15065(a)(3). The cumulative impacts discussion for each environmental issue accordingly addresses the following issues: 1) would the effects of all of past, present, and probable future (pending) development result in a significant cumulative impact on the resource in question; and, if that cumulative impact is likely to be significant, 2) would the contribution from the proposed project to that significant cumulative impact be cumulatively considerable?

Table 3.0-1 identifies the approved (but not yet constructed or occupied) and pending projects in the project vicinity that are evaluated in the cumulative analysis.

Table 3.0-1: Cumulative Projects List		
Project Name	Location	Description
Pending and Approved, But Not Yet Constructed/Occupied		
San Carlos Housing	1530 West San Carlos	Construction of a seven-story building with 104 residential units and approximately 12,600sf commercial use
Page Street Housing	329 Page Street	Construction of a six-story building with 82 residential units
259 Meridian Avenue Housing	259 Meridian Avenue	Construction of 226 residential units
Ohlone Blocks	SW corner of West San Carlos Street and Sunol Street	Construction of 20k-30k square feet commercial and 680-800 residential units over three blocks: Block A 263 units, 145 feet height on 2.66 acres; Block C 268 units, 71 feet height on 8.4 acres; Block B 253 units, 84.5 feet height on 8.4 acres
West San Carlos Supportive Housing	750 West San Carlos	Construction of a seven-story building with 80 residential units
McEvoy Residences	280 McEvoy street	PD Zoning from HI to A(PD) for residential uses and PD Permit for 12-story, 358 unit affordable housing.

For each resource area, cumulative impacts may occur over different geographic areas. For example, the project effects on air quality would combine with the effects of projects in the entire air basin, whereas noise impacts would primarily be localized to the surrounding area. The geographic area that could be affected by the proposed project varies depending upon the type of environmental issue being considered. Section 15130(b)(3) of the CEQA Guidelines states that lead agencies should define the geographic scope of the area affected by the cumulative effect. Table 3.0-2 provides a summary of the different geographic areas used to evaluate cumulative impacts.

Table 3.0-2: Geographic Considerations in Cumulative Analysis	
Resource Area	Geographic Area
Aesthetics	Project site and adjacent parcels
Agriculture and Forestry Resources	Countywide
Air Quality	San Francisco Bay Area Air Basin
Biological Resources	Project site and adjacent parcels
Cultural Resources	Project site and adjacent parcels
Energy	Energy provider's territory
Geology and Soils	Project site and adjacent parcels
GHGs	Planet-wide
Hazards and Hazardous Materials	Project site and adjacent parcels
Hydrology and Water Quality	Guadalupe River watershed
Land Use and Planning/Population and Housing	Citywide
Minerals	Identified mineral recovery or resource area
Noise and Vibration	Project site and adjacent parcels
Public Services and Recreation	Citywide
Transportation/Traffic	Citywide
Tribal Cultural Resources	Project site and adjacent parcels
Utilities and Service Systems	Citywide
Wildfire	Within or adjacent to the wildfire hazard zone

3.1 AESTHETICS

3.1.1 Environmental Setting

3.1.1.1 *Regulatory Framework*

State

California Scenic Highway Program

The intent of the California Scenic Highway Program (Streets and Highway Code Sections 260 et seq.) is to provide and enhance California's natural beauty and protect the social and economic values provided by the State's scenic resources. The California Department of Transportation (Caltrans) defines a scenic highway as any freeway, highway, road, or other public right-of-way that traverses an area of exceptional scenic quality.

Suitability for designation as a State Scenic Highway is based on vividness, intactness, and unity. There are no state-designated scenic highways in San José. Caltrans' California Scenic Highway Mapping System lists one Officially Designated Scenic Highway in Santa Clara County.³

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are germane to visual character and scenic resources and would be applicable to the proposed project:

Envision San José 2040 General Plan Relevant Aesthetics Policies

Policy	Description
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

³ California Department of Transportation. "California Scenic Highway Mapping System: Santa Clara County." Accessed May 9, 2019. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

Envision San José 2040 General Plan Relevant Aesthetics Policies

Policy	Description
Policy 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.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.29	Provide and implement regulations that encourage high quality signage, ensure that business and organizations can effectively communicate through sign displays, promote way finding, achieve visually vibrant streetscapes, and control excessive visual clutter.
Policy CD-10.2	Require that new public and private development adjacent to Gateways and freeways (including 101, 880, 680, 280, 17, 85, 237, and 87), and Grand Boulevards consist of high-quality materials, and contribute to a positive image of San José.
Policy CD-10.3	Require that development visible from freeways (including 101, 880, 680, 280, 17, 85, 237, and 87) is designed to preserve and enhance attractive natural and man-made vistas.

City Council Private Outdoor Lighting Policy 4-3

On March 1, 1983, the City of San José implemented the Outdoor Lighting on Private Development policy. The purpose of the policy is to promote energy-efficient outdoor lighting on private development in the City of San José that provides adequate light for nighttime activities, while benefiting from the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

3.1.1.2 *Existing Conditions*

Project Site

The 11.87-acre project site is located within a predominantly urban environment adjacent to the Midtown District of the City of San José. The site is located north of Parkmoor Avenue and is bounded by Race Street on the east and Meridian Avenue on the west. Existing development on the project site consists of two (2), three-story office buildings totaling 153,413 square feet along Meridian Avenue (550 and 570 Meridian Avenue) that are served by a four-level, 475-space parking structure (502 Harmon Avenue); three (3) large warehouse buildings fronting Race Street (529, 581, and 691 Race Street) totaling 150,204 square feet; and one (1) two-story, 60,060 square foot office building facing Parkmoor Avenue (1401 Parkmoor Avenue).

The buildings on-site range in size and scale. As seen in Photos 1 and 2, the 550 and 570 Meridian Avenue buildings are rectangular in shape and modern in style; the buildings include numerous windows and minimal articulation, with the facades facing Parkmoor Avenue and Harmon Avenue dominated by windows. These two buildings are connected via a paved pathway. A paved driveway separates the Meridian Avenue buildings from the parking structure at 502 Harmon Avenue and the office building at 1401 Parkmoor Avenue. The parking structure is three-stories tall and includes glass-enclosed stairwells and elevator shafts at the corners (see Photo 5). Dense trees and shrubs along its perimeter provide visual screening of the parking structure from the surrounding uses. The office building at 1401 Parkmoor Avenue is painted white and grey; rectangular windows with grey borders are evenly spaced throughout each floor, with vertical, grey brick columns separating each set of windows (see Photo 7). The three warehouse buildings are one story tall and are connected to each other. The buildings are white with orange detailing and include several perforated roll-down doors along the Race Street frontage (see Photo 9). The site is largely paved for parking and driveways and is visually similar to other light industrial/R&D development in the surrounding neighborhood.

The project site contains a total of 232 trees, the majority (224 trees) of which are in good condition. Mature trees and landscaping are dispersed throughout the site. Trees along Parkmoor Avenue and Meridian Avenue provide screening for the office and warehouse uses. The project site is flat and only visible from the immediate area. Street-level views of the project site are shown in Photos 1 through 10 on the following pages.

Surrounding Uses

The project site is surrounded primarily by commercial, residential, and industrial uses. Older industrial buildings in the area are intermixed with architecturally modern residential buildings, giving the surrounding area a diverse visual appearance. Immediately north of the site are two single-story commercial buildings and a two-story office building with adjoining surface parking lots and landscaping (see photos 3 and 10). Two-story residential buildings are located on the east side of Harmon Avenue and four-story multi-family residential buildings are located further north across Saddle Rack Street. In the southeastern portion of the site is the light-rail crossing with associated pedestrian safety gates. To the east of the site, across Race Street, are five-story multi-family residential developments and the Race Street light rail station (see Photos 8 and 9). To the south of the site, across Parkmoor Avenue, is a three-story office building with surface parking, mature trees, and landscaping. I-280 is located further south of the office building. To the west of the site, across Meridian Avenue, are single-story commercial buildings, and a large surface parking lot with perimeter landscaping and landscaped parking medians.

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. Due to intervening development and landscaping, the project site has minimal to no scenic views of the Diablo foothills to the north, Santa Cruz Mountains to the south, and Santa



Photo 1: Viewing the buildings at 570 and 550 Meridian Avenue along the site's western boundary.



Photo 2: Viewing the buildings at 570 Meridian Avenue (right) and 550 Meridian Avenue (left).

PHOTOS 1 & 2



Photo 3: Viewing the adjacent commercial building and residential buildings beyond the site's northern boundary.



Photo 4: Viewing the interior of the site from the northern boundary on Harmon Avenue.

PHOTOS 3 & 4



Photo 5: Viewing the parking garage at 502 Harmon Avenue and an adjacent residential building at the site's northern boundary.



Photo 6: Viewing the buildings at 1401 Parkmoor Avenue (left) and 570 Meridian Avenue (right) from the interior of the site.

PHOTOS 5 & 6



Photo 7: Viewing the buildings at 1401 Parkmoor Avenue (foreground) and 691 Race Street (background) from the site's southern boundary on Parkmoor Avenue.



Photo 8: Viewing an adjacent residential building (left) and office building (right) at the Race Street and Parkmoor Avenue intersection.

PHOTOS 7 & 8



Photo 9: Viewing the warehouse building at 529 Race Street (left) and adjacent residential buildings (right) at the site's eastern boundary.



Photo 10: Viewing the adjacent office building at 525 Race Street to the north of the site.

PHOTOS 9 & 10

Teresa Hills to the east. No natural scenic resources, such as rock outcroppings, are present on-site or in the project area.

Scenic Corridors

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 is crucial.⁴ The nearest Gateway segment to the project site is Bird Avenue from Coe Avenue to Park Avenue, approximately 0.8-mile east of the site. The City has designated State Route 87, from the Highway 101 interchange to State Route 85, and Interstate 280 from the Interstate 880 intersection to Fair Oaks Avenue in Sunnyvale, as Urban Throughways. The nearest Urban Throughway segment to the project site is State Route 87, approximately 1.1 miles east of the project site. The site is not located near the eastern part of the City; therefore, it is not visible from any Rural Scenic Corridor.⁵ There are no state-designated scenic highways in San José. The nearest officially designated state scenic highway to the project site is State Route (SR) 9, located approximately seven miles southwest of the site.⁶ Interstate 280 from the San Mateo County line to State Route (SR) 17,⁷ which includes segments of San José, is an eligible, but not officially designated, State Scenic Highway. The project site is approximately 1.6 miles east of that segment.

Light and Glare

The existing site has been developed with light industrial/office uses for many decades. Streetlights and other lighting is found throughout the area in the vicinity of the project. Sources of light and glare in the surrounding area are those typical of developed urban areas, including headlights, streetlights, parking lot lights, security lights, and reflective surfaces such as windows. The existing light levels of light sources at the project site, shown in horizontal foot-candles⁸, is shown on Figure 3.1-1 on the following page.

It should be noted that the light levels shown on Figure 3.1-1 do not take into account nearby sources of light which may spillover onto the site or intermittent light levels created by vehicular traffic or passing light rail trains.

⁴ City of San José. *Envision San José 2040 General Plan FEIR*. September 2011. Page 739.

⁵ City of San José. "Scenic Corridors Diagram". Accessed: May 7, 2019.

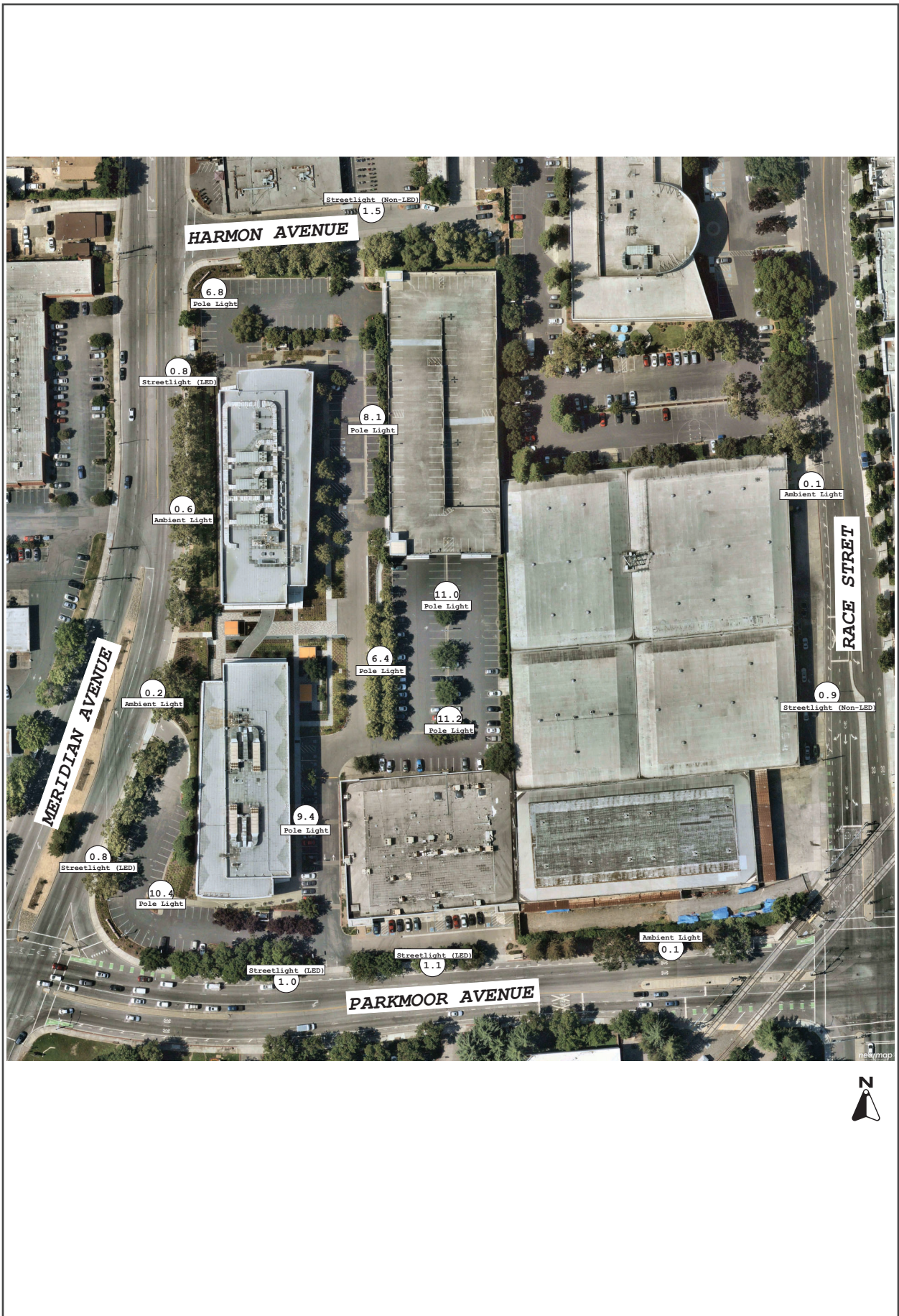
<http://www.sanjoseca.gov/index.aspx?NID=3368>

⁶ California Department of Transportation. *California Scenic Highway Mapping System*. Accessed: May 7, 2019.

http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

⁷ The segment at SR 17 is the same segment identified as one of the City's Urban Throughways.

⁸ A foot-candle is defined as the illuminance on a one square foot surface from a uniform source of light. For reference, one foot-candle of light is approximately the amount of light experienced from one lit birthday cake candle when observed from the distance of one foot.



EXISTING LIGHT LEVELS

FIGURE 3.1-1

3.1.2 **Impact Discussion**

For the purpose of determining the significance of the project's impact on aesthetics, 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) Substantially degrade the existing visual character or quality of public views⁹ 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?
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character would differ among individuals. One of the best available means for assessing what constitutes a visually acceptable standard for new buildings are the City's design standards and implementation of those standards through the City's design process.

The following discussion addresses the proposed changes to the visual setting of the project area and factors that are part of the community's assessment of the aesthetic values of a project's design, consistent with the assumptions in the General Plan FEIR, SEIR, and Addenda thereto.

3.1.2.1 ***Project Impacts***

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

Most of the City is relatively flat and prominent viewpoints, other than buildings, are limited. Particularly, the project area has minimal to no scenic views due to the existing built environment and no designated scenic resources. The site is not located along or visible from a designated state scenic highway or City scenic rural corridor. As discussed in *Section 3.1.1.2 Existing Conditions* above, the closest designated state scenic highway is SR 9, which is located approximately seven miles to the southwest from the project site.¹⁰ However, the site is not visible from SR 9.

The project site is visible from the surrounding roadways including Race Street, Parkmoor Avenue, Harmon Avenue, and Meridian Avenue, and the surrounding properties. As seen on Figure 2.2-6, the proposed buildings would have maximum heights of 90 feet and 120 feet along Parkmoor Avenue, 55 feet along Meridian Avenue, and maximum height of 120 feet along Race Street. The existing parking garage (along Harmon Avenue) that will remain with the project is approximately 35 feet tall. While the proposed development may block views from adjacent residences and businesses, there are no existing scenic vistas available from the project area and private views are not protected

⁹ Public views are those that are experienced from publicly accessible vantage points.

¹⁰ California Department of Transportation. *California Scenic Highway Mapping System*. Available at http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm. Accessed July 11, 2019.

scenic resources under CEQA. Therefore, the proposed project will have no impacts to scenic vistas. **(No Impact)**

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

The project site is not located along a state scenic highway; further, the site has been disturbed and developed. The nearest State-designated scenic highway, SR 9, is located approximately seven miles to the southwest of the project site and the site is not visible from SR 9. No scenic resources, such as heritage trees or rock outcroppings, are present on the site, as discussed above in *Section 3.1.1.2 Existing Conditions*. Therefore, no impacts to scenic resources would occur. **(No Impact)**

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

The project proposes to retain two existing buildings (proposed Buildings 1 and 2), each consisting of approximately 76,071 gross square feet of floor area, and the existing 463-space parking structure (proposed Building 3), thereby preserving the appearance of the site as seen from Meridian Avenue and Harmon Avenue. The proposed academic buildings (Buildings 6 and 7 with approximate elevations of 90 feet and 120 feet, respectively), gymnasium and aquatic center (proposed Buildings 4 and 5, with approximate elevations of 60 feet and 50 feet, respectively), and sports field (with light poles approximately 25 feet in height) would replace the existing single-story warehouse buildings along Race Street and two-story office building on Parkmoor Avenue. Visual renderings of the view of the sports field and proposed buildings from residences across Race Street are illustrated in Figure 3.1-2 and Figure 3.1-3.

Heights of the Buildings

Because the proposed heights of Buildings 4, 5, 6, and 7 are taller than the existing on-site development (up to 12 stories versus two stories, as shown in Table 3.1-1 below), the project would alter the existing visual character of the site. The General Plan FEIR (as amended) concluded that new development and redevelopment allowed under the General Plan would alter the appearance of San José; and implementation of applicable policies and regulations (including the City's Design Guidelines) would avoid substantial degradation of the visual character of the City. The project would be required to comply with all applicable zoning standards including, but not limited to, setbacks, building heights, and landscape buffers, which would preserve or improve the visual character of the site and its surroundings.

Commercial Design Guidelines

The City has established policies regarding new public and private development adjacent to freeways. General Plan Policy CD-10.2 requires new developments adjacent to Gateways, freeways, and Grand Boulevards to consist of high-quality materials, and contribute to a positive image of San

José. General Plan Policy CD-10.3 requires that development visible from freeways be designed to preserve and enhance attractive natural and man-made vistas. Due to the proposed project's proximity to I-280 (approximately 600 feet south of the site), the project would be reviewed for conformance to the City's Commercial Design Guidelines. The project site is surrounded by a mix of commercial/office, industrial, and residential uses. The project area has a mix of architectural styles with no particular style being dominant. For this reason, the project would be compatible with the mixed visual character of the surrounding uses. The proposed project would be reviewed in accordance with the City's Commercial Design Guidelines during the Planning Permit stage as part of the City's planning review. At this stage, modifications can be made to the project's design to ensure building materials and/or locations are selected in a manner that compliments surrounding development and is consistent with zoning standards. For this reason and those stated above, the proposed project would not degrade the existing visual character or conflict with regulations governing scenic quality. **(Less than Significant Impact)**

Table 3.1-1: Site Structures		
	Building	Number of Stories/Height
Existing	Building 1 (550 Meridian)	3/45 feet
	Building 2 (570 Meridian)	3/45 feet
	Building 3 (Parking Garage)	3/35 feet
Proposed	Building 4* (Sports Building)	3/60 feet)
	Building 5* (Theatre Building)	3/ (50 feet)
	Building 6 (Secondary Classrooms)	5 (90 feet)
	Building 7* (Student Labs & Support)	12 (120 feet)
Note - *Buildings 4, 5, and 7 also include basement levels		



View from Race Street - Phase 1



View from Race Street - Phase 2

Source: Efficiency Lab for Architecture PLLC, 2019.

PHOTO RENDERINGS PHASE 1 & 2

FIGURE 3.1-2



View from Race Street - Phase 3



View from Race Street - Phase 4

Source: Efficiency Lab for Architecture PLLC, 2019.

PHOTO RENDERINGS PHASE 3 & 4

FIGURE 3.1-3

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

The proposed project would add new sources of nighttime light that would incrementally increase the amount of ambient light in the area. As it exists, ambient nighttime lighting at the site and in its vicinity is created by adjacent traffic and streetlights along nearby roadways, security lighting in the parking lot and building exteriors, and the adjacent commercial and office buildings. The project would include security lighting on the proposed buildings and outdoor lighting along pathways, roadways, and outdoor use areas. All outdoor lighting proposed by the project would be LED lighting.

Sports Field Lighting

The project includes a total of 14 pole-mounted LED lights to illuminate the sports field; each of the lights would be elevated 25 feet above ground level. A photometric study (see Figure 3.1-4) was prepared for the proposed project, which shows the light levels resulting from project light sources, including the proposed field lights. The primary source of new nighttime lighting would result from the proposed pole-mounted sports lights at the sports field adjacent to Parkmoor Avenue. As shown on Figure 3.1-4, the lights would line the field on the east and west sides, with seven light fixtures located on each side. The lights would be fully shielded and designed to focus the beam onto the playing field and minimize the amount of light escaping into the sky or onto adjacent uses.

While the majority of the light generated by the proposed field lights (and other project light sources) would be contained within the existing site, there would be a minimal amount of spillover light onto the adjacent public right-of-way. Figure 3.1-4 shows that some light would escape the site onto segments of the Parkmoor Avenue right-of-way at the site's southern boundary. The light level increase resulting from the spillover light would range from 0.4 horizontal foot-candles on the south side of Parkmoor Avenue to 4.6 foot-candles on the north side of Parkmoor Avenue, along the existing sidewalk.

No spill light would occur at the nearby residential properties across Race Street or the commercial properties across Meridian Avenue. As seen on Figure 3.1-2: Visual renderings Phase 1 and 2, the sports field would be visible from Race Street until completion of Phase II. After completion of project Phases II and III, Buildings 5 and 6, being substantially taller than the proposed lights would shield the existing multifamily residences on Race Street from exposure to nighttime lighting created by the field lights (Figure 3.1-3). With completion of Phase IV, Building 7 would completely block any direct views of the field lighting from the adjacent residences on Race Street (Figure 3.1-3). Further, the lights would be shielded and directed downward so as to not create glare for adjacent traffic. The proposed field lights would not create unsafe driving conditions on the surrounding roadways.

PHOTOMETRIC ANALYSIS OF THE PROPOSED FIELD LIGHTS

Light levels are generally additive. As discussed previously, streetlights, headlights, security lighting, and other sources of light currently illuminate the project area. When in use, spill light from the project's lighting sources would add to these existing light levels. While the proposed lights would increase nighttime light levels immediately adjacent to the site, the spill light would be confined to the proposed campus and adjacent public right-of-way; no spill light would occur on the adjacent residential and commercial uses.

The ambient lighting that would be created by the project would not differ substantially from the existing levels of light generated by the existing office buildings and parking lot security lighting. The design of the proposed project would be subject to the City's design review process and would be required to utilize exterior materials that do not result in daytime glare, consistent with General Plan policies and the City's Design Guidelines. For these reasons, the proposed project would not create substantial light and/or glare which could adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

3.1.2.2 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant cumulative aesthetics impact?

The cumulative projects analyzed in this Draft EIR in San José may demolish existing buildings, construct taller buildings, remove Heritage trees, and possibly affect scenic views and resources. As discussed previously, the Envision San José 2040 General Plan includes standards and guidelines to reduce impacts to scenic views and resources.

All cumulative projects occurring within San José would be subject to design guidelines (depending on the proposed use and location), lighting standards, and signage regulations. By requiring projects to adhere to the aforementioned measures and requirements, aesthetic impacts would be minimized or reduced. Development projects in the City would undergo individual review to ensure that site selection, building materials, heights, and lighting is implemented in a manner that does not result in significant visual impacts. For these reasons, the cumulative projects, including the proposed Avenues Private School project, would not result in a significant cumulative aesthetic or visual impact. **(Less than Significant Cumulative Impact)**

3.2 AGRICULTURE AND FORESTRY RESOURCES

3.2.1 Environmental Setting

3.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status, and the best quality land is categorized as Prime Farmland. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance.

Williamson Act

The California Land Conservation Act of 1965 (Williamson Act) enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. A Williamson Act contract prevents the development or conversion of open space and/or farmland for the duration of 10 years, or until a contract is renewed.

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.¹¹ Programs such as CAL FIRE's Fire and Resource Assessment Program and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.¹²

3.2.1.2 *Existing Conditions*

The current land use of the project site is commercial and it is not used for agricultural or timberland purposes. The area in the vicinity of the project site is highly developed, comprised of a mix of commercial, residential, and industrial uses. The *Santa Clara County Important Farmlands 2016 Map* designates the project site as "Urban and Built-Up Land", which is defined as land with at least six structures per 10 acres. Common examples of "Urban and Built-Up Land" are residential,

¹¹ 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)).

¹² California Department of Forestry and Fire Protection. "Fire and Resource Assessment Program." Accessed April 26, 2019. <http://frap.fire.ca.gov/>.

institutional, industrial, commercial, landfill, golf course, airports, and other utility uses.¹³ The site is not under a Williamson Act contract.¹⁴

3.2.2 Impact Discussion

For the purpose of determining the significance of the project's impact on agriculture and forestry resources, 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?

3.2.2.1 *Project Impacts*

-
- 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 above in *Section 3.2.1.2 Existing Conditions*, there is no designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on or near the site. Any proposed redevelopment of the site would not impact agricultural resources by conversion to a non-agricultural usage. **(No Impact)**

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

The project site is neither zoned for agricultural use or under a Williamson Act contract. Thus, there would be no impact. **(No Impact)**

¹³ California Natural Resources Agency. *Santa Clara County Important Farmland 2016*. Accessed May 7, 2019. <https://www.conservation.ca.gov/dlrp/fmmp/Pages/SantaClara.aspx>

¹⁴ County of Santa Clara. "Williamson Act and Open Space Easement". September 17, 2018. Accessed May 7, 2019. <https://www.sccgov.org/sites/dpd/programs/wa/pages/wa.aspx>

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

The site is not zoned, or adjacent to any zoning, for forest land or timberland. Implementation of the project would allow for construction of a private school on a currently developed site. Therefore, impacts related to conflicts with existing zoning or rezoning of forest land, timberland, or timberland zoned Timberland Production would not occur. **(No Impact)**

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

The project site is located within an urbanized area that is designated for commercial and industrial uses. No forest land would be lost as a result of the project, nor would forest land be converted to non-forest use. **(No Impact)**

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

The proposed project is located within an urbanized area that is designated for commercial and industrial uses. Development of the project would be confined to the project site; no indirect impacts to agricultural or forest land would occur. Therefore, the project would not result in any impacts to agricultural or forest resources. **(No Impact)**

3.2.2.2 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant agricultural and forestry resources impact?

As discussed above, the proposed project would not result in the loss of farmland or forestland, the conversion of forestland to non-forest use or the conversion of forest land to non-forest use. Since the project would not result in a project-specific impact, the proposed project would not contribute to a significant cumulative agriculture and forestry resources impact. **(No Cumulative Impact)**

3.3 AIR QUALITY

The following discussion is based, in part, on an air quality assessment prepared for the project by *Illingworth & Rodkin, Inc.* A copy of the report dated October 25, 2019 (revised March 11, 2020) is included as Appendix B of this EIR.

3.3.1 Environmental Setting

3.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O₃), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.¹⁵ Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health impacts are summarized in Table 3.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

High O₃ levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O₃ levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O₃ levels. The highest O₃ levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

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 (PM₁₀) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}). Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. 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).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in

¹⁵ The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

Table 3.3-1: Health Effects of Air Pollutants		
Pollutants	Sources	Primary Effects
O ₃	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	<ul style="list-style-type: none"> • Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO ₂)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	<ul style="list-style-type: none"> • Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter (PM _{2.5}) and Coarse Particulate Matter (PM ₁₀)	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	<ul style="list-style-type: none"> • Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	<ul style="list-style-type: none"> • Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders
Carbon Monoxide (CO)	Incomplete combustion of fuels and other carbon-containing substances, such as motor exhaust, natural events, such as decomposition of organic matter.	<ul style="list-style-type: none"> • Reduced tolerance for exercise. • Impairment of mental function and fetal development. • Death at high levels of exposure. • Aggravation of some heart diseases (angina).
Lead (Pb)	Contaminated soil.	<ul style="list-style-type: none"> • Impairment of blood functions and nerve construction. • Behavioral and hearing problems in children.
Sulfur Dioxide (SO ₂)	Combustion of sulfur-containing fossil fuels, smelting of sulfur-bearing metal ores, industrial processes.	<ul style="list-style-type: none"> • Aggravation of respiratory diseases (asthma, emphysema). • Reduced lung function. • Irritation of eyes. • Reduced visibility. • Plant injury. • Deterioration of metals, textiles, leather, finishes, coatings, etc.

the deepest regions of the lungs (most susceptible to injury).¹⁶ Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, 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.

3.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (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), including PM, O₃, CO, SO_x, NO_x, and lead.

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.

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, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in addition to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_x.

¹⁶ California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed June 16, 2018. <https://www.arb.ca.gov/research/diesel/diesel-health.htm>.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.¹⁷

CEQA Air Quality Guidelines

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

Community Air Risk Evaluation Program

Under the Community Air Risk Evaluation (CARE) program, BAAQMD has identified areas with high TAC emissions, and sensitive populations that could be affected by them, and uses this information to establish policies and programs to reduce TAC emissions and exposures. Impacted communities identified to date are located in Concord, Richmond/San Pablo, San José, eastern San Francisco, western Alameda County, Vallejo, San Rafael, and Pittsburg/Antioch. Note that this project is within a CARE community (i.e. San José). The main objectives of the program are to:

- Evaluate health risks associated with exposure to TACs from stationary and mobile sources;
- Assess potential exposures to sensitive receptors and identify impacted communities;
- Prioritize TAC reduction measures for significant sources in impacted communities; and
- Develop and implement mitigation measures to improve air quality in impacted communities.

BAAQMD Sensitive Land Use Analysis - School Facilities

Additionally, BAAQMD has specific guidance regarding new school projects. Projects that include purchase of a school site or construction of a secondary or elementary school must have a negative

¹⁷ BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

declaration or environmental impact report (EIR) prepared that meets all requirements described in the California Public Resources Code (21151.8) and in the CEQA Guidelines 15186 (a) and (c) published by the Association of Environmental Professionals. The District does not recommend the use of their stationary source, highway, and roadway screening analysis tools. Instead a site-specific analysis should be conducted. The CEQA guidelines are described below.

CEQA establishes a special requirement for certain school projects, as well as certain projects near schools, to ensure that potential health impacts resulting from exposure to hazardous materials, wastes, and substances will be carefully examined and disclosed in a negative declaration or EIR, and that the lead agency will consult with other agencies in this regard. It should be noted the CEQA sections refer specifically to schools administered by a school district (i.e., public schools). This information is still relevant to the proposed private school, because the City of San José, as the CEQA Lead Agency, would consider the requirements also applicable to the proposed project.

When the project involves the purchase of a school site or the construction of a secondary or elementary school by a school district, the negative declaration or EIR prepared for the project shall not be adopted or certified unless:

- A. The negative declaration, mitigated negative declaration, or EIR contains sufficient information to determine whether the property is:
- The site of a current or former hazardous waste or solid waste disposal facility and, if so, whether wastes have been removed.
 - A hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 of the Health and Safety Code for removal or remedial action pursuant to Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code.
 - The site of one or more buried or above ground pipelines which carry hazardous substances, acutely hazardous materials, or hazardous wastes, as defined in Division 20 of the Health and Safety Code. This does not include a natural gas pipeline used only to supply the school or neighborhood.
 - Within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor.

Note that the project is the development of a private school that is within 500 feet of busy roadways. This analysis reports the community risk impacts from that roadways that may affect the incoming students that would be introduced by the project with site-specific dispersion modeling.

BAAQMD Rules and Regulations

Combustion equipment associated with the proposed project that includes new diesel engines to power generators and possibly new natural gas-fired boilers would establish new sources of particulate matter and gaseous emissions. Emissions would primarily result from the testing of the emergency backup generators, operation of the boilers for space and water heating and some minor emissions from cooling towers. The project would also generate emissions from vehicles traveling to and from the project.

Certain emission sources would be subject to BAAQMD Regulations and Rules. The District's rules and regulations that may apply to the project include:

- Regulation 2 – Permits
 - Rule 2-1: General Requirements
 - Rule 2-2: New Source Review
- Regulation 6 – Particulate Matter and Visible Emissions
- Regulation 9 – Inorganic Gaseous Pollutants
 - Rule 9-1: Sulfur Dioxide
 - Rule 9-7: Nitrogen Oxides and Carbon Monoxide from Industrial, Institutional, and Commercial Boilers, Steam Generators, And Process Heaters
 - Rule 9-8: Nitrogen Oxides and Carbon Monoxide from Stationary Internal Combustion Engines

Local

Envision San José 2040 General Plan

In connection with the implementation of BAAQMD's Bay Area 2017 Clean Air Plan (CAP), various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. The proposed project would be subject to the air quality policies listed in the General Plan, including the following:

Envision San José 2040 General Plan Relevant Air Quality Policies

Policy	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
Policy 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.
Policy MS-11.4	Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.

Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy 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.
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.3	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.
Policy 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.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
Action 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.
Action MS-11.8	For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes.

3.3.1.1 *Significance Thresholds*

In June 2010, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA and these significance thresholds were contained in the District's 2011 CEQA Air Quality Guidelines. These thresholds were designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA. The thresholds were challenged through a series of court challenges and were mostly upheld. BAAQMD updated the CEQA Air Quality Guidelines in 2017 to include the latest significance thresholds that were used in this analysis are summarized in Table 3.3-2. These thresholds were used to evaluate effects of the project (i.e. construction and operation) and TAC sources upon the existing offsite residential receptors and the incoming school students that would be introduced by the project.

Table 3.3-2: Air Quality Significance Thresholds			
Criteria Air Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/yr.)
ROG	54	54	10
NO _x	54	54	10
PM ₁₀	82 (Exhaust)	82	15
PM _{2.5}	54 (Exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hr. average) or 20.0 ppm (1-hr. average)	
Fugitive Dust	Construction Dust Ordinance or Other Best Management Practices	Not Applicable	
Health Risks and Hazards	Single Sources Within 1,000-foot Zone of Influence	Combined Sources (Cumulative from all Sources Within 1,000-foot Zone of Influence)	
Excess Cancer Risk	> 10.0 per one million	> 100 per one million	
Hazard Index	>1.0	>10.0	
Incremental Annual PM _{2.5} >0.3	> 0.3µg/m ³	> 0.8µg/m3	
Greenhouse Gas Emissions			
Land Use Projects – Direct and Indirect Emissions		Compliance with a Qualified GHG Reduction Strategy OR 1,100 metric tons annually or 4.6 metric tons per capita (for 2020) and adjusted to 2.6 metric tons per capita (for 2030)* AND 10,000 metric tons annually for sources permitted by BAAQMD	
Note: ROG = reactive organic gases, NOx = nitrogen oxides, PM ₁₀ = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, PM _{2.5} = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less. GHG = greenhouse gases.			
*BAAQMD does not have a recommended post-2020 GHG threshold. Source: BAAOMD. <i>CEOA Air Quality Guidelines</i> . May 2017.			

3.3.1.2 Existing Conditions

The project is located in Santa Clara County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the State and federal level. The Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}).

Sensitive Receptors

The closest existing sensitive receptors are residences of an apartment complex east of the project site across Race Street and north of the project site across Harmon Avenue (approximately 90 feet away). Basis Independent Silicon Valley school across Parkmoor Avenue that serve students in 5th through 12th grade is located approximately 200 feet south of the project site. In addition, the project

would introduce new sensitive receptors to the area with the students ranging from two (2)-18 years old.

3.3.2 Impact Discussion

For the purpose of determining the significance of the project's impact on air quality, 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?

3.3.2.1 *Project Impacts*

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

BAAQMD recommends that the agency approving a project where an air quality plan consistency determination is required analyze the project with respect to the following questions.

- 1) Does the project support the primary goals of the Climate Action Plan (CAP)?
- 2) Does the project include applicable control measures from the CAP?
- 3) Does the project disrupt or hinder the implementation of any CAP control measures?

The proposed project supports the primary goals of the 2017 CAP, which are to attain air quality standards, reduce population exposure, protect public health, reduce greenhouse gas emissions, and protect the climate. As discussed below and shown in Table 3.3-3 and Table 3.3-4, project construction and operation emissions would not exceed the BAAQMD thresholds for ozone precursor pollutant (ROG, NO_x) and exhaust (PM₁₀, PM_{2.5}) emissions. Additionally, the project is consistent with the City's General Plan land use designation for the site and would be required to comply with the City's Green Building Ordinance for Private Sector New Construction as set forth in Municipal Code Section 17.84.

The 2017 CAP contains a control strategy intended to complement efforts to improve air quality and protect the climate being made by other partner agencies at the state, regional and local levels. The strategy is based on the following four key priorities and identifies 85 individual control measures to reduce pollutant emissions.

- Reduce emissions of criteria pollutants and TACs from all key sources.
- Reduce emissions of "Super GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels.

- Decarbonize our energy system.

None of the 85 specific control measures are directly applicable to the proposed school project. However, the project would support measures related to bicycle and pedestrian access, land use strategies, green building, reduced energy demand, urban heat island, recycling and waste reduction, water conservation and urban tree planting. The project would be required to include bicycle parking spaces, improve pedestrian access to the site, comply with the Green Building Policy to reduce construction-related waste and achieve sustainability goals, and replace all removed trees. Furthermore, the project is subject to measures and conditions that would encourage alternative modes of transportation to reduce vehicle miles traveled (refer to *Section 3.17, Transportation*).

The project is an infill project as the project site is located in an urbanized area, that is currently served by pedestrian, bicycle, and transit facilities; therefore, the project would not disrupt, delay or otherwise hinder implementation of the control measures.

For these reasons, the proposed project would not inhibit BAAQMD or partner agencies from attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. Therefore, the project would not result in a significant impact related to consistency with the 2017 CAP. **(Less than Significant Impact)**

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

Construction of the project is planned in four phases as described in Table 2.2-1 and listed below. The project proponent estimates the full buildout over approximately ten-to fifteen years, estimated to begin in August 2020.

- Phase I construction would occur from Summer 2020 to Fall 2021,
- Phase II construction would occur from January 2023 to Summer 2024,
- Phase III construction would occur from January 2027 or 2028 to Summer 2028 or 2029,
- Phase IV construction would occur from January 2032 or 2033 to Summer 2033 or 2034.

The commencement dates provided for Phases III and IV are proponents' estimates, and would be subject to market conditions and student enrollment. Each construction phase is estimated to last for approximately a year.

However, for the purposes of air quality impacts, an aggressive five-year construction schedule is assumed. This represents the worst-case scenario and a more conservative approach. The construction schedule for this analysis assumes continuous construction over a shorter period of time (construction would occur from 2020 to 2025, with a full-buildout year of 2026), which would result in a higher exposure to construction emissions, unlike the estimated proposed schedule that assumes long break between all the phases.

As discussed above in *Section 3.3.1.1 Background Information*, Bay Area is considered a non-attainment area for ground-level ozone and PM_{2.5} under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM₁₀ under the California Clean Air Act, but not the federal act. The area has attained both State and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM₁₀, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NO_x), PM₁₀, and PM_{2.5} and apply to both construction period and operational period impacts.

Construction Criteria Pollutant Emissions

Based on the provided construction start date and the CalEEMod construction schedule default values, construction would begin August 2020 and be completed around December 2025. The construction assumptions assumed this activity would be continuous through an approximate five-year period. There were an estimated 1,068 construction workdays. Average daily emissions were computed by dividing the total construction emissions by the total number of construction days. Table 3 shows average daily construction emissions of ROG, NO_x, PM₁₀ exhaust, and PM_{2.5} exhaust during construction of the project. As indicated in Table 3.3-3, predicted construction period emissions would not exceed the BAAQMD significance thresholds.

Table 3.3-3: Construction Period Emissions				
Scenario	ROG	NO_x	PM₁₀ Exhaust	PM_{2.5} Exhaust
Total construction emissions (tons)	3.12 tons	9.26 tons	0.39 tons	0.37 tons
Average daily emissions (pounds) ¹	5.84 lbs./day	17.35 lbs./day	0.73 lbs./day	0.69 lbs./day
<i>BAAQMD Thresholds (pounds per day)</i>	54 lbs./day	54 lbs./day	82 lbs./day	54 lbs./day
Exceed Threshold?	No	No	No	No
¹ Assumes 1,068 workdays				

Dust Generation

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5}. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. 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 BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if the following Standard Permit Conditions are implemented to reduce these emissions.

Standard Permit Conditions: During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per 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 (mph).
- 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.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

The measures above are consistent with BAAQMD-recommended basic control measures for reducing fugitive particulate matter that are contained in the BAAQMD CEQA Air Quality Guidelines. **(Less than Significant Impact)**

Operational Criteria Pollutant Emissions

Operational air emissions from the project would be generated primarily from traffic associated with employees, students, and parents of students. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from these types of uses. CalEEMod was also used to estimate emissions from operation of the proposed project assuming full build-out.

Emissions associated with vehicle travel depend on the year of analysis because emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates utilized by CalEEMod. This analysis assumed that the project would be fully built-out and operating in the fall of year 2026. The project could be partially operating in 2022; however, emissions would be highest when fully operational.

Table 3.3-4: Operational Period Emissions				
Scenario	ROG	NOx	PM ₁₀	PM _{2.5}
2026 Project Operational Emission (tons)	2.49 tons	4.69 tons	5.16 tons	1.43 tons
2026 Existing Operational Emissions (tons)	1.13 tons	0.94 tons	0.94 tons	0.27 tons
<i>Net Emissions (tons)</i>	2.36 tons	3.75 tons	4.22 tons	1.17 tons
<i>BAAQMD Thresholds (tons /year)</i>	<i>10 tons</i>	<i>10 tons</i>	<i>15 tons</i>	<i>10 tons</i>
<i>Exceed Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
2026 Project Operational Emissions (pounds/day)	12.92 lbs.	20.57 lbs.	23.13 lbs.	6.38 lbs.
<i>BAAQMD Thresholds (pounds/day)</i>	<i>54 lbs.</i>	<i>54 lbs.</i>	<i>82 lbs.</i>	<i>54 lbs.</i>
<i>Exceed Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
¹ Assumes 365-day operation.				

As shown in Table 3.3-4 above, operational emissions would not exceed the BAAQMD significance thresholds. This would be considered a less than significant impact. **(Less than Significant Impact)**

Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutants from the construction and operations of the project, for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

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

Temporary project construction activity would generate dust and equipment exhaust that would affect nearby sensitive receptors. The project would increase traffic in the area that would increase the air pollutant and TAC emissions in the area. In addition, the project would include the installation of emergency generators powered by diesel engines that would also have TAC and air pollutant emissions.

Community risk impacts upon the existing sensitive receptors were addressed by predicting increased lifetime cancer risk, the increase in annual PM_{2.5} concentrations and computing the Hazard Index (HI) for non-cancer health risks. The methodology for computing community risks impacts is contained in Attachment 1 of Appendix B.

Community Risks from Project Construction

Construction period emissions were computed using CalEEMod along with projected construction activity. The CalEEMod model provided total annual PM_{2.5} exhaust emissions (assumed to be DPM) for the off-road construction equipment used for construction of the project and for the exhaust emissions from on-road vehicles (haul trucks, vendor trucks, and worker vehicles). For modeling purposes, it was assumed that emissions from on-road vehicles would occur at the construction sites. A trip length of one mile was used to represent vehicle travel while at or near the construction sites. Fugitive dust PM_{2.5} emissions were also computed and included in this analysis. Table 3.3-5 below lists the DPM and fugitive dust PM_{2.5} emissions predicted by the model by phase.

Table 3.3-5: Localized Project Construction Emissions of DPM and PM _{2.5} (tons)			
Phase	Years	Exhaust PM ₁₀ (considered DPM) Emissions	Fugitive Dust PM _{2.5} Emissions
Phase I	2020	0.0887	0.1109
	2021	0.0787	0.00028
Phase II	2022	0.0839	0.00120
Phase III	2023	0.0876	0.0417
	2024	0.0040*	0.00006*
Phase IV	2025	0.0422	0.00915
*Includes one month of activity in 2025 (January 2025)			

Dispersion Modeling

The U.S. EPA AERMOD dispersion model was also used to predict concentrations of DPM and PM_{2.5} concentrations at existing sensitive receptors (residences) in the vicinity of the project construction area. The AERMOD dispersion model is a BAAQMD-recommended model for use in modeling analysis of these types of emission activities for CEQA projects.¹⁸ For each phase of construction the AERMOD modeling utilized two area sources to represent the on-site construction emissions, one for exhaust emissions and one for fugitive dust emissions. To represent the construction equipment exhaust emissions, an emission release height of six (6) meters (19.7 feet) was used for the area sources. The elevated source height reflects the height of the equipment exhaust pipes plus an additional distance for the height of the exhaust plume above the exhaust pipes to account for plume rise of the exhaust gases. For modeling fugitive PM_{2.5} emissions, a near-ground level release height of two (2) meters (6.6 feet) was used for the area sources. Emissions from the construction equipment and on-road vehicle travel were distributed throughout the modeled area sources. Construction emissions were modeled as occurring daily between 7:00 a.m. to 4:00 p.m., when the majority of construction activity would occur.

The modeling used a five-year data set (2006-2010) of hourly meteorological data from the San José International Airport that was prepared for use with the AERMOD model by BAAQMD. Annual DPM and PM_{2.5} concentrations from construction activities during the 2020-2025 period were calculated using the model. DPM and PM_{2.5} concentrations were calculated at nearby sensitive receptors. Receptor heights of 1.5 meters (4.9 feet) and 4.5 meters (14.8 feet) were used to represent the breathing heights of residents on the first and second floor levels of homes and apartments.

Predicted Construction Health Risks

Results of this assessment indicated that the maximum exposed individual (MEI), which is the receptor with maximum impacts, was located on the second floor (i.e. 4.5-meter breathing height) of the Mosaic Apartments east of the project site on Race Street. Figure 3.3-1 shows the locations where the maximum-modeled DPM and PM_{2.5} concentrations occurred. Using the maximum annual modeled DPM concentrations, the maximum increased cancer risk at the location of the maximally exposed individual (MEI) was calculated using BAAQMD recommended methods. The cancer risk calculations are based on applying the BAAQMD recommended age sensitivity factors to the TAC

¹⁸ Bay Area Air Quality Management District (BAAQMD), 2012, *Recommended Methods for Screening and Modeling Local Risks and Hazards, Version 3.0*. May.

concentrations. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. Infant, child, and adult exposures were assumed to occur at all residences through the entire construction period.

Since the project was assumed to be constructed in four phases over a five-plus year period, potential health risks were evaluated in a manner that would identify the period when the maximum health impacts occur. The magnitude of the construction DPM emissions, the areas where these emissions will occur, and the relative location of sensitive receptors to the emission area will vary from year to year during construction and will affect receptors at different locations differently. Since cancer risks are greatest for infants and children due to their increased sensitivity to TAC concentrations, the time when the initial TAC exposure is assumed to occur is important to identify. That is, assuming that the initial TAC exposure occurs in the first year of construction may not result in the greatest cancer risk. An exposure beginning in a subsequent year may end up resulting in a greater overall cancer risk. Therefore, for this evaluation, cancer risks were calculated for six cases, with the initial period for exposure to construction emissions beginning in each year of construction and calculating the cancer risks from that year forward. This method ensures that maximum cancer risk impacts are identified. Based on this approach to the cancer risk assessment, the maximum cancer risk would occur for the initial exposure period beginning in 2022.

Table 3.3-6 summarizes the maximum cancer risks, PM_{2.5} concentrations, and health hazard indexes for project related construction activities affecting this receptor that is considered the MEI. As shown in Table 3.3-6, the construction risk impacts exceed the BAAQMD single-source thresholds for incremental cancer risk and but does not exceed the single-source thresholds for PM_{2.5} concentrations and the hazard index (HI). Mitigation Measure AIR-3.1, 3.2 and 3.3, as listed below, would reduce construction cancer risks to a level below the BAAQMD single-source thresholds.

Impact AIR-1: Construction activities at the project site would result in significant cancer risk (greater than 10.0 chances per million) at the maximally affected sensitive receptor.

Mitigation Measures: In addition to the Standard Permit Conditions listed in Impact AIR-2, and in conformance with General Plan Policies MS-10.1 and MS-13.1, the following mitigation measures would be implemented during all demolition and construction activities to reduce TAC emission impacts:

MM AIR-1.1: Off-road equipment greater than 25 horsepower (hp) that would be operated for more than 20 hours over construction phase, including equipment from subcontractors, shall be zero emissions, or have engines that meet or exceed either EPA Tier 2 off-road emission standards; and have engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used. Equipment with engines that meet Tier 4 Interim or Tier 4 Final emission standards meet this requirement; therefore, a VDECS on Tier 4 engines is not required.

MM AIR-1.2: Portable diesel generators used for more than 100 hours shall be prohibited. Grid power electricity shall be used to provide power at construction sites; or

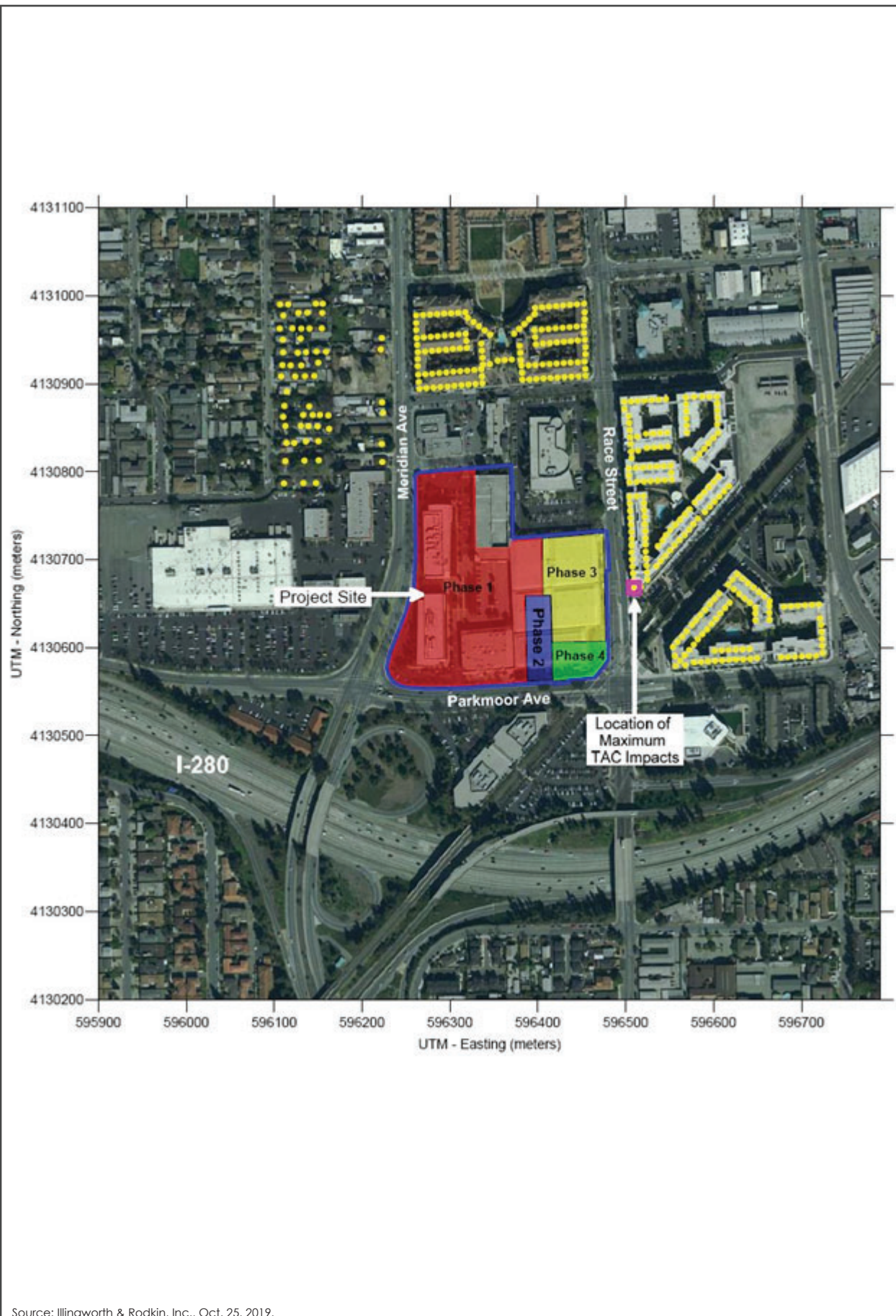
propane and natural gas generators may be used when grid power electricity is not feasible.

MM AIR-1.3: Prior to the issuance of any demolition, grading, and/or building permits, whichever occurs earliest, the project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in the above mitigation measures. The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.

Project construction activities were analyzed with the assumption of Tier 4 interim equipment. With implementation of this mitigation, the on-site diesel exhaust emissions would be reduced by at least 90 percent and use of equipment that meets Tier 3 standards and is equipped with CARB VDECS would reduce emissions by 80 percent. Providing temporary line power or using equipment not powered by diesel would further reduce off-road construction emissions.

Table 3.3-6: Construction Risk Impacts at the Offsite MEI			
Source	Cancer Risk (per million)	Annual PM_{2.5} (µg/m³)	Hazard Index
Unmitigated Project Construction	32.4 (infant-child)	0.28	0.03
<i>BAAQMD Single-Source Threshold</i>	<i>>10.0</i>	<i>>0.3</i>	<i>>1.0</i>
<i>Exceed Threshold?</i>	<i>Yes</i>	<i>No</i>	<i>No</i>
Mitigated Project Construction	3.2 (infant-child)	<0.28	<0.03
<i>Exceed Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>

As shown in Table 3.3-6 above, impacts would be reduced to less than significant with respect to community risk caused by construction activities. **(Less than Significant Impact with Mitigation)**



LOCATIONS OF OFFSITE SENSITIVE RECEPTORS AND MAXIMUM TAC IMPACTS

FIGURE 3.3-1

Community Risks from Project Operation – Traffic and Emergency Generators

As stated above, the project would generate more traffic within the area. In addition, the project would include emergency generators powered by diesel engines. As a result, project operation would introduce new air pollutant and TAC emissions to the area. The project's operational impacts were analyzed and assessed at the locations of the existing sensitive receptors. A 30-year period was used to evaluate the project's community risk impacts with the MEI being exposed to construction and to project operational impacts for a total of 30 years. As discussed above, the maximum construction cancer risk impacts would occur due to exposures beginning in 2022. The methodology and results are described below.

Operational Traffic

An analysis of the impacts of TACs and PM_{2.5} from traffic on Meridian Avenue, Parkmoor Avenue, Race Street, and Lincoln Avenue was conducted to evaluate potential cancer risks and PM_{2.5} concentrations from these nearby roadways upon the off-site sensitive receptors. Modeling of local roadways include roadway orientation with respect to receptors (i.e., where dwelling units would be located with respect to traffic), updated emission estimates (i.e., based on traffic speeds and traffic mix), and meteorological conditions near the project. This analysis utilized the computed increase in traffic that would result from the project.

This analysis involved the development of DPM, organic TACs, and PM_{2.5} roadway emissions in the project area using the Caltrans version of the EMFAC2017 emissions model, known as CT-EMFAC2017, and the increased local project-related traffic volumes contained in the traffic report¹⁹. DPM emissions are projected to decrease in the future and are reflected in the CT-EMFAC2017 emissions data. Inputs to the model include region (i.e., Santa Clara County), type of road, traffic mix assigned by CT-EMFAC2017 for the county and adjusted for the local truck mix, year of analysis, and season. A truck mix of 3.5 percent was assumed for roadway traffic based on BAAQMD recommendations for truck percentages on non-highway roads in Santa Clara County.²⁰ Average hourly traffic distributions for Santa Clara County roadways were developed using the EMFAC model,²¹ which were then applied to the project area roads traffic volumes to obtain estimated hourly traffic volumes and emissions. Average travel speeds of 30 mph were assumed for vehicles on Race Street and Parkmoor Avenue and 35 mph for vehicles on Meridian and Lincoln Avenues. For the two-hour periods during the peak a.m. and p.m. traffic periods travel speeds were reduced by 10 mph.

Dispersion modeling of TAC and PM_{2.5} emissions was also conducted using the EPA AERMOD model. Receptor heights of 1.5 meters (4.9 feet) and 4.5 meters (14.7 feet) were used to represent the breathing heights of nearby residences in single-family homes and apartment buildings.

The risk impacts from the project area roads (Meridian Avenue, Parkmoor Avenue, Race Street, and Lincoln Avenue) are listed in Table 3.3-7. The emission calculations, modelling information and

¹⁹ Hexagon Transportation Consultants, Inc. 2019. *Avenues the World School Traffic Analysis*. October.

²⁰ BAAQMD. 2012. *Recommended Methods for Screening and Modeling Local Risks and Hazards*. May

²¹ The Burden output from EMFAC2007, a prior version of CARB's EMFAC model, was used for this since the current web-based version of EMFAC2014 does not include Burden type output with hour by hour traffic volume information.

results, and health risk calculations for the increased roadway traffic is provided in *Attachment 3* of Appendix B.

Operational Emergency Generator Modeling

It was assumed that the project would include two emergency generators. The project would use the existing 105 kilowatt (kW) emergency generator located at 550 Meridian Avenue and the existing 80 kW emergency generator at 570 Meridian Avenue. The emergency back-up generators were assumed to be powered by diesel engines (126 horsepower [hp] and 166 hp engines) to provide emergency backup power. Operation of the diesel generators would be a source of TAC emissions. Each generator would be operated for testing and maintenance purposes, for a maximum of 50 hours per year of non-emergency operation under normal conditions. During testing periods, the engine would typically be run for less than one hour under light engine loads. The generator engine would be required to meet U.S. EPA emission standards and consume commercially available California low sulfur diesel fuel. The emissions from the operation of the generator were calculated using the CalEEMod model.

This diesel engine would be subject to CARB's Stationary Diesel Airborne Toxics Control Measure (ATCM) and require permits from the BAAQMD, since it will be equipped with an engine larger than 50 hp. As part of the BAAQMD permit requirements for toxics screening analysis, the engine emissions will have to meet Best Available Control Technology for Toxics (TBACT) and pass the toxic risk screening level of less than ten in a million. The risk assessment would be prepared by BAAQMD. Depending on results, BAAQMD would set limits for DPM emissions (e.g., more restricted engine operation periods). Sources of air pollutant emissions complying with all applicable BAAQMD regulations generally will not be considered to have a significant air quality community risk impact.

To obtain an estimate of potential cancer risks and PM_{2.5} impacts from operation of the emergency generators the U.S. EPA AERMOD dispersion model was used to calculate the maximum annual DPM concentration at off-site sensitive receptor locations (nearby residences) on the first and second floor levels (1.5 meters and 4.5 meters). Figure 3.3-2 shows sensitive receptor locations and the locations for the generators that were used for modeling. Annual average DPM and PM_{2.5} concentrations were modeled assuming that generator testing could occur at any time of the day. The maximum cancer risks, PM_{2.5} concentrations, and health hazard index at the construction plus operation MEI from generator operation are shown in Table 3.3-7.



Source: Illingworth & Rodkin, Inc., Oct. 25, 2019.

LOCATIONS OF OFFSITE SENSITIVE RECEPTORS, ONSITE SCHOOL STUDENT RECEPTORS, AND LOCATIONS OF MAXIMUM TAC IMPACTS

FIGURE 3.3-2

Total Project Health Risks – Construction Plus Operation

The combined impacts from project-related activities are the combination of construction activity, roadway traffic from project operation, and project emergency generator operation. This project impact is computed by adding the construction cancer risk for an infant and child exposure to the lifetime cancer risk for the project operational conditions for the project area roads and emergency generators at the MEI over a 30-year period. Note that the project MEI is identified as the sensitive receptor that is most affected by the project's construction and operation. Therefore, the receptor may not be the same receptor identified within the separate construction or operation analyses. In the case of the project, the sensitive receptor identified in Figure 3.3-1 as the construction MEI is also the project MEI. At this location, the MEI would be exposed to the combined cancer risks from construction and operation (includes risks from project traffic and emergency generator operation) over a 30-year period. The cancer risks from construction and operation of the project were added together. Unlike, the increased maximum cancer risk, the annual PM_{2.5} concentration, and HI risks are not additive but based on an annual maximum risk for the entirety of the project.

Table 3.3-7: Construction and Operation Risk Impacts at the Offsite Project MEI			
Source	Cancer Risk (per million)	Annual PM_{2.5} (µg/m³)	Hazard Index
Unmitigated Project Construction	32.4 (infant-child)	0.28	0.03
Mitigated Project Construction	3.2 (infant-child)	<0.28	<0.03
Project Traffic	0.9 (child-adult)	0.04	<0.01
Project Generators	0.3 (child-adult)	<0.01	<0.01
Unmitigated Total/Maximum Project	33.5	0.28	<0.03
Mitigated Total/Maximum Project	4.4	<0.28	<0.03
BAAQMD Single-Source Threshold	>10.0	>0.3	>1.0
<i>Exceed Threshold?</i>			
Unmitigated	<i>Yes</i>	<i>No</i>	<i>No</i>
Mitigated	<i>No</i>	<i>No</i>	<i>No</i>

Table 3.3-7 lists the project construction and operational risks upon the project MEI. Mitigation Measures AIR-3.1 through 3.3 would reduce construction cancer risks to a level below the BAAQMD single-source thresholds. **(Less than Significant Impact with Mitigation Incorporated)**

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

The proposed project would not include any land uses that are likely to generate a substantial odor that would cause complaints from surrounding uses. The proposed project would use cleaning supplies, but their use would be contained indoors. Localized odors, mainly resulting from diesel exhaust and construction equipment on-site, would be created during the construction phase of the project. These odors would be temporary and not likely be noticed beyond the project site's boundaries. The proposed project would, therefore, result in less than significant odor impacts. **(Less than Significant Impact)**

3.3.2.2 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant air quality impact?

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a project site. For sensitive receptors introduced by a school, an influence area of one-fourth of a mile is used to identify TAC sources. These sources can include freeways or highways, busy surface streets, and stationary sources identified by BAAQMD. Traffic on high volume roadways is a source of TAC emissions that may adversely affect sensitive receptors in close proximity to the roadway. For this community risk analysis, an influence area of 1,000 feet was used for the existing sensitive receptors. A review of project area indicates that traffic on Interstate 280, Meridian Avenue, Parkmoor Avenue, Race Street, and Lincoln Avenue would each have average daily traffic (ADT) that would exceed 10,000 vehicles per day. Other nearby streets are assumed to have less than 10,000 vehicles per day. A review of BAAQMD's stationary source Google Earth map tool and online permitted stationary sources risk and hazards ArcGIS map identified a total of four stationary sources within both influence areas. One source was identified within the 1,000 feet influence area, while the other three stationary sources were located beyond the 1,000 feet influence area but within the one-fourth of a mile influence area. Figure 3.3-3 shows the sources affecting the residential off-site MEI.

Highways – Interstate 280

A refined analysis of the impacts of TACs and PM_{2.5} to sensitive receptors is necessary to evaluate potential cancer risks and PM_{2.5} concentrations from Interstate 280 (I-280). Impacts at sensitive receptor locations were evaluated for the offsite residential project MEI. A review of the traffic information reported by the California Department of Transportation (Caltrans) indicates that I-280 traffic includes 227,000 annual average vehicles per day that are about 1.5 percent trucks, of which 0.5 percent are considered diesel heavy duty trucks.²²

The maximum increased lifetime cancer risk and annual PM_{2.5} concentration at the offsite residential project MEI receptor are shown in Table 3.3-8. The location where the maximum TAC and PM_{2.5} impacts for the residential project MEI from I-280 traffic occurred are shown in Figure 3.3-2.

Local Roadways

The same modeling methodology used to model project traffic impacts was used to predict background traffic impacts at the offsite residential project MEI. The local roadways that were identified as having over 10,000 total vehicles per day were modeled. The background traffic was estimated as: Meridian = 27,600 ADT; Parkmoor Avenue = 16,525 ADT, Race Street = 4,690 ADT, and Lincoln Avenue = 13,555 ADT. Estimated risk values for all the roadways are listed in Table 3.3-8. Note that non-cancer hazards from all local roadways were assumed to be well below the BAAQMD thresholds. Chronic or acute HI for the roadway would be below 0.03.

²² Caltrans. 2017. *2016 Annual Average Daily Truck Traffic on the California State Highway System*

Stationary Sources

Permitted stationary sources of air pollution near the project site were identified using BAAQMD's *Stationary Source Risk & Hazard Analysis Tool*. In addition, BAAQMD's *Permitted Stationary Sources 2017* GIS website was used to locate updated nearby permitted stationary sources.²³ Four stationary sources were identified using either tool within the 1,000-foot and one-fourth of a mile influence areas. However, only one of the sources was within the 1,000-foot influence area for the project MEI. Two of the sources were gasoline stations, while the other two were auto body shops. A Stationary Source Information Form (SSIF) containing the identified sources was prepared and submitted to BAAQMD. The District confirmed the presence of the identified source in their database, provided updated risk levels, emissions, and adjustments to account for new OEHHA guidance.²⁴ The risk values were estimated using the *BAAQMD Health Risk Calculator (Beta 4.0)*, which adjusts for distance and source type.

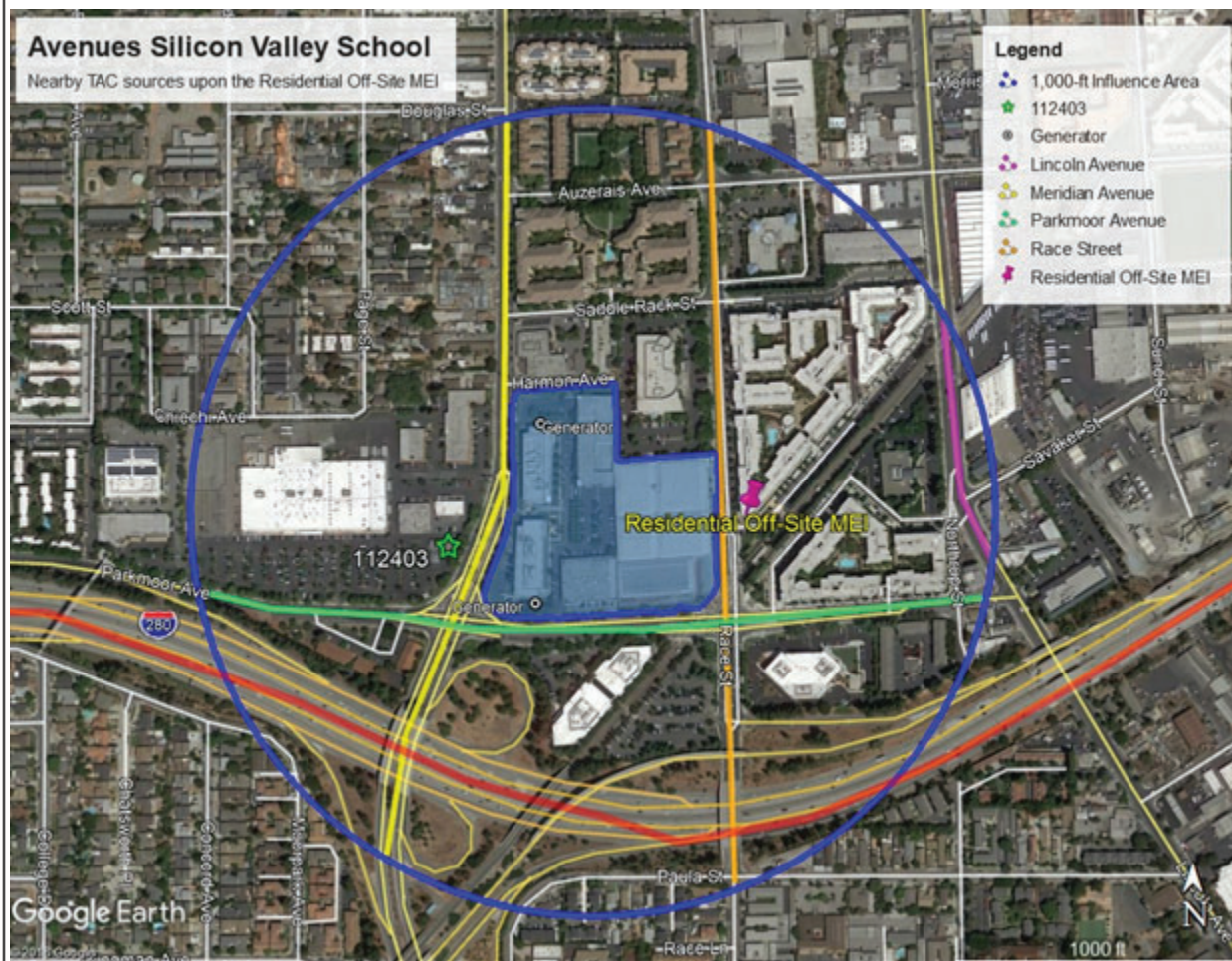
Summary of Community Risk Impacts

Table 3.3-8 reports both the project and cumulative community risk impacts for the offsite residential MEI. The project would have a *significant* impact with respect to community risk caused by project construction activities, since the maximum cancer risk exceeds the single-source threshold of greater than 10.0 per million. However, with Mitigation Measures AIR-2 this risk would be reduced to a less than significant level. Additionally, the combined annual cancer risk, annual PM_{2.5} concentration, hazard risk values, which includes unmitigated and mitigated, would not exceed the cumulative threshold.

²³ BAAQMD, <https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b1071715daa65>

²⁴ Correspondence with Areana Flores, BAAQMD, September 20, 2019.

Table 3.3-8: Impacts from Combined Sources at Offsite Residential MEI			
Source	Cancer Risk (per million)	Annual PM _{2.5} (µg/m ³)	Hazard Index
Unmitigated Total/Maximum Project ¹	33.5	0.28	<0.03
Mitigated Total/Maximum Project ¹	4.4	<0.28	<0.03
BAAQMD Single-Source Threshold	>10.0	>0.3	>1.0
Interstate 280	0.8	0.23	<0.01
Roadways (Meridian Avenue, Parkmoor Avenue, Race Street, Lincoln Avenue) ²	0.2	0.10	<0.01
APRO, LLC dba United Pacific #AD2207 (Plant #112403, Gasoline Station)	0.6	-	<0.01
<i>Cumulative Total</i>			
Unmitigated	35.1	0.61	<0.01
Mitigated	6.0	<0.61	<0.01
BAAQMD Cumulative Source Threshold	>100	>0.8	>10.0
<i>Exceed Threshold?</i>			
Unmitigated	No	No	No
Mitigated	No	No	No
¹ Includes project construction and operation (traffic volumes and emergency generators). ² Background traffic volumes only. project traffic volumes accounted for in the project risk values			



Source: Illingworth & Rodkin, Inc., Oct. 25, 2019.

PROJECT SITE AND NEARBY TAC AND PM_{2.5} SOURCES UPON THE RESIDENTIAL MEI

FIGURE 3.3-3

3.3.3 Non-CEQA Effects

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

The project would introduce new sensitive receptors as daycare children and students, ranging in age from two (2) to 18-years old. These sensitive receptors would be exposed to existing sources of TACs and localized air pollutants in the vicinity of the project. Therefore, the impact of the existing and new sources of TACs and PM_{2.5} upon the project sensitive receptors was assessed. Community risk impacts upon the existing and future sensitive receptors were addressed by predicting increased lifetime cancer risk, the increase in annual PM_{2.5} concentrations and computing the Hazard Index (HI) for non-cancer health risks.

For sensitive receptors introduced by a school, an influence area of one-fourth of a mile is used to identify TAC sources. These sources can include freeways or highways, busy surface streets, and stationary sources identified by BAAQMD. A review of BAAQMD's stationary source Google Earth map tool and online permitted stationary sources risk and hazards ArcGIS map identified a total of three stationary sources within the proposed school's influence area, as seen on Figure 3.3-4 below.

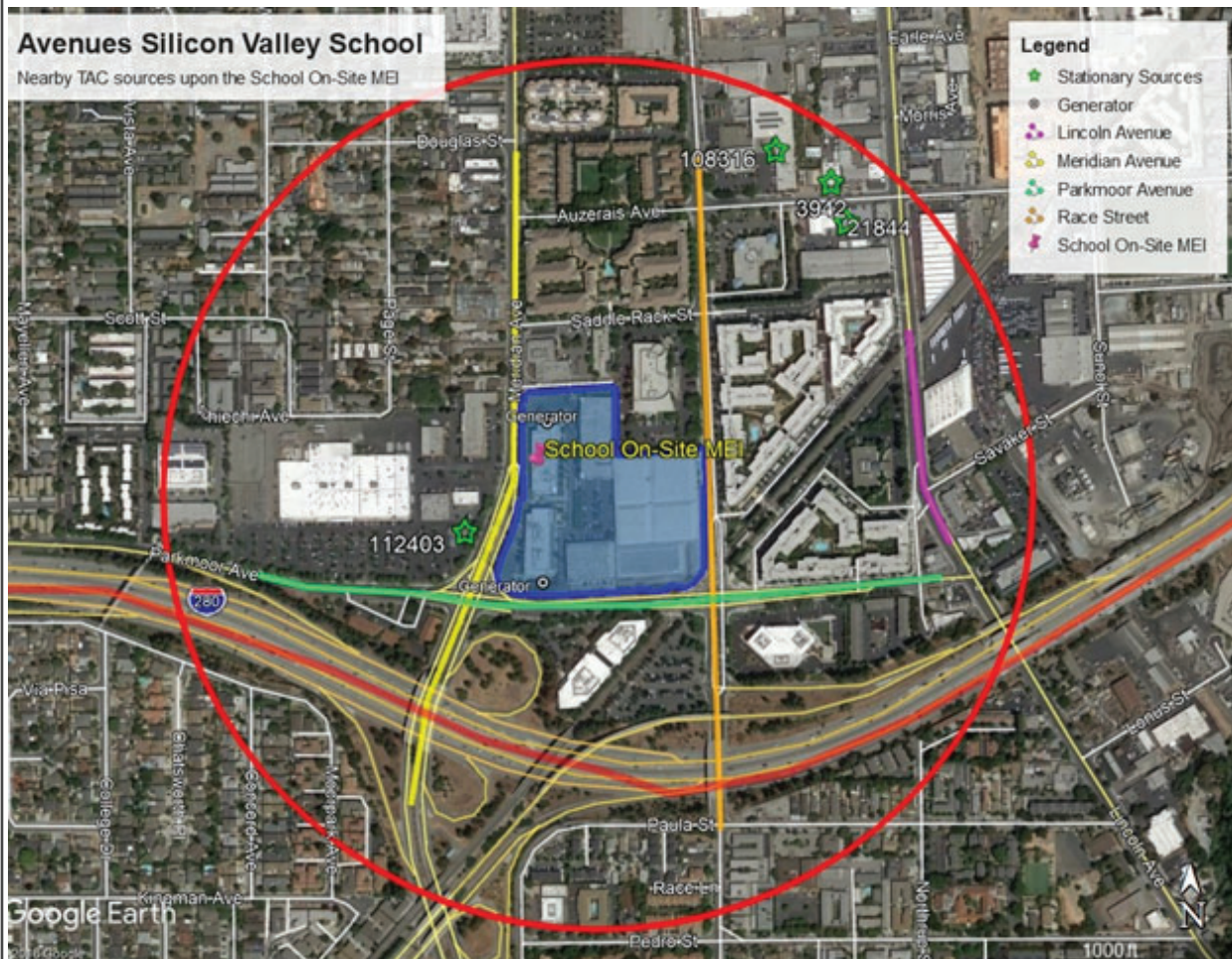
Highways – Interstate 280

A refined analysis of the impacts of TACs and PM_{2.5} to sensitive receptors is necessary to evaluate potential cancer risks and PM_{2.5} concentrations from Interstate 280 (I-280). Impacts at sensitive receptor locations were evaluated for the new onsite school students.

The maximum increased lifetime cancer risk and annual PM_{2.5} concentration for the new onsite school students are shown in Table 3.3-9. The location where the maximum TAC and PM_{2.5} impacts for the residential project MEI from I-280 traffic occurred are shown in Figure 3.3-2 above.

Local Roadways

The same modeling methodology used to model project traffic impacts was used to predict background traffic impacts at the school student MEI. The local roadways that were identified as having over 10,000 total vehicles per day were modeled. Estimated risk values for all the roadways are listed in Table 3.3-9. Note that that non-cancer hazards from all local roadways were assumed to be well below the BAAQMD thresholds. Chronic or acute HI for the roadway would be below 0.03.



Source: Illingworth & Rodkin, Inc., Oct. 25, 2019.

PROJECT SITE AND NEARBY TAC AND PM2.5 SOURCES UPON THE SCHOOL MEI

FIGURE 3.3-4

Stationary Sources

Permitted stationary sources of air pollution near the project site were identified using BAAQMD's *Stationary Source Risk & Hazard Analysis Tool*. This mapping tool uses Google Earth and identifies the location of nearby stationary sources and their estimated risk and hazard impacts. In addition, BAAQMD's *Permitted Stationary Sources 2017* GIS website was used to locate updated nearby permitted stationary sources.²⁵ Four stationary sources were identified using either tool within the one-fourth of a mile influence area. Two of the sources are gasoline stations, and the other two are auto body shops. A Stationary Source Information Form (SSIF) containing the identified sources was prepared and submitted to BAAQMD. The District confirmed the presence of the identified source in their database, provided updated risk levels, emissions, and adjustments to account for new OEHHA guidance.²⁶ The risk values were estimated using the *BAAQMD Health Risk Calculator (Beta 4.0)*, which adjusts for distance and source type. Table 3.3-9 lists the adjusted risk values for the student MEI.

Table 3.3-9: Impacts from Single Source and Combined Sources at Project Student MEI			
Source	Cancer Risk (per million)	Annual PM_{2.5}* (µg/m³)	Hazard Index
Project Generators	0.1	<0.01 (<0.01)	<0.01
Cumulative Traffic (Meridian Avenue, Parkmoor Avenue, Race Street, Lincoln Avenue)	1.4	0.86 (0.14)	<0.01
Interstate 280 Traffic	0.2	0.21 (0.03)	<0.01
APRO, LLC dba United Pacific #AD2207 (Plant #112403, Gasoline Station)	3.2	-	0.02
Electrical Distributors (Plant #108316, Gasoline Station)	0.2	-	<0.01
City Body Repair (Plant #3942, Auto Body Shop)	-	-	<0.01
Blossom Valley Collision (Plant #21844, Auto Body Shop)	-	-	<0.01
<i>BAAQMD Single-Source Threshold</i>	<i>>10.0</i>	<i>>0.3</i>	<i>>1.0</i>
<i>Exceed Threshold?</i>	<i>No</i>	<i>Yes (No)</i>	<i>No</i>
<i>BAAQMD Cumulative Source Threshold</i>	<i>>100</i>	<i>>0.8</i>	<i>>10.0</i>
<i>Cumulative Total</i>	5.1	1.08 (0.36)	<0.08
<i>Exceed Threshold?</i>	<i>No</i>	<i>Yes (No)</i>	<i>No</i>

* The PM_{2.5} concentrations in parenthesis have been adjusted for school student exposure duration of 8 hours per day for 180 days per year. The unadjusted PM_{2.5} concentrations, not shown in parenthesis, are for an exposure period of 24 hours per day for 365 days per year.

Summary of Community Risk Impacts

In Table 3.3-9 above, impacts from all existing TAC sources and future project TAC sources (i.e. emergency generators) upon the future school students are listed. With the exception of unadjusted PM_{2.5} exposure, the increased cancer risk and HI risk values do not exceed the BAAQMD single-source or cumulative-source thresholds. The unadjusted single-source PM_{2.5} concentration for the

²⁵ BAAQMD, <https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b1071715daa65>

²⁶ Correspondence with Areana Flores, BAAQMD, September 20, 2019.

cumulative traffic (background plus project traffic volumes) does exceed the single-source threshold of greater than $0.3 \mu\text{g}/\text{m}^3$. The cumulative $\text{PM}_{2.5}$ concentration also exceeds the BAAQMD cumulative threshold of greater than $0.8 \mu\text{g}/\text{m}^3$. The adjusted $\text{PM}_{2.5}$ concentrations for these same sources do not exceed the single nor the cumulative source thresholds. Conditions of Approval listed below would reduce the unadjusted $\text{PM}_{2.5}$ exposure from traffic to a level below the single-source-threshold.

Conditions of Approval: Based on the unadjusted $\text{PM}_{2.5}$ value, a filtration system would need to be installed. The significant exposure for new project school receptors is judged by two effects: (1) increased cancer risk, and (2) annual $\text{PM}_{2.5}$ concentration. Exposure to unadjusted annual $\text{PM}_{2.5}$ concentrations from the surrounding roadway traffic is above the threshold, while cancer risk impacts are below thresholds. The project shall include the following measures to minimize long-term annual $\text{PM}_{2.5}$ exposure for new project occupants:

1. Install air filtration in the school. Air filtration devices shall be rated MERV13 or higher for all portions of the site. To ensure adequate health protection to sensitive receptors (i.e., students aged 2-to-18-years-old), this ventilation system, whether mechanical or passive, will filter all fresh air circulated into the dwelling units.
2. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required.
3. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

For use of MERV13 filtration systems, without the additional use of sealed, inoperable windows and outdoor exposure of three hours to ambient $\text{PM}_{2.5}$ concentrations and 21 hours of indoor exposure to filtered air was assumed. In this case, the effective control efficiency using a MERV13 filtration system is about 70 percent for $\text{PM}_{2.5}$ exposure.

3.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, on an arborist report prepared for the proposed project by *Evergreen Arborists Consultants, Inc.* The report, dated November 8, 2019, is included as Appendix C of this DEIR

3.4.1 Environmental Setting

3.4.1.1 *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. The taking and killing of birds resulting from an activity is not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.²⁷ Nesting birds are considered special-status species and are protected by the USFWS. 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

²⁷ United States Department of the Interior. “Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take.” Accessed March 28, 2019. <https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

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

Fish and Game Code Section 1602

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

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

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

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes the following policies that are specific to biological resources and applicable to development projects in San José:

Envision San José 2040 General Plan Relevant Biological Resources Policies

Policy	Description
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy 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.
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Policy 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.
Policy 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.
Policy 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.
Policy MS-21.8	<p>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:</p> <ol style="list-style-type: none"> 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.

San José Tree Removal Ordinance

1. The City of San José maintains the urban landscape by controlling the removal of ordinance trees on private property (San José Municipal Code Section 13.32). Ordinance trees are defined as trees exceeding 38 inches in circumference, or approximately 12 inches in diameter, at a height of 4.5 feet above the ground. Ordinance trees are generally mature trees that help beautify the City, slow the erosion of topsoil, minimize flood hazards, minimize the risk of landslides, increase property values, and improve local air quality. A tree removal permit is required from the City of San José for the removal of ordinance trees.

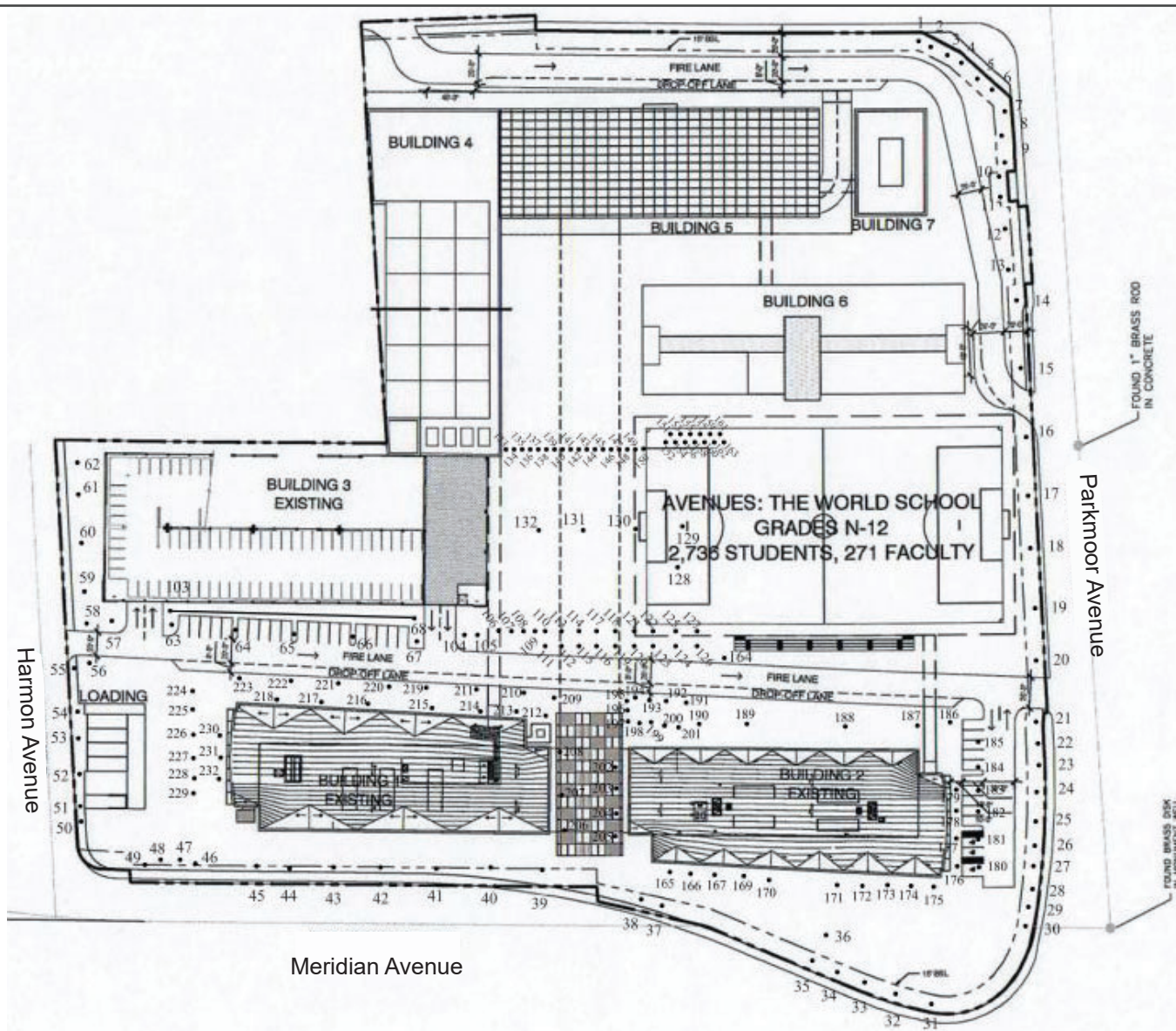
Table 3.4-1: Tree Replacement Ratios				
Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon
<p>x:x = tree replacement to tree loss ratio</p> <p>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.</p> <p>A 24-inch box tree = two 15-gallon trees</p> <p>Single Family and two-dwelling properties may be mitigated at a 1:1 ratio.</p>				

3.4.1.2 Existing Conditions

Trees On-Site

The project site is in an urban area surrounded by commercial, residential, and industrial development. The site is occupied by three office buildings, three warehouse buildings, a parking structure, surface parking lots, and landscaping consisting of mature trees, shrubs, and groundcover. There are 232 trees located throughout the project site, the majority (224 trees) of which are in good condition and suitable for preservation. Of the 232 trees on the site, there are 48 ordinance-sized trees with a circumference of 38 inches or greater. The entire site has 14 different tree species. Tree species found on the project site are listed in Table 3.4-2, and a tree inventory map showing the location of the trees on-site is provided in Figure 3.4-1.

Table 3.4-2: Existing Trees			
<i>Species</i>		<i>Tree Count</i>	<i>Percentage of Tree Population</i>
<i>Scientific Name</i>	<i>Common Name</i>		
<i>Arbutus Marina</i>	Marina Madrone	28	12%
<i>Betula pendula</i>	European white birch	6	3%
<i>Celtis sinensis</i>	Chinese hackberry	14	6%
<i>Liquidambar</i>	American sweetgum	6	3%
<i>Olea sp.</i>	Fruitless Olive	32	14%
<i>Pinus pinea</i>	Italian stone pine	2	1%
<i>Platanus acerifolia</i>	London plane	22	9%
<i>Podocarpus gracilior</i>	Fern pine	38	16%
<i>Prunus cerasifera</i>	Flowering plum	6	3%
<i>Pyrus calleryana</i> 'Bradford'	New Bradford Pear	18	8%
<i>Quercus agrifolia</i>	Coast Live Oak	9	4%
<i>Quercus ilex</i>	Holly Oak	1	1%
<i>Schinus molle</i>	Peruvian pepper	3	1%
<i>Sequoia sempervirens</i>	Coast redwood	12	5%
<i>Tilia cordata</i>	Littleleaf linden	35	15%
Grand Total		232	



TREE LOCATION MAP

FIGURE 3.4-1

Existing Biotic Resources On-Site

There are no existing riparian corridors near the project site, nor are there any wetlands or sensitive habitats on or adjacent to the project site. The closest riparian corridor to the project site is Los Gatos Creek, approximately 0.4-mile southeast of the site.

Developed urban areas, such as the project site, are typically low in species diversity. The existing buildings may, however, provide nesting habitat for raptors and other avian species like rock pigeons, mourning doves, house sparrows, finches, northern mockingbird, and European starlings. Due to the extent of human disturbance and development on and within the vicinity of the project site, special status plant and animal species are not expected to occur.

Furthermore, the project site is located within the Habitat Plan study area and has a land cover designation of *Urban-Suburban*. *Urban-Suburban* land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as areas with one or more structures per 2.5 acres. Vegetation found in *Urban-Suburban* land is usually in the form of landscaping, planted street trees, and parklands. There is no land cover fee for lands with this designation.

3.4.2 Impact Discussion

For the purpose of determining the significance of the project's impact on biological resources, would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (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, or 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?

3.4.2.1 *Project Impacts*

-
- 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?**
-

Special Status Species

The project site is in a developed urban area and lacks suitable habitat for the special-status species that have been identified in (or near) San José. No sensitive habitats or habitats suitable for special-status plant or wildlife species occur on or adjacent to the project site; therefore, development of the project site under the proposed project would not directly impact special-status species. **(No Impact)**

Nesting Raptors and Migratory Bird

Although the presence of protected birds is unlikely, urban-adopted raptors (birds of prey) or other protected birds could use the mature trees on or near the site for nesting and foraging habitat. Raptors and nesting birds are protected by the MBTA and CDFW Code. As previously mentioned, there are approximately 232 trees present on the project site. The project proposes to remove 111 of these 232 trees from the site. Removal of the trees on-site could potentially lead to nest abandonment and/or loss of reproductive effort. This is considered a “taking” by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would be considered a significant impact. The following measures are included in the project to minimize impacts to biological resources.

Impact BIO-1: Project construction could impact nesting birds on or adjacent to the site, if present.

Mitigation Measures: In compliance with the MBTA, CDFW and General Plan Policies ER-5.1 and ER-5.2, the following measures are included to reduce or avoid construction-related impacts to nesting raptors, other migrating birds and their nests:

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

If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow

Warblers. During this survey, the ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with CDFW. The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.

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

With implementation of the identified mitigation measures, the project's impact to nesting birds and raptors would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

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

The closest riparian corridor to the project site is Los Gatos Creek, approximately 0.4-mile southeast of the project site. As stated earlier, the project site is in a highly urbanized area and there are no other sensitive natural communities on the site or in its vicinity. Therefore, implementation of the proposed project would not result in substantial adverse effects to any riparian habitats or identified sensitive natural communities. **(No Impact)**

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

There are no federally protected wetlands within, or adjacent, to the project site. For this reason, the proposed project would not adversely affect protected wetlands through demolition, excavation, grading, or construction activities. **(No Impact)**

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

In the urbanized environment of San José, migratory movements of animal species are most often associated with riparian corridors, and the project site is not adjacent to any streams or waterways. Los Gatos Creek, approximately 0.4-mile southeast of the project site, is the closest riparian corridor. Development of the project, therefore, would not substantially interfere with the movement of any native resident or migratory fish or wildlife species. **(No Impact)**

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

As discussed in *Section 3.4.1.2 Existing Conditions*, the project site currently supports 232 trees of 14 different species. These 232 trees vary in conditions; with a majority (224 trees) in good condition suitable for preservation and other eight (8) in poor condition and not suitable for preservation. Of the 232 trees on the site, there are 48 ordinance-sized trees with a circumference of 38 inches or greater. The project proposes removal of 166 trees from the site (114 on-site and 52 off-site/street trees). Out of the 166 trees proposed to be removed, eight are ordinance sized trees. There are no Heritage Trees on or adjacent to the site that would be impacted by the project. This removal of trees would be required to conform to the replacement requirements as identified in the Municipal Code Section 13.28.300, General Plan Policies MS-21.4, MS-21.5, and MS-21.6 and City of San José Tree Removal Control (Municipal Code Section 13.31.010 to 13.32.100).

Standard Permit Conditions:

1. **Tree Replacement.** A tree removal permit would be required from the City of San José for the removal of ordinance trees. The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 3.4-1 above.

As determined by the type and size of trees proposed for removal and the City's tree replacement ratios, the project would replace the 166 removed trees with 159, 24-inch box size trees (107 on-site trees and 52 replaced street trees), as shown in Table 3.4-3 and Table 3.4-4 below. See Figure 2.2-9 for the conceptual location of the replacement trees. The 52 street trees will be replaced along Parkmoor Avenue, Race Street, Meridian Avenue, and Harmon Avenue as illustrated in Figure 2.2-9. 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.

Table 3.4-3: On-Site Tree Replacement Ratios					
Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree	Proposed Replacement Trees
	Native	Non-Native	Orchard		
38 inches or more	3 (5:1)	5 (4:1)	0 (3:1)	15-gallon	18 X 24" Box
19 up to 38 inches	2 (3:1)	68 (2:1)	none	15-gallon	71 X 24" Box
Less than 19 inches	3 (1:1)	33 (1:1)	none	15-gallon	18 X 24" Box
Total	114 Existing Trees				107 On-site Trees

Table 3.4-3: On-Site Tree Replacement Ratios					
Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree	Proposed Replacement Trees
	Native	Non-Native	Orchard		
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.					

Table 3.4-4: Street Tree Replacement Ratios			
Circumf erence of Tree to be Removed	Replacement Ratio	Minimum Size of Each Replacement Tree	Proposed Replacement Trees
38 inches or more	52 (1:1)	24” Box	52 X 24” Box
Total	52 Existing Trees		52 Street Trees
Note: Per coordination with city of San José arborist and planning department, all street trees impacted by city-driven widened sidewalk improvements shall be replaced at 1:1 rate. no additional requirements shall be imposed based on species, size, or status.			

- 2. Payment of Fees.** In the event the project site does not have sufficient area to accommodate the required tree mitigation, the project proponent shall make payment to the City for funding to plant any additional trees within the City boundary prior to the issuance of any building permits. These funds will be used for tree planting and maintenance of planted trees for approximately three years. The project proponent shall provide the payment receipt for “off-site tree planting” to the Planning Project Manager prior to issuance of any building permit.
- 3. Tree Protection.** If the limits of disturbance affect nearby trees to remain, the contractor shall implement tree protection measures to ensure existing trees to remain are preserved through construction. Recommended tree protection measures to be implemented during construction are included below:

Site Preparation

- All existing trees shall be fenced off within, at, or outside the drip line (foliar spread) of the tree using the following formula: Five inches in distance from the trunk for every inch in trunk diameter, measured 4.5 feet above the average ground level. Example: a 24-inch diameter tree would have a fence erected 10 feet from the base of the tree ($24 \times 5 = 120 / 12 = 10$). The fence should be a minimum of four feet high, made of pig wire with steel stakes or any material superior in quality, such as cyclone fencing. If the fence is within the drip line of

the trees, the foliar fringe shall be raised to offset the chance of limb breakage from construction equipment encroaching within the drip line. All contractors, subcontractors and other personnel shall be warned that encroachment within the fenced area is forbidden without the consent of the certified arborist on the job. This includes, but is not limited to, storage of lumber and other materials, disposal of paints, solvents or other noxious materials, parked cars, grading equipment, or other heavy equipment. Penalties, based on the cost of remedial repairs and the evaluation guide published by the International Society of Arboriculture, shall be assessed for damages to the trees.

Grading/Excavating

- All grading plans that specify grading within the drip line of any tree, or within the distance from the trunk as outlined in the site preparation section above when said distance is outside the drip line, shall first be reviewed by a certified arborist. Provisions for aeration, drainage, pruning, tunneling beneath roots, root pruning or other necessary actions to protect the trees shall be outlined by an arborist. If trenching is necessary within the area as described above, said trenching shall be undertaken by hand labor and dug directly beneath the trunk of the tree. All roots two inches or larger shall be tunneled under and smaller roots shall be cut smoothly to the trunk side of the trench. The trunk side should be draped immediately with two layers of untreated burlap to a depth of three feet from the surface. The burlap shall be soaked nightly and left in place until the trench is back filled to the original level. An arborist shall examine the trench prior to back filling to ascertain the number and size of root cut, so as to suggest the necessary remedial repairs.

Remedial Repairs

- An arborist shall have the responsibility of observing all ongoing activities that may affect the trees and prescribing necessary remedial work to ensure the health and stability of the trees. This includes, but is not limited to, all arborist activities brought out in the previous sections. In addition, pruning, as outlined in the “pruning standards” of the western chapter of the International Society of Arboriculture, shall be prescribed as necessary. Fertilizing, aeration, irrigation, pest control and other activities shall be prescribed according to the tree needs, local site requirements, and state agricultural pest control laws. All specifications shall be in writing. For pest control operations, consult the local county agricultural commissioner’s office for individuals licensed as pest control advisers or pest control operators.

Final Inspection

- Upon completion of the project, the arborist shall review all work undertaken that may impact the existing trees. Special attention shall be given to cuts and fills, compacting, drainage, pruning and future remedial work. An arborist should submit a final report in writing outlining the ongoing remedial care following the final inspection.

By conforming to the above conditions, the proposed project would meet all applicable tree removal and tree protection guidelines set forth by the City of San José. Therefore, the proposed project would not conflict with any ordinance protecting biological resources and would not result in a significant impact to trees and the community forest. **(Less than Significant Impact)**

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

The proposed project is a covered activity under the Habitat Plan (Urban Development Equal to or Greater Than 2 Acres Covered).²⁸ The project site is designated as *Urban-Suburban* land, which are areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as having one or more structures per 2.5 acres. There is no land cover fee for designated Urban Areas under the Habitat Plan.

The Habitat Plan considers covered activities to result in a certain amount of indirect impacts from urban development mostly in the form of increased impervious surface and from the effects of nitrogen deposition. Urban development that increases the intensity of land use results in increased air pollutant emissions from passenger and commercial vehicles and other industrial and nonindustrial sources. Emissions from these sources are known to increase airborne nitrogen, of which a certain amount is converted into forms that can fall to earth as depositional nitrogen. It has been shown that increased nitrogen in serpentine soils can favor the growth of nonnative annual grasses over native serpentine species and these nonnative species, if left unmanaged, can overtake the native serpentine species, which are host plants for larval Bay Checkerspot butterfly. As such, covered projects within the Habitat Plan area are subject to paying a “Nitrogen Deposition Impact Fee” which is calculated based on the number of daily vehicle trips (see *Section 3.17 Transportation*) attributed to the activity and collected prior to the commencement of the use.

Standard Permit Conditions: The following standard permit condition would be applied to the proposed project, consistent with the Habitat Plan.

- The project is subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building, and Code Enforcement or Director’s designee for review and shall complete subsequent forms, reports, and/or studies as needed prior to the issuance of grading permits. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

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

3.4.2.2 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant biological resources impact?

The proposed project, when combined with other projects in San José, would not result in a significant cumulative impact to biological resources. As described above, there is potential for nesting and migratory birds to occur in the project area. The project would not impact sensitive

²⁸ Santa Clara Valley Habitat Agency. “Geobrowser.” Accessed May 8, 2019. <http://www.hcpmaps.com/habitat/>.

habitats or special status species. The project would implement conditions of approval to avoid nesting bird impacts, which would reduce the project's contribution to cumulative impacts to nesting birds to a less than significant level, pre-construction nesting surveys will ensure no disturbance of nesting activity occurs.

In addition, other projects in the City are also required to undergo site-specific analyses for their potential to adversely affect sensitive natural communities, habitats and special-status plant and animal species; if potential impacts are identified, mitigation measures would be incorporated into individual projects to reduce impacts to a less than significant level. Cumulatively, other projects would also be required to adhere to the City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) and applicable Habitat Plan conditions. For these reasons, the project would not result in a cumulative considerable contribution to a significant biological resources impact. **(Less than Significant Cumulative Impact)**

3.5 CULTURAL RESOURCES

The following discussion is based, in part, on an archaeological records search prepared for the proposed project by *Holman & Associates*, and historic evaluation report prepared by *Archaeological/Historical Consultants*, in January 2020. The records search, dated July 2, 2019, is available for review by qualified persons at the City of San José Department of Planning, Building and Code Enforcement. The report is included as Appendix D of this report.

3.5.1 Environmental Setting

3.5.1.1 *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.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.²⁹

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously 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, therefore, 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 processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that 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.

²⁹ California Office of Historic Preservation. “CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6.” March 14, 2006.

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.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes the following policies that are specific to cultural resources and applicable to development projects in San José:

Envision San José 2040 General Plan Relevant Cultural Resources Policies

Policy	Description
Policy 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 archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Envision San José 2040 General Plan Relevant Cultural Resources Policies

Policy	Description
Policy LU-13.8	Ensure that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.
Policy LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

City of San José Historic Preservation Ordinance

The City's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code) promotes the preservation of old historic or architecturally worthy structures and neighborhoods which impart a distinct aspect to the City and serve as visible reminders of the historical and cultural heritage of the City, the state, and the nation. The City contains over 200 designated City Landmarks, structures which represent a physical connection with significant persons, activities, or events from the City's past. Any historic property may be nominated for designation as a City Landmark by either the City Council or the Historic Landmarks Commission; property owners may also apply for nomination and consideration by the Historic Landmarks Commission. Factors to be considered when making a finding regarding Landmark designation of a historic structure include the following:

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.

3.5.1.2 *Existing Conditions*

Historical Resources

The City of San José has identified approximately 160 City Landmarks in its Historic Resources Inventory. City Landmarks are concentrated in the older, established areas of the City including the Downtown, Naglee Park, Hensely and Shasta-Hanchett areas in the Central/Downtown Planning Area, the Willow Glen Planning Area, and the City's fringes in the Alviso, Almaden, Alum Rock and Edenvale Planning Areas. The City has also identified 21 historic districts and/or Conservation areas.

The project site is currently developed with three office buildings, three warehouse buildings, a parking structure, surface parking lots, and landscaping. The two office buildings at 550 and 570 Meridian Avenue and the parking structure at 502 Meridian Avenue were constructed between 2001 and 2003. The office building at 1401 Parkmoor Avenue was constructed in 1964. The warehouse buildings at 691, 581, and 529 Race Street were constructed between 1957 and 1966.

None of the buildings on the site are listed on the NRHP, CRHR, City of San José Historic Resources Inventory or Santa Clara County Heritage Resource Inventory. Both the buildings at 550 and 570 Meridian Avenue that are being re-used are not historic in nature. The office building at 1401 Parkmoor Avenue and the warehouse buildings along Race Street are over 50 years old and would meet the age criteria to be eligible for designation as a historic resource. A portion of the office building at 1401 Parkmoor Avenue was demolished in 2002³⁰; therefore, the building does not appear to retain sufficient integrity to its original form to meet all the eligibility requirements for designation as a historic resource.

According to the Archaeological Report for the project site prepared in July 2019, the single story building at 529 Race Street was evaluated and recommended not eligible to the NRHP, the CRHR, or the local “San José register.”³¹ According to the aerial photographs, building permits, and field visits conducted for 581 and 691 Race Street, they have experienced few changes since their construction. They maintain the same location, appearance, building footprint, and overall use as warehouse space. Both buildings thus also retain integrity of location, design, materials, workmanship, and feeling. However, the warehouses were constructed as late additions to a cannery complex which no longer exists, and the surrounding neighborhood has changed in use from largely industrial to a mixed commercial/residential area. Therefore, 581 and 691 Race Street both lack integrity of setting and association to be designated as City Landmarks or being eligible for the California Register. Further, the buildings at 581 and 691 Race Street were included in a historical survey of 312 properties as a component of the Vasona Corridor Light Rail Project; neither of the two properties were found to be eligible for inclusion in the National Register.³²

Adjacent properties are also not listed on the City and County Inventories. The project site is not located within a designated historic district, conservation district, or landmark district according to maps included in the General Plan FEIR.³³ The closest historic district to the project site, the Southern Pacific Depot District, is located approximately 0.9-mile northeast of the site. Nearby conservation areas include the Palm Haven Conservation Area (approximately 0.7-mile southeast of the site, across I-280). The closest City and State designated landmark, the Roberto-Suñol Adobe house, is located approximately ¼-mile east of the project site at 770 Lincoln Avenue.³⁴

³⁰ AEI Consultants. *Phase I Environmental Site Assessment*. January 26, 2018.

³¹ Crawford, K.A. 2013. *Primary Record Update for P-43-3024*. On file at the Northwest Information Center, California Historical Resources Information System, Sonoma State University, Rohnert Park, California.

³² Basin Research Associates. *Vasona Light Rail Corridor Historic Properties Survey Report*. June 1999.

³³ City of San José. *2040 General Plan Integrated Final PEIR*. Figure 3.11-3 Historic Districts and Conservation Areas. Page 705. September 2011.

³⁴ City of San José. “San José Designated Historic City Landmarks”.

<http://www.sanjoseca.gov/DocumentCenter/View/35476>. Accessed July 19, 2019.

Archaeological Resources

An archaeological literature review was prepared for the project site by *Holman & Associates*. The purpose of the literature review, which was conducted at the Northwest Information Center at Sonoma State University, was to obtain information about recorded prehistoric and/or historic archaeological sites in and around the project area, and any previous archaeological field inspections of the project area or its surroundings. The literature review did not find any recorded archaeological resources within ¼-mile of the project site (project area).

Prehistoric Resources

In this area of San José, Native American sites have been identified on part of the flat valley within a half mile of the Guadalupe River, especially near its confluence with Los Gatos Creek. The project site is located approximately 0.4-mile west of Los Gatos Creek and approximately 1.2 miles west of the Guadalupe River. Based on its proximity to Los Gatos Creek, the project area has a moderate potential for Native American resources, including buried deposits.

Historic Resources

Historic-era maps for the project area were examined to identify the potential for historical archaeological resources to exist within the project area. A review of Sanborn insurance maps shows that the project site was occupied by eight single-story houses around 1915, with the southwest corner used for a fruit drying yard. All of the previously existing residential buildings had rear outbuildings. Based on the review of historical land use patterns, there is a moderate to high potential for specific historic-era archaeological deposits within the project area.

3.5.2 Impact Discussion

For the purpose of determining the significance of the project's impact on cultural resources, 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 pursuant to CEQA Guidelines Section 15064.5?
- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

3.5.2.1 *Project Impacts*

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

Based on a review of the Historic Evaluation Report prepared for the project, County of Santa Clara Heritage Resource Inventory, the City's Historic Resources Inventory and the historic resources identified in the City's General Plan, there are no known listed historic sites in the area. The project site is developed with office buildings, several warehouses, surface parking lots, landscaping, and is surrounded by industrial, office, and some multi-family residential uses.

As discussed previously in *Section 3.5.1.2 Existing Conditions*, there are four buildings on the site more than 50 years old which could potentially be eligible for listing as historical resources; however, due to the lack of distinguishing design or architectural characteristics of the buildings and/or prior modifications to the structures, these buildings would not meet all the eligibility criteria for designation as historical resources. The two buildings at 550 and 570 Meridian Avenue that are being adapted for re-use are not historic resources. None of the structures on properties surrounding the site are listed on the City's Historic Resources Inventory or the National or State registers of historic places.

While development would intensify in this area with the construction of a private school, it is not anticipated to result in any significant impact to identified historic sites on City or State historical registers, as none are present on or within the vicinity of the site. The proposed project would not significantly impact historical resources. **(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 above in *Section 3.5.1.2 Existing Conditions*, the project site has a moderate potential for prehistoric archaeological deposits and a moderate to high potential for historic-era archaeological deposits. The proposed project would require excavation to a maximum depth of 22 feet to establish the basement levels in Buildings 4, 5, and 7 and to connect utilities throughout the site. Although the site is developed and has been disturbed several times throughout its history, there is still the possibility that archaeological resources are uncovered during project construction. Disturbance of these resources would constitute a significant impact.

Impact CUL-1: Construction activities could disturb unknown buried archaeological resources associated with prehistoric Native American deposits.

Mitigation Measures: Implementing the following mitigation measures, modified from the City's Standard Permit Conditions, would reduce the project's impact on subsurface cultural resources:

MM CUL-1.1: The proposed project shall conduct presence/absence exploration for all areas that would be impacted by the project, specifically along the rear fence line in the area which contained former residences and outbuildings. Subsurface exploration shall be completed after asphalt has been removed, but prior to any ground disturbing activities including grading, potholing for utilities, and building foundation removal. If these activities or similar ground-disturbing activities need to be completed prior to presence/absence work, then an archaeological monitor shall be required. As part of this effort, at least one trench shall be mechanically excavated below existing stratigraphic layers to eliminate the potential for Native American deposits and provide a better understanding for potential historic-era soil surfaces. If archaeological deposits or features that appear eligible to the California Register are identified during any stage of exploration, and if the project cannot be redesigned to avoid the cultural resource, an archaeological research design and work plan shall be prepared. The plan shall be designed to facilitate

archaeological excavation and evaluate any cultural resources discovered by the California Register eligibility criteria to assess if any qualify as historical resources. Should the plan be required, it shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee.

MM CUL-1.2: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement or Director's designee and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement will be notified, and a qualified archaeologist will examine the find. The archaeologist will 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. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.

MM CUL-1.3: 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. In the event of the discovery of human remains 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 or the Director's designee and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.

MM CUL-1.4: If the remains are believed to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

MM CUL-1.5: If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

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

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

With the implementation of the mitigation measures detailed above, the proposed project would have a less than significant impact to archaeological resources. **(Less than Significant Impact with Mitigation Incorporated)**

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

While the project site does not contain a recognized Native American burial site, or other interred human remains, project construction could disturb as-yet undiscovered human remains. However, mitigation measures MM CUL-1.3 through CUL-1.5 describe the appropriate process that the project would adhere to in the event that human remains are discovered during construction. This process would ensure that the proposed project would not result in a significant impact to human remains. **(Less than Significant Impact with Mitigation Incorporated)**

3.5.2.2 Cumulative Impacts

d) Would the project result in a cumulatively considerable contribution to a significant cultural resources impact?

The cumulative projects analyzed in this Draft EIR (Table 3.0-1) may require excavation and grading or other activities that may affect unknown prehistoric cultural resources and/or historic resources. Other projects in the City of San José may also have cultural resources, irrespective of their designation as such on local, state, or federal registers. Any excavation or grading activities could affect these known and unknown cultural resources. Therefore, the City has adopted standard conditions that will be implemented by all projects to reduce potential impacts to cultural resources. Project-level analyses will determine the necessity of additional mitigation measures to reduce localized and site-specific impacts to these resources.

All projects would also be subject to federal, state, and county laws regulating cultural resources. Project-level analyses of these projects will determine the necessity of additional mitigation measures to reduce localized and site-specific impacts to these resources. All cumulative projects occurring within the City of San José would be required to implement conditions of approval or mitigation measures that would avoid impacts to prehistoric and historic resources and/or reduce them to a less than significant level.

As discussed earlier, none of the existing buildings on the project site are considered as a historic resource. Therefore, there are no project related historic resources' impacts.

Therefore, the proposed project in combination with other projects, would not result in significant cumulative impacts to cultural resources. **(Less than Significant Cumulative Impact)**

3.6 ENERGY

The following discussion is based, in part, on information included in an air quality and greenhouse gas assessment prepared for the project by *Illingworth & Rodkin, Inc.* A copy of the report, dated October 25, 2019 (revised March 11, 2020) is included as Appendix B of this EIR.

3.6.1 Environmental Setting

3.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the U.S. Environmental Protection Agency (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 (RPS) 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. In 2008, Executive Order 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.

California Building Standards Codes

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2016 Title 24 updates went into effect on January 1, 2017.³⁵ Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.³⁶

California Green Building Standards Code

The 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. The most recent update to CALGreen went into effect on January 1, 2017, and covers five categories: planning and design,

³⁵ California Building Standards Commission. "Welcome to the California Building Standards Commission". Accessed May 8, 2019. <http://www.bsc.ca.gov/>.

³⁶ California Energy Commission (CEC). "2016 Building Energy Efficiency Standards". Accessed May 8, 2019. <http://www.energy.ca.gov/title24/2016standards/index.html>.

energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 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 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.³⁷

Local

City of San José Green Building Policy (Council Policy 6-32)

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED)³⁸, GreenPoint³⁹, or Build It Green checklist with the development proposal. Council Policy 6-32 “Private Sector Green Building Policy,” adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources in the City of San José. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in Table 3.6-1 below.

Table 3.6-1: Private Sector Green Building Policy Applicable Projects	
Applicable Project*	Minimum Green Building Rating
Commercial/Industrial – Tier 1 (Less than 25,000 Square Feet)	LEED Applicable New Construction Checklist
Commercial/Industrial – Tier 2 (25,000 Square Feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified
Notes: *For mixed-use projects – only that component of the project triggering compliance with the policy shall be required to achieve the applicable green building standard. Source: City of San José. “Private Sector Green Building.” Accessed: May 9, 2019. Available at: http://www.sanJose.ca.gov/index.aspx?NID=3284 .	

³⁷ California Air Resources Board. “The Advanced Clean Cars Program.” Accessed April 6, 2019.

<https://www.arb.ca.gov/msprog/acc/acc.htm>.

³⁸ Created by the non-profit organization United States Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

³⁹ Created by the California based non-profit organization Build It Green, GreenPoint is a certification system for residential development that assigns points for green building measures based on a 381-point rating scale for multi-family development and 341-point rating scale for single-family developments.

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

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

The City's GHGRS identifies GHG emissions reduction measures to be implemented by development projects as part of three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary and could be incorporated as mitigation measures for proposed projects, at the City's discretion. GHG reduction measures serve the dual purpose of reducing GHG emissions and reducing wasteful and inefficient use of energy in new developments.

The General Plan includes the following policies for the purpose of reducing or avoiding impacts related to energy.

Envision San José 2040 General Plan Relevant Energy Resources Policies

Policy	Description
Policy MS-1.1	Continue to demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with and/or exceed the City's Green Building Ordinance and City Council Policies as well as State or regional policies which require that projects incorporate various green building principles into their design and construction.
Policy MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
Policy MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
Policy MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
Policy MS-6.8	Maximize reuse, recycling, and composting citywide.

Envision San José 2040 General Plan Relevant Energy Resources Policies

Policy	Description
Policy MS-14.3	Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption.

City of San José Municipal Code and Building Codes

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

Climate Smart San José

Climate Smart San José, adopted in February 2018, is a plan to reduce air pollution, save water, and create a healthy community. Climate Smart San José focuses on three pillars and nine key strategies to transform San José into a climate smart city that is substantially decarbonized and meeting requirements of Californian climate change laws 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.

3.6.1.2 Existing Conditions

Total energy usage in California was approximately 7,881 trillion Btu in the year 2017, the most recent year for which this data was available. Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion

Btu) for transportation.⁴⁰ 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 2018 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2018, a total of approximately 16,668 gigawatt hours (GWh) of electricity was consumed in Santa Clara County.⁴¹ 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 Total Green program at any time to receive 100 percent GHG emission-free electricity from entirely renewable sources.

PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2018, natural gas facilities provided 15 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 34 percent; hydroelectric operations provided 13 percent; renewable energy facilities including solar, geothermal, and biomass provided 39 percent.⁴²

As of February 2019, SJCE provides over 300,000 residential and commercial electricity customers with carbon-free electricity options at competitive prices, from sources like solar, wind, and hydropower.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.⁴³ In 2018, residential and commercial customers in California used 34 percent of the state's natural gas, power plants used 35 percent, the industrial sector used 21 percent, and other uses used 10 percent. Transportation accounted for one percent of natural gas use in California. In 2018, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.

Fuel for Motor Vehicles

In 2018, approximately 15.5 billion gallons of gasoline were sold in California.⁴⁴ The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States

⁴⁰ United States Energy Information Administration. "State Profile and Energy Estimates, 2017". Accessed May 8, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

⁴¹ Energy Consumption Data Management System. "Electricity Consumption by County." Accessed March 15, 2019. <http://ecdms.energy.ca.gov/elecbycounty.aspx>

⁴² PG&E. "Exploring Clean Energy Solutions". Accessed October 31, 2019. https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page?WT.mc_id=Vanity_cleanenergy.

⁴³ California Gas and Electric Utilities. 2019 *California Gas Report*. Accessed August 27, 2019. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.

⁴⁴ California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed May 8, 2019. <https://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.pdf>.

has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2018.⁴⁵ Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020.^{46,47}

3.6.1.3 *Existing Conditions*

Existing energy use associated with operation of the structures and uses at the project site primarily consists of electricity for lighting and cooling, and natural gas for operations within the existing buildings. Energy use of the existing buildings is summarized below in Table 3.6-2.

Table 3.6-2: Estimated Annual Energy Use of Existing On-Site Buildings		
Existing Use	Electricity Use (kWh)	Natural Gas Use (kBtu)
152,142 square feet of existing 550 and 570 Meridian Buildings*	--	--
150,426 square feet of Existing Warehouse Structure	1,242,750	3,967,890
60,000 square feet of 1401 Parkmoor Avenues Building	1,069,570	981,952
Source: Illingworth & Rodkin, Inc. <i>Air Quality and Greenhouse Gas Assessment</i> . Attachment 2. October 25, 2019.		
Notes: * The office buildings at 550 and 570 Meridian Avenue are currently unoccupied.		

3.6.2 Impact Discussion

For the purpose of determining the significance of the project's impact on energy, would the project:

- 1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?
- 2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

⁴⁵ United States Environmental Protection Agency. *The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975*. March 2019.

⁴⁶ United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed May 8, 2019. <http://www.afdc.energy.gov/laws/eisa>.

⁴⁷ Public Law 110-140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed May 8, 2019. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

3.6.2.1 *Project Impacts*

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

Construction

Construction of the total project is estimated to occur over a period of five-plus years (assumption to analyze the worst-case scenario) and would require energy for the manufacture and transportation of building materials, preparation of the project site (i.e. demolition and grading), and the construction of the buildings. Construction energy usage is temporary and would not result in excessive energy consumption because construction processes are generally designed to be efficient to avoid excess monetary costs. The project would be constructed in an urbanized area with close access to roadways, construction supplies, and workers, making the project more efficient than construction occurring in outlying, more isolated areas.

In addition, the project proposes to adaptively reuse and repurpose two office buildings on the site as classroom buildings, and retain the existing parking garage, thereby reducing the amount of demolition and construction required to redevelop the site. Avoiding new construction of these structures substantially reduces the embodied energy associated with new construction, as embodied energy is the sum of all the various forms of energy required to produce a building – including raw material extraction, manufacturing materials for construction, transporting materials to site, assembly, and installation.

The project would be required to implement BAAQMD Best Management Practices, which would restrict unnecessary idling of construction equipment and require the applicant to post signs on the project site reminding workers to shut off idle equipment, thus reducing the potential for energy waste. According to General Plan Policy MS-14.3 and MS-2.11, the project would implement the City's Green Building Policies to ensure that construction of the project meets industry best practices and techniques are applied to maximize energy performance at the construction stage. The City's Zero Waste Strategic Plan would be implemented at a project level to enhance construction and demolition debris recycling, thus increasing diversion from landfills and further contributing to the energy efficiency of the project's construction activities. For these reasons, construction of the project would not result in wasteful or inefficient use of energy. **(Less than Significant Impact)**

Operation

The project site is currently developed with three office buildings (two unoccupied), three warehouse buildings, a parking structure, surface parking lots, and landscaping. The proposed project would redevelop the site to establish a private pre-kindergarten through 12th grade school for approximately 2,744 students and 480 faculty and staff. The project is in an urban area and would connect to existing utilities in the area and use existing roadways for access. The operation of the proposed buildings would consume energy (in the form of electricity and natural gas) primarily for building heating and cooling, lighting, and water heating. Table 3.6-3 summarizes the estimated energy and natural gas use from the project.

Electricity: When compared to existing conditions on the site, the project would increase electricity use by 586,660 kWh. The project would utilize an approximately 5,000-square foot photovoltaic power system on the roof of 570 Meridian Avenue, in Phase I. An additional 5,000 square foot photovoltaic system is planned to be installed on the Fitness Facility (Building 4) in Phase III. The 10,000 square foot photovoltaic system would offset electricity usage by approximately 220,000 kwh, bringing down the net electricity usage to **366,660 kWh**. In addition to the 10,000 square foot photovoltaic system, the school will be automatically enrolled in GreenSource (as part of San José Clean Energy) which will provide 86 percent carbon free electricity through PG&E grid system. As an additional choice, the School could upgrade to TotalGreen, a program that offers 100 percent renewable energy. These additional green measures were not included in the analysis below (Table 3.6-3), and therefore, will bring down the net energy demand even further.

Natural Gas: When compared to existing conditions on the site, the project would increase natural gas use by 4,967,998 kBtu. Based on the incremental increase in natural gas demand from the project compared to the growth trends in natural gas supply, decreasing demand, and existing available pipeline capacity to and within California, the proposed project would not result in a substantial increase in natural gas demand relative to projected supplies and the impact would be less than significant.

Table 3.6-3: Estimated Operational Energy Demand Summary		
Development	Electricity Use (kWh)	Natural Gas Use (kBtu)
Proposed Development		
537,844 square feet of proposed project	2,898,980	9,917,840
<i>Total</i>	2,898,980	9,917,840
Existing Development		
152,142 square feet of existing 550 and 570 Meridian Buildings (proposed Buildings 1 and 2)*	--	--
150,426 square feet of Existing Warehouse Structure	1,242,750	3,967,890
60,000 square feet of 1401 Parkmoor Avenues Building	1,069,570	981,952
<i>Total</i>	2,312,320	4,949,842
Net Energy Demand	586,660**	4,967,998
Source: Illingworth & Rodkin, Inc. <i>Air Quality and Greenhouse Gas Assessment</i> . Attachment 2. October 25, 2019. Notes: * The office buildings at 550 and 570 Meridian Avenue are currently unoccupied. Since the project would retain the existing parking garage, it wasn't included in the model. **San José Clean Energy didn't have a carbon intensity factor at the time of the analysis. The net energy demand calculations are based on the PG&E 2020 rate, which is a more conservative analysis.		

In addition, the proposed project would be designed for energy efficiency and conservation (See *Section 2.2.5 Green Building Measures* for a list of these measures), in accordance with the City's Green Building Program, Climate Smart San José goals and actions, and Greenhouse Gas Reduction Strategy. The project would be subject to the Green Building Ordinance, which requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. Adherence to these policies and regulations would ensure that the operational energy efficiency of the project is maximized, and the project does not result in wasteful, inefficient, or unnecessary energy consumption. **(Less than Significant Impact)**

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

Consistent with the City's Private Sector Green Building Policy and the Green Building Ordinance, the proposed project would be designed to achieve, at minimum, Leadership in Energy and Environmental Design (LEED) Certification. In addition, the proposed project would be required to comply with various local policies and regulations adopted to improve energy efficiency in new developments and increase utilization of renewable energy sources, including the City's Green Building Program, Greenhouse Gas Reduction Strategy, and General Plan energy policies. Implementation of local policies and regulations would ensure the project is compliant with regional and statewide energy efficiency and renewable energy plans and policies, such as the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan (General Plan Policy MS-14.3), the Model Water Efficient Landscape Ordinance (General Plan Policy MS-3.1), and CALGreen (City of San José Building Code). By adhering to adopted policies and regulations the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

3.6.2.2 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant energy impact?

Cumulative energy impacts could occur as a result of the project in combination with the other projects in the cumulative scenario listed in Table 3.0-1. All projects would use energy during construction; however, the overall construction schedule and process for all projects is designed to be efficient in order to avoid excess monetary costs. Additionally, all projects include air quality-related measures to lessen idling times of equipment and improve the efficiency during construction. As a result, any construction-related cumulative energy impact as a result of wasteful use would be less than significant.

The proposed project in conjunction with other larger cumulative developments in Table 3.0-1 could result in cumulative energy impacts during operation/occupation if energy were wasted. All projects in the City of San José are required to be constructed consistent with the City's adopted Green Building Ordinance, which require energy efficient design and use of fixtures to ensure buildings do not waste energy. Operation/occupation of all projects in the cumulative scenario would not result in a substantial increase in demand upon energy resources because their combined energy requirements would not exceed anticipated state, county, or local energy supplies; thus, the impact would be less than significant. **(Less than Significant Cumulative Impact)**

3.7 GEOLOGY AND SOILS

The following discussion is based, in part, upon a design-level geotechnical report prepared for the project site by *ENGEO, Inc.* The report, dated May 14, 2019, is included as Appendix E of this DEIR.

3.7.1 Environmental Setting

3.7.1.1 *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 CBC prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2016 CBC.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and

Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

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

Local

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The proposed project would be subject to the geology and soil policies listed in the City's General Plan, including the following:

Envision San José 2040 General Plan Relevant Geology and Soil Policies

Policy	Description
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.
Policy 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 current 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.

3.7.1.2 *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.⁴⁸ 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.

On-Site Geologic Conditions

Topography and Soils

The project site is located in a relatively flat area on the floor of the Santa Clara Valley. The site is predominantly underlain by Holocene-age alluvial fan deposits (Qya), consisting primarily of fine-grained sand, silt, and clay deposits. The soils at the site primarily consist of the Urban Land-Campbell complex, 0 to 2 percent slopes, which includes moderately well-drained silt loams, silty clay loams, and silty clays, and the Urban Land-Newpark complex, 0 to 2 percent slopes, which includes moderately well-drained silty clay loams and fine sandy loams.⁴⁹ The Urban Land-Campbell complex and the Urban Land-Newpark complex have plasticity indices ranging from 16 to 33 and 11 to 21, respectively.

⁴⁸ City of San José. *San José Downtown Strategy 2040 EIR*. 2018

⁴⁹ United States Department of Agriculture, Natural Resources Conservation Service. *Custom Soil Resource Report for Eastern Santa Clara Area, California*. May 8, 2019.

The design-level geotechnical exploration completed for the project included six borings to depths ranging from 36 to 80 feet bgs and soil sampling to characterize the soil conditions of the site. The results of the exploration found low- to moderate-plasticity clays in the northern portion of the site and high-plasticity clays in the southern portion of the site. Clayey soils were generally underlain by medium dense to very dense silt and clayey sand below a depth of 25 to 30 feet. These soils have plasticity indices ranging between 10 and 29, indicating the on-site soils have moderate to high shrink/swell potential (expansiveness).

Groundwater

Groundwater was encountered at the site from approximately 32 to 34.5 feet bgs.⁵⁰ Regional topographic conditions suggest that groundwater flows to the west. Groundwater levels at the site may fluctuate with time due to seasonal conditions, rainfall, and irrigation practices.

Seismicity and Seismic Hazards

The project site is located within the seismically active San Francisco Bay region. The San Francisco Bay Area contains several faults that are capable of generating earthquakes of magnitude 7.0 or higher. The San Andreas Fault system spans the Coast Ranges from the Pacific Ocean to the San Joaquin Valley. The closest faults to the project site are the Monte-Vista Shannon (approximately 5.5 miles to the southwest, Calaveras (approximately 10 miles to the northeast), Hayward-Rodgers Creek (approximately 10 miles to the northeast) and San Andreas (approximately 10.5 miles to the southwest) faults. The project site is not located within an Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Rupture Hazard Zone for any of the faults mentioned above.

Liquefaction

The project site is not located in a Liquefaction Hazard Zone, as identified in maps prepared by the California Geological Survey. Liquefaction can be defined as ground failure or loss of strength that causes otherwise solid soil to take on the characteristics of a liquid. This phenomenon is triggered by earthquakes or ground shaking that causes saturated or partially saturated soils to lose strength, potentially resulting in the soil's inability to support structures. Liquefaction can result in adverse impacts to human and building safety, and is typically addressed at the building design stage of a project. The design-level geotechnical exploration analyzed the soils sampled at the site for liquefaction potential and estimated the total liquefaction-induced settlement at the project site to be less than ½ inch.

Landslides

The site is not located within a California Seismic Hazard Zone for landslides or within a Santa Clara County Landslide Hazard Zone⁵¹. Additionally, the project area is relatively flat. Thus, the probability of landslides occurring at the site during a seismic event is low.

⁵⁰ ENGEO, Inc. *Avenues Silicon Valley, San José, California – Design-Level Geotechnical Report*. May 14, 2019.

⁵¹ Ibid.

Paleontological Resources

According to the City's Paleontological Sensitivity Map⁵², the proposed project is located in an area of high paleontological sensitivity at depth.

3.7.2 Impact Discussion

For the purpose of determining the significance of the project's impact on geology and soils, 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 would 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 waste water disposal systems where sewers are not available for the disposal of waste water?
- f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

3.7.2.1 *Project Impacts*

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

Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Fault Rupture Hazard Zone, making fault rupture at the site unlikely. While existing faults

⁵² C. Bruce Hanson. *Paleontological Evaluation Report for the Envision San José 2040 General Plan, Santa Clara County, California*. September 2010.

are located in the region, the proposed project is outside of the fault zone for any regional fault systems, and significant impacts from fault ruptures are not anticipated to occur. **(Less than Significant Impact)**

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. The following conditions shall be implemented by the proposed project to ensure the proposed development is designed to address seismic hazards.

Standard Permit Condition:

To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes, including the 2016 California Building Code (CBC) Chapter 16, Section 1613, as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

The General Plan FEIR (as amended) concluded that adherence to the CBC would reduce seismic-related impacts and ensure new development proposed within areas of geologic hazards would not be endangered by the hazardous conditions on the site. **(Less than Significant Impact)**

Liquefaction, Landslides and Lateral Spreading

As mentioned previously, the project site is not located within a Liquefaction Hazard Zone or a Landslide Hazard Zone. The site is located on relatively flat, stable terrain on the floor of the Santa Clara Valley. There are no hillsides or areas of differential elevation nearby. Thus, there is minimal risk of liquefaction or landslide affecting, or being exacerbated by, the proposed development.

Lateral spreading is a geologic hazard commonly associated with liquefaction. This phenomenon occurs when ground-shaking induces the horizontal displacement of relatively flat-lying soil towards an open or “free” face such as an open body of water, drainage channel, or excavation. Lateral spread presents a significant hazard to the integrity of buildings and other structures that are located in seismically active regions, such as the San Francisco Bay Area. The proposed project is not located in a Liquefaction Hazard Zone or adjacent to any waterway, drainage channel or excavation site. Thus, there is minimal risk of lateral spread affecting, or being exacerbated by, the proposed project. **(Less than Significant Impact)**

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

Ground disturbance on the 11.87-acre project site would occur during the demolition of the warehouse buildings and one office building, excavation to establish basement levels and utility

connections, grading throughout the site, and construction of the proposed classroom buildings, gymnasium and sports field. These activities could increase the exposure of soil to wind and water erosion.

General Plan Policy EC-4.5 requires an Erosion Control Plan for private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or located in a hillside area. The proposed project would disturb approximately 11.87 acres of land on-site; though in four distinct phases with each phase larger than one-acre, further explained in *Section 2.2 Project Description*. Therefore, the project would be required to prepare an Erosion Control Plan according to the City policy. In addition, the following erosion control measures would be implemented by the project:

Standard Permit Conditions: The following standard measures include best management practices and erosion control measures to reduce and avoid construction-related erosion impacts from new development:

- All excavation and grading work shall be scheduled in dry weather months or construction sites will be weatherized.⁵³
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed, if necessary, to divert runoff around excavated and graded areas.

By implementing the above listed erosion control measures, regulations identified in the General Plan FEIR (as amended), and preparing an Erosion Control Plan, the proposed project would reduce potential soil erosion impacts to a less than significant level. **(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 in Impact GEO-1, the proposed project is not located in a Liquefaction Hazard Zone or a Landslide Hazard Zone. A design-level geotechnical investigation has been prepared for the proposed development that includes an analysis of the potential for other soil conditions, such as soil corrosion, soil compressibility, and settlement of non-engineered fill materials, to adversely affect proposed structures and uses. Any buildings constructed at the project site would be required to adhere to the recommendations set forth in the design-level geotechnical investigation for building design, engineering techniques, and general hazard avoidance related to on-site geologic conditions. For these reasons, future development at the project site would adequately address and reduce potential impacts that could result from unstable geologic units or soil. **(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?

⁵³ Weatherized refers to measures that would protect exposed soils from rain and stormwater runoff.

The soils underlying the project site have a moderate to high expansion potential. The design-level geotechnical investigation sets forth recommendations for building and site design which will ensure the proposed school is designed and constructed in a manner that addresses site-specific soil conditions and accounts for potential hazards related to expansive soils. By adhering to the recommendations included in the geotechnical investigation for soil and seismic hazards, and constructing the building in accordance with standard engineering practices in the California Building Code, the proposed project would not result in a significant impact due to the underlying soils. **(Less than Significant Impact)**

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

The project site is located within an urbanized area of San José where sewers are available to dispose of wastewater from the project site. Therefore, the site will not need to support septic tanks or alternative wastewater disposal systems. **(No Impact)**

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

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City of San José is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources; however, older Pleistocene sediments present at or near the ground surface at some locations have high potential to contain these resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. The project site has a high sensitivity for paleontological resources at depth. The proposed project could potentially disturb undiscovered paleontological resources underlying the project site during excavation, grading and construction activities.

The following Standard Permit Conditions would be implemented by the proposed project to reduce and avoid impacts to as yet unidentified paleontological resources.

Standard Permit Conditions:

- The project proponent shall ensure all construction personnel receive paleontological awareness training that includes information on the possibility of encountering fossils during construction, the types of fossils likely to be seen, based on past finds in the project areal and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist.
- If vertebrae fossils are discovered during construction, all work on the site shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication

describing the finds. The project applicant shall be responsible for ensuring that the recommendations of the paleontological monitor regarding treatment and reporting are implemented. A report of all findings shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

The General Plan FEIR (as amended) concluded that with implementation of existing regulations and adopted General Plan policies, new development within San José would have a less than significant impact on paleontological resources. **(Less than Significant Impact)**

3.7.2.2 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant geology and soils impact?

Cumulatively, all other projects analyzed in the City and vicinity of the project site will be subject to similar geology, soils, and seismicity impacts as the proposed project. All cumulative projects occurring within the City are required to implement conditions of approval, mitigation measures, and ensure consistency with the California Building Code to avoid impacts related to seismic, geologic, and soils hazards and/or reduce them to a less than significant level.

Adherence to the Standard Permit Conditions for discovery of paleontological resources would ensure that such resources are not significantly impacted by the proposed project. Cumulatively, other projects in the City would also be required to implement similar permit conditions or mitigation measures.

For these reasons, the cumulative projects, including the proposed project, would not result in significant cumulative geologic and soils impacts. **(Less than Significant Cumulative Impact)**

3.7.3 Non-CEQA Effects

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

To ensure that proposed development sites are suitable, Action EC-4.11 requires the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process. The proposed project would be required to comply with applicable City policies for reducing geologic and soil impacts on new development. The proposed project would be built and maintained in accordance with applicable regulations including the most recent California Building Code which contains the regulations that govern the construction of structures in California. The General Plan FEIR, SEIR, and Addenda thereto concluded that adherence to the California Building Code would reduce seismic related impacts and ensure new development proposed within areas of geologic hazards would not be endangered by the hazardous site conditions.

Because the proposed project would comply with the design-specific geotechnical report, the California Building Code, and regulations identified in the General Plan FEIR, SEIR, and Addenda thereto that ensure geologic hazards are adequately addressed, the project would comply with Policies EC-4.2 and EC-4.4.

3.8 GREENHOUSE GAS EMISSIONS

The discussion in this section is based in part on a greenhouse gas assessment prepared by *Illingworth & Rodkin, Inc.* A copy of the report dated October 25, 2019 (revised March 11, 2019) is included as Appendix B of this DEIR.

3.8.1 Environmental Setting

3.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its GWP and is measured in units of CO₂ equivalents (CO₂e). The most common GHGs are carbon dioxide (CO₂) and water vapor but there are also several others, most importantly methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO₂ and N₂O are byproducts of fossil fuel combustion.
- N₂O is associated with agricultural operations such as fertilization of crops.
- CH₄ 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 SF₆ emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

Each GHG has its own potency and effect upon the earth's energy balance. This is expressed in terms of a global warming potential (GWP), with CO₂ being assigned a value of 1 and sulfur hexafluoride being several orders of magnitude stronger. In GHG emission inventories, the weight of each gas is multiplied by its GWP and is measured in units of CO₂ equivalents (CO₂e).

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

3.8.1.2 *Regulatory Framework*

Federal

Clean Air Act

The EPA is the federal agency responsible for implementing the Clean Air Act. The U.S. Supreme Court in its 2007 decision in *Massachusetts et al. v. Environmental Protection Agency et al.*, ruled that CO₂ is an air pollutant as defined under the Clean Air Act, and that EPA has the authority to regulate emissions of GHGs. Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

State

Assembly Bill 32

AB 32, the Global Warming Solutions Act of 2006, codified the State's GHG emissions target by directing CARB to reduce the State's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, the CARB, CEC, California Public Utilities Commission (CPUC), and Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.

A Scoping Plan for AB 32 was adopted by CARB in December 2008. It contains the State's main strategies to reduce GHGs from business-as-usual emissions projected in 2020 back down to 1990 levels. Business-as-usual (BAU) is the projected emissions in 2020, including increases in emissions caused by growth, without any GHG reduction measures. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system.

As directed by AB 32, CARB has also approved a statewide GHG emissions limit. On December 6, 2007, CARB staff resolved an amount of 427 million metric tons (MMT) of CO₂e as the total statewide GHG 1990 emissions level and 2020 emissions limit. The limit is a cumulative statewide limit, not a sector- or facility-specific limit. CARB updated the future 2020 BAU annual emissions forecast, in light of the economic downturn, to 545 MMT of CO₂e. Two GHG emissions reduction measures currently enacted that were not previously included in the 2008 Scoping Plan baseline inventory were included, further reducing the baseline inventory to 507 MMT of CO₂e. Thus, an estimated reduction of 80 MMT of CO₂e is necessary to reduce statewide emissions to meet the AB 32 target by 2020.

Senate Bill 375

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, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the

San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Executive Order EO-B-30-15 (2015) and SB 32 GHG Reduction Targets

In April 2015, Governor Brown signed Executive Order which extended the goals of AB 32, setting a greenhouse gas emissions target at 40 percent of 1990 levels by 2030. On September 8, 2016, Governor Brown signed SB 32, which legislatively established the GHG reduction target of 40 percent of 1990 levels by 2030. In November 2017, CARB issued *California's 2017 Climate Change Scoping Plan*. While the State is on track to exceed the AB 32 scoping plan 2020 targets, this plan is an update to reflect the enacted SB 32 reduction target.

SB 32 was passed in 2016, which codified a 2030 GHG emissions reduction target of 40 percent below 1990 levels. CARB is currently working on a second update to the Scoping Plan to reflect the 2030 target set by Executive Order B-30-15 and codified by SB 32. The proposed Scoping Plan Update was published on January 20, 2017 as directed by SB 32 companion legislation AB 197. The mid-term 2030 target is considered critical by CARB on the path to obtaining an even deeper GHG emissions target of 80 percent below 1990 levels by 2050, as directed in Executive Order S-3-05. The Scoping Plan outlines the suite of policy measures, regulations, planning efforts, and investments in clean technologies and infrastructure, providing a blueprint to continue driving down GHG emissions and obtain the statewide goals.

The new Scoping Plan establishes a strategy that will reduce GHG emissions in California to meet the 2030 target (note that the AB 32 Scoping Plan only addressed 2020 targets and a long-term goal). Key features of this plan are:

- Cap and Trade program places a firm limit on 80 percent of the State's emissions;
- Achieving a 50-percent Renewable Portfolio Standard by 2030 (currently at about 29 percent statewide);
- Increase energy efficiency in existing buildings;
- Develop fuels with an 18-percent reduction in carbon intensity;
- Develop more high-density, transit-oriented housing;
- Develop walkable and bikeable communities;
- Greatly increase the number of electric vehicles on the road and reduce oil demand in half;
- Increase zero-emissions transit so that 100 percent of new buses are zero emissions;
- Reduce freight-related emissions by transitioning to zero emissions where feasible and near-zero emissions with renewable fuels everywhere else; and
- Reduce "super pollutants" by reducing methane and hydrofluorocarbons or HFCs by 40 percent.

In the updated Scoping Plan, CARB recommends statewide targets of no more than 6 metric tons CO₂e per capita (statewide) by 2030 and no more than 2 metric tons CO₂e per capita by 2050. The statewide per capita targets account for all emissions sectors in the State, statewide population forecasts, and the statewide reductions necessary to achieve the 2030 statewide target under SB 32 and the longer-term State emissions reduction goal of 80 percent below 1990 levels by 2050

Regional

Bay Area Air Quality Management District

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

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

Local

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy [GHGRS]

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

The City's GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects as part of three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary and could be incorporated as mitigation

measures for proposed projects, at the City's discretion. The GHG Reduction Strategy was adopted by City Council in 2015.

The primary test for consistency with the City's GHG Reduction Strategy is conformance with the General Plan Land Use / Transportation Diagram and supporting policies. CEQA clearance for development proposals are required to address the consistency of individual projects with the goals and policies in the General Plan designed to reduce GHG emissions. Compliance with the mandatory measures and voluntary measures (if required by the City) would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2020 and would not conflict with targets in the *Climate Change Scoping Plan* through 2020.

The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FEIR (as supplemented). Beyond 2020, the emission reductions in the GHG Reduction Strategy are not enough to meet the City's identified 3.04 metric tons (MT) CO₂e/SP efficiency metric for 2035. An additional reduction of 5,392,000 MT CO₂e per year would be required for the projected service population to meet the City's target for 2035.⁵⁴

The substantial communitywide GHG emissions reductions needed beyond 2020 cannot be achieved solely by implementing the measures identified in the GHG Reduction Strategy. The General Plan FEIR (as supplemented) disclosed that it would require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the Federal and State level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips—especially to and from work places. Future policy and regulatory decisions by other agencies (such as CARB, California Public Utilities Commission, California Energy Commission, MTC, and BAAQMD) and technological advances are outside the City's control, and therefore could not be relied upon as feasible mitigation strategies at the time of the latest revisions to the GHG Reduction Strategy (e.g., when the Final Supplemental FEIR to the General Plan FEIR was certified on December 15, 2015). Thus, the City Council adopted overriding considerations for the identified cumulative impact for the year 2035 target.

The General Plan includes an implementation program for monitoring, reporting progress on, and updating the GHG Reduction Strategy over time as new technologies or practical measures are identified. Implementation of future updates is called for in General Plan Policies IP-3.7 and IP-17.2 and embodied in the GHG Reduction Strategy. The City of San José recognizes that additional strategies, policies, and programs, to supplement those currently identified, will ultimately be required to meet the mid-term 2035 reduction target of 40 percent below 1990 levels in the GHG Reduction Strategy and the target of 80 percent below 1990 emission levels by 2050.

The following General Plan policies are related to GHG emissions and are applicable to the proposed project:

⁵⁴ As described in 2040 General Plan EIR, the 2035 efficiency target above reflects a straight line 40 percent emissions reduction compared to the projected citywide emissions (10.90 MT CO₂e) for San José in 2020. It was developed prior to issuance of Executive Order S-30-15 in April 2015, which calls for a statewide reduction target of 40 percent by 2030 (five years earlier) to keep on track with the more aggressive target of 80 percent reduction by 2050.

Envision San José 2040 General Plan Relevant Greenhouse Gas Policies

Policy	Description
Action MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

City of San José Municipal Code

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

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

San José Transportation Analysis Policy (Council Policy 5-1)

This policy, which was adopted in 2018, changed the methodology for the evaluation of traffic impacts of all projects from a delay-based metric (i.e., level of service) to one based on vehicle-miles-traveled (VMT). The intent of the policy is to reduce the emission GHGs and other pollutants associated with vehicular travel. Please see *Section 3.17 Transportation* for a detailed discussion of this policy and its applicability to the proposed project.

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.

3.8.1.3 *Existing Conditions*

The project site is currently occupied by three office buildings, three warehouse buildings, a parking structure, surface parking lots, and landscaping. GHG emissions are primarily attributable to operational activities of the existing buildings, such as heating and cooling, and associated vehicular traffic to and from the site.

3.8.2 Impact Discussion

For the purpose of determining the significance of the project's impact on greenhouse gas emissions, would the project:

- a) Generate 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?
- c)

3.8.2.1 *BAAQMD Significance Thresholds*

The BAAQMD's CEQA Air Quality Guidelines do not use quantified thresholds for projects that are in a jurisdiction with a qualified adopted GHG reductions plan (i.e., a Climate Action Plan). Such a qualified Climate Action Plan should address emissions reductions with the associated period that the project would operate (e.g., beyond year 2020). However, as discussed earlier, City's GHGRS is aimed for reductions under AB 32 for the 2020 target year.

For quantified emissions, the BAAQMD's Air Quality Guidelines recommended a GHG threshold of 1,100 MT or 4.6 MT per capita. These thresholds were developed based on meeting the 2020 GHG targets set in the scoping plan that addressed AB 32. Development of the project would occur beyond 2020, so a threshold that addresses a future target is appropriate. In absence of targets beyond year 2020, City has identified 3.04 metric tons (MT) CO₂e/SP efficiency metric for target year 2035. An additional reduction of 5,392,000 MT CO₂e per year would be required for the projected service population to meet the City's target for 2035. Although BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Substantial Progress" efficiency metric of 2.6 MT CO₂e/year/service population and a bright-line threshold of 660 MT CO₂e/year based on the GHG reduction goals of EO B-30-15. This service population threshold is calculated for 2030 based on the GHG reduction goals of EO B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.⁵⁵

⁵⁵ Association of Environmental Professionals, 2016. *Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*. April 2016.

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

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Emissions for the proposed project are discussed below and were analyzed using the methodology recommended in the BAAQMD CEQA Air Quality Guidelines.

CalEEMod was used to predict GHG emissions from operation of the site assuming full build-out of the project. The project land use types and size and other project-specific information were input to the model. The project service population efficiency rate is based on the number of future students and employees. For this project, the total number of students enrolled, and staff members was provided and used to calculate the total service population. Per BAAQMD, student, teachers, and administrators can be included within the service population for a school.⁵⁶ On campus, there would be a total of 2,744 students on site at any one time and there would be a total of 480 staff members. The total service population would be 3,224 individuals.

Construction Emissions

GHG unmitigated emissions associated with construction were computed to be 1,650 MT of CO₂e for the total construction period using CalEEMod. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, although BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable. **(Less than Significant Impact)**

Operational Emissions

The CalEEMod model, along with the project vehicle trip generation rates, was used to estimate daily emissions associated with operation of the fully developed site under the proposed project. The offsets from other project-specific sustainability measures were not included in this analysis. As shown in Table 3.8-1, the annual net emissions resulting from operation of the proposed project are predicted to be 4,069 MT of CO₂e for the year 2026 and 3,748 MT of CO₂e for the year 2030. The Service Population Emissions for the years 2026 and 2030 would be 1.7 and 1.6 MT CO₂e/year/service population, respectively.

⁵⁶ Confirmed through correspondence with Areana Flores, BAAQMD, September 20, 2019.

Table 3.8-1: Annual Project GHG Emissions (CO₂e) in Metric Tons and Per Capita				
Source Category	Existing Land Use in 2026	Proposed Project in 2026	Existing Land Use in 2030	Proposed Project in 2030
Area	<1	<1	<1	<1
Energy Consumption	572	917	572	917
Mobile	788	4,424	718	4,034
Solid Waste Generation	122	252	122	252
Water Usage	63	21	63	21
Total (MT CO ₂ e/year)	1,546	5,614	1,476	5,225
Net Total (Mt CO ₂ e/year)		4,069		3,748
Significance Threshold [Mass Emissions]		660 MT CO₂e/year		660 MT CO₂e/year
Service Population Emissions (MT CO ₂ e/year/service population)		1.7		1.6
Significance Threshold [Efficiency Target]		2.6 in 2026		2.6 in 2030
Significant (Exceeds both thresholds)?		<i>No</i>		<i>No</i>

To be considered significant, the project must exceed both the GHG significance threshold in metric tons per year and the service population significance threshold. The 2026 and 2030 per capita emissions do not exceed the “Substantial Progress” efficiency metric of 2.6 MT CO₂e/year/service population. Therefore, the project would have a less than significant impact regarding GHG emissions. **(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?

City of San José Greenhouse Gas Reduction Strategy

The City of San José’s GHG Reduction Strategy is the primary benchmark used for assessing whether the proposed project will contribute significantly to GHGs in the region. The GHG Reduction Strategy was developed in accordance with the BAAQMD CEQA Guidelines, and in accordance with CEQA Guidelines Section 15183.5, where GHG Reduction Plans are specifically addressed.

The project proposes to redevelop the site and operate a 2,744-student, approximately 460,000 square feet of new development above grade and 80,000 gross square feet of basement area, with up to 480 faculty and staff members. Project construction and operation would contribute to regional GHG emissions. The GHG Reduction Strategy lists the following mandatory criteria that development projects must satisfy in order to be consistent with City goals and policies:

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10);
2. Implementation of Green Building Measures (General Plan Goals MS-1, MS-14)
 - a. Solar site orientation

- b. Site design
 - c. Architectural design
 - d. Construction techniques
 - e. Consistency with City Green Building Ordinances and Policies
 - f. Consistency with GHG Reduction Strategy Policies MS-1.1, MS-1.2, MS-2.3, MS-2.11, and MS-14.4;
- 3. Pedestrian/Bicycle Site Design Measures
 - a. Consistency with Zoning Ordinance
 - b. Consistency with GHG Reduction Strategy Policies CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.18, TR-3.3, and TR-6.7;
- 4. Salvage building materials and architectural elements from historic structures to be demolished to allow reuse (General Plan Policy LU-16.4), if applicable;
- 5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g., data centers; General Plan Policy MS-2.8), if applicable;
- 6. Preparation and implementation of the Transportation Demand Management Program at large employers (General Plan Policy TR-7.1), if applicable; and
- 7. Limits on drive-through and vehicle serving uses, if applicable. All new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow (General Plan Policy LU-3.6).

The proposed project is consistent with the site's existing General Plan land use designation and would be rezoned to maintain consistency with the Zoning Ordinance (see *Section 3.11, Land Use and Planning*). Therefore, the project would satisfy Criteria 1. The project would be constructed in compliance with the San José Green Building Ordinance for Private Sector New Construction, as set forth in Municipal Code Section 17.84. This would ensure that construction waste is minimized and recycled to the extent feasible. As discussed in *Section 2.2.5 Green Building Measures*, the proposed project would include a 10,000 square foot solar photovoltaic system on select buildings (Buildings 2 and 4), adaptively reuse approximately 150,000 square feet of two buildings (Buildings 1 and 2) and be designed to achieve LEED certification. Therefore, the project would satisfy Criteria 2, above.

The proposed project, which would include approximately 2,744 students and 480 staff, would implement TDM measures to reduce both staff and student vehicle trips (refer to *Section 3.17, Transportation*). Additionally, as discussed in *Section 3.17, Transportation*, the project would facilitate completion of numerous offsite improvements to improve multimodal infrastructure in the vicinity of the site. The project would provide bicycle parking spaces consistent with the Zoning Ordinance. For these reasons, the project would satisfy Criteria 3 and 6.

The site does not contain historic structures and the project does not propose an energy-intensive use; therefore, Criteria 4, 5, and 7 are not applicable to the project.

As previously mentioned, the General Plan FEIR and SEIR has determined that full buildout of the General Plan would result in significant unavoidable GHG impacts. However, the project would continue to comply with existing regulations to reduce emissions at a project-level and would comply with regional and State GHG reduction thresholds through 2030. For these reasons, the project would

not result in a significant GHG emissions impact due to inconsistencies with the City's GHG Reduction Strategy and applicable policies. **(Less than Significant Impact)**

Climate Smart San José

Climate Smart San José has been adopted by the City with the purpose of creating a more sustainable, connected, and economically inclusive City. Climate Smart San José is aligned with General Plan growth patterns and General Plan policies which prioritize automobile-alternative transportation modes, encourage denser development, and ensure energy-efficient features are included in new buildings.

As discussed in *Section 3.6, Energy*, the project would be subject to the Green Building Policy, which requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. As discussed in *Section 3.17, Transportation*, the project would implement mitigation measures (MM TRN-1) to achieve a 17 percent reduction in student VMT and three percent reduction in staff VMT. Furthermore, the proposed project is an infill development which would densify the use of the site and bring new jobs to an already developed area. For these reasons, the project is consistent with the City's climate action goals as set forth in Climate Smart San José. **(Less than Significant Impact)**

3.8.2.3 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a GHG emissions impact?

The discussion above addresses the project's contribution to the cumulative GHG emissions impacts on a regional, statewide, and global basis. Cumulatively considerable GHG emission impacts from cumulative development in San José would be avoided by implementing measures included in the City's GHGRS and Climate Smart San José. **(Less than Significant Cumulative Impact)**.

3.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment (ESA) and Phase II ESA completed for the project site by *Cornerstone Earth Group, Inc. (Cornerstone)*. The Phase I ESA, dated May 20, 2019, and Phase II ESA, dated December 16, 2019, are included in this DEIR as Appendix F.

3.9.1 Environmental Setting

3.9.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

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

Federal and State

Federal Aviation Regulations Part 77

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

Cortese List (Government Code Section 65962.5)

Section 65962.5 (a) 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 the state, 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),

State Water Resources Control Board (SWRCB), and Santa Clara County. The project site is not on the Cortese List.⁵⁷

Asbestos-Containing Material and Lead Paint Regulations

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 asbestos floor tiles, and transite siding made with cement. Use of friable asbestos products was banned in 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodel that may disturb the ACMs.

The U.S. 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 Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 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.

California Accidental Release Prevention Program (CalARP)

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 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 County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

California Department of Education Criteria

California Education Code Section 17251 and California Code of Regulations (CCR) Title 5, sections 14001 through 14012, outline the powers and duties of the California Department of Education (CDE) regarding school sites and the construction of school buildings with respect to environmental hazards associated with nearby power lines, railroad tracks, facilities that use or store hazardous materials, aboveground storage tanks, hazardous pipelines, high volume water pipes, traffic corridors, and facilities with hazardous air emissions. While these requirements specifically apply to public school siting, the information is still relevant to the project, because the City of San José, as the CEQA Lead Agency, would consider the information in determining the suitability of the project site for the proposed private school.

⁵⁷ CalEPA. "Cortese List Data Resources." Accessed June 3, 2019. <https://calepa.ca.gov/sitecleanup/corteselist>.

Local

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

The Norman Y. Mineta San José International Airport is located approximately 2.3 miles north of the project site. Development within the Airport Influence Area (AIA) can be subject to hazards from aircraft and also pose hazards to aircraft travelling to and from the airport. The County of Santa Clara Airport Land Use Commission (ALUC) adopted an Airport Comprehensive Land Use Plan (CLUP) in October of 2010, amended November 16, 2016, to address these potential hazards and establish review procedures for potentially incompatible land uses.

The AIA is a composite of areas surrounding the airport that are affected by noise, height and safety considerations. These hazards are addressed in federal and state regulations as well as in land use regulations and policies in the CLUP. The CLUP set standards focused on three areas of ALUC responsibility: noise, objects in navigable airspace, and the safety of persons on the ground and in aircraft. Projects within the AIA are subject to an additional level of review by the City to determine how policies established in the CLUP may impact the proposed development.

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.

Envision San José 2040 General Plan Relevant Hazardous Materials Policies

Policy	Description
EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations, and guidelines.
EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
EC-7.5:	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land

Policy	Description
	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.

3.9.1.2 *Existing Conditions*

The 11.87-acre project site is developed with three office buildings (1401 Parkmoor Avenue, 550 Meridian Avenue, 570 Meridian Avenue), three warehouse buildings (529 Race Street, 581 Race Street, 691 Race Street), a parking structure, surface parking lots, and landscaping. Surrounding uses include a two-story office building and commercial buildings to the north, five-story residential buildings to the east, a two-story office building and I-280 to the south, and a commercial shopping center with surface parking to the west.

Site History

Cornerstone conducted a review of prior site assessments, including a Phase I ESA prepared by *AEI Consultants* in January 2018 and a Phase I ESA prepared by *Cornerstone* in May 2014, historical aerial photographs, topographic maps, Sanborn fire insurance maps, and local street directories to describe the historical uses of the site.

The eastern portion of the site was historically developed with several residences and associated outbuildings; a portion was also occupied by an orchard. During the 1950s, a small store and restaurant structure and a truck repair and storage building also were present. The existing on-site warehouse structures appear to have been constructed during the late 1950s or early 1960s and initially occupied by US Products Corporation for canned goods storage. Subsequent occupants of the warehouses reportedly have included NCC Corporation (presumably NCC Food Corporation) (1972-1981), Super Cocina Las Cazuelas (1986), United Shredding and Document Storage (2008-2013) and Frontier Infinity. Current occupants include Western Appliance, Green Mouse Recycling, Children's Musical Theater, Garden City Recycle & Salvage and San José Search and Rescue.

The western portion of the site historically was used for agricultural purposes (orchards) and occupied by several residences. By 1966, a canned goods warehouse, two car washes, and a restaurant were constructed on-site and several residences remained. A variety of tenants subsequently occupied the site for various commercial businesses, warehouse/storage and manufacturing. The two existing three-story office buildings and parking garage were constructed between 2001 and 2003 for occupancy by Echelon for general office uses, research and development (R&D) and testing of the company's electrical meter products.

On-Site Environmental Conditions

Reported Chemical Storage and Use

The Children's Musical Theater uses paints for theatrical set construction activities. A few safety cans of gasoline and one- and five-gallon containers of paint and building maintenance products also are stored within the San José Search and Rescue space. No evidence of hazardous materials spills was observed. Additionally, no information was readily identified during prior studies that suggests past occupants of the existing warehouses have used or stored significant quantities of hazardous materials. No information was identified in the Phase I ESA documenting the use of lead-based paint on-site. Based on the age of some of the existing on-site structures and the prior on-site structures, however, lead-based paint may have been used.

Three electrical transformers owned by PG&E are present on exterior concrete pads near the 550 and 570 Meridian Avenue buildings and near the exterior northeast corner of the 1401 Parkmoor Avenue building. These transformers appeared to be relatively new (likely installed during the early 2000s during redevelopment activities on the western portion of the site); thus, they are not likely to contain polychlorinated biphenyls (PCBs). Production of PCBs was banned in the United States by the Toxic Substances Control Act (TSCA) in 1978.

UST Removal at 972 Harmon Avenue

Two USTs were removed in the northern portion of the site at 972 Harmon Avenue in 1988 including a 10,000 gallon gasoline UST and a 10,000 gallon diesel UST. These USTs were removed under permit from the San José Fire Department (SJFD). Analysis of soil samples collected in 1988 below the USTs did not detect total petroleum hydrocarbons as gasoline (TPHg), TPH as diesel (TPHd) or BTEX compounds (benzene, toluene, ethylbenzene and xylenes).

UST and Oil-Water Separator Removals at 536 Meridian Avenue (area of current 550 Meridian office building)

In 1996, two 12,000 gallon vehicle fuel (likely gasoline or diesel) USTs were closed in place on-site at 536 Meridian Avenue (formerly occupied by a car wash) under permit from SJFD. Two soil borings were drilled near the tanks and soil samples were collected; an analysis of the samples collected did not detect petroleum hydrocarbons. A concrete oil/water separator also was removed from the site that was located in a parking area to the east of the two 12,000-gallon USTs. Soil and groundwater sampling conducted near the USTs and oil-water separator by OST in 1993 did not identify significant impacts. According to the Phase I report, no further analysis was required.

LUST Case at 590 Meridian Avenue (area of current 570 Meridian office building)

Lozano Car Wash (also referred to as Beaver Car Wash) was previously located at 590 Meridian Avenue in the 1970s and early 1980s (on the southwest corner of the site). Three gasoline underground storage tanks (USTs) reportedly were removed from this facility in 1979. Investigations were subsequently performed between 1993 and 2000 to evaluate site conditions. The LUST case associated with 590 Meridian Avenue was closed by the Santa Clara Valley Water District (SCVWD) in 2001. The SCVWD concluded that “a continuing threat to groundwater, human health, and the environment from residual petroleum hydrocarbons does not exist at this site, and that RWQCB objectives have not been compromised.”

Water Board’s Cleanup Program Site CPS Case at 600 Meridian Avenue

During the 1980s, Engineered Systems and Development Corporation (ESD), a manufacturing company, occupied the northern portion of a former on-site warehouse building at 600 Meridian Avenue. Details regarding the prior manufacturing activities are not well documented; however, available chemical inventories indicate that ESD stored a variety of compressed gasses, paint related products, lubricants, acids, bases, metals (i.e., chromium trioxide [10 pounds]), and photographic fixers and developers. Extensive oil stains were reported in prior studies; and a complaint in 1985 described alleged mishandling and storage of eight to ten 55-gallon drums. The drums were reported to have been in poor condition, with several being overturned, and appearing to have spilled their contents onto surrounding soil. The drum contents were unknown.

An 8-foot-diameter by 10-foot-deep waste sump was closed in placed at 600 Meridian Avenue in 1988. The sump was used by ESD to store sulfuric etchant. The sump closure work was performed under the oversight of the Santa Clara County Department of Environmental Health (SCCDEH). No VOCs or Semi-VOCs were detected. The detected metal concentrations appear typical of natural background concentrations. The status of this CPS case is listed as “open-inactive”.

Agricultural Use

An orchard was historically present on a portion of the site. Pesticides may have been applied to crops in the normal course of farming operations. Historically, pesticide formulations often contained metals, predominantly lead and arsenic (i.e., lead arsenate). Based on the past agricultural use of the site, residual lead or arsenic concentrations may remain in site soil.

Lead-Based Paint and Termite Control Pesticides

Cornerstone's Phase I ESA identified multiple RECs regarding potential impacts to shallow soil (upper approximate 5 feet) quality at the Site. These included the former use of the site for agricultural activities that may have resulted in the presence of residual pesticides and the pesticide related metals arsenic and lead. Based on the age of previously existing structures at the site, lead based paint and termiticides (pesticides) may have been used leaving residual concentrations in soil. To perform a preliminary evaluation of whether shallow soil had been impacted by prior uses and activities at the site, eight borings were advanced in accessible locations and 16 soil samples were collected for laboratory analyses which included OCPs, CAM-17 metals and asbestos. Nine of the soil samples were collected from fill and seven samples were collected from native soil for laboratory analyses. Asbestos was detected in one fill sample and some metals (chromium, cobalt and nickel) were elevated. The exceedances were likely from the presence of fill including base rock and railroad ballast that appear to have an ultramafic parent rock material. OCPs were not detected in either soil type at concentrations above residential screening criteria.

Former On-Site Railroad Track Spurs

Formerly, two railroad track spurs extended onto the southern portion of the site (i.e. on the south side of the structures at 691 Race Street and 1401 Parkmoor Avenue – see Figure 3.9-1). The railroad tracks and wooden ties appear to have been removed; gravel ballast remains on-site. Assorted chemicals were often historically used for dust suppression and weed control along rail lines; residual contaminant concentrations are commonly identified in soil along former railroad track locations. Based on the data obtained from the borings during the Phase II analysis, greater chromium, cobalt and nickel concentrations are associated with the fill, with their greatest concentrations found at the location of the former rail spur. The occurrence of these elevated metals suggests that at least a portion of the fill soils at the site have an ultramafic parent rock material (e.g. serpentinite), and are not related to an anthropogenic source related to a previous site activity or a release of these metals to the site .

Asbestos was detected in one soil sample at a concentration of 1.5 percent which was above the CARB Asbestos Toxic Control Measure regulatory threshold screening level (ATCM-SL) of 0.25 percent. This sample was collected from shallow (upper approximate one foot) fill soil in the area of the former rail spur. Like chromium, cobalt and nickel, asbestos occurs naturally in ultramafic rock (such as serpentinite) and soil derived from these rocks. As discussed above, based on the metal concentrations, fill located in the rail spur area appears to have an ultramafic parent material.

Radon

The project site is located in Santa Clara County, which is designated by the EPA as Zone 2 with a moderate radon potential (average indoor radon screening level between two to four pCi/L). EPA recommends site-specific testing to determine radon levels at the site.

Indoor Air Quality

Cornerstone's Phase I ESA noted that previous work by others (AEI, 2018) had identified benzene in soil vapor samples collected near buildings 550 and 570 Meridian Avenue at concentrations above

2019 ESLs. To evaluate if indoor air quality has been impaired from soil vapor intrusion⁵⁸, Cornerstone collected five indoor air samples and one outdoor ambient air sample at each building (see Figure 3.9-1). Analysis of indoor air samples at each building detected numerous VOCs above residential or Tier 1 ESL indoor air screening criteria. This data indicates that indoor air at each building is impacted with VOCs.

For the VOC compounds that were detected in both soil vapor and indoor air samples, soil vapor concentrations were below their respective residential or Tier 1 ESL screening criteria. Based on this data, intrusion of soil vapor from the subsurface into 550 and 570 Meridian Avenue indoor air space does not appear to be a significant source of VOCs. Analysis of outdoor ambient air samples detected numerous VOC compounds that were also detected in indoor air samples. Numerous VOC concentrations in outdoor air samples were also above their respective residential or Tier 1 ESL screening criteria. Comparison of the outdoor and indoor VOC detections suggests that the flow of outdoor air into indoor spaces may be a significant source of the indoor air VOC detections.

Groundwater Quality

During Phase II investigation, groundwater sampling was performed to evaluate groundwater quality at the site. Laboratory analyses of five groundwater samples did not detect VOCs or petroleum hydrocarbons above laboratory reporting limits or Tier 1 ESLs. Groundwater does not appear to be significantly impacted by these constituents at the site.

Off-Site Environmental Conditions

Three USTs were removed from 1501 Parkmoor Avenue in 1990 and impacts to soil and groundwater quality were subsequently identified. Following several studies to characterize the extent of impact and the operation of a soil vapor extraction system, the LUST case was closed by the SCVWD in 1997. Based on the information reviewed, this adjacent property is located down-gradient from the site with respect to the reported west-northwest groundwater flow direction, and the release does not appear to have significantly impacted the site.

No nearby electrical transmission lines, high-pressure natural gas transmission pipelines or pipelines carrying hazardous substances, acutely hazardous materials, or hazardous wastes were located within a distance that could affect or be affected by the project. No oil or gas wells were identified on-site or within an approximately 1,500-foot radius of the Site.

An asphalt plant (Reed & Graham Inc.) is located at 690 Sunol Street; the facility operates several large ASTs, presumably containing various petroleum-based products that are located approximately 1,400 feet east of the site. According to the California Code of Regulations, Title 5, Section 140101(h), a proposed school “shall not be located near an above-ground water or fuel storage tank or within 1,500 feet of the easement of an above ground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission.” The asphalt plant was evaluated by

⁵⁸ Vapor intrusion is the movement of chemical vapors from contaminated ground water or soil into a nearby building. Vapors primarily enter through openings in the building’s foundation, such as cracks in the concrete slab and gaps around utility lines. It is also possible for vapors to pass through concrete, which is naturally porous. Once inside the workplace, vapors may be inhaled posing potential health risks.

a prior study in November 2006 for Basis Independent School (located approximately 200 feet away from the project site, at the intersection of Race Street and Parkmoor Avenues).⁵⁹ The study determined that a release from the asphalt plant that would impact the Basis school is considered unlikely. Based on the modeling analysis previously completed for the asphalt plant and discussed above, this facility would not pose a significant risk to future sensitive receptors on the site.

Wildland Fires

The project site is not located within an identified Very High Fire Hazard Severity Zone in a State Responsibility Area (SRA) or a Local Responsibility (LRA).^{60,61} The project site is not adjacent to any wildlands that could present a fire hazard.

Airports

The site is located approximately 2.3 miles from the Norman Y. Mineta San José International Airport. The project site is located outside of the AIA for the airport.

3.9.2 Impact Discussion

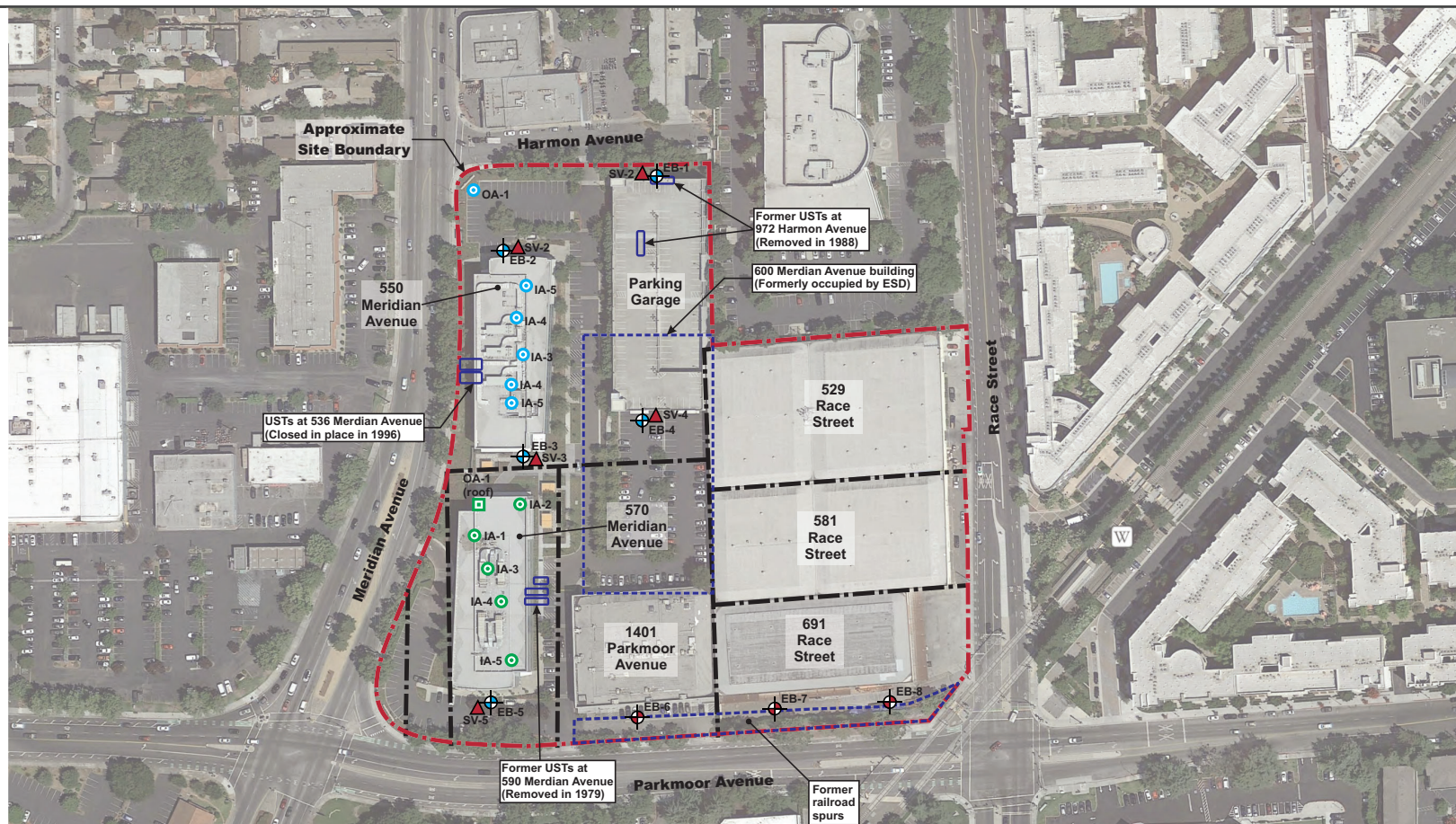
For the purpose of determining the significance of the project's impact on hazards and hazardous materials, would the project:

- a) Create a significant hazard to the public or the environment through 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, would 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?

⁵⁹ City of San José. *Basis Independent School Silicon Valley Addendum*. Page 80. October 2013

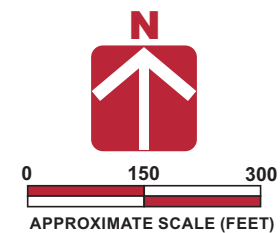
⁶⁰ CAL FIRE. *Santa Clara County Fire Hazard Safety Zone Map – State Responsibility Area*. November 2007.

⁶¹ CAL FIRE. *Santa Clara County Fire Hazard Safety Zone Map – Local Responsibility Area*. October 2008.



Legend

- Approximate location of exploratory boring for the collection of soil and groundwater samples (EB)
- Approximate location of exploratory boring for the collection of soil samples (EB)
- Approximate location of street level outdoor air sample at 570 Meridian Avenue (OA)
- Approximate location of ground level indoor air samples at 570 Meridian Avenue (OA)
- Approximate location of rooftop outdoor air sample at 550 Meridian Avenue (OA)
- Approximate location of ground level indoor air samples at 550 Meridian Avenue (IA)



Source: Cornerstone Earth Group

OUTDOOR AND INDOOR SAMPLE AND BORING LOCATIONS

FIGURE 3.9-1

3.9.2.1 *Project Impacts*

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

Construction of the proposed 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.

Operation of the proposed school is not anticipated to routinely transport and use hazardous materials. For school operations, the extent of hazardous materials used in the buildings would generally be limited to those needed for cleaning and maintenance and for some lab work. Compliance with applicable federal, state, and local laws and regulations pertaining to the handling, storage, and disposal of hazardous materials would ensure that no significant hazards to the public or the environment result from the project's minimal use of hazardous materials. For these reasons, impacts related to the creation of a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials would be less than significant. **(Less than Significant Impact)**

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

Soil, Groundwater, and Vapor Contamination

Soil Quality

Cornerstone's Phase I ESA identified multiple RECs regarding potential impacts to shallow soil (upper approximate five feet) quality at the site. As mentioned in *Section 3.9.1.2, Existing Conditions*, orchards and residences were present on the westerly adjacent property until at least the mid-1950s. Due to past agricultural uses, there is a potential that residual pesticides could remain in site soil. Based on the age of previously existing structures at the site, lead based paint and termiticides (pesticides) may have been used leaving residual concentrations in soil. Chemicals for the suppression of dust and vegetation growth may have been used along the rail spur that previously existed on the southern edge of the site resulting in residual impact to soil. To perform a preliminary evaluation of whether shallow soil had been impacted by prior uses and activities on site, a total of 16 soil samples were analyzed for organochlorine pesticides (OCPs), metals and naturally occurring asbestos (NOA).

Asbestos was detected in one fill sample and some metals (chromium, cobalt and nickel) were elevated. The exceedances were likely from the presence of fill including base rock and railroad ballast that appear to have an ultramafic parent rock material. OCPs were not detected in either soil type at concentrations above residential screening criteria. Therefore, impacts to construction

workers from exposure to residual soil contamination related to agricultural operations, would not occur.

As discussed above in *Section 3.9.1.2 Existing Setting*, fill located in the rail spur area has been found to have an ultramafic (igneous/meta-igneous rock containing low silica and high magnesium and iron) parent rock material.

Impact HAZ-1: Proposed demolition and excavation activities near the former railroad spur area (see Figure 3.9-1) could expose construction workers and/or the environment to elevated levels of metals and NOA.

Mitigation Measures: The following mitigation measures shall be implemented to reduce the exposure of construction workers, the public, and future site users to hazardous materials located on the project site.

MM HAZ – 1.1: Prior to any demolition of buildings near former railroad spur line and excavation to establish basement level for Building 7 or any ground disturbance activities, additional soil sampling/testing shall be completed to define the lateral and vertical extent and magnitude of the impacted soil for metals and NOA. The results of this sampling would assist in determining the area/volume of concern for potential regulatory oversight requirements including air monitoring during construction activities that disturb soil containing asbestos.

MM HAZ – 1.2: An Asbestos Dust Mitigation Plan (ADMP) along with perimeter air monitoring confirmation sampling shall be implemented during all ground-disturbing construction activities to prevent spreading of asbestos fibers.

MM HAZ – 1.3: A Soil Management Plan (SMP) and Health and Safety Plan (HSP) shall be prepared for the proposed demolition and redevelopment activities, and specifically for the identified and mapped area/volume of concern. The SMP shall identify additional sampling based on the mapped areas up to appropriate depth. The actual number and locations of samples for the NOA and metals must be based on site inspection and in consultation with the oversight (SCCDEH or DTSC) project manager. Clean-up of the NOA shall include measures based on the DTSC, School Division's 2004 *Interim Guidance, Naturally Occurring Asbestos (NOA) at School Sites*. The purpose of these documents will be to establish appropriate management practices, including regulatory performance standards and criteria for handling impacted soil or other materials that may potentially be encountered during construction activities in this area.

MM HAZ-1.4: If the contaminated materials are planned to be capped during construction by site improvements (landscape beds, buildings, pavements, turf sections, etc.), it should be included in the SMP and HSP, for the approval under the regulatory oversight of the Santa Clara County Department of Environmental Health (SCCDEH) or State Department of Toxic Substances Control (DTSC).

If the contaminated soils are planned to be removed from the site, these shall be hauled off-site and disposed of at a licensed hazardous materials disposal site. Capped areas (if and as included in the SMP) will require institutional controls which may include a deed restriction for the affected areas and an operations and maintenance (O&M) Plan.

MM HAZ – 1.5: The SMP, HSP and O&M plans shall be provided to the Director of Planning, Building and Code Enforcement or Director's designee, the Environmental Services Department (ESD) staff, and SCCDEH for approval prior to any demolition, grading permits or ground disturbing activities.

With implementation of MM HAZ-1.1 through 1.5, the elevated NOA and metals identified in shallow soils would be mitigated to a less than significant level. **(Less than Significant with Mitigation)**

Groundwater Quality

During the Phase II analysis, groundwater sampling was performed to evaluate groundwater quality at the site. Laboratory analysis of five groundwater samples did not detect VOCs or petroleum hydrocarbons above laboratory reporting limits of Tier 1 ESLs. Therefore, groundwater does not appear to be significantly impacted by these constituents at the site. **(No Impact)**

Soil Vapor Quality

To evaluate soil vapor quality at the site, five soil vapor samples (SV-1 through SV-5, as seen on Figure 3.9-1) were collected at the site and analyzed for VOCs and fixed gases. None of the detected VOCs concentrations exceeded their respective residential or Tier 1 ESL screening criteria. However, due to some limitations during Phase II testing, as noted below, additional soil sampling is recommended as stated in MM HAZ-2.1. Therefore, with the implementation of these measures, the impact would be reduced to less than significant level. **(Less than Significant with Mitigation)**

Indoor Air Quality

The project site contains several historical land uses which present the possibility of residual contamination of soil, soil vapor, and groundwater at the site. The main areas of concern at the site are related to the former uses at 550, 570, and 600 Meridian Avenue. The existing buildings at 550 and 570 Meridian Avenue are proposed for conversion to school buildings, and Cornerstone's Phase I ESA noted that previous work by others had identified benzene in soil vapor samples collected near buildings 550 and 570 Meridian Avenue at concentrations above 2019 ESLs. To evaluate if indoor air quality has been impaired from soil vapor intrusion⁶², Cornerstone collected five indoor air samples and one outdoor ambient air sample at each building (see Figure 3.9-1 to view the indoor and outdoor air sampling locations). The indoor and outdoor air samples were analyzed for VOCs.

⁶² Vapor intrusion is the movement of chemical vapors from contaminated groundwater or soil into a nearby building. Vapors primarily enter through openings in the buildings foundation, such as cracks in the concrete slab and gaps around utility lines. It is also possible for vapors to pass through concrete, which is naturally porous. Once inside the workplace, vapors may be inhaled posing potential health risks.

Analysis of indoor air samples at each building detected numerous VOCs above residential or Tier 1 ESL indoor air screening criteria.

Soil Vapor Intrusion: The majority of VOCs detected in the indoor air samples were not detected in the soil vapor samples collected near the buildings (SV-2, SV-3 and SV-5) (see Figure 3.9-1). For the VOC compounds that were detected in both soil vapor and indoor air samples, soil vapor concentrations were below their respective residential or Tier 1 ESL screening criteria. Based on this data, intrusion of soil vapor from the subsurface into 550 and 570 Meridian Avenue indoor air space does not appear to be a significant source of VOCs.

Outdoor Air Intrusion: Analysis of outdoor ambient air samples detected numerous VOC compounds that were also detected in indoor air samples. Numerous VOC concentrations in outdoor air samples were also above their respective residential or Tier 1 ESL screening criteria. Comparison of the outdoor and indoor VOC detections suggests that the flow of outdoor air into indoor spaces may be a significant source of the indoor air VOC detections.

Limitations: Various factors as noted below, make it difficult to interpret the results of the indoor air data:

- 570 Meridian Avenue was undergoing tenant improvement construction activities during air sampling. Construction activities may have also included the use of various VOCs containing materials and products.
- No HVAC operation was occurring during air sampling, and building doors were noted to be open most of the day.
- During the building materials survey, numerous possible VOC containing products were also noted to be stored in buildings 550 and 570 Meridian Avenue.

Impact HAZ-2: Numerous VOCs were detected in the indoor and outdoor ambient air samples that could result in exposure hazards to the future occupants of the site. It was difficult to interpret the indoor air data due to the limitations listed above.

Mitigation Measures: The following measures shall be implemented to re-sample indoor air (and potentially soil vapor) when interior building conditions are more representative of actual indoor air quality conditions that would be experienced by future occupants to reduce impacts to the future occupants from exposure risks to VOCs.

MM HAZ-2.1: Indoor air and soil vapor sampling shall be conducted at the existing buildings at 550 and 570 Meridian Avenue by a qualified environmental professional to re-evaluate potential impacts from vapor intrusion. This re-sampling shall be conducted prior to building occupancy to further evaluate indoor air quality. The results of the indoor air and soil vapor sampling shall be submitted to the City's Director of Planning, Building and Code Enforcement or Director's designee, the Municipal Compliance Officer in the Environmental Services Department, and SCCDEH, prior to issuance of any demolition or grading permits.

Approval by the SCCDEH is a requirement before issuance of any occupancy or other use permits. If air sampling determines that vapor intrusion is a concern for future users of the building, the project shall implement measures to reduce vapor intrusion; these measures could include vapor barriers, passive venting, sub-slab depressurization, and/or building over-pressurization.

With implementation of MM HAZ-2.1, the exposure risks to VOCs would be mitigated to a less than significant level. **(Less than Significant with Mitigation)**

Asbestos-Containing Materials and Lead-Based Paint

Several of the buildings on-site (529, 581, 691 Race Street and 1401 Parkmoor Avenue) were constructed prior to 1980 and most likely have materials that contain ACMs and/or lead-based paint. The project proposes to demolish the four buildings, which could release asbestos particles and expose construction workers and nearby residents to harmful levels of asbestos.

If lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. If lead-based paint is peeling, flaking, or blistered, it should be removed prior to demolition. It is assumed that such paint will become separated from the building components during demolition activities and must be managed and disposed of as a separate waste stream. Any debris or soil containing lead paint or coating must be disposed of at landfills that are permitted to accept such waste.

The project is required to conform to the following regulatory programs and to implement the following measures (which are also included as standard permit conditions) to reduce impacts due to the presence of ACMs and/or lead-based paint:

Standard Permit Conditions: Consistent with federal, state, and local policies and regulations, the following conditions are included to reduce impacts from asbestos and lead-based paint to a less than significant level:

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and sampling shall be conducted prior to the demolition of on-site buildings to determine the presence of ACMs and/or lead-based paint.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.
- Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers.
 - Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
 - During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
 - Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

Conformance with regulatory requirements will result in a less than significant impact from ACMs and lead-based paint. **(Less than Significant Impact)**

With the implementation of standard permit conditions and mitigation measures HAZ 1.1 through 1.5 and HAZ-2.1, impacts related to the creation of a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

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

The nearest school to the project site is BASIS Independent, a private school located approximately 300 feet southeast of the site. As discussed previously in Impact HAZ-1, the project would not result in hazardous emissions or hazardous materials being transported to and from the site, nor would hazardous waste be produced or disposed of during operation of the project. During construction of the proposed project, the impacts from potential exposure to OCPs, lead and NOA would be mitigated by mitigation measures MM HAZ-1.1 through 1.5 and Standard Permit Conditions, as listed above. Therefore, the impact would be less than significant. **(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, create a significant hazard to the public or the environment?

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Thus, there would be no impact to the public or the environment. **(No Impact)**

e) Would the project be 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 Norman Y. Mineta San José International Airport is located approximately 2.3 miles north of the project site. The project site is not located within the Airport Influence Area of the adopted Comprehensive Land Use Plan (CLUP) for the San José International Airport. The project is located outside of airport safety zones, the airport influence area, and the 60 dBA CNEL aircraft noise contours.

As previously mentioned, Federal Aviation Regulations, Part 77, “Objects Affecting Navigable Airspace” (referred to as FAR Part 77) requires 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 ground. For the project site, any structure exceeding approximately 50 feet in height above grade would require submittal to the FAA for airspace safety review. As the proposed project would have a maximum height of 120 feet, notification to the FAA is required to determine the potential for the project to create an aviation hazard. The project site is not located within the airport land use plan for any other airports in the region, including Reid-Hillview Airport and Moffett Federal Airfield. Thus, there would be no impact related to a nearby airport. **(Less than Significant Impact)**

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

The project proposes to redevelop an urban site without modifying the existing roadway network. The project site plan would include two emergency vehicle access lanes and the final site design would be reviewed for consistency with applicable fire department standards. The project would not impair or interfere with the implementation of an adopted City of San José or County of Santa Clara emergency response plan or emergency evacuation plan. **(No Impact)**

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

The project site is located in an urbanized area of San José. There are no areas susceptible to wildfire in the project vicinity. Therefore, the project would not expose people or structures to substantial risk as a result of potential wildfires. **(No Impact)**

3.9.2.2 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant hazards and hazardous materials impact?

Cumulative projects in the City of San José are likely to be proposed on sites that were previously developed with industrial or commercial uses. It is possible that hazardous materials may have been stored and used on, and/or transported to and from some of these properties as part of the use of the sites. Historical or current hazardous materials use could result in residual soil and/or groundwater contamination related to petroleum products, leaking storage tanks, or chemical releases. Contamination on sites proposed for future projects in the City could have impacts on the health and safety of construction workers, adjacent uses, and future site occupants.

In addition, many of the properties in San José and surrounding cities were used for agricultural purposes prior to their development for industrial and residential uses and agricultural chemicals such as pesticides and fertilizers may have been used on-site in the past. The use of these chemicals can result in widespread residual soil contamination, sometimes in concentrations that exceed regulatory thresholds. In addition, development and redevelopment of some of the sites may require demolition of existing buildings that may contain ACMs and/or lead paint. Demolition of these structures could expose construction workers or other persons in the vicinity to harmful levels of asbestos or lead.

Based on the above-described conditions, which are present on most project sites to varying degrees, potentially significant environmental impacts could occur under the cumulative development scenario since such conditions can lead to the exposure of residents and/or workers to substances that have been shown to adversely affect health. Each of the cumulative projects under consideration would be required to assess the potential for past or current hazardous site conditions to affect, or be affected by, the proposed project. In accordance with General Plan policies, cumulative projects would include mitigation measures or permit conditions to reduce potential impacts from the project to the health and safety of the public and the environment. Measures would include incorporating the requirements of applicable existing local, state, and federal laws, regulations, and agencies such as DTSC and Cal/OSHA, during all phases of project development. By adhering to federal and state regulations, City policies, and the mitigation measures set forth in this section, the proposed project would not result in a significant hazardous materials impact, nor would it result in a cumulatively considerable contribution to a significant hazards and hazardous materials impact. **(Less than Significant Cumulative Impact)**

3.9.3 Non-CEQA Effects

Pursuant to Title 5 of the California Education Code (CDE), the *Phase I Report* included an analysis of the environmental hazards associated with nearby hazardous pipelines, above-ground storage tanks, hazardous facilities, railroad tracks, power transmission lines, and traffic corridors. CDE approval is required for school districts to receive state funding for site acquisition. The proposed school is a private school seeking no state funding.

As discussed in *Section 3.9.1.2*, no nearby electrical transmission lines, high-pressure natural gas transmission pipelines or pipelines carrying hazardous substances, acutely hazardous materials, or hazardous wastes were located within the distances specified by state codes and, as a result, could pose an environmental concern to the proposed school campus. No oil or gas wells were identified on-site or within an approximately 1,500-foot radius of the site. An asphalt plant located within 1,500 feet of the project site was determined to have no impact on the proposed school.

3.10 HYDROLOGY AND WATER QUALITY

3.10.1 Environmental Setting

3.10.1.1 *Regulatory Framework*

Federal and State

Water Quality Overview

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. 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 water quality control boards. The project site is within the jurisdiction of the San Francisco Bay RWQCB.

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) in order 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 (FIRM) that identify Special Flood Hazard Areas (SFHA). 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 a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements are to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Dam Safety Act

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail.⁶³ Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state level. In accordance with

⁶³ California Governor's Office of Emergency Services. 2018. *2018 State Hazards Mitigation Plan*. Accessed May 9, 2019. <https://www.caloes.ca.gov/cal-oes-divisions/hazard-mitigation/hazard-mitigation-planning/state-hazard-mitigation-plan>.

the state Dam Safety Act, dams are inspected regularly, and detailed evacuation procedures have been prepared for each dam.

Regional

Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan or “Basin Plan”. The Basin Plan lists the beneficial uses that the 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 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 Stormwater NPDES Permit (MRP)/C.3 Requirement

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit⁶⁴ (MRP) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site’s natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

In addition to water quality controls, the MRP requires all new 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 beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious (as per the Santa Clara Valley Permittees Hydromodification Management Applicability Map).

Local

City of San José Post-Construction Urban Runoff Management (Policy 6-29)

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

⁶⁴ MRP Number CAS612008.

City of San José Hydromodification Management (Policy 8-14)

The City of San José's Policy No.8-14 implements the stormwater treatment requirements of Provision C.3 of the MRP. Policy No. 8-14 requires all new 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 beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

The proposed project is exempt from the NPDES hydromodification requirements related to preparation of an HMP because the project site is located in a subwatershed greater than or equal to 65 percent impervious surfaces.⁶⁵

Envision San José 2040 General Plan

Future development allowed by the proposed land use designation would be subject to the hydrology policies of the City's General Plan, including the following:

Envision San José 2040 General Plan Relevant Hydrology and Water Quality Policies

Policy	Description
IN-3.1	Achieve minimum level of services: <ul style="list-style-type: none">For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines.For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.
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 for proposed developments that define needed drainage improvements per City standards.
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.
MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
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.

⁶⁵ Santa Clara Valley Urban Runoff Pollution Prevention Program. "Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements – San José." July 2011.

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 stormwater controls.
EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Action EC-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.

3.10.1.2 *Existing Conditions*

The project site is located in a predominantly urban environment adjacent to the Midtown District of the City. Los Gatos Creek is the closest waterway to the site, approximately 0.4-mile to the southeast.

Hydrology and Drainage

The project site is located in the Guadalupe River Watershed, as identified in the Envision San José 2040 FEIR (as amended).⁶⁶ The Guadalupe River Watershed drains approximately 171 square miles, beginning on the Santa Clara Valley floor at the confluence of Alamitos Creek and Guadalupe Creek and flowing until its discharge point at the Lower South San Francisco Bay.⁶⁷ The project site is comprised almost entirely of impervious surfaces, with stormwater draining from the site into the City's storm drainage system, to Los Gatos Creek, to its confluence with the Guadalupe River, and eventually into the South San Francisco Bay.

Flooding and Other Hazards

The project site is not located in a 100-year floodplain, according to FEMA Flood Insurance Rate Maps for Santa Clara County.⁶⁸ The project site is designated as a Flood Zone D. Flood Zone D indicates an undetermined flood hazard for the site and is reserved for areas where no flood hazard analysis has been conducted. Flood Zone D is not a Special Flood Hazard Area; therefore, no requirements are placed on new development in this area by the City of San José or the County of Santa Clara as it relates to flood insurance and/or flood protection.

The project site is located within the dam failure inundation zone for the Lexington Dam, as identified in the General Plan 2040 FEIR (as amended). The site would be subject to inundation in the event of failure of the Lexington Dam.

⁶⁶ City of San José. *Envision San José 2040 General Plan FEIR*. Figure 3.7-1. Page 540. September 2011.

⁶⁷ Santa Clara Valley Urban Runoff Pollution Prevention Program. *Guadalupe Watershed*. Accessed May 9, 2019. http://www.scvurppp-w2k.com/ws_guadalupe.shtml

⁶⁸ Federal Emergency Management Agency. "FEMA Flood Map Service Center". Accessed May 9, 2019. <https://msc.fema.gov/portal/search?AddressQuery=14001%20Parkmoor%20Avenue%2C%20San%20José%2C%20California#searchresultsanchor>

Due to the project site's inland location and distance from large bodies of water (i.e., the San Francisco Bay), it is not subject to seiche or tsunami hazards, or sea level rise. The site is located on flat terrain and would not be subject to potential mudslides.

Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as “non-point” source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains. Surface runoff from the project site and surrounding area is collected by storm drains and discharged to Los Gatos Creek. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

As it exists, the project site consists of 437,219 square feet of impervious surface area and 79,951 square feet of pervious surface area. Runoff from the site flows untreated into storm drain inlets in the site vicinity, where it is conveyed to the City's storm drain system via a 15-inch diameter storm drain line in Harmon Avenue, a 12-inch diameter storm drain line in Meridian Avenue, and a 66-inch storm drain line in Parkmoor Avenue.⁶⁹ Stormwater from the site is conveyed to Los Gatos Creek where it travels downstream to its confluence with the Guadalupe River, and eventually is discharged to the San Francisco Bay.

3.10.2 Impact Discussion

For the purpose of determining the significance of the project's impact on hydrology and water quality, would the project:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - result in substantial erosion or siltation on- or off-site;
 - substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
 - 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?

⁶⁹ City of San José. “Utility Viewer”. Accessed May 9, 2019.
<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=0d463f017c8a48a7b73b2d35bd7381f1>

- 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?

3.10.2.1 *Project Impacts*

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

Construction-Related Water Quality Impacts

Construction activities, such as grading and excavation, have the potential to result in temporary impacts to surface water quality in local waterways. When disturbance to the soil occurs, sediments may be dislodged and discharged to the storm drainage system, carried by surface runoff flows across the site. The proposed project would result in the disturbance of approximately 11.87 acres of soil, which is more than the one-acre threshold required for conformance with the Construction General Permit.

In addition to the Construction General Permit, development projects in San José are required to comply with the City's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while a site is under construction. An Erosion Control Plan would be prepared for the proposed project due to the disturbance of over one acre of soil (refer to Impact GEO-2). The Erosion Control Plan will detail the BMPs that would be implemented during the construction phase to prevent the release of stormwater pollutants and minimize erosion.

Standard Permit Conditions: The following conditions would be implemented by the project to reduce construction-related water quality impacts:

The project shall comply with the Construction General Permit administered by the State Water Resources Board. Prior to future construction or grading for a project with land disturbance of one acre or more, applicants shall be required to file a NOI to comply with the Construction General Permit and prepare a SWPPP that addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Copies of the SWPPP shall be submitted to the City of San José Department of Public Works.

Best management practices to prevent stormwater pollution and minimize potential sedimentation shall be applied to project construction, including but not limited to the following:

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

Construction of the proposed project, with implementation of the Construction General Permit requirements and the above measures in accordance with the City's General Plan, would not result in significant construction-related water quality impacts. **(Less Than Significant Impact)**

Post-Construction Water Quality Impacts

Under existing conditions, the project parcel is approximately 85 percent impervious (437,219 square feet). Upon completion of the proposed project, impervious surfaces on-site would be decreased by approximately 19 percent from 437,219 square feet to 339,818 square feet, as seen in Table 3.10-1. Because the project would remove and replace more than 10,000 square feet of impervious surface area; therefore, it would be subject to Provision C.3 of the MRP. This requires that the project incorporate site design, source control and runoff treatment controls to reduce the rates, volumes, and pollutant loads of runoff from the project. The following Standard Permit Conditions reflect this requirement:

Standard Permit Conditions: Consistent with the General Plan FEIR, the project will be required to implement the following measures:

- The proposed project shall comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures shall meet the numeric sizing design criteria specified in City Policy 6-29;
- The project's Stormwater Control Plan and numeric sizing calculations shall be in conformance with City Policy 6-29;
- Final inspection and maintenance information on the post-construction treatment control measures shall be submitted prior to issuance of Public Works Clearance.

The project proposes 18 bioretention areas (as shown on Figure 3.10-1) in the form of landscaping and Silva cells⁷⁰ to meet stormwater treatment requirements. Treatment areas would be located throughout the site to treat runoff from the building roofs and hardscape. These LID-based treatment measures have been sized in accordance with Provision C.3 standards. Bioretention areas and landscaping would not only remove pollutants from storm water, but also help to reduce post-construction runoff rates. The project's preliminary stormwater control plan is shown in Figure 3.10-1 on the following page.

The 2040 General Plan FEIR (as amended) has determined that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on water quality. By implementing Standard Permit Conditions for construction activities and complying with the requirements of the MRP, the proposed project would have a less than significant impact on post-construction water quality. **(Less than Significant Impact)**

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

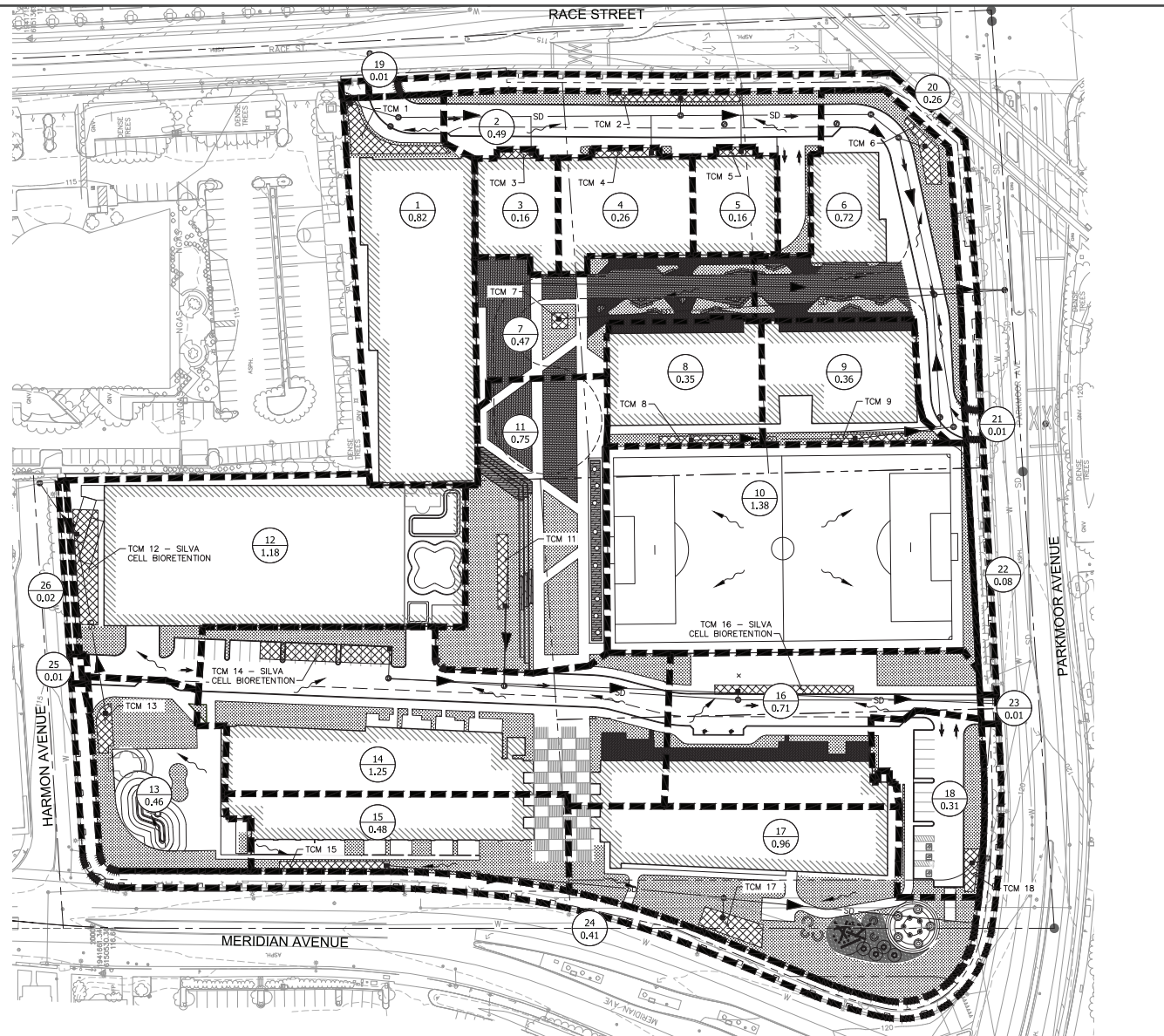
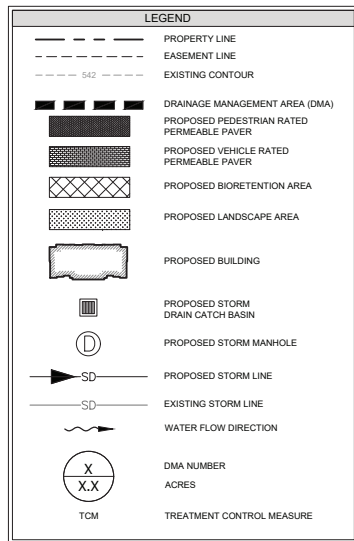
Groundwater was encountered at the site from approximately 32 to 34.5 feet below ground surface.⁷¹ Groundwater levels at the project site may fluctuate due to seasonal conditions, rainfall, and irrigation practices. Development of the proposed project would include trenching and grading for utilities and excavation for the underground parking garages. The proposed project includes a two-level basement in Building 5 and a one-level basement in Buildings 4 and 7. The project would require excavation to approximately 22 feet below grade in select areas. Groundwater is not anticipated to be encountered during project implementation; however, if groundwater is encountered during excavation, any necessary construction dewatering would follow local and regional requirements for safe transport and disposal of dewatered groundwater. Water discharge from construction dewatering is acceptable under permit by the City of San José Environmental Service Department Watershed Protection Division Discharge to the storm drain system requires approval from the San Francisco Bay RWQCB and the City's Environmental Services Division. If construction dewatering occurs, it would be temporary in nature and would not substantially reduce groundwater supplies or affect groundwater quality in the area.

The proposed project is located within the Santa Clara Plain groundwater basin, one of two groundwater basins within the City of San José Urban Growth Boundaries. Development on the site would rely on existing sources of water and the City's existing water delivery system. The proposed project would increase the demand for water in the City (refer to *Section 3.19, Utilities and Service Systems*); however, this increase would be marginal and would not result in the overdraft of any groundwater basins. The project site is not located on or adjacent to one of the SCVWD's 18 major groundwater recharge systems.⁷² Therefore, development on the site would not interfere with groundwater recharge activities or substantially deplete groundwater levels. **(Less than Significant Impact)**

⁷⁰ Silva cells are modular suspended pavement systems that use soil volumes to support tree growth and provide on-site stormwater management.

⁷¹ ENGEO, Inc. *Avenues Silicon Valley, San José, California – Design-Level Geotechnical Report*. May 14, 2019.

⁷² SCVWD. *2016 Groundwater Management Plan*. Figure 1-3. 2016.



Source: Kimley-Horn and Associates, Inc., July 2, 2019.

PRELIMINARY STORMWATER CONTROL PLAN

FIGURE 3.10-1

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

The proposed project would decrease the impervious surface area on-site by 19 percent from 437,219 square feet to 339,818 square feet, which would result in a slight decrease in stormwater runoff. Although the project would increase pervious surfaces on-site due to landscaping, implementation of the proposed project would not substantially alter the existing drainage pattern of the site or the area through the alteration of any waterway. Table 3.10-1 below compares the existing and proposed pervious and impervious surfaces at the project site.

Table 3.10-1: Pervious and Impervious Surfaces On-Site						
Site Surface	Existing/Pre-Construction (sf)	%	Project/Post-Construction (sf)	%	Difference (sf)	%
Impervious						
Roof Area(s)	235,004	45	150,371	29	-84,633	-16
Parking	80,292	16	39,110	8	-41,182	-8
Sidewalks, Patios, Driveways, etc.	121,923	24	150,337	29	+28,414	+5
<i>Impervious Surfaces Subtotal</i>	<i>437,219</i>	<i>85</i>	<i>339,818</i>	<i>66</i>	<i>-97,401</i>	<i>-19</i>
Pervious						
Landscape Area	79,951	15	147,875	29	+67,924	+14
Pervious Paving	0	0	29,477	6	+29,477	+6
<i>Pervious Surfaces Subtotal</i>	<i>79,951</i>	<i>15</i>	<i>177,352</i>	<i>34</i>	<i>+97,401</i>	<i>+19</i>
Total	517,170	100	517,170	100		

As discussed under Impact HYD-1, construction activities could result in temporary increase in stormwater pollutants during ground disturbing activities. The project applicant shall comply with the MRP and City Council Policy 6-29, removing pollutants and reducing the rate and volume of runoff from the site through post-construction Treatment Control Measures.

The proposed project is not located within a 100-year floodplain. As designated by the FEMA Flood Insurance Rate Map, the project site is located in a Flood Zone D, indicating an undetermined flood hazard. The project doesn't propose alteration of the course of a stream or river, actions which could potentially increase the risk of flooding on- or off-site. Standard measures would be applied that will lower the rate and volume of stormwater runoff from the site to further reduce the risk of potential flood events.

In accordance with General Plan policies, the proposed project would be required to adhere to the following measures to reduce stormwater drainage impacts to a less than significant level:

- New development will be required to design and construct on-site storm drain systems meeting the City's 10-year storm event design standard (GP Policies IN-3.1 and IN-3.7). Applicants shall prepare drainage plans that define needed improvements in accordance with City standards and MRP requirements (GP Policies IN-3.9 and IN-3.10).
- Future projects shall be required to implement and maintain BMPs that facilitate the infiltration of water into the ground surface, reduce the rate and volume of runoff to the storm drain system, and minimize pollution in runoff.

Adherence to the Standard Permit Conditions described under Impact HYD-1 would ensure that the project reduces potential erosion and sedimentation during both construction and operation phases. Compliance with the MRP would ensure that stormwater flows generated at the project site would be reduced and treated to the maximum extent feasible using LID methods. In this manner, the proposed project would not result in significant storm drainage impacts. **(Less than Significant Impact)**

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

The project site is not located within a Special Flood Hazard Area as delineated by FEMA. The project site is located in Flood Zone D, which indicates an undetermined flood risk.

The project site is not located adjacent to any large bodies of water (i.e., the San Francisco Bay), nor is the project located within a designated tsunami inundation zone. The site is located on relatively flat terrain within an urban area of San José, and there are no nearby hillsides or steep embankments that could present a mudflow hazard.

The project site is located in the dam failure inundation area for the Lexington dam. While the project site is subject to inundation should the Lexington dam fail catastrophically, the California Department of Water Resources, Division of Safety of Dams (DSOD) reviews and annually inspects dams for potential failure due to a major seismic event. Dams are also inspected by the SCVWD immediately following the occurrence of seismic activities to assess potential structural damage. While the potential inundation resulting from catastrophic dam failure could damage property and proposed structures on the project site and pose a severe hazard to public safety, the probability of such failure is extremely remote. The General Plan FEIR concludes that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to significant risk of loss, injury or death. Therefore, dam failure inundation, and any subsequent pollutant release, is not considered a significant impact. **(Less than Significant Impact)**

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

The SCVWD prepared a Groundwater Management Plan (GMP) for the Santa Clara Plain and Llagas subbasins in 2016, describing its comprehensive groundwater management framework including objectives and strategies, programs and activities to support those objectives, and outcome measures to gauge performance. The GMP is the guiding document for how the SCVWD will ensure groundwater basins within its jurisdiction are managed sustainably. The Santa Clara Plain subbasin has not been identified as a groundwater basin in a state of overdraft.

The project site is not located within, or adjacent to, a SCVWD groundwater recharge pond or facility.⁷³ Implementation of the proposed project would not interfere with any actions set forth by the SCVWD in its GMP in regards to groundwater recharge, transport of groundwater, and/or groundwater quality. Therefore, the proposed project would not conflict with or obstruct implementation of the GMP. **(Less than Significant Impact)**

3.10.2.2 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant hydrology and water quality impact?

Buildout of the proposed project and other projects in the cumulative scenario listed in Table 3.0-1 would involve redevelopment of existing developed sites with substantial impervious surfaces, and these projects would be required to conform to applicable General Plan goals, policies, and action statements regarding stormwater runoff, infrastructure and flooding. The proposed project would reduce the amount of stormwater runoff from the site and would comply with the Construction General Permit to reduce potential surface and groundwater quality impacts during construction. In addition, the project would manage future stormwater runoff from the site using LID-based treatment methods, in compliance with Provision C.3 of the MRP.

Cumulatively, other projects of similar scale in San José would also be required to adhere to General Plan policies, Standard Permit Conditions, and existing regulations to ensure hydrology and water quality impacts are avoided or minimized. The existing policies and regulations would reduce the hydrology and water quality impacts of the proposed project and cumulative projects in the area; therefore, the project would not result in significant cumulative impacts to hydrology and water quality. **(Less than Significant Cumulative Impact)**

⁷³ SCVWD. 2016 *Groundwater Management Plan*. Figure 1-3. 2016.

3.11 LAND USE AND PLANNING

3.11.1 Environmental Setting

3.11.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigation impacts resulting from planned development projects in the City. The proposed project would be subject to the land use policies of the City's General Plan, including the following:

Envision San José 2040 Relevant Land Use Policies

Policies	Description
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-4.9	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).
Policy CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
Policy LU-9.4	Prohibit residential development in areas with identified hazards to human habitation unless these hazards are adequately mitigated.
Policy TR-14.2	Regulate development in the vicinity of airports in accordance with Federal Aviation Administration regulations to maintain the airspace required for the safe operation of these facilities and avoid potential hazards to navigation.
Policy TR-14.4	Require aviation and "no build" easement dedications, setting forth maximum elevation limits as well as for acceptable of noise or other aircraft related effects, as needed, as a condition of approval of development in the vicinity of airports.

Race Street Light Rail Urban Village

The project site is located within the boundary of the Race Street Light Rail Urban Village, which is a Local Transit Horizon 2 Urban Village. The General Plan Urban Villages Major Strategy creates a policy framework to direct most new job and housing growth to occur within walkable and bike-friendly Urban Villages that have good access to transit and other existing infrastructure and facilities. Local Transit Urban Villages are planned for a balanced mix of job and housing growth at

relatively high densities with greater emphasis placed upon building complete communities at each Urban Village location while also supporting use of the local transit system.

The Race Street Light Rail Urban Village has a planned job capacity of 2,000 jobs for the area west of Sunol Street, in which the project site is located.⁷⁴ Currently, the Race Street Light Rail Urban Village does not have an adopted plan.

Midtown Specific Plan

The Midtown Specific Plan area's southern boundary is Saddle Rack Street, located approximately 250 feet north of the project site. The land uses closest to the project site are high-density residential (26-65 du/ac) to the north and CIC northeast of the site.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The SCVHP was approved in 2013 and covers an area of 519,506 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, SCVWD, Santa Clara VTA, USFWS, and CDFW. The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

Airport Plans and Regulations

The Norman Y. Mineta San José International Airport is owned and operated by the City of San José. It is regulated by various federal, state, and local laws, including the Code of Federal Aviation Regulations (FAR). Part 77 of the FAR regulate obstructions to navigable airspace, as described in *Section 3.9, Hazards and Hazardous Materials* of this DEIR. The project site is located outside of the Airport Influence Area (AIA) established by the Santa Clara County Airport Land Use Commission (ALUC) in its Comprehensive Land Use Plan (CLUP) for the airport. The AIA is a composite of areas surrounding the airport that are affected by noise, height, and safety considerations, and the CLUP sets forth standards and policies for land use compatibility with these airport considerations.

3.11.1.2 Existing Conditions

General Plan and Zoning

The project site has a General Plan land use designation of *CIC-Combined Industrial/Commercial* and is zoned for *IP-Industrial Park*. The *CIC-Combined Industrial/Commercial* land use designation allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of these uses. This designation occurs in areas where the existing development patterns exhibit a mix of commercial and industrial land uses or in areas on the boundary between

⁷⁴ City of San José. Envision San José 2040 General Plan. Appendix 5 – Growth Area Capacity by Horizon. <http://www.sanJose.ca.gov/DocumentCenter/View/84690>

commercial and industrial uses. Development intensity can vary significantly in this designation based on the nature of specific uses likely to occur in a particular area. In order to maintain an industrial character, small, suburban strip centers are discouraged in this designation, although larger big-box type developments may be allowed because they mix elements of retail commercial and warehouse forms and uses.⁷⁵ The CIC land use designation allows a FAR up to 12.0.

The *IP-Industrial Park* zoning designation is an exclusive designation that includes industrial uses such as research and development, manufacturing, assembly, testing, and offices. Industrial uses are consistent with this designation as far as any functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Areas exclusively for industrial uses may contain a very limited amount of supportive commercial uses.⁷⁶ Schools are not permitted uses within the *IP-Industrial Park* zoning, and so the project proposes to rezone the site to the CIC zoning district in which private schools are conditional uses.

Surrounding Uses

Multi-family residential development, designated *UR-Urban Residential*, and O'Connor Park, designated *Open Space, Parklands, and Habitat*, are located north of the site, across Harmon Avenue. Multi-family residential development, designated *TR-Transit Residential*, and the Race Street light rail station are located east of the site, across Race Street. An office development, designated *IP-Industrial Park*, is located south of the site, across Parkmoor Avenue. A commercial retail center, designated *N/CC-Neighborhood/Community Commercial*, is located west of the site, across Meridian Avenue.

3.11.2 Impact Discussion

For the purpose of determining the significance of the project's impact on land use and planning, 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?

3.11.2.1 *Project Impacts*

a) Would the project physically divide an established community?

The project proposes to redevelop the 11.87-acre project site as a private school. The project would demolish three existing buildings, repurpose two existing office buildings as classroom buildings, and construct four new buildings. In addition, the project would include a lighted sports field and landscaping throughout the site. The project proposes no subdivision of existing land for future development, or the construction of dividing infrastructure like highways, freeways, or major arterial streets. Residential communities are located to the north and east of the site, consisting primarily of multi-family condominiums and townhomes. Access to nearby residential communities will not be

⁷⁵ City of San José. *Envision San José 2040 General Plan*. Chapter 5, Page 10. Adopted November 1, 2011. Amended February 27, 2018.

restricted or hindered by development proposed by the project. Pedestrian access to the surrounding areas would remain upon implementation of the proposed project. Therefore, the proposed project would not physically divide an established community. **(No Impact)**

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

Consistency with General Plan and Zoning

The project site's General Plan designation of *CIC-Combined Industrial/Commercial* is intended to allow for a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. The proposed project, as a private pre-kindergarten through 12th grade school, would be consistent with the current General Plan land use designation.

The project site is zoned *IP-Industrial Park*; private schools and other institutional uses are not permitted uses under this designation. Accordingly, the project is proposing a conforming rezone of the site to *CIC-Combined Industrial/Commercial*. The *CIC* zoning is intended for commercial or industrial uses, or a compatible mixture of these uses, that support the goals of the combined industrial/commercial general plan designation. Elementary and secondary schools are conditionally permitted under the *CIC* zoning district (City of San José Zoning Ordinance, Table 20-110). The maximum building height proposed by the project is consistent with the allowable building height of 120 feet in Urban Village areas (City of San José Zoning Ordinance, Chapter 20.85.020). The project's site design and layout would be reviewed for consistency with the development standards of the zoning district during the City's development review process. For these reasons, the project would not result in significant land use impacts due to inconsistencies with the General Plan and/or Zoning Ordinance. **(Less than Significant Impact)**

Consistency with Urban Village and Midtown Specific Plan

As discussed in *Section 3.11.1.1 Regulatory Framework*, the project site is also located within the boundaries of a designated Urban Village (VR9 – Race Street Light Rail). Most sites within an Urban Village Area Boundary have a Neighborhood/Community Commercial or other non-residential designation so that new residential development can only occur subsequent to the preparation of an Urban Village Plan. The General Plan states that prior to implementation of the Urban Village through the preparation of an Urban Village Plan, the underlying General Plan designation determines the appropriate use and application of General Plan land use policies for the property. An Urban Village Plan has not been adopted for the Race Street Light Rail Urban Village. Future development within the project site under the *CIC* land use designation would not conflict with the General Plan Urban Villages Major Strategy to create a mix of land uses around walkable transit options. The *CIC* designation would not preclude or hinder the ability to prepare an Urban Village Plan because uses allowed under the *CIC* include commercial, office, or industrial developments or a compatible mix of these uses. Future development under the proposed *CIC* land use designation would be required to be consistent with an Urban Village Plan if one is adopted for the Race Street Light Rail area prior to any redevelopment of the site.

The project site is outside but in proximity to the Midtown Specific Plan area, and the proposed project would not conflict with policies, land uses, adjacency issues, and the intent of the Midtown Specific Plan area.

Compatibility with Airport Operations

The Norman Y. Mineta San José International Airport is located approximately 2.3 miles north of the project site. The project site is not located within the AIA, as defined by the Santa Clara County ALUC. See *Section 3.9, Hazards and Hazardous Materials* for a discussion of project compliance with FAA regulations and General Plan policies regarding aircraft safety.

The ALUP includes noise exposure contours of 75, 70, 65, and 60 dB CNEL for the Norman Y. Mineta San José International Airport based on forecasted airport operations and the extent to which they would affect the areas surrounding the airport. Development within these contours is evaluated for compatibility with acceptable noise levels established by the City of 45 CNEL for interior noise quality, 55 CNEL for long-range exterior noise quality, and a maximum exterior level limit of 60 CNEL for residences, hotels, motels, retail and business areas, parks and playgrounds. The proposed project is located outside the 60 dBA CNEL aircraft noise contours.⁷⁷

The project is located outside of airport safety zones, the airport influence area, and the 60 dBA CNEL aircraft noise contours. The project would require notification to the FAA but would not require an issuance of “no hazard” determination prior to project approval due to the project’s maximum proposed height of 120 feet. Thus, the proposed project would not result in a significant land use impact due to incompatibility with airport operations. **(Less than Significant Impact)**

Consistency with Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The proposed project is located within *Urban/Suburban* land as designated by the SCVHP.⁷⁸ The proposed project is not located in any fee zone or within or adjacent to any plant or wildlife survey area, however it is considered a covered activity under the SCVHP. Covered activities in the SCVHP are subject to paying a “Nitrogen Deposition Impact Fee” which is calculated based on the number of daily vehicle trips (see *Section 3.17 Transportation*) attributed to the activity and collected prior to the commencement of the use. Implementation of the Standard Permit Conditions discussed in *Section 3.4, Biological Resources* of this DEIR would ensure that the project is consistent with the SCVHP. **(Less than Significant Impact)**

3.11.2.2 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant land use and planning impact?

The proposed project would not include any infrastructure that could potentially divide an established community, such as roadways, bridges, or open spaces. Development of the project would be confined to the site and would be consistent with the General Plan and Zoning Ordinance (following

⁷⁷ Mineta San José International Airport. “2027 CNEL Contours for Airport Master Plan”. Accessed May 10, 2019. <https://www.flysanJose.com/node/2206>

⁷⁸ Santa Clara Valley Habitat Agency. “Geobrowser”. Accessed May 8, 2019. <http://www.hcpmaps.com/habitat/>.

the proposed conforming rezone). The project would not conflict with any other land use plans, policies, or regulations adopted to reduce or avoid environmental impacts.

Other projects in the City would be required to go through the City's development review process. Projects would be analyzed for conformance with applicable policies adopted for the purpose of avoiding or mitigating an environmental impact through the CEQA review process. The project, in combination with other cumulative development, would not result in a significant cumulative land use impact. **(Less than Significant Cumulative Impact)**

3.12 MINERAL RESOURCES

3.12.1 Environmental Setting

3.12.1.1 *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.

3.12.1.2 *Existing Conditions*

Under the Surface Mining and Reclamation Act of 1975, the SMGB has designated an area of Communications Hill in Central San José, bounded by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as a regional source of construction aggregate materials. The project is not located within the Communications Hill area. Other than this area, San José does not have known mineral deposits subject to SMARA.

3.12.2 Impact Discussion

For the purpose of determining the significance of the project's impact on mineral resources, would the project:

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

3.12.2.1 *Project Impacts*

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

The proposed project site is not located in an area of San José that is known to contain mineral resources. The proposed project site is located more than three miles north of Communication Hill, the closest known mineral resource. Implementation of the project would not result in the loss of availability of locally important mineral resources. **(No Impact)**

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

Implementation of the project would not result in the loss of an identified mineral resource recovery site, as described in Impact MIN-1 above. **(No Impact)**

3.12.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant mineral resources impact?

As discussed above, the proposed project would not result in the loss of availability of a known mineral resource or mineral resource recovery site. Therefore, the proposed project in combination with other projects would not contribute to a significant cumulative mineral resource impact. **(No Cumulative Impact)**

3.13 NOISE

The discussion in this section is based in part on the *Noise and Vibration Assessment* prepared by Illingworth & Rodkin, Inc. on March 12, 2020. This report is included as an attachment to this DEIR as Appendix F.

3.13.1 Environmental Setting

3.13.1.1 *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.⁷⁹ 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.

⁷⁹ 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} .

3.13.1.2 Regulatory Framework

Federal

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 3.13-1 below. There are established criteria for frequent events (more than 70 events of the same source per day), occasional events (30 to 70 vibration events of the same source per day), and infrequent events (less than 30 vibration events of the same source per day). These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

Table 3.13-1: Groundborne Vibration Impact Criteria			
Land Use Category	Groundborne Vibration Impact Levels (VdB inch/sec)		
	Frequent Event	Occasional Events	Infrequent Events
Category 1: Buildings where vibration would interfere with interior operations	65	65	65
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	83
Source: Federal Transit Administration. <i>Transit Noise and Vibration Assessment Manual</i> . September 2018.			

State

California Green Building Standards Code

For commercial uses, CalGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1-hr)}$ or less during hours of operation at a proposed commercial use.

State Building Code

The State Building Code, Title 24, Part 2 of the State of California Code of Regulations establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including hotels, motels, dormitories, apartment houses and dwellings other


than single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dBA DNL or CNEL⁸⁰ in any habitable room.


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 3.13-2, below. The City's Envision San José 2040 General Plan establishes an acceptable exterior noise level of 60 dBA DNL or less for residential and most institutional land uses, including schools. Outdoor sports and recreation areas and playgrounds are considered acceptable in noise environments of 65 dBA DNL or less.

Table 3.13-2: Land Use Compatibility Guidelines for Community Noise in San José						
Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care ¹						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

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

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

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

 **Unacceptable:**
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development would only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

⁸⁰ DNL (or Ldn) stands for Day-Night Level and is a 24-hour average of noise levels, with 10 dB penalties applied to noise occurring between 10:00 PM and 7:00 AM. CNEL stands for Community Noise Equivalent Level; it is similar to the DNL except that there is an additional five (5) dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. Title 24 states that the determination of whether to apply DNL or CNEL should be consistent with the metric used in the noise element of the local general plan.

Envision San José 2040 Relevant Noise Policies:

The following policies are applicable to the proposed project:

Policies	Description
Policy EC-1.1	<p>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:</p> <p><u>Interior Noise Levels</u></p> <ul style="list-style-type: none">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 <i>Envision General Plan</i> traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. <p><u>Exterior Noise Levels</u></p> <ul style="list-style-type: none">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) Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	<p>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:</p> <ul style="list-style-type: none">Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; orCause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	<p>Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to uses through noise standards in the City's Municipal Code.</p>
Policy EC-1.6	<p>Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.</p>
Policy EC-1.7	<p>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:</p> <ul style="list-style-type: none">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. <p>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</p>

construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

- Policy EC-2.1 Near light and heavy rail lines or other sources of ground-borne vibration, minimize vibration impacts on people, residences, and businesses through the use of setbacks and/or structural design features that reduce vibration to levels at or below the guidelines of the Federal Transit Administration. Require new development within 100 feet of rail lines to demonstrate prior to project approval that vibration experienced by residents and vibration sensitive uses would not exceed these guidelines.
- Policy EC-2.3 Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings 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. Avoid use of impact pile drivers within 25 feet of any buildings, and within 100 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 100 feet may be reduced to 50 feet 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.
-

Municipal Code – Construction Standards

Chapter 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. The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

Recommended Guidelines

Collaborative for High-Performance Schools.

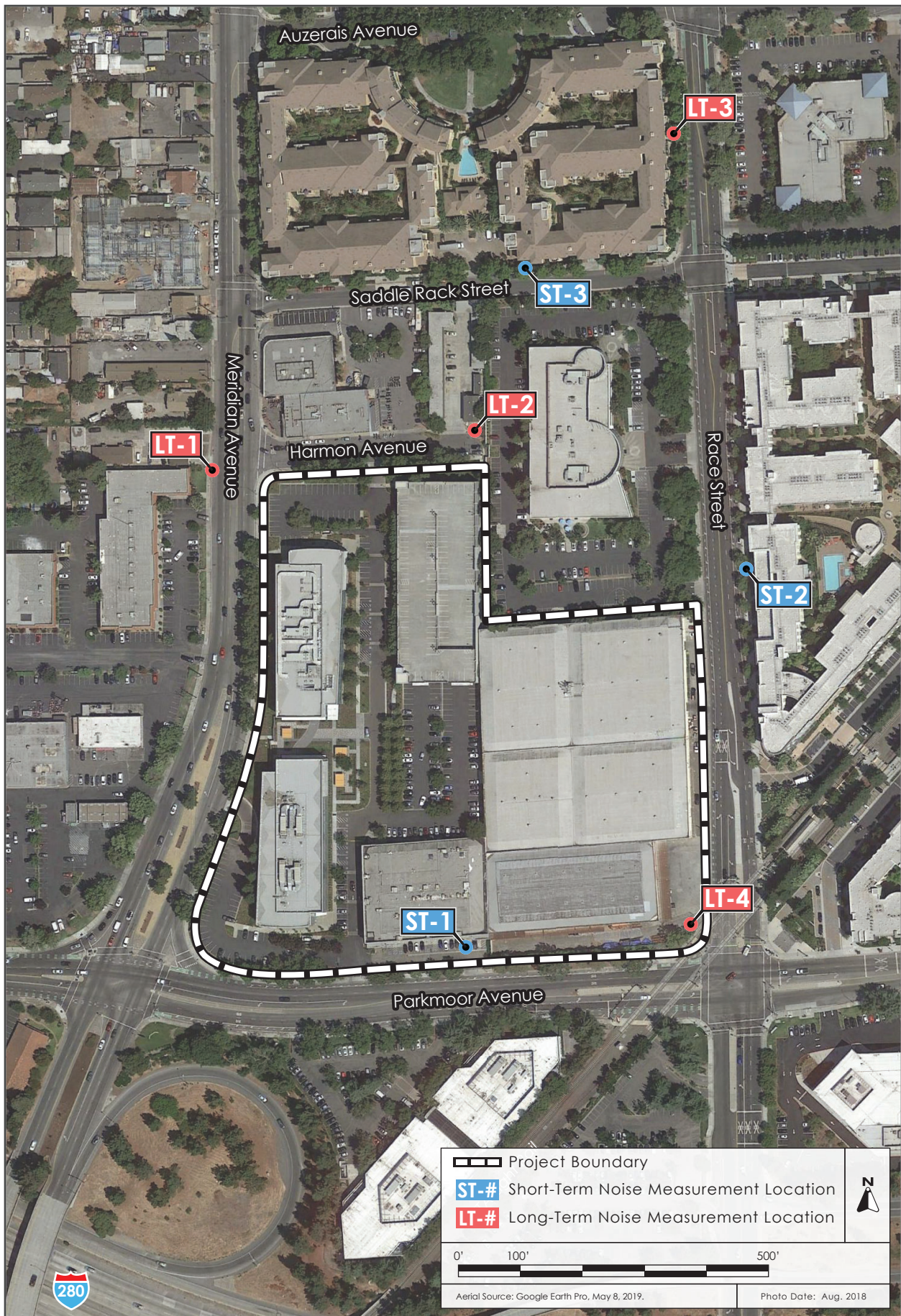
The California Collaborative for High-Performance Schools (CA-CHPS) Best Practices Manual, 2014 Edition, establishes standards for background noise levels due to exterior noise sources. Sections EQ14.0 and EQ 14.1 of the CA-CHPS Manual state that the A-weighted background noise levels produced by exterior sound sources shall be no more than 45 dBA L_{eq} . A maximum level of 35 dBA L_{eq} is recommended for enhanced learning environments.

3.13.1.3 Existing Conditions

The project site is located on the north side of Parkmoor Avenue, between Meridian Avenue and Race Street, and is bordered by residential and commercial land uses. The primary noise sources in the project area are distant traffic on I-280 (approximately 600 feet south of the site), the light-rail

trains crossing diagonally southeast through the intersection of Race Street and Parkmoor Avenue, and local traffic on all the four local streets surrounding the site. Overhead aircraft from Norman Y. Mineta San José International Airport are also secondary contributors to the area noise environment. A noise monitoring survey was made to document existing noise conditions at the site and in the surrounding area from Tuesday, September 17th to Friday, September 20th, 2019. The noise monitoring survey included four long-term measurements and three short-term noise measurements. Table 3.13-3 and Table 3.13-4 below summarizes the acoustical locations and measurements. Average noise levels on the project site ranged from 62 to 73 dBA DNL. Noise measurement locations are shown in Figure 3.13-1.

Table 3.13-3: Existing Long-Term Noise Measurements (dBA DNL)					
Measurement	Location	Daytime Level	Night-Time Level	Average Noise Level	Primary Noise Source
LT-1	Approximately 40 feet from the center of Meridian Avenue in front of a single-family residence	68-75	55-69	73	Vehicular traffic on Meridian Avenue
LT-2	East end of Harmon Avenue	51-66	44-56	59-60	Traffic along Meridian Avenue and Harmon Avenue
LT-3	Approximately 35 feet from the centerline of the roadway at a height of 12 feet above the ground	65-75	53-68	70	Vehicular Traffic along Race Street
LT-4	Southeast corner of the project site near the intersection of Race Street, Parkmoor Avenue, and the light-rail and heavy-rail tracks.	66-74	53-70	72-73	Vehicular traffic along Race Street and Parkmoor Avenue



NOISE MEASUREMENT LOCATIONS

FIGURE 3.13-1

Table 3.13-4: Existing Short-Term Noise Measurements (dBA DNL)						
Measurement	Location	Noise Levels dBA				Primary Noise Source
		L ₁₀	L ₅₀	L ₉₀	L _{eq}	
ST-1	~80 feet from the center of Parkmoor Avenue along south boundary of project site.	68	59	56	64	Parkmoor Avenue, VTA Light-rail train, UPRR train
ST-2	~50 feet from the center of Race Street at multi-family residences east of the site.	70	59	53	66	Race Street
ST-3	~25 feet from the center of Saddle Rack Street at multi-family residences north of the site.	65	53	47	60	Saddle Rack Street

3.13.2 Impact Discussion

For the purpose of determining the significance of the project's impact on noise, 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?
- Generation of excessive groundborne vibration or groundborne noise levels?
- 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?

3.13.2.1 *Project Impacts*

-
- 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

The potential for temporary noise impacts due to project construction activities would 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. Policy EC-1.7 of the City's General Plan requires that all construction operations within the City to use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code allowable hours, which are between the hours of 7:00

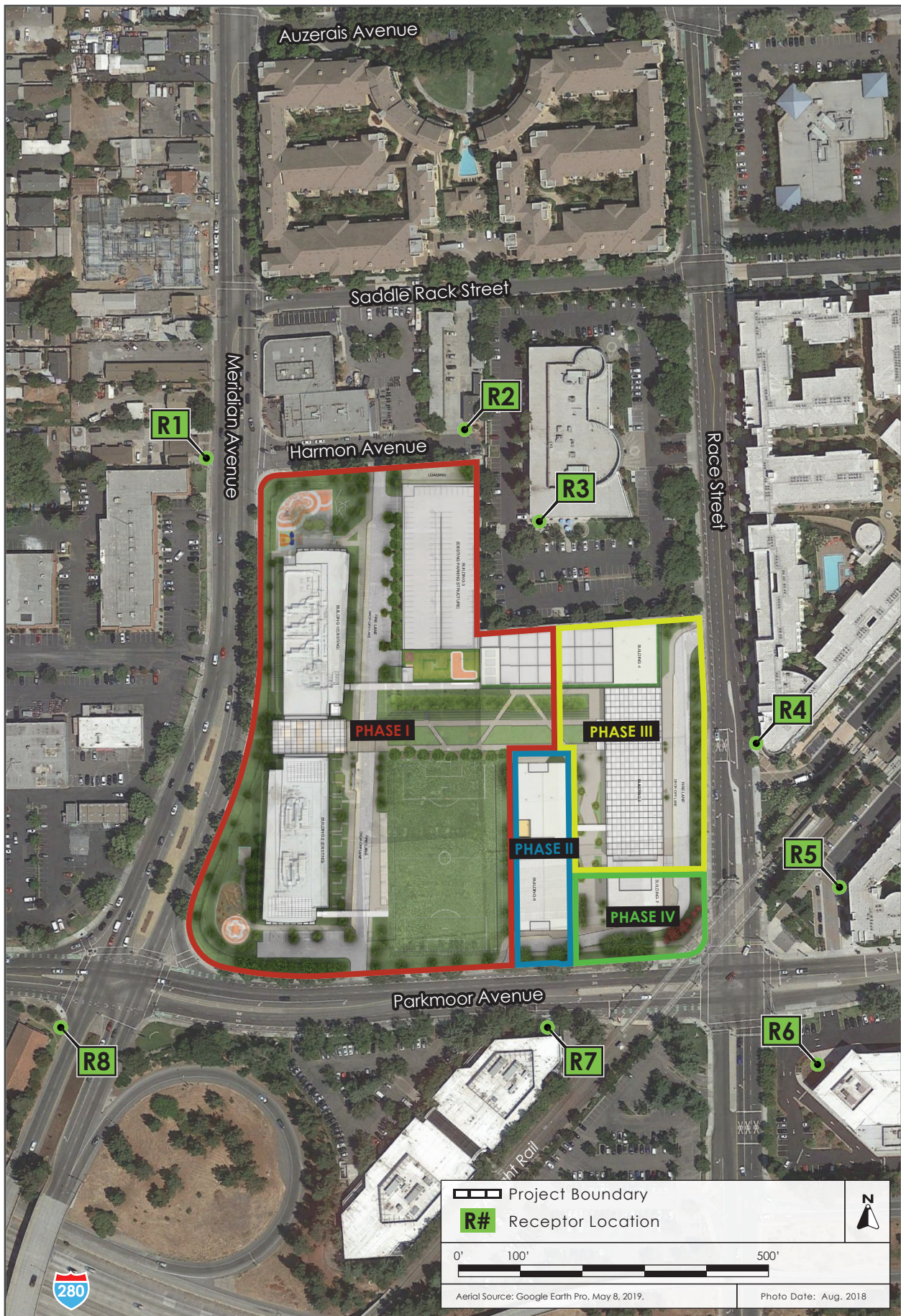
a.m. and 7:00 p.m. Monday through Friday when construction occurs within 500 feet of a residential land use. Further, the City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

Construction activities generate considerable amounts of noise, especially during earth-moving activities and during the construction of the building's foundation when heavy equipment is used. The highest noise levels would be generated during grading, excavation, and foundation construction. The hauling of excavated materials and construction materials would generate truck trips on local roadways, as well.

Construction of the proposed project is estimated to begin in August 2020. Each construction phase is estimated to last for approximately a year. This aggressive five (5) year construction schedule has been assumed for noise modeling as it represents the worst-case scenario for noise impacts. The project would be constructed in four phases as described in Table 2.2-1.

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. Typical demolition and construction noise falls with the range of 80 to 90 dBA at a distance of 50 feet from the source. Such noise levels would be expected at the nearest receptors to the site. Construction-generated noise levels drop off at a rate of about six (6) dBA per doubling of the distance between the source and receptor.

Figure 3.13-2 shows the locations of the four proposed construction phases and the receptor locations used to represent sensitive land uses in the project vicinity. Table 3.13-5 summarizes the predicted noise levels at each receptor during each construction phase. Average construction noise levels were predicted from a source location near the center of each construction phase area, and although shielding by buildings or terrain often result in lower construction noise levels at distant receptors, additional attenuation due to intervening buildings was not accounted for in the calculations.



CONSTRUCTION PHASES AND RECEPTOR LOCATIONS

FIGURE 3.13-2

Table 3.13-5: Range of Construction Noise Levels at Receptors by Phase				
Receptor	Hourly Average Noise Level, Leq (dBA)			
	<i>Phase I</i>	<i>Phase II</i>	<i>Phase III</i>	<i>Phase IV</i>
R1 – Meridian Avenue Residences	55-69	50-64	50-64	49-63
R2 – Harmon Avenue Residences	56-70	52-66	53-67	50-64
R3 – Vocera Office Building	57-71	54-68	57-71	53-67
R4 – Race Street Residences	53-67	57-71	63-77	58-72
R5 – Race Street/Parkmoor Avenue Residences	51-65	55-69	57-71	58-72
R6 – BASIS Independent School	50-64	54-68	53-67	57-71
R7 – Sobrato Office Building	54-68	59-73	56-70	61-75
R8 – Parkmoor Office Center	51-65	50-64	49-63	49-63

The closest existing sensitive receptors are residences of an apartment complex east of the project site across Race Street (R4) and north of the project site across Harmon Avenue (R2), approximately 90 feet away. Basis Independent Silicon Valley school across Parkmoor Avenue that serve students in 5th through 12th grade is located approximately 200 feet south of the project site. Residences in the project vicinity would be exposed to construction noise levels ranging from 49 to 77 dBA Leq depending on the distance between the construction source and receptor. The BASIS Independent School would be exposed to construction noise levels ranging from 50 to 71 dBA Leq, and nearby commercial office buildings would be exposed to construction noise levels ranging from 49 to 75 dBA Leq.

Impact NOI-1: Noise levels due to construction activities would substantially exceed ambient conditions for a period exceeding one year resulting in a potentially significant impact.

Mitigation Measures: The potential short-term noise impacts associated with construction of the project would be mitigated by the implementation of General Plan Policy EC-1.7 and mitigation measures as stated below:

MM NOI-1.1: The following standard noise control measures shall be implemented:

- Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- 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 mufflers and shall be in good mechanical condition to minimize

noise created by faulty or poorly maintained engines or other components.

- The unnecessary idling of internal combustion engines shall be prohibited.
- Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet)
- The surrounding neighborhood shall be notified early and frequently of the construction activities.
- A “noise disturbance coordinator” shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

MM NOI-1.2:

A Construction Noise Logistics Plan, in accordance with Policy EC-1.7, would be required. Typical construction noise logistics plan would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:

- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Construct temporary noise barriers, to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses, namely residences facing Harmon, Meridian and Race Streets and the Basis School. Temporary noise barrier fences would provide a five (5) dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- The Construction Noise Logistics Plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- If stationary noise-generating equipment must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.
- Ensure that generators, compressors, and pumps are housed in acoustical enclosures.
- Locate cranes as far from adjoining noise-sensitive receptors as possible.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
- Substitute nail guns for manual hammering, where feasible.

- Substitute electrically-powered tools for noisier pneumatic tools, where feasible.
- The Construction Noise Logistic Plan, inclusive of the above shall be signed by a certified acoustical engineer verifying that the implementation measures included in this Plan meets the reduction to noise levels as required by this mitigation measure.

With the implementation of GP Policy EC-1.7, Municipal Code requirements, and the above measures, the temporary construction noise impact would be reduced to a less than significant level.
(Less than Significant with Mitigation Incorporated)

Operational Noise Impacts

Project Generated Traffic Noise Impacts

According to Policy EC-1.2 of the City’s General Plan, a significant permanent noise increase would occur if the project would increase noise levels at noise-sensitive receptors by 3 dBA DNL or more where ambient noise levels exceed the “normally acceptable” noise level standard. Where ambient noise levels are at or below the “normally acceptable” noise level standard, noise level increases of 5 dBA DNL or more would be considered significant. The City’s General Plan defines the “normally acceptable” outdoor noise level standard for the residential land uses to be 60 dBA DNL. Existing ambient levels, based on the measurements made in the project vicinity, exceed 60 dBA DNL at receptors along roadways serving the site. Therefore, a significant impact would occur if traffic due to the proposed project would permanently increase ambient levels by 3 dBA DNL. For reference, a 3 dBA DNL noise increase due to project traffic would occur if the project would double existing traffic volumes along a roadway over a daily basis.

The project’s traffic study provided existing AM and PM peak hour turning movement data for 24 study area intersections. Additionally, the traffic study calculated trip generation information, which were 1,741 net additional trips during the AM peak hour and 680 net additional trips during the PM peak hour. The largest increases in traffic noise levels due to the project would occur during the AM peak hour along Race Street, between Auzerai Avenue and Parkmoor Avenue, Saddle Rack Street, between Meridian Avenue and Race Street, Parkmoor Avenue, between Meridian Avenue and Race Street, and Harmon Avenue, east of Meridian Avenue. Noise-sensitive receptors do not exist along Parkmoor Avenue between Meridian Avenue and Race Street. Additionally, the segment of Harmon Avenue that would experience additional project trips is bordered by a motorcycle dealership. Harmon Avenue residences are located approximately 100 feet east of the project driveway that would be used by slow moving vehicles to access the parking structure and main drop off lane.

Based on the results of the traffic noise modeling, project generated trips would increase hourly average noise levels at noise-sensitive land uses along Saddle Rack Street and Race Street by three (3) to four (4) dBA Leq during the AM peak traffic hour and by less than two (2) dBA during the PM peak traffic hour. Congestion occurring during the AM and PM peak traffic hours often results in lower levels of traffic noise, due to reductions in vehicle speeds. During the remaining hours of the school day and during hours of the day when school is not in session, project generated traffic volumes would be low or negligible. On a daily average basis, the project traffic during the peak traffic hours would cause a permanent noise level increase of up to one (1) dBA DNL at receptors

along Saddle Rack Street, and a 0 to 1 dBA DNL noise increase at receptors along Race Street and all other roadways serving the project area. Although there would be a noticeable increase in traffic noise levels during the peak traffic hours, the comparison of the existing and existing plus project traffic scenarios revealed that the project's contribution to permanent noise level increases along roadways serving the site would be one (1) dBA DNL or less. The proposed project would not result in a permanent noise increase of 3 dBA DNL or more and the impact is less than significant. **(Less than Significant Impact)**

Outdoor Activity Areas

Outdoor learning activities and outdoor play occurring in the playground north of Building 1 would have the potential to increase ambient noise levels at nearby residential land uses. The playground southwest of Building 2, artificial turf sports field just north of Parkmoor Avenue, and a rooftop play space south of the existing parking structure (See Figure 2.2-10) are not located in the vicinity of noise-sensitive residential land uses and/or are shielded from noise-sensitive residential land uses by intervening structures. These outdoor activity areas would not be expected to produce noise levels that would measurably increase ambient noise levels at noise-sensitive land uses in the project vicinity, as described below.

This analysis assumes that the playground north of Building 1 would be used by approximately 15 to 20 students at a time. The timing of outdoor use would vary, but most activity would occur between 11:00 a.m. and noon and between 1:30 p.m. and 2:30 p.m. Lunch and recess would likely occur between noon and 1:00 p.m. over a period of a half an hour each.

Illingworth & Rodkin, Inc. has measured noise generated by outdoor activities at similar schools in the Bay Area. Measurements show that the average noise levels from outdoor play activities typically range from 66 to 68 dBA Leq at a distance of 50 feet. Maximum noise levels from outdoor play typically result from whistles and voices, and can reach 75 dBA Lmax at a distance of 50 feet.

The center of the playground north of Building 1 would be located approximately 220 feet from the nearest Meridian Avenue residence to the northwest and about 250 feet from the nearest Harmon Avenue residences to the northeast. Outdoor play activities would produce noise levels ranging from 54 to 55 dBA Leq at the nearest residential properties. Outdoor play noise levels would typically be 15 dBA less than the noise levels produced by traffic along Meridian Avenue; therefore, outdoor play, while intermittently audible, would not measurably increase ambient DNL noise levels at Meridian Avenue residences northwest of the site. Noise generated by outdoor play at the playground north of Building 1 would produce noise levels within the lower range of typical daytime noise levels (51 to 66 dBA Leq) currently experienced by Harmon Avenue residences to the northeast. The DNL noise level attributable to outdoor play would reach 47 dBA at the nearest receptor to the northeast assuming a worst-case sound level of 54 dBA Leq produced over a period of five daytime hours (10:00 a.m. to 3:00 p.m.). Outdoor learning/play noise would not measurably increase existing DNL noise levels, which currently range from 59 to 60 dBA CNEL. The noise produced by outdoor learning/play activities associated with the project would not permanently increase ambient noise levels at nearby noise-sensitive receptors resulting in a less than significant impact.

Prior to the construction of the buildings proposed during Phases II-IV of the project, the turf sports field would have the greatest potential of all proposed outdoor activity areas to generate noise levels

that could affect the noise environment of nearby residential land uses. Based on I&R data, average hourly noise levels resulting from soccer games or lacrosse matches are about 60 dBA Leq at a distance of 100 feet from the center of the field, with maximum noise levels from cheering and whistles as high as 67 dBA Lmax. At the nearest residences along Race Street, located over 500 feet from the center of the turf sports field and assuming unshielded conditions during Phase I of the project, average hourly noise levels due to the use of the turf sports field would be 46 dBA Leq or less, with maximum instantaneous noise levels up to 53 dBA Lmax. These noise levels would be more than 10 dBA below existing ambient levels produced by Race Street traffic during daytime and evening hours. This would represent a less than significant impact as operational noise levels would not contribute to existing hourly average or daily average noise levels at the nearest residential land uses. Once the future buildings proposed as part of Phases II-IV of the project are constructed, operational noise levels produced by activities on the turf sports field would be even less at nearby residential land uses. **(Less than Significant Impact)**

Loading Dock

The proposed project would modify the area located to the north of the existing parking structure to accommodate a small loading dock. The raised loading dock with service lift would allow for access to the trash and recyclables area located on the first floor of the garage. Typical noise levels generated by loading and unloading during trash and recyclables pickup and truck deliveries would be similar to the noise levels produced by existing trash/recyclables pickup at other area land uses, truck passing by along local roadways, and by similar commercial activities at surrounding uses. Maximum instantaneous noise levels from truck activities would be infrequent and would therefore not increase the day-night average noise level assuming typical daytime delivery schedules. Infrequent, daytime deliveries are not anticipated to substantially increase ambient noise levels at the nearby noise-sensitive land uses resulting in a less than significant impact. **(Less than Significant Impact)**

Standby Generators

Two standby generators would be relocated on site in order to provide standby power in case of power outages. Each standby generator would be screened by an 8-foot masonry wall.

The existing Olympian XQ105 would be relocated from an area north of Building 1 (550 Meridian Avenue) to the northwest corner of the building, approximately 200 feet from the nearest residential land use to the northwest and 175 to 200 feet from the nearest commercial land uses to the west. According to manufacturer's specifications, the generator produces a sound level of 69 dBA at 23 feet with the enclosure. The testing schedule is not known at this time but typically takes place monthly, during daytime for approximately one hour. The generator would produce noise levels of approximately 50 to 51 dBA at the nearest residential and commercial land uses located to the northwest and west assuming the attenuation with distance from the noise source. The noise level produced by the generator would fall five (5) to 10 dBA below typical daytime background noise levels produced by traffic along Meridian Avenue. Based on the above testing assumptions, the generator would produce a DNL noise level of 36 to 37 dBA at the nearest residential and commercial land uses.

The Olympian D80P4 standby generator that currently serves Building 2 would also be relocated near the southwest corner of Building 2, approximately 350 feet from the nearest commercial land uses. According to manufacturer's specifications, the generator produces a sound level of 96 dBA at three (3) feet without additional attenuation from an enclosure. When considering the attenuation with distance from the noise source, noise levels produced by the testing of this generator would reach 55 dBA, which would fall two (2) to five (5) dBA below typical daytime background noise levels produced by traffic along Meridian Avenue and Parkmoor Avenue. Following the testing assumptions described above, the generator would produce a DNL noise level of 41 dBA at the nearest commercial land uses located to the northwest, southwest, and southeast.

The DNL noise levels produced by the standby generators would not measurably increase ambient DNL noise levels from traffic on Meridian Avenue and Parkmoor Avenue, which currently are 73 dBA and 72 dBA DNL, respectively. The DNL produced by monthly testing operations would not increase ambient noise levels by three (3) dBA DNL or more at noise sensitive receptors in the project vicinity, consistent with the requirements of General Plan Policy EC-1.2. Similarly, monthly testing would not produce noise levels that would regularly exceed the 55 dBA DNL guideline established in General Plan Policy EC-1.3. This is a less than significant impact. **(Less than Significant Impact)**

Rooftop Mechanical Equipment

Various mechanical equipment for heating, ventilation, and air-conditioning (HVAC), and solar power systems, would be installed on the rooftops of the proposed buildings causing most of the operational noise to be projected upward and away from neighboring properties. At the time of this analysis, the specific mechanical equipment had not been selected; nor were specific details such as manufacturer's noise data for such equipment available.

Given the proximity of noise-sensitive uses to the project site and lack of sufficient details about the mechanical equipment, mechanical rooms, and rooftop screen walls, there is the potential for noise from mechanical equipment to exceed 55 dBA DNL at noise-sensitive land uses in the immediate project vicinity. Design of HVAC systems should consider the noise criteria associated with such equipment and utilize site planning to locate equipment in less noise-sensitive areas. Other controls could include, but shall not be limited to, fan silencers, enclosures, and mechanical screening. This is a potentially significant impact.

Impact NOI-2: Project mechanical equipment could generate noise in exceedance of 55 dBA DNL at noise-sensitive land uses in the project vicinity.

Mitigation Measures: The following measures shall be implemented:

MM NOI-2.1: Mechanical equipment shall be selected and designed to reduce excessive noise levels at the surrounding uses to meet the City's 55 dBA DNL noise level requirement at the nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of

equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as along the building façades farthest from adjacent neighbors, where feasible. The noise exposure of neighboring properties would be reduced to meet the General Plan thresholds resulting in a less than significant impact. **(Less than Significant Impact with Mitigation Incorporated)**

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

The construction of the project may generate vibration when heavy equipment or impact tools are used. Construction activities would include the demolition of existing structures, site preparation work, excavation of the below-grade parking level, foundation work, and new building framing and finishing. Piles have not yet been ruled out as a foundation system for the Fitness Facility (Building 4) due to its proximity to the garage structure and piles may also be considered for Building 7.

Table 3.13-6 presents vibration levels from pile driving equipment at 25 feet. Both upper range and typical vibration levels are presented for impact and vibratory pile driving activities. Vibration levels are also presented at distances of 185 feet to represent the nearest off-site buildings of conventional construction and 1,000 feet to represent the nearest sensitive historic structures.

Table 3.13-6: Vibration Levels for Pile Driving Equipment at Various Distances				
Equipment		PPV at 25 ft. (in/sec)	PPV at 185 ft. (in/sec)	PPV at 1,000 ft. (in/sec)
Pile Driver (Impact)	upper range	1.158	0.128	0.020
	typical	0.644	0.071	0.011
Pile Driver (Sonic)	upper range	0.734	0.081	0.013
	typical	0.17	0.019	0.003
Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., September 2019.				

Policy EC-2.3 of the City of San José General Plan establishes a vibration limit of 0.08 in/sec PPV to minimize the potential for cosmetic damage to sensitive historic structures, and a vibration limit of 0.2 in/sec PPV to minimize damage at buildings of normal conventional construction. A review of the City of San José Historic Resource Inventory identified the residence located at 1425 Douglas Street, over 1,000 feet from the project site, as the only historic resources in the site vicinity. Groundborne vibration levels due to project construction activities would not exceed 0.08 in/sec PPV at distances greater than 60 feet, and groundborne vibration levels due to pile driving activities would not exceed 0.08 in/sec PPV at distances greater than 300 feet. Therefore, the impact to historic structures in the site vicinity is less than significant.

A significant impact would result at nearby buildings of normal conventional construction if groundborne vibration levels attributable to project construction would exceed 0.20 in/sec PPV. Project-generated vibration levels would fall below the General Plan threshold of 0.20 in/sec PPV at other surrounding conventional buildings located 30 feet or more from the project site. Neither cosmetic, minor, or major damage would occur at conventional buildings located 60 feet or more from the project site. Similarly, vibration levels produced by pile driving activities would fall below the General Plan threshold of 0.20 in/sec PPV at conventional buildings located 125 feet or more from the project site and no damage of any kind would be expected. This is a less than significant impact.

At these locations, and in other surrounding areas where vibration would not be expected to cause cosmetic damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools). By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum. **(Less than Significant Impact)**

c) Would the project be 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?

Norman Y. Mineta San José International Airport is a public-use airport located approximately 2.3 miles north of the project site. The project site lies outside the 60 dBA CNEL 2027 noise contour of the airport, according to the Norman Y. Mineta San José International Airport Master Plan Update Project report published in February 2010 as an addendum to the Environmental Impact Report. This means that future exterior noise levels due to aircraft from Norman Y. Mineta San José International Airport are compatible with the proposed use. This is a less-than-significant impact. **(Less than Significant Impact)**

3.13.2.2 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant noise impact?

Construction of the proposed project and the projects listed in the cumulative project table (Table 3.0-1) may occur at the same time such that temporary construction-related noise impacts could occur. However, the majority of the surrounding projects are significant distances away from the proposed project, which would reduce any overlapping construction noises or vibration. In addition, all projects must incorporate noise and vibration reduction measures as identified in the City's General Plan and explained in MM NOI-1.1 and NOI-2.1 above.

Once operational, the noise impacts resulting from the proposed project would be below the City's thresholds of significance with implementation of MM NOI-1.3; thus, the project's contribution to

cumulative noise and vibration impacts would be less than significant. **(Less than Significant Cumulative Impact)**

3.13.3 Non-CEQA Effects

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

The Environmental Leadership Chapter in the Envision San José 2040 General Plan sets forth policies with the goal of minimizing the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies in the City of San José. The applicable General Plan policies were presented in detail in the *Regulatory Background Section 3.13.1.1* and are summarized below for the proposed project:

- The City's acceptable exterior noise level objective is 60 dBA DNL or less for the proposed school use and 65 dBA DNL for outdoor sports and recreational uses (Table 3.13-2).
- The Cal Green Code standards specify an interior noise environment attributable to exterior sources not to exceed an hourly equivalent noise level (Leq (1-hr)) of 50 dBA in occupied areas of non-residential uses during any hour of operation.

3.13.3.1 *Future Exterior Noise Environment*

Primary exterior use areas proposed by the project include playgrounds north of Building 1 and southwest of Building 2, an artificial turf sports field just north of Parkmoor Avenue, and a rooftop play space south of the existing parking structure. The main campus quad and high school plaza areas would be located in the central portion of the site and would be partially shielded from vehicle noise by intervening buildings. The primary noise sources affecting the noise environment at these outdoor use areas are local traffic along Meridian Avenue and Parkmoor Avenue. Race Street traffic and VTA light-rail trains would be mostly shielded by intervening buildings.

Based on measurements made during the noise monitoring survey and traffic volumes provided in the Traffic Impact Assessment Report (see Appendix H: **Traffic Report**), proposed playgrounds north of Building 1 and southwest of Building 2 would be exposed to noise levels ranging from 62 to 63 dBA DNL, when accounting for the five (5)-foot noise barriers (berm/wall combination) proposed at the boundaries of the playgrounds to attenuate traffic noise generated by Parkmoor Avenue and Meridian Avenue. Proposed 5-foot noise barriers or earth berms, or barrier/berm combination, located as shown in Figure 2.2-11 and Figure 2.2-12, would provide the necessary noise level reduction to meet the normally acceptable exterior noise level threshold. Noise levels at the center of the artificial turf sports field and rooftop play space are calculated to be less than 60 dBA DNL, and would not exceed the City's normally acceptable exterior noise level threshold.

3.13.3.2 *Future Interior Noise Environment*

The Cal Green code requires interior noise levels attributable to exterior sources to not exceed 50 dBA L_{eq-1hr} in non-residential spaces. The calculated exterior noise level exposures at worst-case

building façades are summarized in Table 3.13-7, based on the results of the noise monitoring survey and the expected increase in noise levels due to future traffic projections.

Table 3.13-7: Calculated Noise Levels at Existing and Proposed Buildings, dBA					
Roadway	Building Façade	Exterior, DNL	Exterior, Leq-1hr	Interior, DNL	Interior, Leq-1hr
Meridian Avenue	Buildings 1 and 2 West Façade	72	72	42-47	42-47
Parkmoor Avenue	Buildings 2, 6, and 7 South Façade	66	65	36-41	35-40
Race Street	Buildings 4, 5, and 7 East Façade	67	67	37-42	37-42

Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. This analysis assumes that all interior spaces would be mechanically ventilated, and windows and doors would be closed for noise control purposes. Standard construction with the windows closed provides approximately 25 to 30 dBA of noise reduction in interior spaces. As shown in Table 3.13-7, noise levels inside the existing and proposed buildings would be expected to remain below the CalGreen criterion of 50 dBA $L_{eq}(1-hr)$ assuming standard construction methods with the windows and doors closed.

Recommended Guidelines

The California Collaborative for High-Performance Schools Best Practices Manual states that unoccupied (public) school classrooms must have a maximum background noise level of no more than 45 dBA L_{eq} . However, it strongly encourages districts and designers to move beyond these prerequisites and achieve background noise levels of 35 dBA L_{eq} for all classrooms. Noise levels would need to be reduced by at least 30 dBA to reach the 45 dBA L_{eq} interior classroom standard and reduced by at least 40 dBA to reach the encouraged 35 dBA L_{eq} interior classroom goal. Standard construction materials, sound-rated performance windows/doors, and the incorporation of an adequate forced air mechanical ventilation system would reduce levels to the 45 dBA L_{eq} interior classroom standard. Sound-insulating wall construction, high sound-rated performance windows/doors, and the incorporation of an adequate forced air mechanical ventilation system would reduce levels to the 35 dBA L_{eq} interior classroom goal.

The following available measures are recommended during final design to further reduce interior noise levels to 35 dBA L_{eq} interior classroom goal:

- Confirm the final specifications for noise insulation during the design of the project.
- In addition to sound-rated windows and doors, other treatments may include, but are not limited to; sound rated exterior wall construction methods, acoustical caulking, insulation, acoustical vents, etc.

3.13.3.3 *Future Interior Vibration Environment*

The U.S. Department of Transportation, FTA vibration impact assessment criteria were used to evaluate vibration levels produced by light-rail trains at the project site. The impact criteria for groundborne vibration are shown in Table 3.13-1. The frequency of the VTA light-rail trains would place the level of train activity in the “frequent events” category and the applicable threshold is 75 VdB for institutional land uses with primarily daytime use.

According to the FTA Generalized Ground Surface Vibration Curves, vibration levels would be 75 VdB or less at a distance of 40 feet from the centerline of the light-rail train tracks assuming a light-rail train travel speed of 50 mph. Building 7 would be located approximately 65 feet from the light-rail train tracks and exposed to vibration levels of 72 VdB or less, assuming a LRT speed of 50 mph, which is below the 75 VdB threshold level. The actual vibration levels of slow moving LRT train passbys would be less. Persons at rest may perceive the vibration; however, vibration controls are not required.

3.14 POPULATION AND HOUSING

3.14.1 Environmental Setting

3.14.1.1 *Regulatory Framework*

State

Housing-Element Law

Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county Bay Area, based on statewide goals. California's Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the regional housing need; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element that is to be updated on a regular recurring basis.⁸¹ The City of San José Housing Element and related land use policies were last updated in January of 2015.

Regional and Local

Plan Bay Area 2040

Plan Bay Area 2040 is a long-range transportation, land-use, and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area 2040 promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).⁸²

ABAG allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population, and Housing, which is an integrated land use and transportation plan through the year 2040 (upon which Plan Bay Area 2040 is based).

3.14.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 1,043,058 in January 2019 with an average of 3.20 persons per household.⁸³ The City had approximately 335,887 housing units as of January 1, 2019. The Association of Bay Area Governments (ABAG) estimates that there will be an approximate City population of 1,377,145 and 448,310 households by the year 2040.⁸⁴

⁸¹ California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed August 7, 2019. <http://hcd.ca.gov/community-development/housing-element/index.shtml>.

⁸² Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." <http://projectmapper.planbayarea.org/>. Accessed August 7, 2019.

⁸³ State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2019." Accessed: August 7, 2019. Available at: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

⁸⁴ Association of Bay Area Governments. *Projections 2040*. November 2018.

The proposed project site is currently occupied by office buildings and does not provide any housing. Nearby housing includes multi-family housing developments located north and east of the site and single-family neighborhoods located northwest of the site. The project site is located within the Race Street Light Rail Urban Village, an area of San José designated for moderate job and residential growth through 2040.

3.14.2 Impact Discussion

For the purpose of determining the significance of the project's impact on population and housing, would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

3.14.2.1 *Project Impacts*

-
- 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)?**
-

Examples of ways in which a project can induce substantial population growth include:

- proposing new housing beyond projected or planned development levels;
- generating demand for housing as a result of new businesses;
- extending roads or other infrastructure to previously undeveloped areas; or
- removing obstacles to population growth (i.e., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

The proposed project would redevelop an existing site as a private pre-kindergarten through 12th grade school. The school would support approximately 2,744 students and 480 faculty and staff. No housing is proposed by the project. The project is an infill development which would utilize existing roads, transit, utilities, and public services to accommodate the needs of the proposed school. The project is intended to serve the existing Silicon Valley residential population. The project would bring new jobs to the area, however, the Race Street Light Rail Station Urban Village has a total planned job capacity of 3,200 (the area west of Sunol Street, where the project is located, is allocated 2,000 of these jobs) and the project would not exceed the planned job growth anticipated for the area. Therefore, the proposed project would not induce substantial unplanned population growth in the area, either directly or indirectly. **(Less than Significant Impact)**

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

As mentioned previously, the project site does not contain any housing. No housing would be removed upon project implementation. The proposed private school would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

3.14.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant population and housing impact?

The proposed project would not remove any housing or displace any people. Cumulative projects in the City could potentially remove housing and/or facilitate unplanned growth; however, the General Plan FEIR, SEIR, and Addenda thereto determined that planned build out to 2040 would utilize existing areas within the City's Urban Growth Boundary to increase residential development. New housing developments as part of the General Plan buildout will focus on an intensification of land use in already developed areas.

The proposed project would not remove existing housing or construct new housing, and would provide job growth within the parameters of what is expected under the General Plan and Urban Village; therefore, the project would not contribute to a population and housing impact in the City. **(Less than Significant Cumulative Impact)**

3.15 PUBLIC SERVICES

3.15.1 Environmental Setting

3.15.1.1 *Regulatory Framework*

State

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]).

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 General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The following policies are specific to public services and are applicable to the proposed project:

Envision San José 2040 Relevant Public Service Policies

Policies	Description
Policy FS-5.7	Encourage school districts and residential developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures early in the project planning stage, preferably immediately preceding or following land acquisition.
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.

Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: <ol style="list-style-type: none"> 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500 SF per 1,000 population of community center space.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

3.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services in San José are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The SJFD protects 206 square miles and approximately 1.2 million residents in both City and county areas. There are 33 fire stations that service the residents of San José. The SJFD has established the goal of responding to Priority 1 incidents (emergencies) within eight minutes, 80 percent of the time, and Priority 2 incidents (non-emergencies) within 13 minutes, 80 percent of the time. For 2018-2019, the SJFD responded to Priority 1 incidents within the set time standard 74 percent of the time.⁸⁵

The closest fire stations to the project site are Fire Department Stations 4 and 30. Fire Department Station 4 is located approximately 1.2 miles southwest of the site at 710 Leigh Avenue. Fire Department Station 30 is located approximately 1.2 miles northeast of the site at 454 Auzerais Ave. In 2018-2019, both Fire Department Station 4 and 30 responded to Priority 1 incidents within eight minutes over 80 percent of the time.⁸⁶

⁸⁵ City of San José. *Annual Report on City Services 2018-2019*. December 2019.
<https://www.sanjoseca.gov/home/showdocument?id=49208>

⁸⁶ Ibid.

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 two miles northeast 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's Western Division. The Western Division includes four police patrol districts totaling approximately 28 square miles. 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 2018-2019, the citywide average response time for Priority 1 calls was 7.1 minutes, and the average response time for Priority 2 calls was 19.9 minutes.⁸⁷

Schools

The City of San José includes 22 public school districts that currently operate 222 public schools serving students in San José. The project site is located within the San José Unified School District (SJUSD). The school district operates 27 elementary schools, nine high schools and six middle schools. Enrollment in the SJUSD was slightly above capacity at the time of analysis in the General Plan FEIR, SEIR, and Addenda thereto.⁸⁸ The nearest public schools to the project site include Sherman Oaks Elementary School (approximately 0.8-mile southwest of the site), Herbert Hoover Middle School (approximately 1.1-mile northwest of the site), and Abraham Lincoln High School (approximately 0.8-mile northwest of the site). Other nearby schools include BASIS Independent Silicon Valley (approximately 300 feet southeast of the site) and San José City College (approximately 0.6-mile west of the site).

Based on California Department of Education 2018-2019 student enrollment information for public schools, 538 students attend Sherman Oaks Elementary School, 1,082 students attend Herbert Hoover Middle School, and 1,805 students attend Abraham Lincoln High School.⁸⁹ The Envision San José 2040 General Plan FEIR found that the San José Unified School District was operating above capacity by 1,004 students in 2010.⁹⁰

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 23 branch libraries.⁹¹ The nearest libraries to the project site are the Rose Garden Branch Library, located at 1580 Naglee Avenue approximately 1.1 miles northwest of the project site, Bascom Branch Library, 1000 South Bascom Avenue approximately 1.2 miles southwest of the site, and Willow Glen Branch Library, located at 1157 Minnesota Avenue approximately 1.2 miles south of the project site. The City is currently meeting its service level objective of providing at least 0.59 square feet of library space per capita.

⁸⁷ Ibid.

⁸⁸ City of San José. *Envision San José 2040 General Plan FEIR*. December 2011.

⁸⁹ California Department of Education. *DataQuest*. Available at: <<https://dq.cde.ca.gov/dataquest/>>. Accessed May 21, 2019.

⁹⁰ San José, City of. *Envision San José 2040 General Plan FEIR*. December 2011.

⁹¹ City of San José Public Library. <https://www.sjpl.org/facts>. Accessed August 2, 2019.

The City of San José operates 51 community centers within the City limits. The nearest community center to the site is the Gardner Community Center, approximately 0.9-mile east of the site. The City is currently meeting its service level objective of providing 500 square feet of community center space per 1,000 population.

3.15.2 Impact Discussion

For the purpose of determining the significance of the project's impact on public services, 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?

3.15.2.1 *Project Impacts*

-
- a) 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 fire protection services?**
-

The project proposes to redevelop an existing commercial site as a private school. The project would repurpose two existing office buildings and the parking garage on-site and construct four new buildings to be used for academic and recreational purposes. The project would also install a lighted turf sports field. In total, the proposed school would accommodate up to 2,744 students and 480 daytime employees, including 270 faculty.

The development of the proposed project and intensification of site use would increase the demand for fire protection services in the City. As discussed above in *Section 3.15.12*, the project site is situated in proximity to two fire stations with above average response times (Fire Stations 4 and 30, approximately 1.2 miles from the site) and the proposed development would not impede the ability of either fire station to serve the site or the surrounding areas. The project would be constructed in accordance with the 2016 California Building Code and would be required to be maintained in accordance with applicable City policies, including General Plan Policy ES-3.9, to promote public and property safety. The increase in demand for fire services created by the project would not warrant the construction or expansion of fire facilities to maintain acceptable service ratios, response times, or other performance objectives. For these reasons, the proposed project would not result in a significant impact on fire 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, 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 police protection services?**
-

The proposed project would intensify the use of the site and increase the demand for police protection services in the project area. The site is contained within the SJPD's jurisdiction and would be served by officers patrolling the 28 square miles of the SJPD's Western Division. While the proposed school would increase the demand placed on the SJPD, the increase in demand would not warrant the construction or expansion of police facilities. Furthermore, the proposed project would be constructed in accordance with current building codes and would be maintained in accordance with applicable City policies such as General Plan *Policy ES- 3.9* that promote public and property safety. Therefore, implementation of the proposed project would not indirectly cause environmental impacts by requiring the construction or expansion of police facilities in the City. **(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, 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 schools?**
-

The project itself is a school facility; the environmental effects of the proposed school facility are analyzed throughout this DEIR. The project would not generate new students; rather, it would accommodate the unmet demand for pre-kindergarten through 12th grade education facilities in the City of San José and surrounding areas.

In effect, the project would likely decrease the demand for new or physically altered school facilities by providing an alternative option for elementary through high school education. Therefore, the proposed project would not indirectly cause environmental impacts by requiring the construction or expansion of 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, 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 parks?**
-

The proposed project does not include residential development. It is reasonable to anticipate the future school students and staff may use nearby recreational facilities, such as parks and community centers, for after-school activities; however, the increase in use at these facilities would be marginal.

The proposed school includes recreational facilities including an indoor swim center, fitness facility, two playgrounds, and turf sports field. Students would predominantly use the on-campus facilities to

meet their recreational needs; therefore, the project would not increase demand upon off-site park facilities in the project area. **(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, 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 other public facilities?**
-

The proposed project, as a school facility, would not substantially increase the demand for other public facilities, such as libraries and community centers. No new residences would be added to the area as a component of the project; therefore, the project would not increase the local population.

Students of the proposed school could potentially utilize nearby community centers, such as the Gardner Community Center and Bascom Community Center, and libraries, such as the Willow Glen Branch Library, for after-school recreation and/or study; however, the increase in use is not expected to require expansion of existing facilities or construction of new facilities. Therefore, the proposed would result in a less than significant impact on other public facilities. **(Less than Significant Impact)**

3.15.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant public services impact?

Cumulatively, other projects in the City may require the provision of public services, including increased fire and police services, schools, libraries, and community centers. Each project in the City would be required to assess the potential for the project to increase demand for public services such that new or expanded facilities would be required or substantial physical degradation of existing facilities would occur. Cumulative development projected by the Envision 2040 General Plan should be served by public services anticipated as part of the General Plan.

Residential projects would be required to implement the City's standard conditions for payment of school fees and parkland dedication and/or in-lieu fee payments to offset the increase in demand on schools and parks generated by new development. As mentioned in the above discussion, the project would not increase the local population and would not require new or expanded public service facilities. Therefore, the project would not contribute considerably to a cumulatively significant public services impact. **(Less than Significant Cumulative Impact)**

3.16 RECREATION

3.16.1 Environmental Setting

3.16.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan Policies

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to recreational resources and are applicable to the proposed project:

Envision San José 2040 Relevant Recreation Policies

Policy	Description
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500 SF per 1,000 population of community center space.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance and Park Impact Ordinance fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

3.16.1.2 *Existing Conditions*

The City of San José owns and maintains over 3,500 acres of parkland, including 190 neighborhood parks, community parks, and regional parks.⁹² The City also manages 50 community centers, 17 community gardens, and six aquatic facilities. Other recreational facilities include seven public skate parks and 61 miles of interconnected trails.⁹³ The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities.

Based on General Plan level of service goals, the City has sufficient neighborhood/community and combined City and other Citywide/regional parkland. However, the City is deficient in school recreation and City-owned Citywide/regional parkland.⁹⁴ Following General Plan buildout, it is projected that the City will have a surplus of approximately 7,500 acres of combined city and other

⁹² City of San José Parks, Recreation, and Neighborhood Services. *Building Community Through Fun 2016 Annual Report*. Available at: <https://www.sanJose.ca.gov/index.aspx?NID=204>

⁹³ City of San José. Parks, Recreation & Neighborhood Services website – *Fast Facts*. <http://www.sanJose.ca.gov/documentcenter/view/65881>. Accessed March 11, 2019.

⁹⁴ City of San José. *Envision San José 2040 General Plan FEIR*. Page 616. September 2011.

citywide/regional parkland, a deficit of approximately 8,000 acres of City-owned Citywide/regional parkland, a deficit of approximately 1,300 acres of recreational school grounds, and a deficit of approximately 400 acres of neighborhood/community serving parkland.

The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation and maintenance of all City park facilities. The nearest public parks to the project site are O'Connor Park (approximately 600 feet north), Del Monte Park (approximately 0.4-mile east), Cahill Park (approximately 0.8-mile northeast), and Hummingbird Park (approximately 0.8-mile east).

3.16.2 Impact Discussion

For the purpose of determining the significance of the project's impact on recreation, would the project:

- a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

3.16.2.1 *Project Impacts*

-
- 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?**
-

The proposed project would redevelop the site as a pre-kindergarten through 12th grade school campus. The project does not include residential development and would not increase the local population. It is reasonable to anticipate the future school students and staff may use nearby recreational facilities, such as parks and community centers, for after-school activities; however, the increase in use at these facilities would be negligible.

The proposed school includes recreational facilities to serve the student needs, including an indoor swim center, fitness facility, rooftop play space, two playgrounds, and turf sports field. Students would predominantly use the on-campus facilities to meet their recreational needs, thereby reducing the demand placed on off-site recreational facilities in the area. For these reasons, the proposed project would not increase the use of parks or other recreational facilities to the extent that physical deterioration of the facilities would occur or be accelerated. **(Less than Significant Impact)**

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

As mentioned above, the proposed school campus would include an indoor swim center, fitness facility, rooftop play space, two playgrounds, and turf sports field. The swim center and fitness facility would be contained within Building 4 (refer to the proposed site plan in Figure 2.2-5), rooftop play space south of the existing parking structure, and the turf field would be outdoors, at a

southcentral location in the site, and outdoor playgrounds north of Building 1 and southwest of Building 2, The impacts of the recreational facilities are analyzed throughout this DEIR in the context of the overall development proposed by the project.

Potential air quality, hydrology and water quality, noise, and lighting impacts of the recreational facilities are discussed in their respective sections, and mitigation measures or standard conditions are applied, as necessary, to reduce impacts. Therefore, the recreational facilities proposed by the project would not have an adverse physical effect on the environment. **(Less than Significant Impact)**

3.16.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant recreation impact?

Other projects in the City could increase the use of recreational facilities, such as neighborhood and regional parks and community centers, to the point of disrepair. In its General Plan FEIR (as amended), the City identified that with expected population growth through 2035, additional parks and community centers would be required to accommodate the increase in population. Existing City policies and regulations, such as the Parkland Dedication Ordinance and Parkland Impact Ordinance, function to collect fees from new development (or require parkland to be dedicated) for the purpose of maintaining the City's service level objectives. By requiring cumulative projects to adhere to existing policies and regulations, the cumulative impact of future development on recreational facilities would be minimized.

The proposed project does not include new residential development; therefore, its impact on recreational facilities in the project area would be minimal. The project includes recreational facilities of its own, but the proposed facilities are analyzed throughout this DEIR and found to not result in significant environmental impacts. The proposed project, when combined with other projects in the City, would not result in a cumulatively considerable contribution to a significant recreation impact. **(Less than Significant Cumulative Impact)**

3.17 TRANSPORTATION

The following discussion is based on a Transportation Analysis prepared for the project by *Hexagon Transportation Consultants, Inc. (Hexagon)*. The report dated March 12, 2020, is included as Appendix G to this DEIR.

3.17.1 Environmental Setting

3.17.1.1 *Regulatory Framework*

State

Regional Transportation Plan

The Metropolitan Transportation Committee (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2040.

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 the replacement of automobile delay—described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. The Governor’s Office of Planning and Research (OPR) approved the CEQA Guidelines implementing SB 743 on December 28, 2018. Local jurisdictions are required 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.

Regional

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that all 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.

Local

Transportation Analysis Policy (San José City Council Policy 5-1)

As established in City Council Policy 5-1 “Transportation Analysis Policy” (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. According to the policy, an employment (e.g. office, R&D) or residential project’s transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per capita VMT. 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 (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

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. Under Policy 5-1, the screening criteria are:

1. Small infill projects;
2. Local-serving retail;
3. Local-serving public facilities;
4. Transit supportive projects in Planned Growth Areas with low VMT and high-quality transit;
5. Restricted affordable, transit supportive residential projects in Planned Growth Areas with high quality transit;
6. Transportation projects that reduce or do not increase VMT.

The VMT policy does not negate Area Development policies (ADPs) and Transportation Development policies (TDPs) approved prior to adoption of Policy 5-1. Policy 5-1 does, however, negate the City’s Protected Intersection policy as defined in the prior Transportation Policy 5-3.

Envision San José 2040 General Plan

The following General Plan policies relate to the transportation impacts of the proposed project.

Policies	Description
Policy CD – 2.3	<p>Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.</p> <ol style="list-style-type: none"> Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area. Provide pedestrian connections as outlined in the Urban Community Design Connections Goal and Policies. Locate retail and other active uses at the street level. Create easily identifiable and accessible building entrances located on street frontages or paseos. Accommodate the physical needs of elderly populations and persons with disabilities. Integrate existing or proposed transit stops into project designs.
Policy CD-3.3	<p>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.</p>
Policy CD -3.4	<p>Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.</p>
Policy TR-1.1	<p>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).</p>
Policy TR-1.2	<p>Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.</p>
Policy TR-1.4	<p>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.</p> <ul style="list-style-type: none"> 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

Policies	Description
	include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1. <ul style="list-style-type: none"> Area Development Policy. An “area development policy” may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-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.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy 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.
Policy TR-7.1	Require large employers to develop and maintain TDM programs to reduce the vehicle trips generated by their employees.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.
Policy TR-8.9	Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.
Action TR-8.12	As part of the entitlement process, consider opportunities to reduce the number of parking spaces through shared parking, TDM actions, and parking pricing or other measures which can reduce parking demand. Consider the use of reserve landscaped open space or recreational areas that can be used on a short-term basis to provide parking or converted to formal parking in the future if necessary.

San José Bike Plan 2020

The San José Bike Plan 2020 also known as the Bicycle Master Plan, defines the City’s vision to make bicycling an integral part of daily life in San José. The plan recommends policies, projects, and programs to realize this vision and create a San José community where bicycling is convenient, safe, and commonplace. The Bike Plan 2020 defines a 500-mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways. The City of San Jose is currently drafting a new bike plan called “Better Bike Plan 2025”⁹⁵ which will replace “Bike Plan 2020” when completed and approved by Council in spring 2020.

⁹⁵ San Jose Better Bike Plan 2025. Available at <https://www.bikesanjose.com/>. Accessed February 26, 2020

Race Street Light Rail Urban Village

Urban villages are walkable, bicycle-friendly, transit-oriented, mixed-use areas that provide both housing and jobs, thus supporting the General Plan's environmental goals. The urban village strategy fosters:

- Mixed residential and employment activities that are attractive to an innovative workforce
- Revitalization of underutilized properties that have access to existing infrastructure
- Densities that support transit use, bicycling, and walking
- High-quality urban design

3.17.1.2 *Existing Conditions*

Roadway Network

Regional access to the project site is provided via I-280 and SR 87. Direct access to the site is provided via Meridian Avenue, Parkmoor Avenue, and Race Street. These facilities are described below.

I-280 is a predominantly north-south freeway that is oriented in an east-west direction in the vicinity of the project. It is an eight-lane freeway (three mixed-flow lanes and one HOV lane in each direction) that extends northward through San Francisco and southward through San José. The HOV lane begins and ends west of the Leland Avenue overpass when traveling northbound and southbound, respectively. Access to and from the site is provided via interchanges at Bird Avenue, Meridian Avenue, and Race Street.

SR 87 is a north-south freeway that resides entirely within San José, extending from SR 85 northward to US 101. SR 87 is a six-lane freeway with four mixed-flow lanes and two HOV lanes. It connects to SR 85, I-280, I-880, and US 101. SR 87 provides access to the project site via a full interchange at I-280.

Meridian Avenue is a four-lane, north-south undivided roadway that extends from Park Avenue in the north to Camden Avenue in the south, where it transitions into Leyland Park Drive. Meridian Avenue includes sidewalks on both sides of the street, except where it crosses Southwest Expressway and I-280 and has a posted speed limit of 35 mph. Bike lanes are not provided on Meridian Avenue. Meridian Avenue provides direct access to the project site, as well as access via Harmon Avenue.

Parkmoor Avenue is an east/west undivided roadway with a posted speed limit of 35 mph west of Leigh Avenue, 40 mph between Leigh Avenue and Meridian Avenue, and 30 mph east of Meridian Avenue. It extends from Lincoln Avenue in the east to Scott Street in the west. Parkmoor Avenue is a one-way street, westbound, west of Meridian Avenue. Parkmoor Avenue has two lanes between Lincoln Avenue and Northrup Street, three lanes between Northrup Street and Race Street, four lanes between Race Street and Meridian Avenue, and two lanes west of Meridian Avenue where it transitions into a one-way road until Bascom Avenue. Parkmoor Avenue provides direct access to the project site. Parkmoor Avenue has sidewalks on both sides of the street east of Meridian Avenue and has sidewalks on the westbound (north) side of the street west of Meridian Avenue. Bike lanes are provided on both sides of the street between Race Street and about 400 feet west of Meridian Avenue. The westbound bike lane ends about 1,000 feet west of Meridian Avenue.

Race Street is a north/south undivided roadway that provides direct access to the project site. It extends from The Alameda in the north to Fruitdale Avenue, where it transitions into Cherry Avenue. Race Street has two lanes for its entirety except between Saddle Rack Street and Parkmoor Avenue where it has four lanes. Race Street has a posted speed limit of 25 mph north of Auzerais Avenue and 30 mph south of Auzerais Avenue. Race Street provides direct access to the project site. Sidewalks are provided on both sides of the street, except for a small storefront section between San Carlos Street and Auzerais Avenue. Bike lanes are provided between The Alameda and Park Avenue and between San Carlos Street and Parkmoor Avenue.

Pedestrian and Bicycle Facilities

Pedestrian Facilities

Pedestrian facilities (See in the study area consist of sidewalks along the network of public streets and a pedestrian bridge crossing I-280 between College Drive and Parkmoor Avenue. Sidewalks are found along all previously described local roadways in the study area, with the exception of short intermittent segments of Auzerais Avenue, Race Street, and Meridian Avenue. Crosswalks with pedestrian signal heads and push buttons are located at all signalized intersections in the study area. All the intersections within a ½-mile radius of the project provide ADA ramps along the curbs at the crosswalk. The existing pedestrian network provides access between the project site and nearby transit stops.

Bicycle Facilities

There are a number of roadways in the project study area that have Class II bike lanes.⁹⁶ Bike lanes currently exist on the following roadway segments (See Figure 3.17-1):

- Park Avenue, between The Alameda and South Market Street
- Race Street, between The Alameda and Park Avenue and between West San Carlos Street and Parkmoor Avenue
- West Julian Street, between The Alameda and Stockton Avenue
- Stockton Avenue, between Emory Street and The Alameda/West Santa Clara Street
- West Santa Clara Street, between Stockton Avenue and North Almaden Boulevard
- South Montgomery Street, between West Santa Clara Street and West San Carlos Street
- West San Fernando Street, between Cahill Street and South 10th Street
- Auzerais Avenue, westbound between Sunol Street and the Los Gatos Creek Trail and westbound between Drake Street and Bird Avenue
- Parkmoor Avenue, between the I-280 off-ramp and Race Street
- Bird Avenue, between West Virginia Street and Coe Avenue and between Minnesota Avenue and Malone Road
- Willow Street, between Norman Avenue and Harliss Avenue/Lick Avenue
- Minnesota Avenue, between Weaver Drive and Lelong Street
- Lincoln Avenue, between San Carlos Street and Minnesota Avenue

⁹⁶ Class I bikeways are bicycle paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. Class II bikeways are striped bicycle lanes on roadways that are marked by signage and pavement markings.

There are three Class I bike paths in the project vicinity. The Guadalupe River Trail runs along SR 87 and the Guadalupe River, extending from West Virginia Street north to Alviso. The Los Gatos Creek Trail runs along Los Gatos Creek, between West San Carlos Street and Lonus Street and between Meridian Avenue and the Lexington Reservoir. The three Creeks Trail extends from Coe Avenue southeast to Kyva Park.

There are Class III bike routes along the following roadways:

- Auzerai Avenue, between Saddle Rack Street and Delmas Avenue, with westbound Class II breaks as described above Bird Avenue, between Minnesota Avenue and Coe Avenue
- Minnesota Avenue between Meridian Avenue and Weaver Drive.

Bike Share and Scooters

The City of San José participates in the Bay Area Ford GoBike bike share program, which allows users to rent and return bicycles at various locations in the area. The following Ford GoBike stations are located within a ½ mile walking distance of the project site: Auzerai Avenue & Lincoln Avenue, San Carlos Street & Meridian Avenue, Race Street & Parkmoor Avenue, and Sunol Street & San Carlos Street.

In addition, many companies provide dockless scooter rentals throughout the area. These services provide electric scooters with GPS unlocking systems that allow for rental and drop-off anywhere.

Transit Facilities

Existing transit services near the project site are provided by VTA and Caltrain (See Figure 3.17-2). Local bus route 64B operates along Meridian Avenue, Saddle Rack Street, and Race Street and stops just west of the project site. The closest bus stops serving Routes 23 and 523 are located at the intersection of West San Carlos Street and Grand Avenue, approximately ½-mile north of the project site. All the VTA bus routes within the project vicinity and their headways are summarized below in Table 3.17-1.

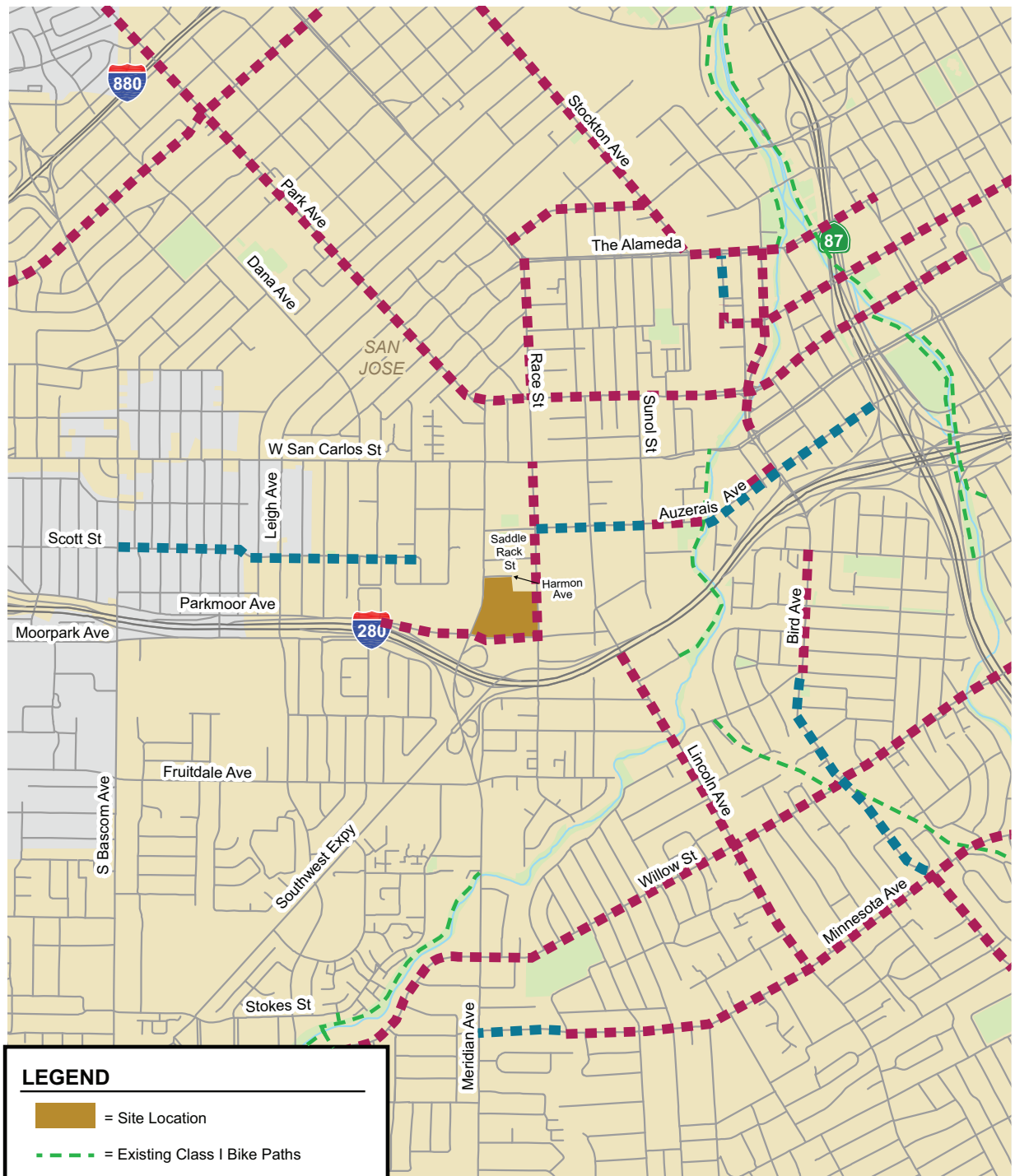
Table 3.17-1: Existing Bus Routes			
Transit Route	Route Description	Hours of Operation	Headway¹
Frequent Route 23	De Anza College to Alum Rock Transit Center via Stevens Creek	5:00 am – 1:00 am	10-15 mins
Local Route 64B	Almaden Expressway & Camden to McKee & White	6:00 am – 9:00 pm	15-30 mins
Rapid Route 523	Berryessa BART to Lockheed Martin	5:30 am – 10:30 pm	15 mins
¹ Approximate headways during peak commute periods.			

VTA Light Rail Transit (LRT) Service

The VTA operates the light rail transit (LRT) line system that extends from south San José through downtown to the northern areas of San José, Santa Clara, Mountain View, and Sunnyvale. Service operates nearly 24-hours, every 15 minutes during much of the day. The Mountain View-Winchester LRT line (902) provides service to the Race LRT station from 5:00 AM to 12:30 AM. The Race LRT station is located on Race Street north of Parkmoor Avenue and is just across the street from the project site. Sidewalks are present, as well as striped bike lanes or marked bike routes, on both sides of Race Street north of the station and Parkmoor Avenue west of the station.

Caltrain Service

Commuter rail service between San Francisco and Gilroy is provided by Caltrain. The Race LRT line serves the San José Diridon Transit Center. The train station is two miles (a 12-minute bike ride) from the project site. The San José Diridon Transit Center is served by eight VTA bus routes, Hwy 17 Express, Altamont Corridor Express, Amtrak, Downtown Area Shuttle, Caltrain, VTA Light Rail, and Monterey – San José Express (MST 55). All Caltrain services stop at the San José Diridon Transit Center during commute hours five days a week between 4:28 AM and 10:30 PM in the northbound direction, with headways of five to 30 minutes, and between 6:31 AM and 1:42 AM in the southbound direction, with headways of eight to 36 minutes. Caltrain provides extended service to Morgan Hill and Gilroy during the weekday commute hours. Baby Bullet trains also stop at the San José Diridon Transit Center with headways of 20 minutes in the northbound direction, and with headways of 20 to 35 minutes in the southbound direction.



LEGEND

= Site Location

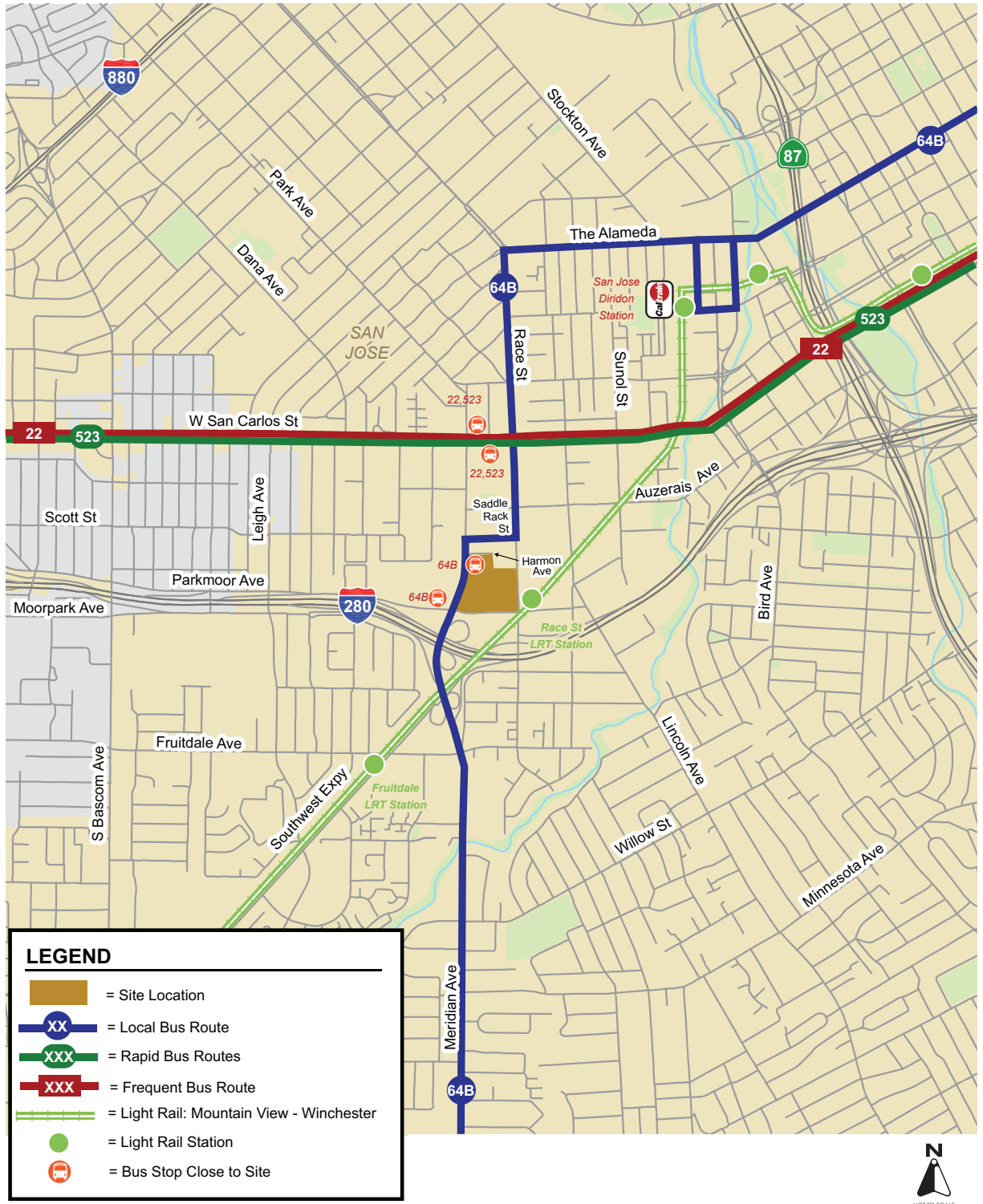
= Existing Class I Bike Paths

= Existing Class II Bike Lanes

= Existing Class III Bike Routes



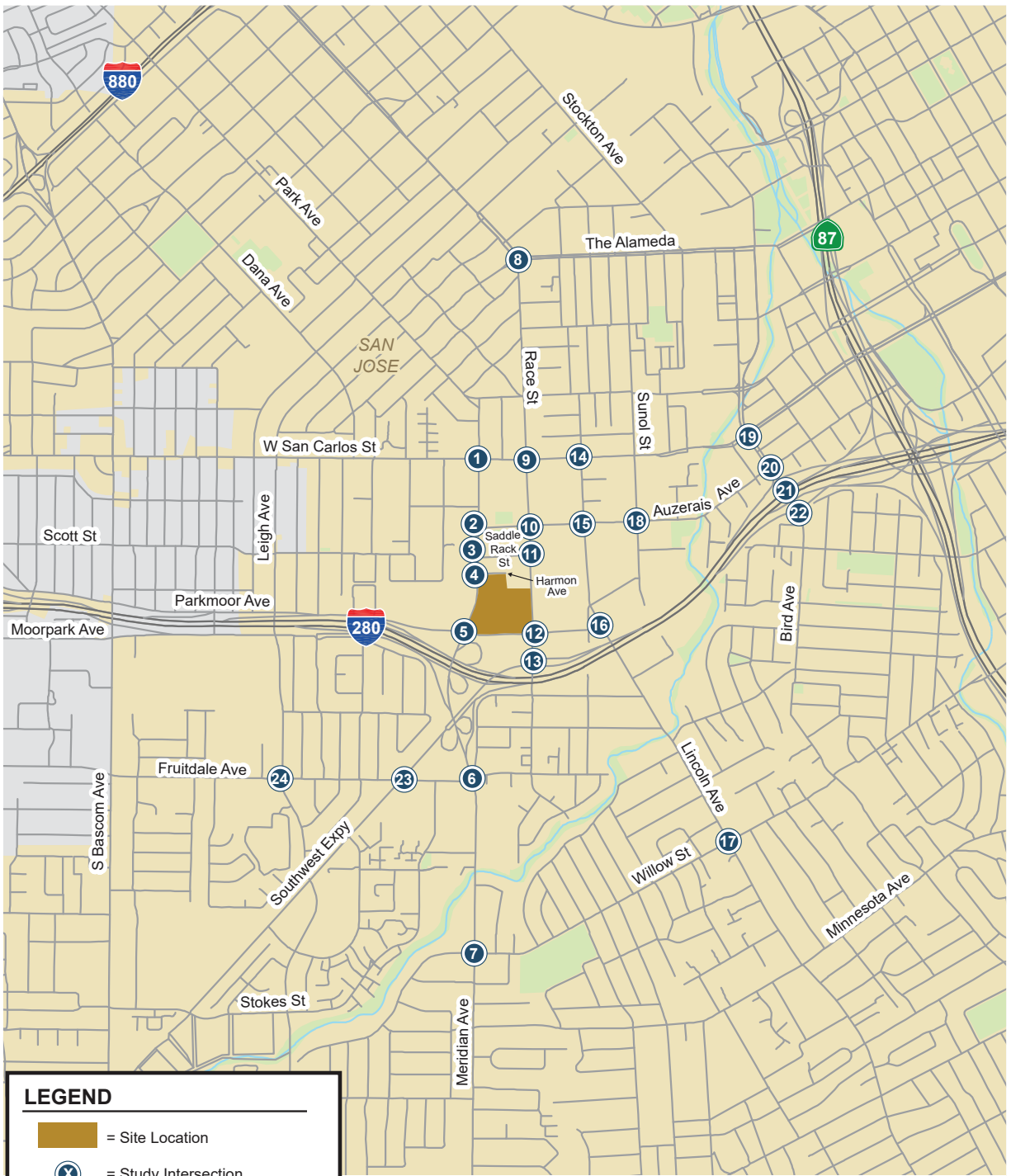
Source: Hexagon Transportation Consultants, Inc.




Source: Hexagon Transportation Consultants, Inc.

EXISTING TRANSIT SERVICES

FIGURE 3.17-2




 NOT TO SCALE

Source: Hexagon Transportation Consultants, Inc.

STUDY INTERSECTIONS

FIGURE 3.17-3

3.17.2 **Impact Discussion**

For the purpose of determining the significance of the project's impact on transportation, 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) For a land use project, 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?

3.17.2.1 ***Project Impacts***

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

Transit Facilities

The project site is well-located to take advantage of existing transit services, including a Light Rail line. Three local bus routes (Routes 23, 64B, and 523) serve the vicinity of the project area on weekdays. To assess the project's effect on transit vehicle delay, the delay experienced by each route running through the study intersections was estimated based on the average vehicle delay calculated as part of the intersection level of service analysis (refer to *Section 3.17.3, Non-CEQA Effects*).

The results show that the project would increase the delay for Route 64B northbound by 23.8 seconds during the AM peak hour and by 7.3 seconds in the PM peak hour. The delay for Route 64B southbound would increase by 14.6 seconds during the PM peak hour. Route 523 also shows an increase of 8.6 seconds in delay for the westbound direction during the AM peak hour. All other bus routes would experience negligible (less than one percent) increases in transit delay. VTA does not have significance thresholds to determine impacts on transit delay and vehicle delay would not be considered an environmental impact under CEQA per SB 743. The projected increase in transit delay would not conflict with the City's overall goals and policies regarding transit services. **(Less than Significant Impact)**

Pedestrian and Bicycle Facilities

Pedestrian facilities consist of sidewalks and crosswalks along the streets and intersections in the immediate vicinity of the project site. Crosswalks with pedestrian signal heads and push buttons are located at all the signalized intersections in the study area. There are no sidewalks on Meridian Avenue south of Parkmoor Avenue; however, pedestrians can use Race Street to access the neighborhoods south of I-280.

The project site plan shows pedestrian paths within and surrounding the project site. Access points include pedestrian and bicycle gates next to the driveways on Harmon Avenue, Parkmoor Avenue,

and Race Street. Pedestrian and bicycle access would be provided all along Race Street. A pedestrian gate is shown through Buildings 5 and 7. To access the project from the LRT station, students would walk to the pedestrian and bicycle gate next to the ingress driveway on Race Street or the eastern egress driveway on Parkmoor Avenue. A pedestrian and bicycle gate would be provided into the campus between Buildings 6 and 7.

Pedestrian, Bike, and Transit Improvements

The project site is located within the Race Street Light Rail Urban Village Boundary and fronts Meridian Avenue, which has been designated as a Grand Boulevard by the Envision San José 2040 General Plan. Grand Boulevards are intended to serve as major transportation corridors with priority given to public transit. Sites within an Urban Village and located along a Grand Boulevard must incorporate additional urban design and architectural elements that facilitate a building with pedestrian oriented design and activate the pedestrian public right-of-way.

To improve pedestrian and bicycle facilities along Meridian Avenue, Parkmoor Avenue, and Race Street, the City has proposed multimodal improvements surrounding the project site, which the project applicant will facilitate completion of (see Figure 2.2-8). These improvements are not part of the project or its application proposal, but are part of the conditions of approval. The offsite improvements would be built in phases and would commensurate with the student capacity for each phase of project construction. The planned improvements at each intersection and along the streets are described below.

Meridian Avenue and Parkmoor Avenue

- Remove pork chop islands at the northeast corner to improve the multi-modal environment by eliminating an unsignalized pedestrian/vehicle conflict point, increasing the visibility of pedestrians at the intersection corner, decreasing the crossing distance for pedestrians, providing a safer refuge for pedestrians waiting to use the crosswalks, and providing an ADA standard curb ramp.
- Construct bulb-outs at the northwest corner and tighten the corner radius at the southwest corner to improve the multi-modal environment by increasing the visibility of pedestrians at the intersection corners, decreasing the crossing distance for pedestrians, and providing two ADA standard curb ramps.
- Provide ADA standard curb ramps and high visibility crosswalks on all legs.

Race Street and Parkmoor Avenue

- Construct bulb-outs at the northwest, northeast, and southwest corners of the intersection with ADA ramps and provide high visibility crosswalks on all legs.

Meridian Avenue south of Harmon Avenue

- Implement Class IV protected bicycle lanes between Parkmoor Avenue and Harmon Avenue

Race Street south of the project driveway

- Reconfigure the Class III bicycle route into Class II buffered bicycle lanes

The project would not conflict with any planned improvements to the circulation network outlined in the San José Bike Plan 2020 or the Envision San José 2040 General Plan. The identified roadway improvements implemented by the project would not result in significant environmental impacts as they can be accomplished within existing right of way. For these reasons, the proposed project would not conflict with a program plan, ordinance or policy addressing bicycle and/or pedestrian facilities. **(Less than Significant Impact)**

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

VMT Methodology

The proposed project's VMT was estimated using the procedures set forth by the City's Transportation Analysis Policy (Council Policy 5-1). The project's VMT was compared to the appropriate thresholds of significance based on the project location and type of development. Given the unique size and land use of the proposed project (as there are very few K-12 private schools located on the same campus), the project VMT per student was compared to the existing VMT per student (students that may be attending Avenues in the future but are attending some other school right now within a roughly 40 mile radius) and the project VMT per staff was compared to the existing office VMT per employee in the same area.

As established in the Transportation Analysis Policy, the VMT impact thresholds are 15 percent below the regional average for office developments. Thus, projects that include general employment uses (office) are said to create a significant adverse impact when the estimated project-generated VMT exceeds the existing regional average VMT per employee minus 15 percent. Currently, the reported regional average is 14.37 VMT per employee; reducing this by 15 percent, the significant impact threshold would be 12.22 VMT per employee. Thus, the project's staff VMT was compared against the 12.22 VMT per employee threshold. For student VMT, the threshold of significance is defined as the existing VMT per student, as described below.

VMT Analysis

To determine whether the project staff trips would result in VMT impacts, *Hexagon* utilized the City-developed San José VMT Evaluation Tool ("sketch tool"). The VMT analysis for the proposed school staff was conducted by converting the staff trip generation estimates (refer to *Section 3.17.3 Non-CEQA Effects*) to an equivalent office development (based on square footage)⁹⁷. Assuming 60 percent of the school's 480 staff generate a morning inbound trip, the project staff would generate 288 AM peak hour trips. This is equivalent to a 248 ksf office building. Based on the sketch tool and the project's location, the project staff would generate 12.6 VMT per employee. Compared to the threshold of 12.22 VMT per employee, the project staff would generate per-employee VMT at approximately three (3) percent above the significance threshold. The project would be required to provide mitigation measures to reduce the per-employee project VMT by three (3) percent.

⁹⁷ The City's VMT Evaluation Tool does not have a land use category for schools. Staff/faculty are essentially employees of a company (school). Their travel patterns are the same as an office worker. They all go from home to work in the morning and work to home in the evening.

To determine whether student trips would result in VMT impacts, *Hexagon* developed a student distribution model using zipcode-level data obtained from Harker schools.^{98,99} The distribution model estimated that the average trip length for the proposed Avenues school at the project site would be 10.46 miles per trip. The same distribution model was used to calculate the existing student VMT. It was assumed that 90 percent of students that would attend the Avenues are currently attending private schools and the remaining 10 percent of these students are attending public schools. The project is expected to draw students mostly from the Santa Clara County, Redwood City, and Fremont vicinities; approximately 200 private schools providing pre-kindergarten, kindergarten, elementary, middle and/or high school education were found within this area. The private and public school trip distribution model was applied to each school. Using this data, the weighted average existing trip length for all students that would attend the Avenues was determined to be approximately 8.74 miles per trip. Therefore, the per-student VMT generated by the proposed project would be approximately 17 percent above the existing per-student VMT and would generate a VMT impact. The project would be required to provide mitigation measures to reduce the per-student project VMT by 17 percent. The project generated per-staff VMT would exceed the existing per-employee VMT threshold by 3 percent.

Impact TRN-1: The proposed project would generate VMT which is three percent above the significance threshold for employment uses and 17 percent above the significance threshold for student uses.

Mitigation Measures: The project requires implementation of a Transportation Demand Management (TDM) plan that will reduce student VMT by 17 percent and staff VMT by three percent. The TDM plan for monitoring, reporting, compliance, and funding will be provided for the life of the project. However, as Avenues is new to San José, Avenues shall be allowed to revisit the VMT impact in the future based on its actual operating data, including trip generations, origins and destinations. A traffic engineer shall prepare and submit the TDM plan to the Director of Planning, Building and Code Enforcement or Director's designee.

MM TRN-1.1: Prior to the issuance of any public works clearances, the project applicant shall implement a Transportation Demand Management Plan which includes the following measures:

- **Annual Monitoring.** An annual monitoring requirement establishing a trip cap of 1,795 net AM Peak Hour Trips (see Table 3.17-2) shall be conducted by Avenues. Annual trip monitoring reports will be submitted to the Department of Planning, Building and Code Enforcement's Environmental Review for approval.

⁹⁸ The Harker School is a college preparatory private school with preschool, lower school, middle school, and upper school facilities located in San José. Harker has about 2000 students, which is very close to Avenues' size. Harker data was used to develop a distribution model based on 1) high income population, 2) average income of high-income households, 3) distance between high income households and the school. The assumption is that the distribution model would inform where students would come from.

⁹⁹ For a detailed discussion of the methodology used to calculate student VMT, refer to Appendix G.

- **Follow-up Monitoring.** After implementing TDM mitigation measures, the project will be required to submit a follow-up monitoring report that demonstrates compliance with the trip cap requirements within a grace period, which will not exceed six (6) months per Section 3.8 of the Transportation Analysis Handbook.
- **TDM Coordinator.** Contact information for the TDM coordinator shall be posted on the school's website.
- **Availability.** Information regarding the TDM program shall be distributed to all families of Avenues' students and shall be posted on the school website prior to program implementation.
- **Additional TDM measures to help the project meet the trip cap include**
 - Commute Trip Reduction Marketing/Educational Campaign: promote the use of transit, shared rides, walking, and bicycling through a TDM Coordinator
 - School Carpool Program: coordinate carpools amongst parents
 - Alternative Work Schedules/Staggered Class Start Times: shift schedules or commute outside of peak congestion periods by staggering the start time for classes for staff and students
 - Staff Parking "Cash-Out" Program: provide staff the choice to forgo subsidized/free parking for a cash payment equivalent to the cost that the school would otherwise pay for the parking space
 - Bicycle Storage: provide safe storage (lockers or racks) for staff and students to park their bicycles to encourage commuting by bicycle
 - Showers/Changing Rooms: provide showers and changing rooms to encourage students and staff to walk or bike to and from school
 - Bike Sharing Program: provide land or subsidies for a bike sharing system
 - Subsidized or Discounted Transit Program: provide partially or fully subsidized/discounted transit passes
 - Free Direct Shuttle/Bus Service: provide shuttle service between the school and areas with high concentrations of student residence

With implementation of the proposed TDM plan, the project's impact on VMT would be less than significant. In addition, the project would also facilitate completion of various public improvements beyond the project frontages as proposed by the City (as stated in Section 2.2.6 and Figure 2.2-8) that will improve multimodal facilities around the project site. Since the project would be built in phases, the public improvements would also be built in phases. The project will be able to take a VMT reduction for constructed public improvements as allowed per the VMT reduction strategies since the public improvements improve multimodal connectivity and transit improvements. The project applicant will coordinate with City staff to ensure the appropriate amount of TDM measures are built during each phase that commensurate with the student capacity for each phase (see Table 1 of Attachment H of Appendix H). Adequate on-site parking will also be provided for each phase. **(Less than Significant Impact with Mitigation Incorporated)**

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

The roadway, bicycle, and pedestrian facilities adjacent to the proposed school were evaluated to assess the safety for students and parents. The proposed site plan shows adequate site access and on-site circulation. As discussed above in impact discussion (a), the project would not have an adverse effect on the existing pedestrian or bicycle facilities in the study area. The proposed project would increase the northbound and southbound delays for transit Route 64B that currently operates on Meridian Avenue during either peak hour.

The following recommendation was identified to address issues associated with intersection queuing:

- It may be possible to lengthen the westbound left-turn pocket at the intersection of Southwest Expressway and Fruitdale Avenue by approximately 125 feet to accommodate future queuing issues.

The following recommendations were identified to address issues associated with the site plan and school operations:

- The project should deploy sufficient staff at each loading zone during morning drop-off operations to direct vehicles and guide students to their appropriate classrooms to ensure the maximum utilization of the loading zones.
- Student loading after school has the potential of being a hectic and inefficient process since it takes time for parents and students to locate each other. Staff and/or parent volunteers can facilitate the loading process to shorten the time parents wait for students to notice them in the loading zone. A staff member could be positioned near the driveway entrance at the street in advance of the loading zone and radio ahead to other staff positioned within the loading zone to announce the names of students who should be ready for pick up. A numbering system could be used to accomplish this. The number is displayed on the dash of the vehicle and would be associated with a particular student.
- The school should notify all students and parents not to arrive too early for pick-up if arriving before afternoon dismissal. Parking and waiting along the neighborhood streets should be prohibited.
- The school should move the driveway of the parking garage accessed by Race Street to be before the start of the drop off lane in order to provide better access to the garage.
- The project should widen the proposed 20-foot drive aisles within the proposed garage to 26 feet.
- The project should make allowance for the future development of a cul-de-sac at the terminus of Harmon Avenue for emergency vehicle turnaround.

These improvements to the surrounding circulation system would ensure that the proposed project would not cause hazards to pedestrians, bicyclists, and motorists traveling on the surrounding roadways. The proposed school would not increase hazards due to incompatibility with surrounding land uses. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

The proposed project provides a fire lane adjacent to the student drop-off zone. The SJFD requires that all portions of the buildings be within 150 feet of a fire department access road and requires a minimum of six feet clearance from the property line along all sides of the buildings. According to the project site plan, the project would meet the six-foot clearance and 150-foot fire access requirement on all buildings. Emergency access vehicles can currently exit the area using the parking lot driveway to the north on Harmon Avenue. If the northern site is redeveloped in the future, the SJFD may require a cul-de-sac bulb. The project should make allowance for part of a cul-de-sac to be installed at the terminus of Harmon Avenue for possible future redevelopments. As proposed, the project would not result in inadequate emergency access. **(Less than Significant Impact)**

3.17.2.2 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant transportation impact?

Projects must demonstrate consistency with the Envision San José 2040 General Plan to address cumulative impacts. Consistency with the City's General Plan is based on the project's density, design, and conformance to the General Plan goals and policies.

The project is consistent with the General Plan goals and policies for the following reasons:

- The project site is adjacent to a light rail station, as well as bus services and bicycle lanes.
- The project would increase the equivalent employment density in the project area.
- The project is located within the Race Street Light Rail Urban Village.

Urban villages are walkable, bicycle-friendly, transit-oriented, mixed-use settings that provide both housing and jobs, thus supporting the General Plan's environmental goals. The urban village strategy fosters:

- Mixed residential and employment activities that are attractive to an innovative work force.
- Revitalization of underutilized properties that have access to existing infrastructure.
- Densities that support transit use, bicycling, and walking
- High-quality urban design.

Therefore, based on the project description, the proposed project would be consistent with the Envision San José General Plan. The project would be considered part of the cumulative solution to meet the General Plan's long-range transportation goals and would result in a less than significant cumulative impact. **(Less than Significant Cumulative Impact)**

3.17.3 Non-CEQA Effects

While the evaluation of project CEQA impacts on the transportation system is focused on vehicle miles traveled (VMT), in accordance with the City of San José Transportation Policy (Council Policy 5-1), the following discussion is included for informational purposes because City Council Policy 5-1

requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

3.17.3.1 *Local Transportation Analysis*

Local Intersections

As part of the LTA, a project is required to conduct an intersection operations analysis if the project is expected to add 10 or more vehicle trips per hour per lane to any signalized intersection that is located within a half-mile of the project site and is currently operating at LOS D or worse. Based on these criteria, the following 24 study intersections were included in the project's local transportation analysis.

1. Meridian Avenue and San Carlos Street
2. Meridian Avenue and Auzerais Avenue
3. Meridian Avenue and Saddle Rack Street
4. Meridian Avenue and Harmon Avenue (unsignalized)
5. Meridian Avenue and Parkmoor Avenue
6. Meridian Avenue and Fruitdale Avenue
7. Meridian Avenue and Willow Street
8. Race Street and The Alameda (CMP intersection)
9. Race Street and San Carlos Street
10. Race Street and Auzerais Avenue
11. Race Street and Saddle Rack Street
12. Race Street and Parkmoor Avenue
13. Race Street and I-280 off-ramp (unsignalized)
14. Lincoln Avenue and San Carlos Street
15. Lincoln Avenue and Auzerais Avenue
16. Lincoln Avenue and Parkmoor Avenue
17. Lincoln Avenue and Willow Street
18. Sunol Street and Auzerais Avenue
19. Bird Avenue and San Carlos Street (CMP intersection)
20. Bird Avenue and Auzerais Avenue
21. Bird Avenue and I-280 North (CMP intersection)
22. Bird Avenue and I-280 South (CMP intersection)
23. Southwest Expressway and Fruitdale Avenue
24. Leigh Avenue and Fruitdale Avenue

Project Trip Estimates

The magnitude of traffic produced by a new development and the locations where that traffic would appear are estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site is estimated for the AM and PM peak hours. As part of the project trip distribution, the directions

to and from which the project trips would travel are estimated. In the project trip assignment, the project trips are assigned to specific streets and intersections.

Trips that would be generated by students during the AM peak hour were estimated using average trip rates from various similar schools (refer to Appendix G for detailed methodology). It was assumed that one trip per staff member would be generated and that 60 percent of all staff would arrive within the AM peak hour and 30 percent of all staff will leave during the PM peak hour. Trips generated by students during the PM peak hour were estimated using the percent of students dismissed during the PM peak hour. Additionally, because the project will create a VMT impact and require trip reduction measures to reduce student trips by 17 percent and staff trips by 3 percent, (refer to Impact TRN-1, above), a similar trip reduction was applied to the trip generation estimates. The project trip generation also accounted for (i.e., subtracted out) trips generated by existing buildings on the site, based on driveway counts conducted in May 2019.

After applying the trip rates to the proposed project and applying the appropriate trip adjustments and credits, the project would generate 1,741 net new trips¹⁰⁰ (1,009 in and 732 out) during the AM peak period and 860 net new trips (304 in and 556 out) during the PM peak period (see Table 3.17-2). The project would stagger start times between the lower grades and high school students in order to achieve reasonable drop-off operations in the morning. Table 3.17-3 shows the estimated drop off and pick up ranges for the project, at maximum capacity.

¹⁰⁰ 1,741 net new trips are calculated after accounting for the TDM measures, which includes a trip cap.

Table 3.17-2: Project Trip Generation											
				AM Peak Hour				PM Peak Hour			
Land Use	Size	Unit	Daily Trips	Peak Rate	In	Out	Total	Peak Rate	In	Out	Total
Proposed Project											
Toddler ¹	24	students	98	0.95	12	11	23	--	Dismissed prior to PM Peak		
ELC Program ¹	272	students	1,112	0.95	137	121	258	0.14	18	20	38
Kindergarten Program ²	160	students	658	1.12	99	81	179	0.14	10	12	22
Grades 1-5 Program ²	880	students	3,617	1.025	496	406	902	0.37	150	176	326
Grades 6-8 Program ²	528	students	2,170	1.062	308	252	561	0.71	174	201	375
Grades 9-12 Program ³	880	students	1,786	0.80	429	275	704	0.53	148	320	468
School Trips⁴	2,744	students	9,441	0.96	1,482	1,146	2,627	0.45	500	729	1,230
TDM Trip Reduction⁵											
			(1,605)		(435)	(398)	(832)		(85)	(104)	(189)
Gross School Trips⁴	2,744	students	7,836		1,047	748	1,795		415	626	1,041
Existing Use											
Office and Warehouse					(38)	(16)	(54)		(111)	(70)	(181)
Net project Trips					1,009	732	1,741		304	556	860
Notes: 1. Toddler and ELC (Early Learning Center) program AM peak hour trip generation referenced rates published in the ITE Trip Generation, 10th Edition for Land Use Code 565, Day Care Center, average rates expressed in trips per student. Rates for the PM peak hour were estimated based on the proposed school schedule stating 7.5% of the ELC program will be dismissed during the PM peak hour. 2. Grade K-8 program AM peak hour trip generation referenced rates published in the ITE Trip Generation, 10th Edition for Land Use Code 534, Private School (K-8), average rates expressed in trips per student. Rates for the PM peak hour were estimated based on the proposed school schedule stating 7.5% of the Kindergarten students, and 20% of Grade 1-5 students. Rates for the PM peak hour for Grade 6-8 were based on the AM rate, divided by 1.5 hours of dismissal period. 3. Grade 9-12 program AM peak hour trip generation referenced rates published in the ITE Trip Generation, 10th Edition for Land Use Code 536, Private School (K-12), average rates expressed in trips per student. The proposed Grade 9-12 program ends during the PM peak hour and all students are expected to leave by 5:30 PM. Therefore, the rate was estimated based on the AM rate divided by 1.5 hours of dismissal period. 4. The resulting overall trip generation rate of 0.65 trips per student during the AM peak hour is slightly lower than the ITE rate of 0.80 for Land Use Code 536, Private School (K-12). The resulting overall trip generation rate for the PM peak hour is 0.38 trips per student, which is lower than the rate of 0.75 trips per student when combining the ITE rates for the "PM Peak Hour of Generator" and "PM Peak Hour of Adjacent Street Traffic". However, the ITE rates for the PM peak hours are not reflective of the proposed school schedules. 5. TDM measures would create a trip cap of 1,795 trips during the AM peak hour. The project would implement TDM measures sufficient to achieve a 17percent VMT reduction of student trips and a 3 percent VMT reduction of staff trips for the PM peak hour.											

Table 3.17-3: Estimated Drop Off and Pick Up Ranges, at Capacity						
Schedule Shift	Students	Days	Arrival		Departures	
			Begin	End	Begin	End
Toddler ¹	24	M-F	7:00 AM	7:30 AM	3:20 PM	3:40 PM
Nursery to K ¹	432	M-F	7:00 AM	7:30 AM	3:00 PM	4:30 PM
1 st to 5 th Grade	880	M-F	7:15 AM	7:45 AM	3:15 PM	4:30 PM
6 th to 8 th Grade	528	M-F	7:30 AM	8:00 AM	3:50 PM	5:30 PM
9 th to 12 th Grade	880	M-F	8:00 AM	9:00 AM	3:50 PM	5:30 PM
Notes: ¹ Morning session Toddler to K students can be dropped off as early as 7:00 AM. Only afternoon session Toddler students are shown for departures. ² Primary/Secondary division students arrive as early as 7:15 AM for before school activities. ³ End times vary based on after-school programs. ELC and G1-G5 after school programs typically end by 4:30 and G5-G12 after school programs typically end by 5:30.						

The trip distribution patterns for the project were estimated based on existing travel patterns on the surrounding roadway network that reflect typical weekday AM and PM peak commute patterns for each land use, the locations of complementary land uses, and freeway access points. Three separate trip distribution patterns were used for the project: (1) school trips by non-working parents, staff, and student-driving (same for AM and PM hours), (2) AM school trips by working parents, and (3) PM school trips by working parents.

The peak-hour trips generated by the project were assigned to the roadway network in accordance with the project trip distribution patterns. Project trip assignment assumptions are discussed below:

- It was assumed that all student driver trips, grade 6-8 trips, and grade 9-12 trips will enter the site via the project driveway on Race Street.
- It was assumed that all staff trips, toddler program trips and grade K-5 trips will enter the site via the project driveway on Harmon Street.
- It was assumed that all egress trips will make a right turn onto westbound Parkmoor Avenue. Vehicles wanting to travel in other directions can either make a right or left turn onto Meridian Avenue or make a U-turn at Meridian Avenue in order to travel eastbound.

Background Plus Project Conditions Level of Service Analysis

The intersection level of service summary is provided in Table 3.17-4, below.

Table 3.17-4: Intersection Level of Service Summary

<i>Intersection</i>	<i>Peak Hour</i>	<u>Existing</u>		<u>Background</u>		<u>Background + Project</u>			
		<i>Avg. Delay (sec)</i>	<i>LOS</i>	<i>Avg. Delay (sec)</i>	<i>LOS</i>	<i>Avg. Delay (sec)</i>	<i>LOS</i>	<i>Incr. in Crit. Delay (sec)</i>	<i>Incr. in Crit. V/C</i>
Meridian Avenue and San Carlos Street	AM	39.7	D	41.5	D	42.5	D	0.8	0.02
	PM	44.5	D	49.4	D	50.6	D	1.4	0.01
Meridian Avenue and Auzerais Avenue	AM	3.3	A	3.3	A	3.4	A	0.0	0.02
	PM	2.7	A	2.8	A	2.8	A	0.0	0.00
Meridian Avenue and Saddle Rack Street	AM	13.2	B	13.9	B	21.2	C	8.1	0.20
	PM	18.3	B	18.7	B	20.5	C	10.7	0.07
Meridian Avenue and Parkmoor Avenue	AM	26.4	C	26.7	C	33.1	C	9.2	0.23
	PM	33.9	C	33.9	C	37.4	D	2.4	0.08
Meridian Avenue and Fruitdale Avenue	AM	39.1	D	40.4	D	40.5	D	0.6	0.02
	PM	36.9	D	37.5	D	37.0	D	-0.3	0.01
Meridian Avenue and Willow Street	AM	35.8	D	35.8	D	35.8	D	0.0	0.01
	PM	30.4	C	30.4	C	30.3	C	0.0	0.01
Race Street and The Alameda*	AM	42.9	D	42.9	D	44.8	D	2.0	0.07
	PM	43.0	D	43.0	D	46.5	D	4.5	0.01
Race Street and San Carlos Street	AM	40.0	D	40.3	D	44.2	D	5.0	0.08
	PM	40.0	D	40.3	D	42.2	D	2.3	0.03
Race Street and Auzerais Avenue	AM	9.3	A	9.4	A	10.1	B	0.6	0.09
	PM	5.0	A	5.1	A	6.6	A	2.6	0.08
Race Street and Saddle Rack Street	AM	23.3	C	23.8	C	25.7	C	3.7	0.26
	PM	20.1	C	20.7	C	22.1	C	1.6	0.13
Race Street and Parkmoor Avenue	AM	24.4	C	24.3	C	30.2	C	11.3	0.41
	PM	28.3	C	28.5	C	30.0	C	1.2	0.18
Lincoln Avenue and San Carlos Street	AM	33.9	C	33.9	C	34.0	C	0.0	0.02
	PM	32.8	C	32.8	C	32.5	C	-0.3	0.01
Lincoln Avenue and Auzerais Avenue	AM	8.0	A	8.5	A	11.2	B	3.9	0.10
	PM	9.8	A	9.9	A	9.9	A	0.0	0.00
Lincoln Avenue and Parkmoor Avenue	AM	27.3	C	27.9	C	27.5	C	0.2	0.05
	PM	40.3	D	40.8	D	41.4	D	0.6	0.02
Lincoln Avenue and Willow Street	AM	45.1	D	45.1	D	47.2	D	2.9	0.04
	PM	49.0	D	49.0	D	49.5	D	0.6	0.02

Table 3.17-4: Intersection Level of Service Summary									
<i>Intersection</i>	<i>Peak Hour</i>	<u>Existing</u>		<u>Background</u>		<u>Background + Project</u>			
		<i>Avg. Delay (sec)</i>	<i>LOS</i>	<i>Avg. Delay (sec)</i>	<i>LOS</i>	<i>Avg. Delay (sec)</i>	<i>LOS</i>	<i>Incr. in Crit. Delay (sec)</i>	<i>Incr. in Crit. V/C</i>
Sunol Street and Auzerais Avenue	AM	6.5	A	8.2	A	7.8	A	-0.7	0.11
	PM	7.8	A	8.1	A	7.9	A	0.0	0.00
Bird Avenue and San Carlos Street*	AM	35.8	D	37.5	D	38.3	D	1.4	0.02
	PM	35.7	D	37.8	D	37.9	D	0.2	0.01
Bird Avenue and Auzerais Avenue	AM	19.9	B	21.9	C	22.8	C	0.0	0.00
	PM	23.0	C	25.3	C	27.0	C	3.2	0.04
Bird Avenue and I-280 North On-Ramp*	AM	28.5	C	28.7	C	30.6	C	-0.6	0.05
	PM	26.9	C	28.4	C	29.4	C	1.5	0.02
Bird Avenue and I-280 South On-Ramp*	AM	34.7	C	35.7	D	35.9	D	0.2	0.00
	PM	22.9	C	24.2	C	24.2	C	0.0	0.00
Southwest Expressway and Fruitdale Avenue	AM	31.1	C	30.9	C	32.2	C	0.6	0.04
	PM	37.7	D	38.0	D	39.8	D	2.0	0.04
Leigh Avenue and Fruitdale Avenue	AM	35.4	D	35.4	D	35.5	D	0.2	0.01
	PM	30.0	C	30.0	C	30.0	C	0.0	0.00
Notes: * Denotes CMP intersection ¹ Counts were conducted after the Memorial Day Weekend when schools were out; therefore, counts were factored up by 15 percent to represent typical traffic volumes Bold indicates a substandard level of service									

As shown in Table 3.17-4, the proposed project would not degrade the level of service to below LOS D or increase critical delay by 0.04 seconds or more at any of the study intersections. Therefore, the project would not adversely affect the operations of any study intersection.

Unsignalized Intersections

The following side-street stop-controlled study intersections were analyzed for potential operational issues:

1. Meridian Avenue and Harmon Avenue
2. Race Street and I-280 Off-ramp

The City has not established a level of service standard for unsignalized intersections. The traffic operations analysis shows both intersections would not meet the peak-hour signal warrant analysis under existing, background, or background plus project conditions. The peak-hour signal warrant analysis makes no evaluation of intersection level of service, but simply provides an indication whether peak-hour traffic volumes are, or would be, sufficient to justify installation of a traffic

signal. The unsignalized intersection level of service analysis found during the AM peak hour, the westbound approach at Meridian Avenue/Harmon Avenue would operate at LOS F with the addition of project trips to Meridian Avenue. Due to the added volume on northbound and southbound Meridian Avenue, westbound traffic on Harmon Avenue would have difficulty finding a gap to make a left turn onto Meridian Avenue. Recommendations to prohibit left turns at this intersection are discussed in detail in the queueing analysis in Appendix G.

Freeway Segment Capacity Analysis

The project is expected to add more than 100 net new peak-hour vehicle trips to the roadway network, thus, a CMP freeway analysis was prepared consistent with the VTAs *Transportation Impact Analysis Guidelines* (2014). The following I-280 freeway segments were evaluated for level of service, based on the 2018 Santa Clara VTA CMP Monitoring Study:

1. SR-87 Diagonal Off-Ramp to SR-87 Diagonal On-Ramp (NB)
2. Bird Avenue Diagonal On-Ramp to Meridian Avenue Diagonal Off-Ramp (NB)
3. Menker Avenue Diagonal On-Ramp to Leland Avenue Diagonal On-Ramp (NB)
4. Bascom Avenue Diagonal Off-Ramp to Leland Avenue (SB)
5. Leland Avenue to Meridian Avenue Diagonal Off-Ramp (SB)
6. Meridian Avenue Diagonal Off-Ramp to Moorpark Avenue Diagonal On-Ramp (SB)
7. Moorpark Avenue Diagonal Off-Ramp to Meridian Avenue Loop Off-Ramp (SB)
8. Southwest Expressway Diagonal On-Ramp to Bird Avenue Diagonal Off-Ramp (SB)
9. Bird Avenue Diagonal Off-Ramp to Bird Avenue Diagonal On-Ramp (SB)
10. SR-87 Diagonal On-Ramp to 1st Street Loop On-Ramp (SB)

Traffic volumes on the study freeway segments with the project were estimated by adding project trips to the freeway segment volumes obtained from the 2018 CMP Annual Monitoring Report. The results of the freeway segment analysis show that the project would cause significant increases in traffic volumes (one percent or more of freeway capacity) on one (1) of the study freeway segments currently operating at LOS F, and six (6) of the study freeway segments currently operating at LOS E or better would worsen to LOS F as a result of the project (see Table 3.17-5). Therefore, based on CMP freeway impact criteria, seven (7) of the study freeway segments would be adversely affected by the project. Mitigation of the freeway impacts would require either widening the freeway or reducing the project trips to a level of insignificance. Caltrans has no plans to widen I-280, and the cost of widening the freeway is beyond the capability of the school project. In order to eliminate the project impact through TDM, it would be necessary to reduce project trips by 65 percent. This level of trip reduction is not feasible. However, multimodal improvements constructed by the project and the TDM program would encourage the use of alternative modes of transportation and minimize the adverse effects to freeways. The results of the CMP freeway segment capacity analysis are summarized in Table 3.17-5 below.

Table 3.17-5: I-280 Freeway Segment Capacity Evaluation						
Freeway Segment ¹	Peak Hour	Existing Conditions			Project Trips	
		# of Lanes	Capacity	LOS	# of Trips	% of Capacity
1. SR 87 Off-Ramp to SR 87 On-Ramp	AM PM	4 4	9,200 9,200	E F	252 110	<u>2.7%</u> <u>1.2%</u>
2. Bird Avenue On-Ramp to Race St/Southwest Expy Off-Ramp	AM PM	5 5	11,500 11,500	F E	87 41	0.8% 0.4%
3. Race St/Southwest Expressway Off-Ramp to Leigh Ave/Bascom Ave Off-Ramp	AM PM	4 4	9,200 9,200	F D	0 0	0.0% 0.0%
4. Leigh Ave/Bascom Ave Off-Ramp to Menker Avenue On-Ramp	AM PM	5 5	11,500 11,500	F D	0 0	0.0% 0.0%
5. Menker Avenue On-Ramp to Leland Avenue On-Ramp	AM PM	6 6	13,800 13,800	F F	0 0	0.0% 0.0%
6. Leland Avenue On-Ramp to SR 17 On-Ramp	AM PM	7 7	16,100 16,100	F F	243 139	<u>1.5%</u> 0.9%
7. SR 17 On-Ramp to Meridian Ave Off-Ramp	AM PM	6 6	13,800 13,800	C F	252 110	1.8% 0.8%
8. Meridian Ave Off-Ramp to Southwest Expy On-Ramp	AM PM	4 4	9,200 9,200	D F	253 110	2.8% <u>1.2%</u>
9. Southwest Expy On-Ramp to Bird Ave Off-Ramp	AM PM	5 5	11,500 11,500	E F	236 138	<u>2.1%</u> <u>1.2%</u>
10. Bird Ave Off-Ramp to SR 87 Off-Ramp	AM PM	5 5	11,500 11,500	E F	236 138	<u>2.1%</u> <u>1.2%</u>
11. SR 87 Off-Ramp to Bird Ave On-Ramp	AM PM	4 4	9,200 9,200	D F	236 138	2.6% <u>1.5%</u>
12. Bird Ave On-Ramp to 7 th St Off-Ramp	AM PM	6 6	13,800 13,800	D F	243 139	1.8% <u>1.0%</u>
Source: Santa Clara Valley Transportation Authority Congestion Management Program Monitoring Report, 2018. Note: ¹ All freeway segments are along I-280. Bold indicates a substandard level of service. <u>Bold</u> indicates substantial project delay.						

Site Access and On-Site Circulation

Vehicular Site Access

Site access to the project site would be provided via a driveway on Harmon Street that would serve the staff, toddler program, and Grades K-5 and a driveway on Race Street that would serve Grades 6-12. Both driveways would be ingress only, with two egress driveways on Parkmoor Avenue. It is recommended that the driveways are constructed in a manner that makes it clear to drivers that the driveway allows right-ins and right-outs only, or proper signage should be posted to prevent left turns and potential queueing issues on nearby streets.

The driveways on Race Street and Harmon Avenue would be 26 feet wide. The City of San José Department of Transportation Geometric Design Guidelines state that the standard width for a one-

way ingress/egress only driveway is 16 feet wide. Therefore, the project exceeds the standard requirement.

The Harmon Avenue driveway would provide access to the existing parking garage on-site, as well as a two-way parking lot located in the southwest corner of the site. The two-way parking lot would provide a 26-foot drive aisle and 90-degree parking spaces, which meets the City's standards (Municipal Code, Section 20.90.100).

On-Site Vehicular Circulation

On-site vehicular circulation was reviewed for the parking garages in accordance with generally accepted traffic engineering standards. The project would provide 90-degree parking throughout the garages with 20 to 26-foot wide drive aisles. According to the City of San José Zoning Code (Table 20-220), the City requires a minimum width of 26 feet for a two-way aisle. Therefore, the project should widen the 20-foot drive aisles to 26-foot to meet this requirement. There are no dead-end aisles shown within the proposed basement parking garage, and adequate door space of three feet would be provided at the parking stalls situated adjacent to supporting walls. There would be one exterior dead-end drive aisle at the southeast end of the project site, but adequate turnaround space would be provided.

The on-site parking garages would be utilized by staff, visitors, and a portion of students in grades 10 through 12. The parking garage accessed by Harmon Avenue provides good circulation and access for staff and visitors. The driveway to the parking garage accessed by Race Street is expected to cause circulation issues as vehicles would have to cross the drop off lane in order to enter the garage. Existing utilities and site conditions will influence the final design. Final access will be reviewed in coordination with the Department of Public Works to minimize internal circulation conflicts.

Student Drop-Off and Pick-Up Operations

The project proposes an eight-foot-wide drop-off lane along each of the building frontages. The staff, toddler program, and grades K-5 would enter the Harmon Avenue drop-off zone via a right turn on eastbound Harmon Avenue and exit onto westbound Parkmoor Avenue. Grades 6-12 would enter the Race Street drop-off zone via a right turn on southbound Race Street and exit onto westbound Parkmoor Avenue. As proposed, the private school is proposing to stagger the start and end times of the lower grades and higher grades by 15 to 90 minutes. Parents would have a drop-off span of approximately 30 minutes for the lower grades and 60 minutes for the high school before the first bell.

Based on the Avenues New York School, an average of 15 percent of Nursery to K students, 20 percent of Primary (G1-G5), and 35 percent of Secondary (G6-G12) participate in after school and extracurricular activities on any given day. It is expected that, at the proposed Avenues school, 85 percent of Nursery to K students would be dismissed between 3:00 and 3:30 PM with the remaining 15 percent by 4:30 PM, 80 percent of G1-G5 students would be dismissed between 3:15 and 4:00 PM with the remaining 20 percent by 4:30 PM, and 65 percent of G6-G12 students would be dismissed between 3:50 and 4:30 PM with the remaining 35 percent by 5:30 PM. Toddlers do not participate in after-school programs; therefore, parents are expected to pick up their students between 3:20 and 3:40 PM..

Conditions of Approval

The following additional measures would be implemented to further improve student drop-off and pick-up operations:

- The school should deploy sufficient staff at each loading zone during morning drop-off operations to direct vehicles to ensure the maximum utilization of the loading zone.
- Student loading after school has the potential of being a hectic and inefficient process since it takes time for parents and students to locate each other. Staff and/or parent volunteers can facilitate the loading process to shorten the time parents wait for students to notice them in the loading zone. A staff member could be positioned near the driveway entrance at the street in advance of the loading zone and radio ahead to other staff positioned within the loading zone to announce the names of students who should be ready for pick up. A numbering system could be used to accomplish this. The number is displayed on the dash of the vehicle and is associated with a particular student.
- The school should notify all students and parents not to arrive too early for pick-up if arriving before afternoon dismissal.

Parking

Vehicular Parking Requirement

The on-site parking was evaluated based on the City of San José's Municipal Code, Section 20.90.060. Table 20-190 in the Zoning Code states that grades K-8 schools should provide one space per teacher/employee and grades 9-12 schools should provide one space per teacher/employee plus one space per five students. With a total of 480 staff members and 880 students in grades 9-12, the project requires 642 parking spaces (176 parking spaces for students in grades 9-12 and 466 parking spaces for staff). Because the project is located within an Urban Village, a 20 percent parking reduction can be applied. Therefore, the project would require 514 spaces. The project proposes a total of 642 parking spaces: 463 existing spaces in the garage accessed via Harmon Avenue, 32 surface parking spaces, and a new below-grade parking garage accessed via Race Street with 146 parking spaces. The project proposes to allow up to 125 students in grades 10-12 that drive to school to utilize the garage on Race Street. Therefore, approximately 19 percent of students in grades 10-12 may drive to school.

Bicycle Parking Requirement

According to Table 20-190 in the San José Zoning Code, 48 long term bicycle spaces and 20 short term spaces are required to satisfy the City's requirements. The project proposes 751 bicycle parking spaces; however, the type of parking space is not stated in the project plans. The project should provide at least 48 long term bicycle spaces and at least 20 short term spaces.

Parking Stall Dimensions

The City's requirement for standard parking stalls is 8.5 feet wide by 17 feet long. All parking spaces are shown to meet or exceed this requirement. Therefore, the parking space dimensions would be adequate and would not result in vehicles extending into the drive aisle.

3.18 TRIBAL CULTURAL RESOURCES

3.18.1 Environmental Setting

3.18.1.1 *Regulatory Framework*

State

Assembly Bill 52

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

Under AB 52, TCRs are defined as follows:

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

The Ohlone Indian Tribe has requested to be notified of all City of San José projects that involve excavation into native soils. The City of San José sent email notification at the time of NOP circulation to the Ohlone tribe and other California Native American Heritage Commission identified tribal contacts. To date, the tribe has not requested formal consultation.

Local

Envision San José 2040 General Plan

The City of San José sets forth the following policies pertaining to tribal cultural resources in its General Plan.

Envision San José 2040 Tribal Cultural Resources Policies

Policy	Description
Policy 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 archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon 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.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

3.18.1.2 *Existing Conditions*

The project site is entirely developed, consisting of office and warehouse buildings and surface and garage parking. As discussed in *Section 3.5 Cultural Resources*, the project site has a moderate sensitivity for tribal cultural resources, including Native American remains and archaeological deposits. The City of San José sent email notification at the time of NOP circulation to the Ohlone tribe and other California Native American Heritage Commission identified tribal contacts. No known tribal resources occur on the site.

3.18.2 Impact Discussion

For the purpose of determining the significance of the project's impact on tribal cultural resources, 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.

3.18.2.1 *Project Impacts*

-
- 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 site is not known to contain any tribal cultural resources, however, there is the possibility that tribal cultural resources are uncovered during project construction. As described in Impact CUL-1 in *Section 4.5, Cultural Resources*, the project would implement mitigation measures to avoid impacts to unknown subsurface cultural resources. These measures would be applicable to tribal cultural resources and would function to avoid impacts to such resources if they are discovered on-site. Therefore, the proposed project would not cause a substantial adverse change in the significance

of a tribal cultural resource that is listed on local or state registers. **(Less than Significant Impact with Mitigation Incorporated)**

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

As discussed above in Impact TCR-1, implementation of the project could disturb unknown subsurface resources. These resources could be determined to be significant by the City upon consultation with Native American tribes in the area or other relevant stakeholders. The proposed project includes mitigation measures which address accidental disturbance of cultural resources (refer to MM CUL-1.2 through -1.5) and set forth the appropriate procedure to be followed in the event of discovery. Implementation of these measures would ensure the project does not cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be significant by the City. Therefore, the impact would be less than significant with mitigation. **(Less than Significant Impact with Mitigation Incorporated)**

3.18.2.2 *Cumulative Impacts*

Would the project result in a cumulatively considerable contribution to a significant tribal cultural resources impact?

Cumulatively, other projects in San José may require excavation and grading or other activities that have the potential to affect tribal cultural resources. No tribal cultural resources were identified within the project area, although San José contains numerous Native American archaeological sites.

Cumulative projects would be required to implement Standard Permit Conditions or mitigation measures that would avoid impacts and/or reduce them to a less than significant level consistent with CEQA and AB 52 requirements. These projects would also be subject to the federal, state, and county laws regulating archaeological resources and human remains. For these reasons, the proposed project in combination with other projects in San José would not result in a significant cumulative tribal cultural resources impact. **(Less than Significant Cumulative Impact)**

3.19 UTILITIES AND SERVICE SYSTEMS

3.19.1 Environmental Setting

3.19.1.1 *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 (SJWC) is the water provider to the site; the SJWC adopted its most recent UWMP in June 2016.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. 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 in the Public Resources Code. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

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.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include 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 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupants.

Local

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The proposed project would be subject to the utilities and services policies of the City’s General Plan, including the following:

Envision San José 2040 Relevant Utilities and Service Systems Policies

Policy	Description
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State’s Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City’s potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Action EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City’s Municipal NPDES Permit to reduce urban runoff from project sites.
Policy IN-3.1	Achieve minimum level of services: <ul style="list-style-type: none"> • For sanitary sewers, achieve a minimum level of service “D” or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines. • For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal regulatory requirements.
Policy 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.
Policy 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.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.

Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy 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.

In addition to the above-listed San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the Santa Clara County Integrated Watershed Management (IWM) Program, which minimizes solid waste.

San José Zero Waste Strategic Plan/Climate Smart San José

The Climate Smart San 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 waste diversion 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.

Private Sector Green Building Policy [6-32]

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.

3.19.1.2 *Existing Conditions*

The project site is developed with three warehouse buildings (529, 581 and 691 Race Street), three office buildings (1401 Parkmoor Avenue, 550 and 570 Meridian Avenue), a parking structure, surface parking lots, and landscaping. In total, the project site contains 150,204 square feet of warehouse structures and 213,474 square feet of office space. The site is served by existing water, electric, gas, stormwater, and sewer utility connections.

Water Service

Water service to the project site is provided by the San José Water Company (SJWC). The service area of SJWC is 139 square miles, including most of the cities of San José and Cupertino, 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. Approximately 55 percent of SJWC's water supply is purchased from the SCVWD, 37 percent is pumped from local groundwater aquifers, and eight percent comes from local surface water sources. According to the SJWC's UWMP, total water

demand within its service area is expected to increase to 47,144 million gallons in 2020 and 49,561 million gallons in 2025. Forecasted increases in water demand are based on the Association of Bay Area Governments (ABAG) population projections for the City of San José.

The project site is currently occupied by office and warehouse buildings with landscaping and paved parking areas. The existing water demand of the development on-site is approximately 68,559,528 gallons per year, or 187,834 gallons per day as shown in Table 3.19-1 below.

Table 3.19-1: Water Use of Existing Development				
Existing Use	Size	Indoor Water Use Rate (annually)*	Outdoor Water Use Rate (annually)*	Total Water Use (gallons/year)
Office Building* (550 Meridian Avenue)	76,071 square feet	-	108,934 gallons per 1,000 square feet	8,286,718
Office Building* (570 Meridian Avenue)	76,071 square feet	-	108,934 gallons per 1,000 square feet	8,286,718
Office Building (1401 Parkmoor Avenue)	60,000 square feet	177,734 gallons per 1,000 square feet	108,934 gallons per 1,000 square feet	17,200,080
Warehouse Buildings (581 and 591 Race Street)	150,426 square feet	231,250 gallons per 1,000 square feet	-	34,786,012
Total		-	-	68,559,528
Source: California Air Pollution Control Officers Association. California Emissions Estimator Model: Appendix D Default Data Tables. Table 9.1, Water Use Rates. October 2017. * The office buildings at 550 and 570 Meridian Avenue are currently unoccupied. The water use estimates for these two buildings only accounts for outdoor landscape irrigation.				

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 of wastewater per day (mgd) during dry weather flow, with the City allocated 108.6 mgd of existing capacity.¹⁰¹ The City of San José generates approximately 69.8 mgd of dry weather average flow, leaving 38.8 of excess treatment capacity at the RWF for the City's wastewater treatment demands.¹⁰²

¹⁰¹ San José-Santa Clara Regional Wastewater Facility, 2017. <http://www.sanjoseca.gov/index.aspx?NID=1663>. Accessed August 5, 2019.c

¹⁰² City of San José. *Envision San José 2040 General Plan FEIR*. September 2011. Page 648.

Wastewater from the project site is conveyed to the City's sewer system via six- and eight-inch diameter mains in Parkmoor Avenue.¹⁰³ Using the previously calculated values for water demand of existing uses, the site currently generates approximately 159,659 gallons of wastewater per day.¹⁰⁴

Storm Drainage

The project site is located within an urbanized area served by an existing storm drainage system. The existing site conditions include 437,219 square feet of impervious surface area and 79,951 square feet of pervious surface area. Runoff from the site flows untreated into storm drain inlets in the site vicinity, where it is conveyed to the City's storm drain system via a 15-inch diameter storm drain line in Harmon Avenue, a 12-inch diameter storm drain line in Meridian Avenue, and a 66-inch storm drain line in Parkmoor Avenue.¹⁰⁵ Stormwater from the site is conveyed to Los Gatos Creek where it travels downstream to its confluence with the Guadalupe River, and eventually is discharged to the San Francisco Bay.

Solid Waste

The City of San José currently generates approximately 1.7 million tons of solid waste annually.¹⁰⁶ The City is served by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris.¹⁰⁷ The landfills include Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road facilities. According to Santa Clara County's Integrated Waste Management Plan (IWMP), the County has adequate disposal capacity beyond 2030.¹⁰⁸

The existing buildings on the project site are estimated to generate 338.5 tons of solid waste per year (197.3 tons from the office buildings and 141.2 tons from the warehouse buildings).¹⁰⁹

3.19.2 Impact Discussion

For the purpose of determining the significance of the project's impact on utilities and service systems, 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?

¹⁰³ City of San José. "Utility Viewer".

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=0d463f017c8a48a7b73b2d35bd7381f1> Accessed May 22, 2019.

¹⁰⁴ Based upon the California Emissions Estimator Model (CalEEMod) standard wastewater generation rate of 85% of total water usage.

¹⁰⁵ City of San José. "Utility Viewer". Accessed May 9, 2019.

<https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=0d463f017c8a48a7b73b2d35bd7381f1>

¹⁰⁶ City of San José. *2040 General Plan FEIR*. September 2011.

¹⁰⁷ City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. 2008.

¹⁰⁸ Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

¹⁰⁹ CalEEMod. Table 10.1 Solid Waste Disposal Rates. September 2016.

- 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?

3.19.2.1 *Project Impacts*

-
- 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 proposed project would utilize existing water infrastructure, dispose of wastewater at the RWF, convey stormwater via the City's existing drainage system, and connect to existing utility lines in the vicinity of the site for electricity, natural gas, and telecommunication services.

Water Facilities

The potable and irrigation water demands of the project would be met by existing service providers (SJWC), as is discussed under Impact UTL-2, below. Existing water lines in the adjacent streets would serve the proposed project. The project would not require the construction or expansion of water delivery systems or the expansion of the boundaries of the SJWC service area. The project would comply with all applicable Public Works requirements to ensure water mains would have the capacity for water and fire flows required by the proposed project. Therefore, the project would not result in significant environmental effects related to the relocation or construction of new or expanded water facilities. **(Less than Significant Impact)**

Sanitary Sewer and Wastewater Treatment

The proposed project would connect to the City's existing sanitary sewer system and sanitary sewer lines in adjacent streets would be used to serve the project. The project would comply with all applicable Public Works requirements to ensure sanitary sewer mains would have capacity for sanitary sewer service and wastewater as required by the proposed project. The 2040 General Plan FEIR concluded that implementation of General Plan policies requiring future development to provide adequate sewer system capacity would reduce project-level impacts to a less than significant level.

The proposed project would dispose of wastewater at the RWF, a wastewater treatment facility which has adequate capacity to accommodate the increased demand created by the project. No relocation or construction of new or expanded treatment facilities would be required to serve the proposed project. The proposed project does not include the construction of any additional sewer mains or sewer lines,

aside from lateral connections to existing mains. Installation of sanitary sewer laterals for the new buildings would occur during grading of the site and would result in minimal impacts. **(Less than Significant Impact)**

Storm Drainage

Future redevelopment of the site would comply with the MRP which requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and storm water treatment features, known as BMPs as discussed earlier in *Section 3.10*. Further, compliance with the City of San José Policy Post-Construction Urban Runoff Management [6-29], would remove pollutants and reduce the rate and volume of runoff from the project site to levels that are at or below existing conditions. Development of the project site would improve the water quality of runoff from the site and would not exceed the capacity of the existing storm drainage system serving the project site. Installation of storm sewer laterals for the site areas would occur during grading of the site and would result in minimal impacts. For these reasons, no new storm water treatment or disposal facilities would need to be constructed to accommodate the proposed project. **(Less than Significant Impact)**

Electric Power, Natural Gas, and Telecommunications

Existing utility lines would be utilized by the project for electric power and natural gas services. Connecting to the City's energy and communications grid would require trenching on the site, which would not require substantial excavation and is unlikely to result in unanticipated impacts. The project would be required to detail the exact locations for all utility connections and utility plans would be subject to review by the City. Therefore, the proposed project would not result in significant impacts from construction or relocation of new or expanded utilities. **(Less than Significant Impact)**

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

San José Water Company provides water to the project area. Their most recent UWMP (adopted in July 2016 by City Council) determined that with utilization of conservation measures and recycled water, water supplies would be adequate to supply customers in its service area upon the City's projected General Plan buildout demand.¹¹⁰

The project proposes redevelopment of an 11.87-acre site with three existing office buildings and multiple warehouses with a private pre-kindergarten through 12th grade school campus. The proposed school would accommodate 2,744 students and 480 employees. Using the CalEEMod water use rates for a "High School" land use, the proposed project would have a gross water demand of approximately 303,759 gallons per day. Compared to existing conditions, this amounts to a net increase in water demand of 115,925 gallons per day.

¹¹⁰ City of San José. *Envision San José 2040 General Plan Four-Year Review Addendum*. Page 90.

SJWC's 2015 estimates demand for potable and raw water within its service area to increase steadily through 2040 to a total of 52,486 acre-feet.¹¹¹ The net water demand of the proposed project would amount to a fraction of projected demand increases in the SJWC service area through 2040.

The SJWC's 2015 UWMP recognizes that there would be water supply deficiencies during single-dry and multiple-dry scenarios upon General Plan buildout; however, water shortage contingency actions such as short-term water use reductions, water recycling, storm water capture and reuse, and conservation will allow the SJWC to meet projected demands in its service area. For this reason, and those listed above, the SJWC would have sufficient water supplies to supply the proposed project during normal, 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?

The RWF currently has an excess capacity of 38.8 mgd of dry weather flow available to service the City of San José. Planned build out under the General Plan is estimated to result in a dry weather flow of 30.8 mgd, which would not exceed the capacity of the RWF. The proposed project is estimated to result in a net increase of 98,536 gallons of wastewater per day. The wastewater demands of the proposed project would not result in an exceedance of wastewater treatment capacity at the RWF. Increased demand at the RWF created by planned development under the General Plan is expected and accounted for in long term infrastructural planning by the City of San José and its partner agencies. The proposed project is consistent with planned development analyzed in the 2040 General Plan FEIR, SEIR, and Addenda thereto; therefore, the proposed project would not result in an unanticipated increase in wastewater treatment requirements at the RWF.

The construction of new wastewater treatment facilities would not be required as a result of the proposed project. Environmental impacts from the construction of new or expanded facilities would be avoided by utilization of existing facilities, which are currently below capacity.

The projected wastewater demand of the project, by itself, would not result in an exceedance of capacity at the RWF. A determination of excess treatment capacity at the RWF takes into account current uses within the City of San José and within the treatment plant's service boundaries. The treatment capacity of the RWF would not be exceeded as a result of the proposed project or the project's contribution to existing treatment commitments. **(Less than Significant Impact)**

d) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Santa Clara County's IWMP was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate

¹¹¹ For reference, one acre-foot is equivalent to 325,851 gallons.

disposal capacity beyond 2030.¹¹² The General Plan FEIR, SEIR, and Addenda thereto determined that the increase in waste generated by build out of the General Plan would not result in an exceedance of capacity at existing landfills serving the city.

The proposed school would generate solid waste at a rate of 878 tons per year. When compared to the existing conditions, the project would result in a net increase of 540 tons per year. The proposed project would be required to conform to City plans and policies to reduce solid waste generation and increase waste diversion, such as the Zero Waste Strategic Plan and General Plan Policies IN-1.5, IN-5.1, IN-5.3, IN-5.4, and IP-3.8. The proposed project would be required to meet the City's diversion goals of 75 percent waste reduction post-2013 and zero waste by 2022. It is estimated that the City of San José currently achieves a solid waste diversion rate of 78 percent¹¹³; therefore, the proposed project's contribution to the landfill would be approximately 119 tons of solid waste per year. The proposed project would increase the solid waste generated at the site when compared to existing conditions; however, this increase would not exceed the capacity of existing landfills or solid waste disposal infrastructure, nor would it impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

e) Would the project be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?

As mentioned above, the City of San José currently achieves a waste diversion rate of 78 percent, which exceeds the waste diversion requirements of AB 939 and AB 341. The proposed project would support the goals of the Zero Waste Strategic Plan by complying with the City's Construction and Demolition Diversion Program (which ensures that at least 75 percent of this construction waste is recovered and diverted from landfills) and providing readily accessible areas for recycling that serve all of the buildings on-site. Additionally, the project would be afforded the opportunity to participate in the Go Green Schools Program, which could further reduce the solid waste generated at the school by supporting increased recycling and environmental stewardship. By adhering to the requirements of the Zero Waste Strategic Plan and General Plan policies, the proposed project would not conflict with applicable statutes and regulations related to solid waste, including CALGreen, AB 939, AB 341, and local waste diversion requirements. **(Less than Significant Impact)**

3.19.2.2 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant utilities and service systems impact?

As discussed in their respective sections, the City's stormwater, water, wastewater, solid waste, and other utility service systems are adequately prepared to serve General Plan buildout through 2040 upon adherence to existing policies, plans and regulations. Cumulative projects in the City will be evaluated at a project-level to ensure compliance with level of service standards for the utilities discussed above; necessary improvement to utility service systems will be made to ensure that the combined effects of growth do not impact overall system.

¹¹² Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

¹¹³ Ibid.

The program-level mitigation measures and conditions set forth in the 2040 General Plan FEIR would address impacts to utilities and service systems from cumulative development and reduce these impacts to a less than significant level. The proposed project is consistent with development expected upon General Plan buildout and would not conflict or interfere with implementation of impact reduction measures; therefore, the proposed project would not result in a cumulatively considerable contribution to a significant utilities and service systems impact. **(Less than Significant Cumulative Impact)**

3.20 WILDFIRE

3.20.1 Environmental Setting

3.20.1.1 *Existing Conditions*

The proposed project is located in an area of San José which has not been designated as a very high fire hazard severity zone on CalFire maps.¹¹⁴

3.20.2 Impact Discussion

For the purpose of determining the significance of the project's impact on wildfire, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

3.20.2.1 *Project Impacts*

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. Therefore, the proposed project is not going to impair an adopted emergency response plan or emergency evacuation plan.

Since the proposed project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, responses to (2) through (4) above are not germane.

(No Impact)

3.20.2.2 *Cumulative Impacts*

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 cumulative wildfire impacts. **(No Cumulative Impact)**

¹¹⁴ CalFire. "California Fire Hazard Severity Zone Map Update Project". Accessed May 24, 2019.
http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_statewide

SECTION 4.0 GROWTH-INDUCING IMPACTS

4.1 INTRODUCTION AND THRESHOLDS:

As stated in the CEQA Guidelines Section 15126.2(e), a project is considered growth-inducing if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing in the surrounding environment.
- Remove obstacles to population growth or tax community service facilities to the extent that the construction of new facilities would be necessary.
- Encourage or facilitate other activities that would cause significant environmental effects.

Examples of projects likely to have significant growth-inducing impacts include extensions or expansions of infrastructure systems beyond what is needed to serve project-specific demand, and development of new residential subdivisions or industrial parks in areas that are currently only sparsely developed or are undeveloped.

Impact GRO-1: Would the project foster or stimulate significant economic or population growth in the surrounding environment?

4.1.1 Economic or Population Growth

The project is located within the Race Street Light Rail Urban Village near downtown San José. This area is designated for job and housing growth in the City's General Plan. The project proposes a private school for 2,744 students and 480 employees, including 285 faculty. The project would contribute to meeting the demand for school facilities in San José, which has resulted from a steady increase in population over the last decade.

Implementation of the project would bring new jobs to the area, although the increase would not exceed the planned job capacity set forth in the Race Street Light Rail Urban Village (2,000 jobs). While new employment opportunities at the private school could encourage employees to migrate to the area, the increase in housing demand because of new jobs is expected and planned (growth assumptions) for in the General Plan. It is also speculative to assume that the majority of employees would move to the area, as many may already live nearby or would commute from adjacent communities. Furthermore, the economic stimulus provided by the project to the surrounding areas (i.e. employees using nearby retail and services) would be incremental and would not warrant the construction of new off-site facilities to accommodate their needs.

For these reasons, the proposed project would not result in a significant growth-inducing impact by fostering economic or population growth over and above that is planned (growth assumptions) and analyzed in the Envision San José 2040 Environmental Impact Report. Therefore, the proposed project would not result in any environmentally detrimental or significant growth inducing impacts.

4.1.2 Removal of Obstacles to Growth

The project site is located in an urbanized area of San José, and implementation of the project would not result in an expansion of urban services or the pressure to expand beyond the City's existing boundaries or sphere of influence.

The project would not open undeveloped land to further growth or provide expanded utility capacity that would be available to serve future unplanned development. Development of the project would be restricted to the site boundaries. Existing utility lines and service providers would be available to serve the proposed private school.

The proposed project is consistent with the growth assumptions of the General Plan and would not tax community service facilities to the extent that construction of new facilities would be necessary. The project would not encourage or facilitate other activities that would cause significant environmental effects. For these reasons, the project would not result in a significant growth-inducing impact by removing obstacles to growth.

SECTION 5.0 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

This section was prepared pursuant to CEQA Guidelines Section 15126.2(c), which requires a discussion of the significant irreversible changes that would result from the implementation of a proposed project. Significant irreversible changes include the use of nonrenewable resources, the commitment of future generations to similar use, irreversible damage resulting from environmental accidents associated with the project, and irretrievable commitments of resources.

5.1 USE OF NONRENEWABLE RESOURCES

During construction and operation of the project, nonrenewable resources would be consumed. Unlike renewable resources, nonrenewable resources cannot be regenerated over time. Nonrenewable resources include fossil fuels and metals. Renewable resources, such as lumber and other wood byproducts, could also be used.

Energy, as discussed in more detail in *Section 3.6*, would be consumed during both the construction and operational phases of the project. The construction phase would require the use of nonrenewable construction material, such as concrete, metals, plastics, and glass. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of building materials, site preparation, and construction of the buildings. The operational phase would consume energy for multiple purposes including building heating and cooling, lighting, appliances, and electronics. Energy, in the form of fossil fuels, will be used to fuel vehicles traveling to and from the project site.

Development of the project would result in an increase in demand for nonrenewable resources. Green building, however, is a key City strategy to achieve long-term sustainability and reach its GHG reduction goals. The project would be subject to CALGreen energy-efficiency requirements and the City's Reach Code. As discussed in *Section 2.2.5*, the proposed project would include a 10,000 square foot solar photovoltaic system on select buildings (Buildings 2 and 4), adaptively reuse approximately 150,000 square feet of two buildings, which would significantly reduce the embodied energy associated with the initial phase of the school, and be designed to achieve LEED certification. Additionally, the project would plant low-water use plants to reduce operational energy demands. Additionally, electricity for the project would be provided by SJCE which provides 80 percent GHG emission-free electricity automatically, with the option to receive 100 percent GHG emission-free electricity from entirely renewable sources. For these reasons, the proposed project would minimize the use of nonrenewable energy resources.

5.2 COMMITMENT OF FUTURE GENERATIONS TO SIMILAR USE

The project would be developed on a site that is already fully developed for urban uses. Development of the project would commit a substantial amount of resources to demolish existing buildings, prepare the site, construct the buildings and site improvements, prepare Buildings 1 and 2 for adaptive reuse, and operate the buildings. However, the proposed project would not result in development of a previously undeveloped area or permanent land use changes throughout the project area. The proposed project would limit development to within the project boundaries and minor off-site multimodal improvements. Therefore, the proposed project would not commit future generations to similar use.

5.3 IRREVERSIBLE DAMAGE FROM ENVIRONMENTAL ACCIDENTS

The project does not propose new or uniquely hazardous uses, and its operation would not be expected to cause environmental accidents that would impact other areas. As discussed in *Section 3.9 Hazards and Hazardous Materials*, there are no significant unmitigable hazards and hazardous materials conditions on-site or off-site that would substantially affect the public and surrounding environment. There are no significant unmitigable geology and soils impacts from implementation of future projects. For these reasons, the proposed project would not result in irreversible damage that may result from environmental accidents.

5.4 IRRETRIEVABLE COMMITMENT OF RESOURCES

As discussed above under *Section 5.1*, the project would consume nonrenewable resources during construction and operation. With implementation of the CALGreen Code, the City's Green Building Policies, Reach Code, Greenhouse Gas Reduction Strategy, and project's green building measures (as stated in *Section 2.2.5*), the project would minimize its consumption of nonrenewable resources.

SECTION 6.0 SIGNIFICANT AND UNAVOIDABLE IMPACTSSIGNIFICANT AND UNAVOIDABLE IMPACTS

The proposed project, with implementation of identified mitigation measures, would not result in any significant and unavoidable impacts. Significant and mitigable impacts are summarized previously in the Executive Summary.

SECTION 7.0 ALTERNATIVES

7.1 INTRODUCTION

The CEQA Guidelines give extensive direction on identifying and evaluating EIR alternatives to a proposed project (Section 15126.6). The purpose of analyzing alternatives in an EIR is to identify ways to substantially lessen or avoid the significant effects a proposed project may have on the environment. The range of alternatives selected for analysis is governed by the “rule of reason,” which requires the EIR to discuss only those alternatives necessary to permit a reasoned choice. Although the alternatives do not have to meet every goal and objective set for the proposed project, they should “feasibly attain most of the basic objectives of the project.”

The CEQA Guidelines (Section 15126.6) do not require that all possible alternatives be evaluated, only that a range of feasible alternatives be discussed so as to encourage both meaningful public participation and informed decision making. In selecting alternatives to be evaluated, consideration may be given to their potential for reducing significant unavoidable impacts, reducing significant impacts that are mitigated by the project to less than significant levels, and further reducing less than significant impacts.

The three critical factors to consider in selecting and evaluating alternatives are, therefore: (1) the significant impacts from the proposed project which could be reduced or avoided by an alternative, (2) the project’s objectives, and (3) the feasibility of the alternatives available. Each of these factors is described below.

7.1.1 Significant Impacts of the Project

As mentioned above, the CEQA Guidelines advise that the alternatives analysis in an EIR should be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project and would achieve most of the project objectives. Alternatives may also be considered if they would further reduce impacts that are already less than significant because of required or proposed mitigation. Impacts that would be significant, and for which the project includes mitigation to reduce them to less than significant levels include:

- Health risks associated with exposure to TACs during temporary construction activities.
- Construction-related impacts to nesting raptors, and other migrating birds and their nests.
- Impact on subsurface cultural resources, tribal cultural resources, and human remains, during construction.
- Health risks associated with exposing construction workers and future users of the site to residual soil contamination.
- Health risks associated with exposing exposure of construction workers, the public, and future site users to hazardous materials located on the project site.
- Impacts of mechanical equipment noise on nearby noise-sensitive uses.
- Temporary construction noise impacts.
- Project’s impact due to VMT.

Pursuant to CEQA Guidelines Section 15124, the EIR must include a statement of the objectives sought by the proposed project.

7.1.2 Project Objectives

The objectives for the proposed project are as follows:

- Develop a state-of-the-art campus in San José, providing world-class education to students from pre-kindergarten to high school. The campus will be part of Avenues: The World School (Avenues) network of internationally connected and interdependent campuses, located in leading global cities.
- Establish a phasing strategy that best incorporates the existing site structures and infrastructure with an expansion plan that responds to market demand and student enrollment growth.
- Provide a comprehensive circulation network with integrated mobility options including pedestrian and bicycle amenities, with enhanced on-site connectivity and safety for improved access to the Race Street light rail station, as an alternative to automobile use.
- An interconnected campus design with a central-axial campus walk that links the functional and programmatic components of the school buildings and outdoor spaces.
- Provide opportunities for outdoor curriculum activities and classrooms with a large amount of outdoor areas (internal to the campus) to meet the needs of the Avenues curriculum including the exercise and wellness needs for the students.
- Adaptively reuse and repurpose two of the existing buildings on the site, thereby substantially reducing the embodied energy associated with the Phase I of the school development and maximize the use and functionality of other existing onsite resources, such as existing buildings and parking structure.

7.2 PROJECT ALTERNATIVES

7.2.1 Feasibility of Alternatives

CEQA, the CEQA Guidelines, and case law on the subject have found that feasibility can be based on a wide range of factors and influences. The Guidelines advise that such factors *can* include (but are not necessarily limited to) the suitability of an alternate site, economic viability, availability of infrastructure, consistency with a general plan or with other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent can “reasonably acquire, control or otherwise have access to the alternative site” [Section 15126.6(f)(1)].

7.2.2 Alternatives Considered But Rejected

7.2.2.1 *Location Alternative*

The CEQA Guidelines encourage consideration of an alternative site when significant effects of the project might be avoided or substantially lessened (Section 15126.6(f)(2)(A)). Only locations that would avoid or substantially lessen any of the significant impacts of the project and meet most of the project objectives need be considered for inclusion in the EIR.

The project proposes to redevelop the site as a private school campus. The school would support approximately 2,744 students and 480 faculty and staff, and a maximum development of up to 460,000 square feet above grade in size. An alternative site would need to be at least of comparable

size, within the urbanized area of San José, and have adequate transit access, roadway access, and utility capacity to serve the development proposed.

In order to identify an alternative site that might be reasonably considered to “feasibly accomplish most of the basic purposes” of the project, and would also reduce significant impacts, it was assumed that such a site would ideally have the following characteristics:

- Approximately 11 acres in size;
- Located near transit facilities;
- Located near freeways and/or major roadways;
- Served by available infrastructure;
- Available for development;
- Allow high intensity commercial or industrial development at an intensity up to a 12.0 FAR.
- Existing building(s) capable of being adaptively reused for the intended purpose

In considering an alternative location in an EIR, the CEQA Guidelines advise that the key question is “whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location”.¹¹⁵ Any project of this size and intensity within San José could be expected to have similar traffic impacts (such as VMT impacts), as well as impacts associated with project construction. Furthermore, it is not likely that an alternative location anywhere in San José would substantially lessen the identified impacts. Finally, the applicant does not have within their control an alternative site. As a result, no other site alternative was addressed.

7.2.3 Selection of Alternatives

In addition to the No Project Alternative, the CEQA Guidelines advise that the range of alternatives discussed in the EIR should be limited to those that “would avoid or substantially lessen any of the significant impacts of the project” [Section 15126.6(f)]. The discussion below addresses a No Project Alternative and a Reduced Intensity Alternative. These two alternatives are discussed for their potential impacts as compared to the proposed project and ability to achieve the project objectives.

7.2.3.1 *No Project Alternative*

The CEQA Guidelines specifically require consideration of the No Project Alternative. The purpose of including a No Project Alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. The CEQA Guidelines specifically advise that the No Project Alternative is “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” The Guidelines emphasize that an EIR should take a practical approach, and not “...create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment [Section 15126.6(e)(3)(B)].”

Currently, the project site is developed with three office buildings (two of which are unoccupied), a parking structure, three warehouse buildings, landscaping, and surface parking. The site includes 362,568 square feet of existing buildings comprised of approximately 150,426 square-feet of

¹¹⁵ CEQA Guidelines Section 15126.6(f)(2)(A)

warehouse structures and 212,142 square feet of office space. The project site is currently designated *CIC Combined Industrial/ Commercial* in the City's General Plan and zoned *IP-Industrial Park*. Under the No Project Alternative, the project site could remain as is or it could be developed with industrial, commercial, and/or office uses consistent with the site's General Plan designation and zoning. For these reasons, there are two possible No Project alternatives for the project: 1) a No Project/No Development Alternative and 2) a No Project/Existing Plan Development Alternative.

7.2.3.2 *No Project/No Development Alternative*

Since the project site is developed with three office buildings (two of which are unoccupied), the 'No Project' alternative could include the re-occupancy of the two vacant buildings on site, which would generate more traffic than the site currently does. The No Project Alternative scenario would avoid the significant but mitigable VMT impacts of the proposed project, in addition to avoiding adverse effects on local intersections and freeway segments. Since the project site would not be redeveloped under this alternative, the project would also avoid other construction and operational impacts to neighboring residential uses. None of the project objectives, however, would be met under the No Project Alternative. In addition, the existing development would not be consistent with the Race Street Light Rail Urban Village plan because it does not currently support an urban form that supports walking, transit use and public interaction.

The project site is currently built out with approximately 362,568 square feet of existing uses. The No Project Alternative would avoid most of the environmental impacts of the project, assuming the continued occupancy or re-occupancy of the existing buildings (the buildings proposed to remain on site contain approximately 152,142 square feet, the buildings proposed for demolition contain approximately 210,426 square feet).

7.2.3.3 *No Project/Existing General Plan/Zoning Development Alternative*

The CIC-Combined Industrial/Commercial land use designation allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. The CIC land use designation allows a FAR up to 12.0. The IP zoning district is an exclusive district that includes industrial uses such as research and development, manufacturing, assembly, testing, and offices. The No Project/Existing General Plan/Zoning Development Alternative assumes the project site will be developed in conformance with the existing General Plan designation and zoning and would be required to be consistent with an Urban Village Plan if one is adopted for the Race Street Light Rail area prior to any redevelopment of the site.

In prior environmental review for a General Plan Amendment of the site from Light Industrial to Combined Industrial/Commercial (GP18-002), the City analyzed a maximum development capacity of 500,000 square feet of commercial and light industrial space and building heights ranging from three to five stories in height. This intensity of development was selected as it assumes a level of development which could meet City requirements for parking, landscaping, and open space on the site. For the purpose of this analysis, the No Project/Existing General Plan/Zoning Alternative assumes the 11.87-acre project site would be developed with approximately 500,000 square feet of commercial and light industrial space and building heights ranging from three to five stories,

consistent with the scale of development assumed for the previously approved General Plan Amendment of the site.¹¹⁶

Comparison of Environmental Impacts

The No Project/Existing General Plan/Zoning Alternative would result in similar building footprints as the proposed project; the project proposes 460,000 gross square feet of above grade space and 80,000 gross square feet of basement area. The area of the site which would be developed under this alternative would be generally the same as the proposed project; therefore, similar impacts would occur in respect to aesthetics, farmland conversion, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, tribal cultural resources, and utilities.

The No Project/Existing General Plan/Zoning Alternative would allow for different land uses to occupy the project site than are proposed by the project. Using the “Industrial Park” land use type in the Institute of Transportation Engineer’s *Trip Generation Manual*, 500,000 square feet of industrial park land uses would generate approximately 1,685 daily trips.¹¹⁷ Using the “General Light Industrial” land use, 500,000 square feet of light industrial uses would generate approximately 2,480 daily trips. The daily trip values for “General Light Industrial” and “Industrial Park” land uses are both less than the 9,441 daily trips which are estimated for the proposed private school with 2,744 students.¹¹⁸ As vehicle trips are responsible for a large proportion of air pollutant emissions, less vehicle trips would equate to less operational emissions. Additionally, less vehicle trips would result in less roadway noise affecting sensitive receptors in the area. Therefore, developing the project site according to the General Plan and zoning designation would reduce criteria air pollutant emissions and noise impacts due to vehicular travel. Because the building square footages would not differ substantially between both scenarios, construction emissions and noise impacts would be similar.

The City’s VMT tool was used to estimate the VMT impact of the No Project/Existing General Plan/Zoning Alternative. Based on the results, 500,000 square feet of industrial uses at the project site would result in 8.97 VMT per worker, which is below the significance threshold of 14.37 VMT per worker for industrial uses in the area.¹¹⁹ This threshold differs from the 12.22 VMT threshold used to analyzed project-level VMT because the 12.22 VMT threshold is based on general employment uses, while the 14.37 VMT threshold is based exclusively on industrial uses. These preliminary results do not take into account site-specific elements of a project, such as vehicle and/or bicycle parking or mixed-uses; therefore, the VMT of this alternative could be lower than projected. For these reasons, the No Project/Existing General Plan/Zoning Alternative would have a less than significant transportation impact compared to the proposed project’s significant but mitigable transportation impact.

¹¹⁶ City of San José. *Meridian Avenue General Plan Amendment*. October 2018.

¹¹⁷ Institute of Transportation Engineers. *Trip Generation Manual 10th Edition – Volume 2: Data – Industrial (Land Uses 100-199)*. September 2017. Page 21.

¹¹⁸ Hexagon Transportation Consultants. *Traffic Analysis*. February 5, 2020. Table 4 Project Trip Generation Estimates.

¹¹⁹ City of San José. “Vehicle Miles Traveled Metric.” Accessed February 20, 2020.

<https://www.sanjoseca.gov/your-government/departments-offices/transportation/planning-policies/vehicle-miles-traveled-metric>

Relationship to Project Objectives

The No Project/Existing General Plan/Zoning Alternative would allow for one of the project objectives to be met. Development of the site in accordance with the General Plan and zoning designation could still provide a comprehensive circulation network with integrated mobility options including pedestrian and bicycle amenities, with enhanced on-site connectivity and safety for improved access to the Race Street light rail station, as an alternative to automobile use. However, the majority of the project objectives focus on establishing a private school at the project site.

7.2.3.4 *Reduced Intensity Alternative*

The Reduced Intensity Alternative would develop the 11.87-acre parcel with a private school but with a substantial reduction in the number of classrooms on the site. Under the Reduced Scale Alternative, the school size would be reduced by 500 students (approximately 18 percent reduction) to a total of 2,244 students. This reduction in students was selected because it is equivalent to approximately the size of the proposed Toddler through Kindergarten program (Early Learning Center) and is a reasonable reduction in school enrollment which would still allow for operation of the Primary and Secondary Divisions (Grades 1-12). The Reduced Scale Alternative may have 20-25 fewer community classroom facilities, reduced gross floor area by approximately 76,000 square feet, and reduced building footprint by approximately 25,000 square feet. Additionally, the Reduced Scale Alternative would likely have approximately 90 less staff members (reducing 480 total staff proportionally with the reduction in enrollment).

The purpose of the Reduced Intensity Alternative is to reduce or avoid the significant impacts identified to occur under the proposed project while also meeting the central project objectives. The traffic impacts of the proposed project are the result of the distances at which staff and students would travel to reach the project site. The air quality impacts of the project are the result of the increase in vehicle trips and increased health risks from construction and operation of the project. The noise impacts of the project are a result of construction activities and operation of mechanical generators. The hazardous materials impacts are attributed to existing site conditions and historical uses of the site. The proposed installation of the sports field and gymnasium facilities is not expected to result in significant environmental impacts. Therefore, under the Reduced Intensity Alternative, student enrollment would be reduced but the proposed use of sports field and other athletic facilities would remain unchanged. Enrollment under the Reduced Intensity Alternative would be reduced by 500 students, from 2,744 students to 2,244 students.

Comparison of Environmental Impacts

Under both the Reduced Intensity Alternative and proposed project, similar site development would occur. Reducing the enrollment by 500 students and 90 staff members would result in approximately 1,500-2,000 less vehicle trips and would correspondingly reduce criteria air pollutant emissions. The project's gross GHG emissions would also be reduced in line with the reduction in enrollment, primarily due to less operational energy expenditures and vehicle trips. However, the project's VMT impacts would remain the same because students attending the proposed school would originate from the same Santa Clara County, Redwood City, and Fremont vicinities, regardless of a decrease in enrollment numbers. The Reduced Intensity Alternative would still require mitigation to reduce VMT impacts. While criteria air pollutants would be marginally reduced, constructing a school for up to

2,244 students would still result in significant air quality impacts requiring mitigation. Construction of the proposed project resulted in a cancer risk of 32.4 cases per million at the nearest offsite sensitive receptor (in exceedance of the BAAQMD single-source threshold of 10.0 chances per million) and decreasing enrollment numbers by 500 would not lower construction emissions to below the threshold. Further, it is not likely that a reduction in enrollment of 500 students and 90 staff would eliminate construction or operational noise impacts, as substantial noise from building demolition and mechanical equipment would still occur.

The Reduced Intensity Alternative would reduce GHG emissions due to less vehicle trips and less operational energy expenditures; however, a GHG impact was not identified for the proposed project and any environmental benefit gained from reducing GHG emissions would potentially be offset because the emissions would be distributed between a lower service population (i.e. 500 less students, who would attend other schools that would also emit GHG emissions).

Relationship to Project Objectives

The Reduced Intensity Alternative would allow for most project objectives to be met. However, reducing the enrollment numbers of the proposed school could potentially lead to the elimination of the Toddler through Kindergarten program (or components thereof). If this were the case, this alternative would not allow the project to meet the stated objective of providing education for students from kindergarten through high school.

7.2.3.5 *Adjusted Design Alternative*

As discussed in *Section 3.9 Hazards and Hazardous Materials*, there are elevated NOA and metals identified in shallow soils at the location of the former railroad spur near the 1401 Parkmoor Avenue building. This area of the site is planned for development with the proposed sports field. As a Design Alternative, construction and demolition activities in this area of the site could be avoided in order to reduce the identified hazardous materials impact (Impact HAZ-1). This would reduce the area of the site available for development by approximately 25,000 square feet. Avoiding demolition and construction activities near the 1401 Parkmoor Avenue building would prevent the project from utilizing this area of the site for the sports field.

As the Design Alternative would reduce the building footprint on the site by approximately 25,000 square feet, an alternative area of the site could be developed with the sports field. This would likely require either site redesign or additional demolition of existing buildings, such as Building 1 at 550 Meridian Avenue or a portion of Building 3 (parking structure). In that case, since the project can be built up to a height of 120 feet, more stories can be added to the existing buildings to house the proposed students enrollment and capture any loss of parking spaces.

Comparison of Environmental Impacts

The Design Alternative would likely involve smaller building footprints (approximately 25,000 square feet less) than the proposed project. However, this Alternative would still entail development activity across the majority of the project site, and result in similar site disturbance. Therefore, the Design Alternative will have impacts similar to the proposed project related to aesthetics, agriculture and forestry resources, biological resources, cultural resources, geology and soils, hydrology and

water quality, and tribal cultural resources. If construction activities near the building at 1401 Parkmoor Avenue were avoided, the Design Alternative would result in less of a hazards and hazardous materials impact but would likely require site redesign or additional demolition of Building 1 or Building 3 to redevelop an alternative area of the site with the sports field. This would result in increase in energy and GHG impacts.

Relationship to Project Objectives

The Design Alternative would allow for most project objectives to be met. However, redesigning the site to avoid hazardous materials impacts, could lead to demolition of the existing Building 1 or parking structure. If this were the case, this alternative would not allow reuse of the existing buildings on the site and thereby maximizing the use and functionality of other existing onsite resources, such as existing buildings and parking structure.

7.2.4 Environmentally Superior Alternative

The *CEQA Guidelines* state than an EIR shall identify an environmentally superior alternative. If the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (Section 15126.6(e)(2)).

Table 7.2-1 summarizes the level of impact for the proposed project and each project alternative.

Table 7.2-1: Comparison of Impacts from Alternatives to the Proposed Project				
Significant Impacts of the Proposed Project	Level of Impact			
	No Project – No Development	No Project - Existing General Plan/Zoning Alternative	Reduced Intensity Alternative	Design Alternative
Air Quality	Avoided	Less	Less	Same
Biological Resources	Avoided	Similar	Similar	Same
Cultural Resources	Avoided	Similar	Similar	Same
Hazards/Hazardous Materials	Avoided	Similar	Similar	Less
Noise	Avoided	Less	Less	Same
Transportation	Avoided	Less	Less	Same
Meets Project Objectives	No	Partially	Partially	Partially
Similar: Similar to the proposed project. Less: Substantial impact reduction compared to the proposed project, but not to a less than significant level. Greater: Substantially greater impact than proposed project.				

As shown in Table 7.2-1, the environmentally superior alternative would be the No Project-No Development Alternative, which would avoid all project impacts, however it would achieve none of the project objectives. Beyond the No Project – No Development Alternative, the Reduced Intensity Alternative would be the environmentally superior alternative.

Reduced Intensity Alternative would have similar site development as the proposed project. The Reduced Intensity Alternative would reduce vehicle trips, criteria air pollutant emissions, and operational noise impacts. Reduced Intensity Alternative would meet most of the objectives of the proposed project, except that it won't have an Early Learning Center but would still allow for operation of the Primary and Secondary Divisions (Grades 1-12).

SECTION 8.0 REFERENCES

The analysis in this Environmental Impact Report 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:

Archaeological/Historical Consultants. *581 and 691 Race Street, San José - Historic Resources Evaluation Report*. January 2020.

Association of Bay Area Governments and Metropolitan Transportation Commission. “Project Mapper.” <http://projectmapper.planbayarea.org/>.

Association of Bay Area Governments. *Projections 2040*. November 2018.

Association of Environmental Professionals, 2016. *Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*. April 2016.

BAAQMD. *Final 2017 Clean Air Plan*. April 19, 2017. <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

CAL FIRE. *Santa Clara County Fire Hazard Safety Zone Map – Local Responsibility Area*. October 2008.

CAL FIRE. *Santa Clara County Fire Hazard Safety Zone Map – State Responsibility Area*. November 2007.

CalEPA. “Cortese List Data Resources.” Accessed June 3, 2019. <https://calepa.ca.gov/sitecleanup/corteselist>.

CalFire. “California Fire Hazard Severity Zone Map Update Project”. Accessed May 24, 2019. http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_statewide

California Air Resources Board. “Overview: Diesel Exhaust and Health.” Accessed June 16, 2018. <https://www.arb.ca.gov/research/diesel/diesel-health.htm>.

California Air Resources Board. “The Advanced Clean Cars Program.” Accessed April 6, 2019. <https://www.arb.ca.gov/msprog/acc/acc.htm>.

California Building Standards Commission. “Welcome to the California Building Standards Commission”. Accessed May 8, 2019. <http://www.bsc.ca.gov/>.

California Department of Education. *DataQuest*. Available at: <https://dq.cde.ca.gov/dataquest/>. Accessed May 21, 2019.

California Department of Forestry and Fire Protection. “Fire and Resource Assessment Program.” Accessed April 26, 2019. <http://frap.fire.ca.gov/>.

California Department of Tax and Fee Administration. “Net Taxable Gasoline Gallons.” Accessed May 8, 2019. <https://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.pdf>.

California Department of Transportation. “California Scenic Highway Mapping System: Santa Clara County.” Accessed May 9, 2019. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

California Department of Transportation. *California Scenic Highway Mapping System*. Accessed: May 7, 2019. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

California Emissions Estimator Model (CalEEMod). Table 9.1 Water Use Rates. September 2016. California Energy Commission (CEC). “2016 Building Energy Efficiency Standards”. Accessed May 8, 2019. <http://www.energy.ca.gov/title24/2016standards/index.html>.

California Gas and Electric Utilities. “2018 California Gas Report.” Accessed May 8, 2019.

California Governor’s Office of Emergency Services. 2018. *2018 State Hazards Mitigation Plan*. Accessed May 9, 2019. <https://www.caloes.ca.gov/cal-oes-divisions/hazard-mitigation/hazard-mitigation-planning/state-hazard-mitigation-plan>.

California Natural Resources Agency. *Santa Clara County Important Farmland 2016*. Accessed May 7, 2019. <https://www.conservation.ca.gov/dlrp/fmmp/Pages/SantaClara.aspx>

California Office of Historic Preservation. “CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6.” March 14, 2006.

CEC. “Natural Gas Consumption by County”. Accessed May 8, 2019. <http://ecdms.energy.ca.gov/gasbycounty.aspx>.

City of San José Parks, Recreation, and Neighborhood Services. *Building Community Through Fun 2016 Annual Report*. Available at: <https://www.sanJose.ca.gov/index.aspx?NID=204>

City of San José Public Library. <https://www.sjpl.org/facts>. Accessed August 2, 2019.

City of San José. “San José Designated Historic City Landmarks”. <http://www.sanJose.ca.gov/DocumentCenter/View/35476> Accessed July 19, 2019.

City of San José. “Scenic Corridors Diagram”. Accessed: May 7, 2019. <http://www.sanJose.ca.gov/index.aspx?NID=3368>

City of San José. “Utility Viewer”. <https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=0d463f017c8a48a7b73b2d35bd7381f1>. Accessed May 22, 2019.

City of San José. *2040 General Plan FEIR*. September 2011.

City of San José. *Annual Report on City Services 2017-2018*. December 2018. <http://www.sanJose.org/culture.org/DocumentCenter/View/81795>

City of San José. *Assessment of Infrastructure for the Integrated Waste Management Zero Waste Strategic Plan Development*. 2008.

City of San José. City Council Policy 4-3 – Outdoor Lighting on Private Developments. Adopted March 1, 1983. Revised June 20, 2000. <https://www.sanJose.ca.gov/DocumentCenter/View/3865>

City of San José. *Envision San José 2040 General Plan FEIR*. December 2011.

City of San José. *Envision San José 2040 General Plan Four-Year Review Addendum*. Page 90.

City of San José. *Envision San José 2040 General Plan*. Adopted November 1, 2011. Amended February 27, 2018.

City of San José. Municipal Code Chapter 20.50.

City of San José. Parks, Recreation & Neighborhood Services website – *Fast Facts*. <http://www.sanJose.ca.gov/documentcenter/view/65881>. Accessed March 11, 2019.

City of San José. Planning Commission Staff Report – File No. GPT18-007. November 14, 2018. <http://www.sanJose.ca.gov/DocumentCenter/View/81093>

City of San José. *San José Downtown Strategy 2040 EIR*. 2018.

Cornerstone Earth Group. *Phase I Environmental Site Assessment – 550 and 570 Meridian Avenue, 1401 Parkmoor Avenue, and 529, 581 and 691 Race Street, San José, California*. May 20, 2019.

Cornerstone Earth Group. *Preliminary Phase II Soil, Soil Vapor, Groundwater, and Indoor Air Quality Evaluation - 550 and 570 Meridian Avenue, 1401 Parkmoor Avenue, and 529, 581 and 691 Race Street, San José, California*

County of Santa Clara. “Williamson Act and Open Space Easement”. September 17, 2018. Accessed May 7, 2019. <https://www.sccgov.org/sites/dpd/programs/wa/pages/wa.aspx>

Energy Consumption Data Management System. “Electricity Consumption by County.” Accessed March 15, 2019. <http://ecdms.energy.ca.gov/elecbycounty.aspx>

ENGEO, Inc. *Avenues Silicon Valley, San José, California – Design-Level Geotechnical Report*. May 14, 2019.

Evergreen Arborist Consultants. *Consulting Arborist Report*. November 8, 2019.

Federal Emergency Management Agency. “FEMA Flood Map Service Center”. Accessed May 9, 2019.

<https://msc.fema.gov/portal/search?AddressQuery=14001%20Parkmoor%20Avenue%2C%20San%20José%2C%20California#searchresultsanchor>

Hexagon Transportation Consultants. *Avenues the World School – Traffic Analysis*. March 12, 2020

Illingworth & Rodkin. *Avenues: The World School Noise and Vibration Assessment*. March 12, 2020.

Illingworth & Rodkin. *Avenues World School Air Quality and Community Health Risk Assessment*. March 11, 2019.

Mineta San José International Airport. “2027 CNEL Contours for Airport Master Plan”. Accessed May 10, 2019. <https://www.flysanJosé.com/node/2206>

PG&E. “Exploring Clean Energy Solutions”. Accessed May 8, 2019. https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page.

Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007*. Accessed May 8, 2019. <http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf>.

San José Water Company. *2015 Urban Water Management Plan*. Page 4-4. July 2016.

San José-Santa Clara Regional Wastewater Facility, 2017. <http://www.sanJoséca.gov/index.aspx?NID=1663>. Accessed August 5, 2019.

Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

Santa Clara Valle Habitat Agency. “Geobrowser”. Accessed May 8, 2019. <http://www.hcpmaps.com/habitat/>.

Santa Clara Valley Urban Runoff Pollution Prevention Program. “Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements – San José.” July 2011.

Santa Clara Valley Urban Runoff Pollution Prevention Program. *Guadalupe Watershed*. Accessed May 9, 2019. http://www.scvurppp-w2k.com/ws_guadalupe.shtml

Santa Clara Valley Water District. *2016 Groundwater Management Plan*. Figure 1-3. 2016.

State of California, Department of Finance. “E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2019.” Accessed: August 7, 2019. Available at: <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

United States Department of Agriculture, Natural Resources Conservation Service. *Custom Soil Resource Report for Eastern Santa Clara Area, California*. May 8, 2019.

United States Department of Energy. *Energy Independence & Security Act of 2007*. Accessed May 8, 2019. <http://www.afdc.energy.gov/laws/eisa>.

United States Department of the Interior. “Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take.” Accessed March 28, 2019.
<https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>.

United States Energy Information Administration. “State Profile and Energy Estimates, 2017”. Accessed May 8, 2019. <https://www.eia.gov/state/?sid=CA#tabs-2>.

United States Environmental Protection Agency. *The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975*. March 2019.

SECTION 9.0 LEAD AGENCY AND CONSULTANTS

9.1 LEAD AGENCY

City of San José

Department of Planning, Building and Code Enforcement

Rosalynn Hughey, Director
Robert Manford, Deputy Director
Meenaxi Raval, Supervising Environmental Planner
Manjit Banwait, Acting Senior Engineer
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Archaeological/Historical Consultants, Inc.

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Cornerstone Earth Group, Inc.

Hazardous Materials Consultants

Ron L. Helm, C.E.G., Senior Principal Geologist

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SECTION 10.0 ACRONYMS AND ABBREVIATIONS

APN	Assessor's Parcel Number
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
MND	Mitigated Negative Declaration
NOD	Notice of Determination
NOP	Notice of Preparation
RWQCB	Regional Water Quality Control Board
USFWS	United States Fish and Wildlife Service
LEED	Leadership in Energy and Environmental Design
TDM	Transportation Demand Management
Caltrans	California Department of Transportation
SR	State Route
LED	Light Emitting Diode
FMMP	Farmland Mapping and Monitoring Program
CAL FIRE	California Department of Forestry and Fire Protection
O ₃	Ground-Level Ozone
NO _x	Nitrogen Oxides
PM	Particulate Matter
CO	Carbon Monoxide
SO _x	Sulfure Oxide
TAC	Toxic Air Contaminant
ROG	Reactive Organic Gases
CARB	California Air Resources Board
EPA	Environmental Protection Agency
DPM	Diesel Particulate Matter
BAAQMD	Bay Area Air Quality Management District
CAP	Clean Air Plan
USFWS	United States Fish and Wildlife Service
MBTA	Migratory Bird Treaty Act
VTA	Valley Transportation Authority

NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
CFR	Code of Federal Regulations
NAHC	Native American Heritage Commission
PG&E	Pacific Gas and Electric Company
SMHA	Seismic Hazards Mapping Act
CGS	California Geological Survey
CBC	California Building Code
GHG	Greenhouse Gas
CO ₂	Carbon Dioxide
CH ₄	Methane
HFC	Hydrofluorocarbons
PFC	Perfluorocarbons
SF ₆	Sulfur Hexafluoride
AB	Assembly Bill
SB	Senate Bill
MTC	Metropolitan Transportation Commission
MT	Metric Tons
EO	Executive Order
ESA	Environmental Site Assessment
CalEPA	California Environmental Protection Agency
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
RCRA	Resource Conservation and Recovery Act
FAR Part 77	Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace
DTSC	Department of Toxic Substances Control
SWRCB	State Water Resources Control Board
ACM	Asbestos-Containing Material
NESHAP	National Emission Standards for Hazardous Air Pollutants
CalARP	California Accidental Release Prevention Program
CUPA	Certified Unified Program Agency
CCR	California Code of Regulations
ALUC	Airport Land Use Commission
ALUP	Airport Land Use Plan

AIA	Airport Influence Area
PCB	Polychlorinated Biphenyls
TSCA	Toxic Substances Control Act
UST	Underground Storage Tank
LUST	Leaking Underground Storage Tank
VOC	Volatile Organic Compounds
SCVWD	Santa Clara Valley Water District
SCCDEH	Santa Clara County Department of Environmental Health
NOA	Naturally Occurring Asbestos
SRA	State Responsibility Area
LRA	Local Responsibility Area
SMP	Site Management Plan
HSP	Health and Safety Plan
CNEL	Community Noise Equivalent Level
FEMA	Federal Emergency Management Agency
NFIP	National Flood Insurance Program
SFHA	Special Flood Hazard Area
NOI	Notice of Intent
SWPPP	Stormwater Pollution Prevention Plan
NPDES	National Pollution Discharge Elimination System
SWRCB	State Water Resources Control Board
HMP	Hydromodification Management Plan
BMP	Best Management Practices
MRP	Municipal Regional Permit
GMP	Groundwater Management Plan
LID	Low Impact Development
SCVHP	Santa Clara Valley Habitat Plan/Natural Community Conservation Plan
VTa	Valley Transportation Authority
SMARA	Surface Mining and Reclamation Act
SMGB	State Mining and Geology Board
dBA	A-weighted Decibels
PPV	Peak Particle Velocity
PDA	Priority Development Area

ABAG	Association of Bay Area Governments
MTC	Metropolitan Transportation Commission
SJFD	San José Fire Department
SJPD	San José Police Department
SJUSD	San José Unified School District
VMF	Vehicle Miles Traveled
LOS	Level of Service
OPR	Office of Planning and Research
TCR	Tribal Cultural Resource
UWMP	Urban Water Management Plan
CALGreen	California Green Building Standards Code
SJWC	San José Water Company
RWF	San José/Santa Clara Regional Wastewater Facility
IWMP	Integrated Waste Management Plan
CalEEMod	California Emissions Estimator Model