Draft EIR

3896 Stevens Creek Boulevard

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.

August 2020

TABLE OF CONTENTS

Figures

Tables

Appendices

SUMMARY

The project proposes an approximately 308,000-square-foot office building with 15,000 square feet of retail/restaurant space, a 468,000-square-foot parking garage containing 1,300 parking spaces, and a 151,300-square-foot health club building on a 4.8-acre site located at the southeast corner of Saratoga Avenue and Stevens Creek Boulevard in the City of San José.

The following is a summary of the significant impacts and mitigation measures addressed within this EIR. The project description and full discussion of impacts and mitigation measures can be found in Section 2.0 Project Description and Section 3.0 Environmental Setting, Impacts, and Mitigation

Impact	Mitigation Measures
Air Quality	
Impact AIR-1: Project construction would exceed Bay Area Air Quality Management District significance thresholds for infant cancer risk and annual $PM_{2.5}$ concentration exposure at the residential maximally exposed individual. **(Less than Significant Impact with Mitigation Incorporated)**	**MM AIR-1.1:** Prior to the issuance of any demolition, grading, and/or building permits**,** the project applicant shall retain a qualified consultant to develop a construction operations plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 88-percent reduction in diesel particulate matter (DPM) exhaust emissions or greater. To achieve the reduction on the project one or a combination of the following measures will be implemented: • All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet United States Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 4 engines. Exceptions could be made for equipment that meets EPA Tier 2 or 3 standards that include California Air Resources Board-certified Level 3 Diesel Particulate Filters or equivalent. • Provide electric power connections during early construction phases to avoid use of diesel generators. • Stationary construction cranes (building cranes) and manlifts shall be powered by electricity. If any of these alternative measures are proposed, the project applicant shall include them in the construction operations plan (as stated in MM AIR-1.2), which includes specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, or building permits, whichever occurs the earliest. The construction operations plans shall demonstrate that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 88 percent reduction in DPM exhaust emissions or greater. **MM AIR-1.2:** Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall

	submit a construction operations plan that includes specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest) to the Director of Planning, Building and Code Enforcement or Director's designee. The construction operations plan shall be accompanied by a letter, signed by an air quality specialist, verifying that the equipment included in the plan meets the specified reductions set forth in these mitigation measures.
Biological Resources	
Impact BIO-1: Development of the proposed project would result in impacts to nesting birds including incidental loss of fertile eggs or nestlings or nest abandonment if present on the site at the time of construction. **(Less than Significant Impact with Mitigation Incorporated)**	**MM BIO-1.1:** Avoidance: The project applicant shall schedule demolition and construction activities 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). **MM BIO-1.2:** Nesting Bird Surveys: If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of 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). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. **MM BIO-1.3:** Buffer Zones: If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. **MM BIO-1.4:** Reporting: 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 of the Department of Planning, Building and Code Enforcement.
Hazards and Hazardous Materials	
Impact HAZ-1: Project construction could result in the exposure of construction	**MM HAZ-1.1:** Prior to the start of ground-disturbing activities or issuance of any grading/building permits by the City, a Site Management Plan shall be developed for the site by a qualified

workers and the public to elevated concentrations of chemicals. **(Less than Significant Impact with Mitigation Incorporated)**	environmental professional. At a minimum, the SMP shall include the following: • Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of BMPs • Proper disposal procedures of contaminated materials • Monitoring, reporting, and regulatory oversight notifications • A health and safety plan for each contractor working at the site that addresses the safety and health hazards of each phase of site operations with the requirements and procedures for employee protection • The health and safety plan will also outline proper soil/ and or groundwater handling procedures and health and safety requirements to minimize worker and public exposure to contaminated soil/and or groundwater during construction. • A copy of the SMP shall be submitted to the Supervising Environmental Planner of the City of San Jose Department of Planning, Building, and Code Enforcement and the Municipal Compliance Officer of the City of San Jose Environmental Services Department for review and approval.
Noise	
Impact NOI-1.1: Construction of the project would increase ambient noise levels at nearby sensitive receptors by five dBA Leq or more at various times throughout construction, would result in construction occurring over a period of more than one year, and would include pile driving. **(Significant Impact with Mitigation Incorporated)**	**MM NOI-1.1:** Prior to the issuance of any grading or demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of any grading or demolition permits. As a part of the noise logistic plan and project, construction activities for the proposed project shall include, but is not limited to, the following best management practices: • In accordance with Policy EC-1.7 of the City's General Plan, utilize the best available noise suppression devices and techniques during construction activities. • Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence (San José Municipal Code Section 20.100.450). • Construct temporary noise barriers, where feasible, to screen mobile and stationary construction equipment. The temporary noise barrier fences provide noise reduction if the noise barrier interrupts the line of-sight between the noise source and

	receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps. • Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • Unnecessary idling of internal combustion engines shall be strictly prohibited. • Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses. • Utilize "quiet" air compressors and other stationary noise sources where technology exists. • Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise source and noise-sensitive receptors nearest the project site during all project construction. • A temporary noise control blanket barrier shall be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. • If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. • Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors. • Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site. • The project applicant shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. • Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences. • Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall

	determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. • All auger drilling activities and hydraulic ram system activities shall be done during weekdays between 7:00 a.m. and 7:00 p.m. Due to the nature of the Islamic Community Center of Bozniaks of the Bay Area, and prayer activities at dawn and dusk, restricting these drilling activities to summer months when sunrise and sunset are well-outside the allowable construction hours would reduce potential disruption and complaints from the neighbors.
Impact NOI-2: Construction of the proposed project would produce vibration levels exceeding 0.2 in/sec PPV at the adjacent community center. **(Less than Significant Impact with Mitigation Incorporated)**	**MM NOI-2.1:** Construction Vibration Monitoring, Treatment, and Reporting Plan: The project applicant shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall include, but not be limited to, the following measures: • The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations. • A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted to the Director or Director's designee of the City of San Jose Department of Planning, Building, and Code Enforcement by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. Phase demolition, earth-moving, and ground impacting operations so as not to occur during the same time period. • Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of any adjacent building. • Document existing conditions at the community center (345 Northlake Drive, San Jose, CA 95129) prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and

	be in accordance with industry-accepted standard methods. Specifically: o Performance of a photo survey, elevation survey, and crack monitoring survey for the building. Surveys shall be performed prior to any construction activity, in regular intervals during construction, and after project completion, and shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures. o Vibration limits shall be applied to vibration-sensitive structures located within 30 feet of all construction activities identified as sources of high vibration levels. • Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approached the limits. • At a minimum, vibration monitoring shall be conducted during demolition and excavation activities. • If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures. • Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site. • Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.
Transportation	
Impact TRA-1: The office use proposed as part of the project would exceed the City's Transportation Analysis Handbook VMT threshold of 12.21 daily miles per worker. **(Less than Significant Impact with Mitigation Incorporated)**	**MM TRA-1.1:** The project shall construct the following off-site improvements: • Remove the pork chop island at the northwest corner of the Saratoga Avenue/Stevens Creek Boulevard intersection. This improvement is in addition to the removal of the pork chop island at the southeast corner along the project frontage that would be implemented as part of the project.

	• Remove the pork chop islands at the southwest and northeast corners of the Saratoga Avenue/Kiely Boulevard intersection. • Implement VTA bus stop improvements for the bus stop on westbound Stevens Creek Boulevard west of Saratoga Avenue and move the bus stop eastward closer to the intersection. This improvement is in addition to the bus stop improvements the project would implement for the bus stop on eastbound Stevens Creek Boulevard east of Saratoga Avenue as part of the project.

Summary of Alternatives to the Proposed Project

The California Environmental Quality Act (CEQA) requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines state that an EIR must identify alternatives that would feasibly attain the most basic objectives of the project, but avoid or substantially lessen significant environmental effects, or further reduce impacts that are considered less than significant with the incorporation of mitigation. A summary of project alternatives follows. A full analysis of project alternatives is provided in Section 7.0 Alternatives.

No Project Alternative

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. All environmental impacts would be avoided.

No Project – Existing Zoning Alternative

The majority of the project site is zoned Neighborhood Commercial (CN), which allows a mix of commercial and office uses, and a smaller portion of the project site on the corner of Stevens Creek Boulevard and Saratoga Avenue is zoned Commercial General (CG). The proposed public plaza would be located within the CG zoning district. Commercial and office uses would be placed on the rest of the project site. Environmental impacts would be lessened due to a smaller project, but not to less than significant.

Office Only Project

This alternative assumes that both buildings would house only office uses which would include a total of 436,000 square feet of office space. This alternative would assume a service population of 2,491 employees (using the office rate of one employee per 175 square feet). This alternative would avoid the significant GHG emissions impact associated with the project, but not reduce the VMT impact associated with the project.

Environmentally Superior Alternative

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Tas described in Section 7.0 Alternatives, the environmentally superior alternative to the proposed project is the No Project Alternative because all of the project's significant environmental impacts

would be avoided. In addition to the No Project, the Office Only Alternative would lessen the project's GHG emissions impact.

Areas of Public Controversy

Areas of public concern include increased traffic and building height and massing.

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 3896 Stevens Creek Boulevard 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. The basic requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, cumulative impacts, alternatives, and growth-inducing impacts. It is not the intent of an 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 Sections 15063 and 15082 of the CEQA Guidelines, the City of San José prepared a Notice of Preparation (NOP) for this EIR. The NOP was circulated to local, state, and federal agencies on December 4, 2019. The standard 30-day comment period concluded on January 3, 2020. 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 Monday January 6, 2020 to discuss the project and solicit public input as to the scope and contents of this EIR. The meeting was held at Cypress Senior Center at 403 Cypress Avenue. 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:

Thai-Chau Le, Supervising Planner
City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, Tower 3
San José, CA 95112
Thai-Chau.Le@sanjoseca.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 DESCRIPTION

2.1 PROJECT LOCATION

The approximately 4.8-acre project site is located at the southeast corner of Saratoga Avenue and Stevens Creek Boulevard and includes five parcels (APNs 303-25-012 [350 Saratoga Avenue], -013 [3888 Stevens Creek Boulevard], -022 [3830 Stevens Creek Boulevard], -023 [3896 Stevens Creek Boulevard], -016 [3806 Stevens Creek Boulevard]) in the City of San José. The project site is surrounded by commercial and residential uses on the east and south and bounded by Saratoga Avenue to the west and Stevens Creek Boulevard to the north. The site is located within the Steven Creek Boulevard Urban Village Plan area. Regional, vicinity, and aerial maps of the project site are included as Figure 2.2-1, Figure 2.2-2, and Figure 2.2-3, respectively.

2.2 PROJECT DESCRIPTION

The project site is currently developed with six commercial buildings that are surrounded by surface parking lots. The proposed project would demolish the six existing buildings (totaling approximately 47,700 square feet), landscaping, and hardscape, and construct a commercial development project consisting of office, retail, restaurant, and health club uses, as well as associated structured parking (see Figure 2.2-4). Outdoor rooftop use areas and open space areas are also proposed. The proposed project would be housed within two separate structures and parking would be located within a parking garage that would be partially included within and wrapped by the office building.

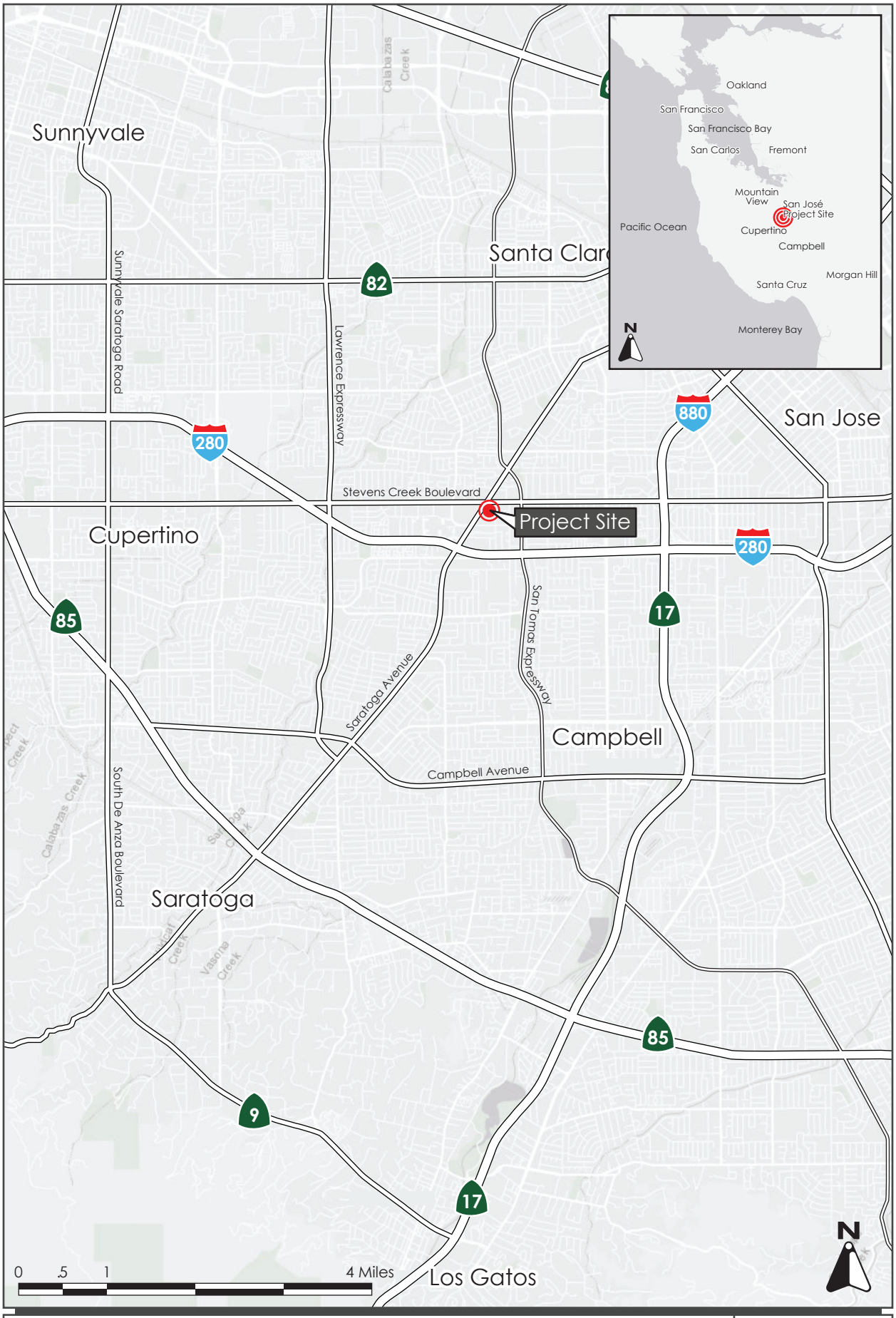
The project site is designated Urban Village under the City's General Plan. The project site has two zoning designations. The majority of the site is zoned CN – Neighborhood Commercial and a small portion of the northern side of the site is zoned CG – Commercial General. The proposed project would rezone the entire project site to CG.

2.2.1 Office Building and Parking Garage

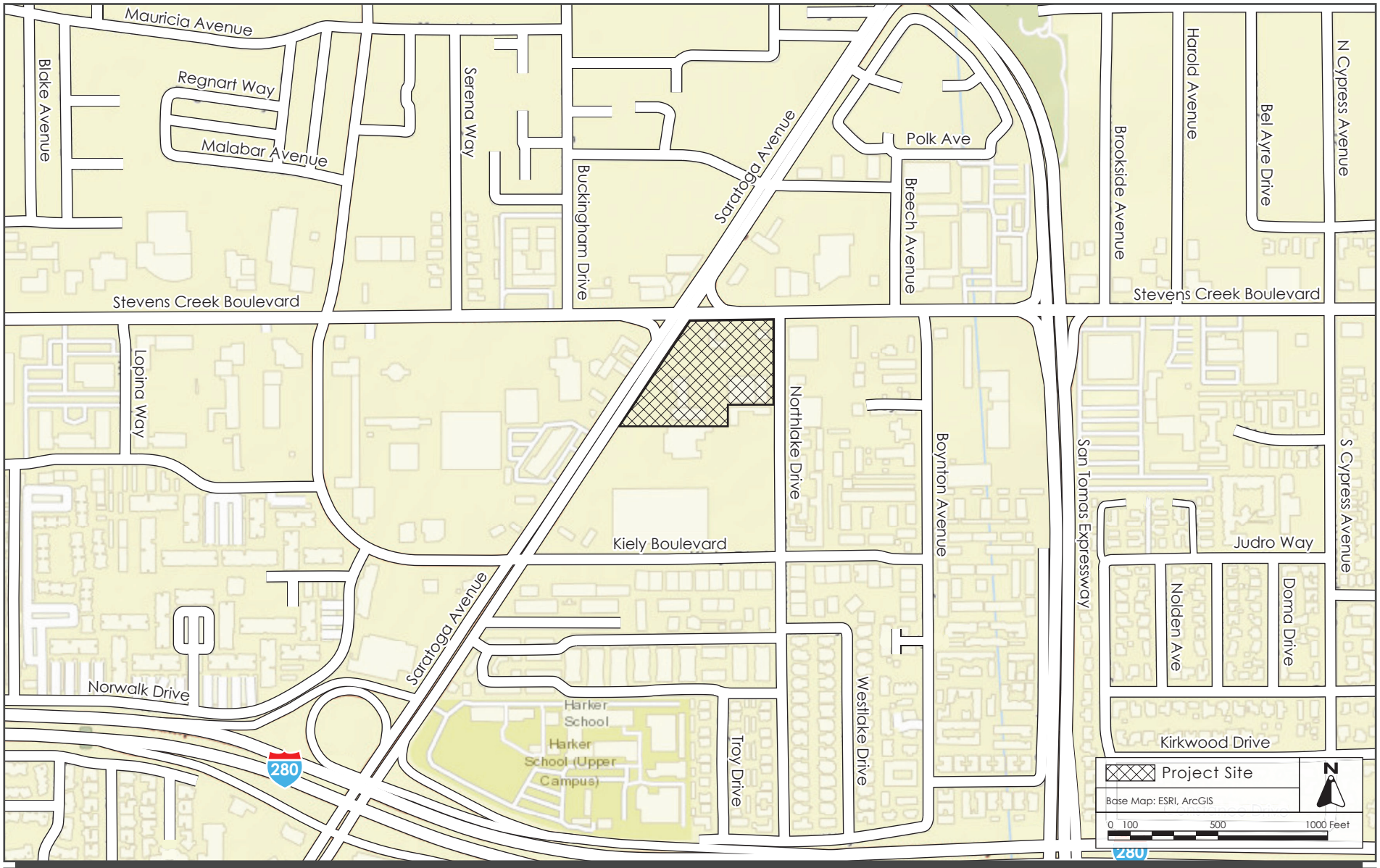
The proposed 12-story office building with ground-floor commercial space would be built on the northeast corner of the project site, along Stevens Creek Boulevard. The office building would have approximately 308,000 square feet of office space and 15,000 square feet of retail/restaurant space. The maximum height of the office building would be approximately 147 feet (160 to the top of the mechanical screen, see Figure 2.2-5). An emergency generator would be located on south side of the office building. The proposed seven-story, approximately 468,000-square-foot parking garage containing approximately 1,300 parking spaces, would be built behind and partially integrated into the office building. The maximum height of the parking garage would be 67 feet.

2.2.2 Fitness Building

The proposed three-story, approximately 151,300-square foot health club building (Life Time) would be built on the southwest corner of the project site on its own parcel, along Saratoga Avenue. The maximum height of the health club building would be approximately 63 feet (86 to the top of the elevator, see Figure 2.2-6). The health club building would include group fitness studios, childcare services, basketball courts, weight areas, and a rooftop pool area.



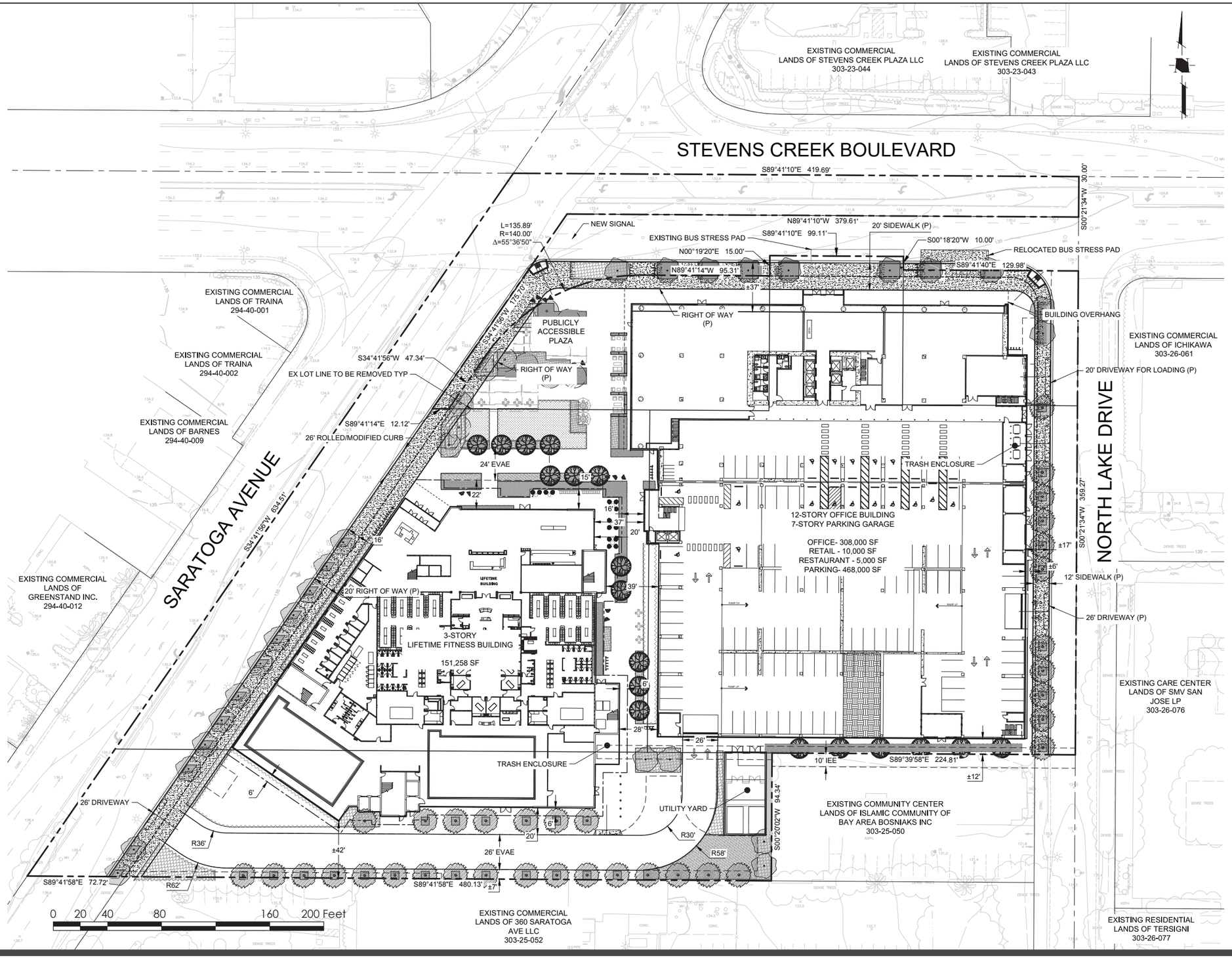
REGIONAL MAP | FIGURE 2.2-1



VICINITY MAP

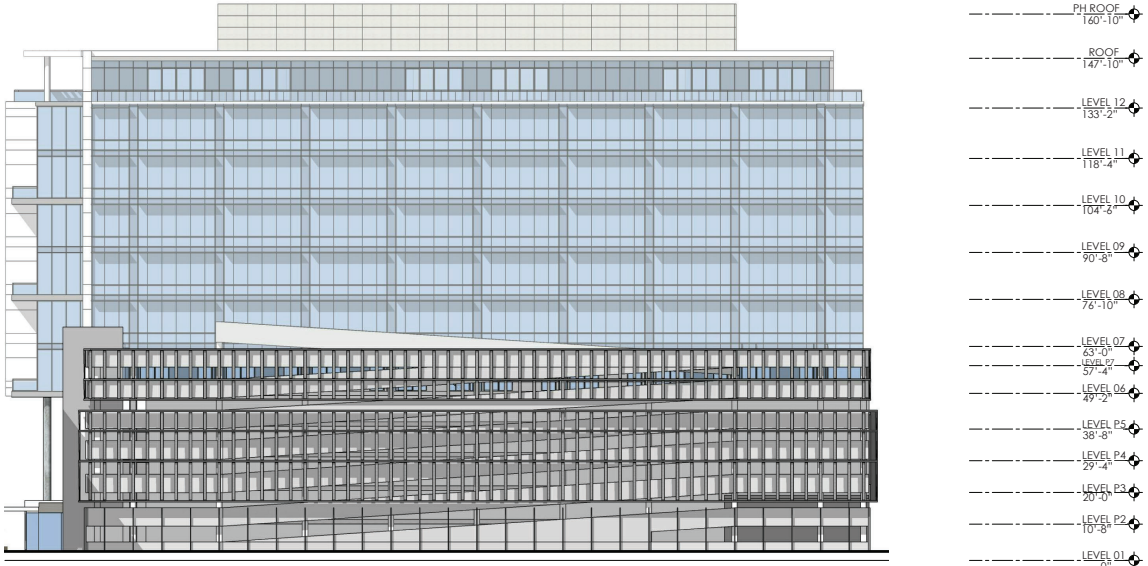
FIGURE 2.2-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.2-3

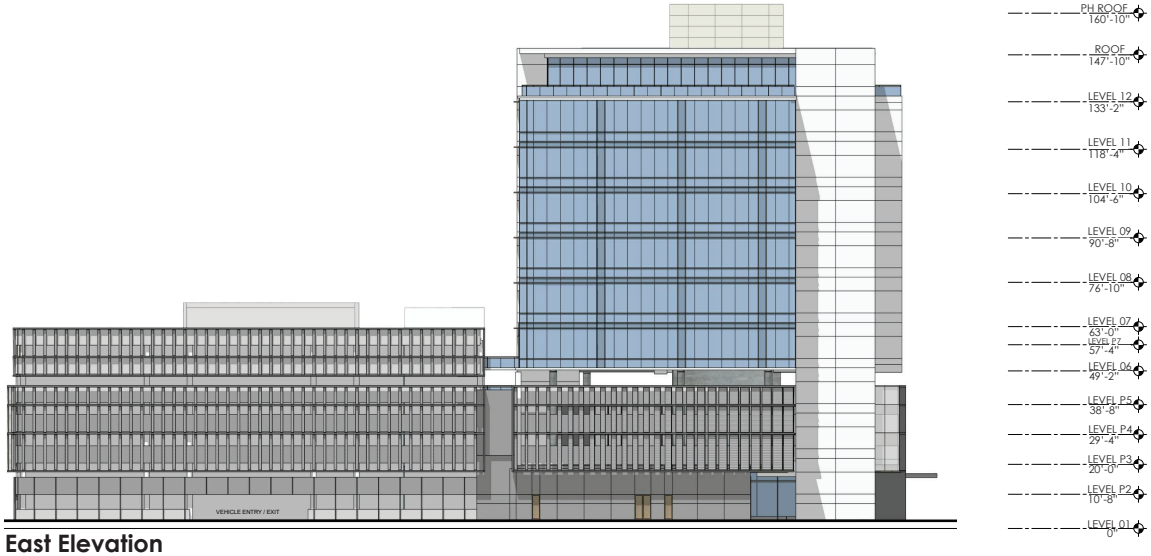


CONCEPTUAL SITE PLAN

FIGURE 2.2-4



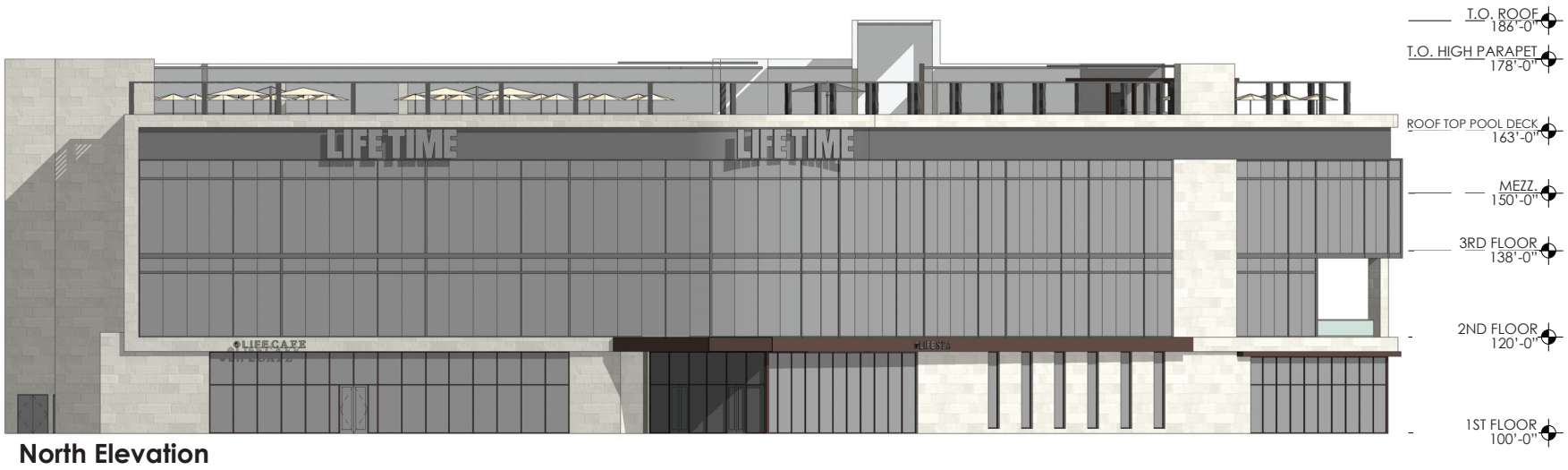
South Elevation



East Elevation

CONCEPTUAL OFFICE BUILDING AND PARKING GARAGE ELEVATIONS

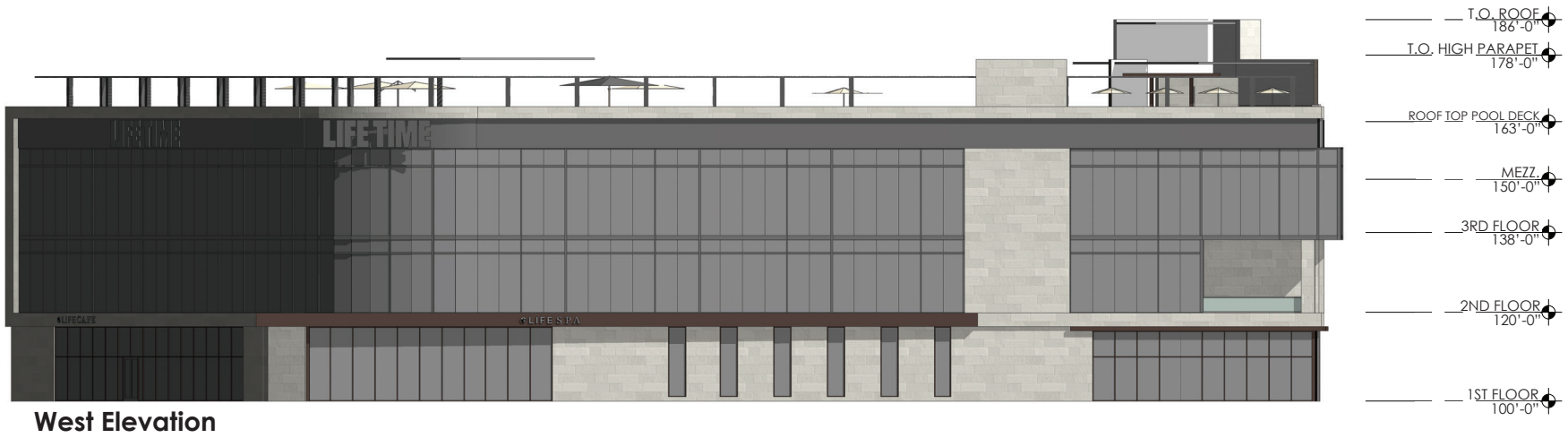
FIGURE 2.2-5



North Elevation

East Elevation

South Elevation



West Elevation

CONCEPTUAL FITNESS BUILDING ELEVATIONS | FIGURE 2.2-6

The health club building would be open 4:00 a.m. to 12:00 a.m. for members; however, certain programming (i.e., swimming pools, recreational leagues, childcare) would have more limited hours.

2.2.3 Access, Circulation, and Parking

Vehicle access to the project site would be provided via a driveway on Saratoga Avenue, leading to the parking garage in the back of the project site. Secondary access would be provided via an access point on Northlake Drive. The parking garage would contain approximately 1,300 parking spaces. Parking would be shared by the health club building, office building, and the ground floor retail in the office building.

Bicycle and pedestrian access to the site would be provided via sidewalks along Saratoga Avenue, Stevens Creek Boulevard, Northlake Drive, and a public plaza at the northwest corner of the project site. The project would improve the southeast corner of the Saratoga Avenue and Stevens Creek Boulevard intersection by removing the pork chop island, moving the curb, and tightening the turn radius at the southeast corner. These improvements would improve pedestrian safety. The project would also reconstruct the existing sidewalks on Saratoga Avenue and Stevens Creek Boulevard along the entire project frontage with new 20-foot sidewalks. Long-term bicycle storage would be provided on the first floor of the office building (65 spaces), and an additional 65 short-term bicycle spaces would be provided throughout the project site.

To implement the Stevens Creek Urban Village Plan policy to limit the amount of vehicle parking, the project seeks approval of a 43 percent reduction in required parking (to allow for the proposed 1,300 parking spaces) pursuant to San José Municipal Code Section 20.90.220, which allows up to a 50 percent reduction. The project will include a Transportation Demand Management (TDM) plan that meets the requirements of Section 20.90.220 and that is intended to reduce parking demand 43 percent below standard parking ratios. The TDM plan would be reviewed and approved by the City pursuant to Section 20.90.220 and would be subject to ongoing monitoring. The TDM plan is included as Appendix K.

The goal of the TDM plan is to avoid parking spillover and reduce vehicle trips to and from the project site. The TDM plan would have an annual monitoring and reporting requirement to monitor the parking counts. Thus, if the counts show that parking spaces are less than fully occupied, it can be assumed that all parking demand is being accommodated on site. If parking spaces are fully occupied, then spillover may be happening, and the TDM plan will be enhanced and new counts completed.

2.2.4 Utilities and Service System Improvements

The project would connect to existing utility lines in Saratoga Avenue, Stevens Creek Boulevard, and Northlake Drive. The office building would connect to an eight-inch sanitary sewer line in Stevens Creek Boulevard and an eight-inch water line in Northlake Drive. The health club building would connect to a 15-inch sanitary sewer line and a 12-inch water line in Saratoga Avenue. Stormwater on the project site would drain to a 42-inch storm drain in Saratoga Avenue and a 27-inch storm drain in Northlake Drive.

2.2.5 Trees, Landscaping, and Open Space

There are 65 trees located on the project site, 41 of which are ordinance-sized (30 inches or greater in circumference). They would all be removed as part of the project. The project proposes to plant 86 new trees on-site. Open space would be provided at the corner of Stevens Creek Boulevard and Saratoga Avenue in the form of a publicly accessible plaza with seating and landscaping.

2.2.6 Project Construction

Project construction would take approximately 31 months. Construction staging would occur on the project site and adjacent public right-of-way, consistent with City requirements. Staging would occur on-site and proximate to the project location.

2.2.7 Green Building Features

The proposed project would be built to the California Green Building Standards Code (CalGreen), which includes design provisions intended to minimize wasteful energy consumption. The proposed project would be consistent with San José Council Policy 6-32. The project would incorporate a variety of design features including community design and planning, site design, including the following:

- High-performance building envelopes
- Daylight maximization into interior office areas
- Tenant sub-metering of utility consumption
- Preferred parking for rideshare vehicles
- Electric vehicle charging stations
- Designated low-emission vehicle stalls
- Salvage or recycle at least 75 percent of construction waste
- Use of recycled and/or regional building materials
- Water efficient landscaping and irrigation design
- On-site storm water management and bioretention landscape planters

2.3 PROJECT OBJECTIVES

Pursuant to CEQA Guidelines Section 15124, the EIR must identify the objectives sought by the proposed project. The applicant's objectives for the project are as follows:

- Implement the City of San José's Stevens Creek Urban Village Plan and Envision San Jose 2040 General Plan by rezoning and redeveloping the 4.8-acre project site to maximize commercial densities.
- Implement San José's stated economic development goals through job creation by development of a mix of commercial uses such as maximizing new office space and best in class fitness.

- Redevelop an underutilized existing commercial site and develop a mixed of commercial uses along the classified grand boulevards of Stevens Creek Boulevard and Saratoga Avenue.
- Pursue a development plan that can, in economically feasible fashion, support and provide:
    - A publicly accessible pedestrian plaza that will serve as a community gathering space and to connect the surrounding neighborhood with transit, bicycle and pedestrian features on Stevens Creek Boulevard and Saratoga Avenue serving both private and public uses; and
    - A landscaped, mid-block paseo to make the site more walkable, while also providing a pedestrian connection to future development to the south.

2.4 USES OF THE EIR

This EIR is intended to 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. It is anticipated that the project would require the following City discretionary approvals:

- Rezoning
- Conditional Use Permit
- Subdivision Map Act Compliance (map, lot merger and/or lot line adjustment to result in two separate lots at the project site)

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

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 and pending projects in the project vicinity that are evaluated in the cumulative analysis. Pending projects include those submitted to the City of San José after the start of circulation of the Notice of Preparation for the proposed project.

Table 3.0-1: Cumulative Projects List

Name	Address	Description	Status
Winchester Ranch	500 Charles Cali Drive, San José	668 residential units	Approved
Jaguar Auto Dealership	4040-4050 Stevens Creek Boulevard, San Jose	56,079-square-foot auto dealership	Pending
425 Winchester Boulevard	425 Winchester Boulevard, San Jose	Five-story building with 9,181 square feet of retail, 4,998 square feet of office, and 27 residential units	Pending
335 Winchester Boulevard	335 Winchester Boulevard, San Jose	Four-story building with 82,672 square feet of office and 13,157 square feet of retail space	Pending
Mercedes-Benz	4500 Stevens Creek Boulevard, San Jose	Four-story 142,014-square-foot parking garage	Pending
City Place	5155 Stars and Stripes Drive, Santa Clara	9.16 million gross square feet of office, retail and entertainment facilities, residential units, hotel rooms, parking facilities, open space, and new/upgraded/expanded infrastructure and utilities	Approved
Stevens Creek Subaru	3209 Stevens Creek Boulevard, San Jose	45,778 square foot, two-story car dealership with a 100,152 square foot three-level parking structure	Approved
4300 Stevens Creek Boulevard	4300 Stevens Creek Boulevard, San Jose	Two seven-story residential buildings with 500 residential units and 11,500 square feet of retail; and a six-story 244,000 square foot office building and garage with 1,089 parking spaces	Approved

Table 3.0-1: Cumulative Projects List			
Name	**Address**	**Description**	**Status**
Santana West	3161 Olsen Drive, San Jose	970,000 square feet of office, 29,000 square feet of retail, re-use of the Century 21 Theater, and the re-alignment of Olsen Drive	Approved

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	San Tomas 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*

Senate Bill 743

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

1. The project is a residential, mixed-use residential, or employment-center project, and
2. The project is located on an infill site within a transit priority area.[1]

Local governments retain their ability to regulate a project's transportation, aesthetics, and parking impacts outside of the CEQA process.

Scenic Highways Program

The California Scenic Highway Program is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways in the City of San José. In Santa Clara County, the one state-designated scenic highway is State Route (SR) 9 from the Santa Cruz County line to the Los Gatos city limit.

Local

Envision San José 2040 General Plan

The General Plan identifies scenic Gateways on its Scenic Corridors Diagram, which are locations which announce to a visitor or resident that they are entering the city, or a unique neighborhood. San José Gateways contribute greatly to the overall image of San José and contribute to the quality of life. Additionally, the General Plan includes the following policies that are specific to aesthetic resources and are applicable to the proposed project.

[1] An "infill site" is defined as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." A "transit priority area" is defined as "an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." A "major transit stop" means "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." Source: Office of Planning and Research. "Changes to CEQA for Transit Oriented Development – FAQ." October 14, 2014. Accessed January 22, 2020. http://www.opr.ca.gov/ceqa/updates/sb-743/transit-oriented.html.

Policy	Description
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.
CD-1.7	Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.
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.
CD-1.11	To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid black walls that do not enhance the pedestrian experience. Encourage inviting, transparent facades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
CD-1.13	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 lead to competitive advantages over other regions.
CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
CD-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.

In addition to applicable General Plan policies, the project would be required to comply with the following City policies and guidelines, as applicable:

- San José Outdoor Lighting Policy (City Council Policy 4-3)
- San José Commercial Design Guidelines

3.1.1.2 *Existing Conditions*

Project Site

The approximately 4.8-acre project site is located at the southeast corner of Saratoga Avenue and Stevens Creek Boulevard. The project site is currently developed with six commercial buildings and surface parking lots in between the buildings. The commercial buildings vary in height from one- to two-stories and include a variety of materials, including brick, stucco, and painted concrete (see Photos 1 through 3). There are ornamental trees spread out within the surface parking lots and grass patches along then north and east sides of the project site. Saratoga Avenue is a designated scenic Gateway in the City's General Plan. The nearest State Scenic Highway is SR 9, which is approximately 5.5 miles south of the project site.

Surrounding Area

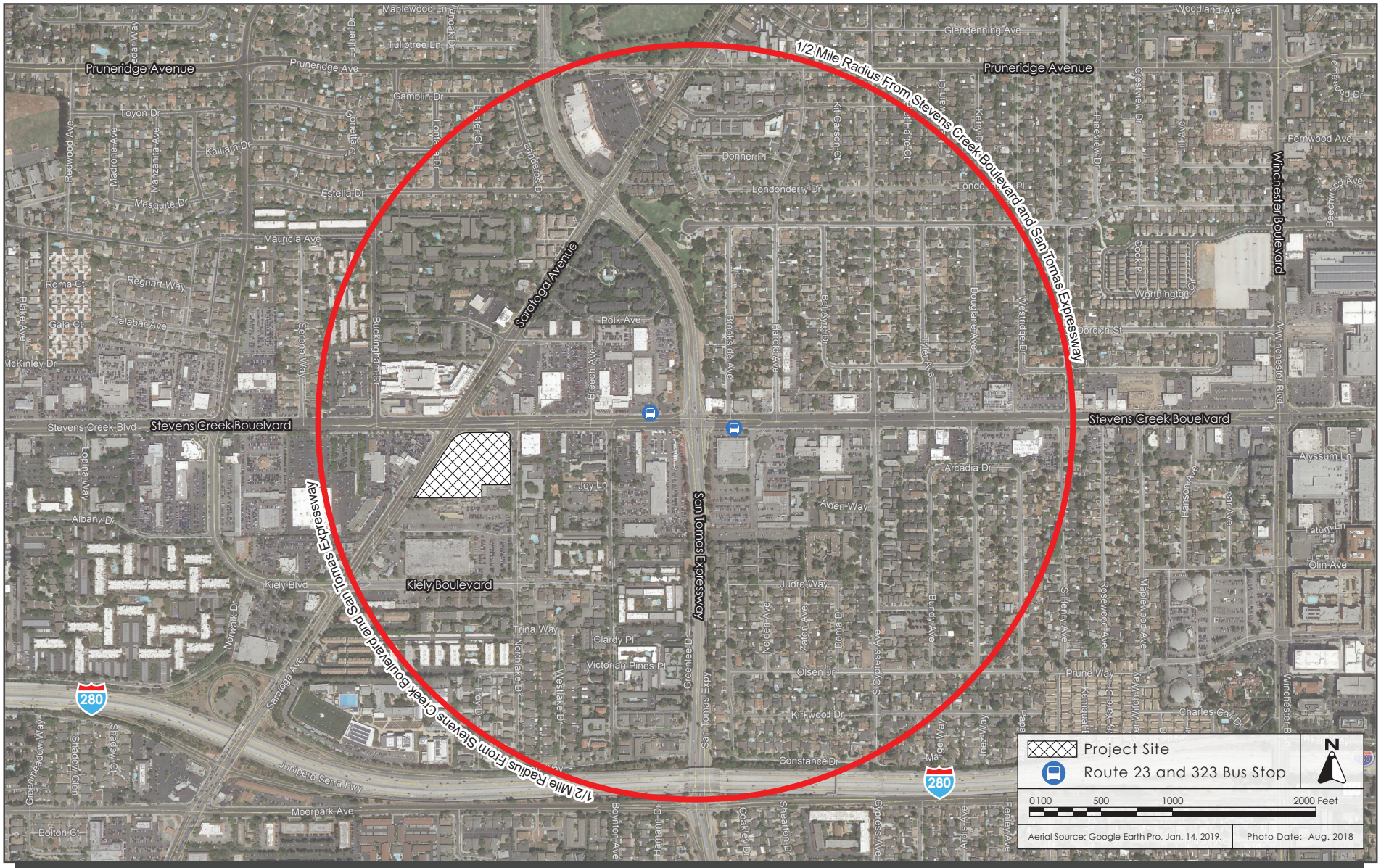
Surrounding land uses consist primarily of commercial uses along Saratoga Avenue and Stevens Creek Boulevard. These structures vary in material and style but are composed mainly of stucco and brick with flat roofs (see Photos 4 through 10). The adjacent parcel south of the project site is developed with similarly styled commercial buildings and surface parking. A two-story, stucco apartment complex is located southeast of the project site across Northlake Drive. The site is bounded by a six-lane road to the north (Stevens Creek Boulevard), a four-lane road to the west (Saratoga Avenue), and a two-lane road to the east (Northlake Drive). The project site has minimal or no views of the foothills of the Santa Cruz Mountains to the east. No scenic view corridors, scenic vistas, or scenic resources are located on site.

Light and Glare

Sources of light and glare are abundant in the urban environment of the project area, including but not limited to street lights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows.

Location within a Transit Priority Area

The project site is located within a transit priority area as defined by SB 743 and shown in Figure 3.1-1. Bus routes 23 and 323, operated by the Santa Clara Valley Transportation Authority (VTA), stop at the intersection of Stevens Creek Boulevard and San Tomas Expressway at intervals of 15 minutes or less during morning and afternoon peak commute hours.



TRANSIT PRIORITY AREA | FIGURE 3.1-1

Photo 1: Commercial buildings on southwest corner of project site, facing east.

Photo 2: Commercial building on northwest corner of project site, facing south.

PHOTOS 1 & 2

Photo 3: Commercial building on southeast corner of project site, facing south east.

Photo 4: Adjacent commercial shopping center south of project site, facing south.

Photo 5: Adjacent restaurant south of project site, facing east.

Photo 6: Commercial buildings across Stevens Creek Boulevard, facing northeast.

PHOTOS 5 & 6

Photo 7: Apartments across Stevens Creek Boulevard, facing northwest.

Photo 8: Professional offices across Northlake Drive, facing east.

Photo 9: Apartments across Northlake Drive, facing southeast.

Photo 10: Commercial building across Saratoga Avenue, facing west.

3.1.2 Checklist Questions

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) 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?

3.1.3 Project Impacts

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

While the project is located adjacent to a General Plan designated scenic Gateway (Saratoga Avenue), the project proposes an employment center use and a rendering is shown in Figure 3.1-2. The project site is an infill site located within a transit priority area. Pursuant to SB 743 (Public Resources Code Section 21099(d)(1)), aesthetic impacts of an employment center on an infill site within a transit priority area are not considered significant impacts on the environment. Thus, the impact is less than significant. **(Less than Significant Impact)**

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

The nearest State Scenic Highway is SR 9, which is 5.5 miles south of the project site. Thus, the project would not impact scenic resources within a State Scenic Highway. **(No Impact)**

c) Would the project conflict with applicable zoning and other regulations governing scenic quality?

The project would be consistent with the proposed zoning designation for the site and is consistent with the heights, massing, and setbacks described within the Stevens Creek Boulevard Urban Village. As described in the response to Question a, the impact would be less than significant. **(Less than Significant Impact)**

CONCEPTUAL BUILDING RENDERING | FIGURE 3.1-2

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 project would present a new source of light to the area as there will be a new three to 12-story building on the project site. However, as previously mentioned, the project site currently has existing urban light and glare sources such as street lights, parking lot lights, security lights, passing vehicular headlights, internal building lights, and reflective building surfaces and windows. While the project would add these sources into the existing environment, the project would comply with the aforementioned General Plan policies, the City's Design Guidelines for commercial structures, and City Council Lighting Policy 4-3.[2] As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. As stated in the response to Question a), the impact would be less than significant. **(Less than Significant Impact)**

3.1.4 Cumulative Impacts

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

As discussed above, the project would fall under the provisions of SB 743 and, would not contribute to a cumulative aesthetic impact. **(Less than Significant Cumulative Impact)**

[2] Policy 4-3 regulates outdoor lighting on private development projects. The policy provides regulations pertaining to how lights are directed, shielding of lights, and time of use for display lighting.

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

Forest Land and Timberland

Public Resources Code Section 12220(g) identifies forest land as land that can support a 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources. Public Resources Code Section 4526 identifies timberland as land, other than land owned by the federal government and land designated as experimental forest land, which is available for, and capable of, growing a crop of trees.

3.2.1.2 *Existing Conditions*

The project site is located within an existing developed area, and is currently developed with urban uses. The project site is not currently used for agricultural purposes. According to the Santa Clara County Important Farmlands 2014 Map, the site is designated as "Urban and Built-up Land:".[3] The project site is not designated as farmland of any type and is not subject to a Williamson Act contract. Further, no land adjacent to the project site is designated or used as farmland or timberland.

3.2.2 Checklist Questions

Would the project:

1) 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?
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
3) Conflict with existing zoning for, or cause rezoning of, forest land (Public Resources Code Section 12220(g)), timberland (Public Resources Code Section 4526), or timberland zoned Timberland Production (Government Code Section 51104(g))?
4) Result in a loss of forest land or conversion of forest land to non-forest use?
5) 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] California Department of Conservation. *Santa Clara County Important Farmland 2014 Map*. October 2016.

3.2.3 Project Impacts

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

The site is not used or zoned for agricultural purposes. The site is not designated as farmland of any type, and is not the subject of a Williamson Act contract. None of the properties adjacent to the project site are used for agriculture. For these reasons, the project would have no impact on agricultural resources. **(No Impact)**

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

See response to Question a). **(No Impact)**

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 designated as forest land or timberland. None of the properties adjacent to the project site are designated or used as forest land. For these reasons, the project would have no impact on forest resources. **(No Impact)**

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

See response to Question c). **(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?

See response to Question c). **(No Impact)**

3.2.4 Cumulative Impacts

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

The proposed project would not impact agricultural or forest resources or lands; therefore, it would not contribute to a cumulative agricultural or forest impact. **(No Cumulative Impact)**

3.3 AIR QUALITY

This section is based on the air quality analysis prepared for the project by Illingworth & Rodkin, Inc. in March 2020. This report is included as Appendix B to this Draft EIR. Note that the analysis includes a 496,000 square foot parking garage, where a 468,000 square foot garage is now proposed; thus, the analysis in this section is conservative with regards to construction-related air quality impacts.

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 (O_3), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.[4] Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 3.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 3.3-1: Health Effects of Air Pollutants

Pollutants	Sources	Primary Effects
Ozone	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• 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	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility

[4] 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**
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	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders
Source: Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guideline.* May 2017. Table C.2, Page C-15.		

High O_3 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 O_3 levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O_3 levels. The highest O_3 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 (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} 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 the deepest regions of the lungs (most susceptible to injury).[5] 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 as likely to be affected by air pollution: children under 16, the elderly over 65, and

[5] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed July 29, 2019. https://www.arb.ca.gov/research/diesel/diesel-health.htm.

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, O_3, 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 additional to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_X.

Regional

2017 Clean Air Plan

The Bay Area Air 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.[6]

BAAQMD 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.

San José Envision 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts from planned development in the City. The policies below are specific to air quality and are applicable to the proposed project.

Policy	Description
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 feasible air emission reduction measures.
MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
MS-11.1	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 TACs to avoid significant risks to health and safety.
MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
MS-11.4	Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.
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.

[6] BAAQMD. *Final 2017 Clean Air Plan.* April 19, 2017.

3.3.1.3 *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 San Francisco Bay Area Air Basin is currently designated as a non-attainment area for state and national standards for O_3 and $PM_{2.5}$, and state standards for PM_{10}. The project area is considered attainment or unclassified for all other pollutants.

The project site is developed with six commercial buildings and surface parking lots. The main sources of air pollution are from vehicle trips to and from the project site and adjacent traffic along Saratoga Avenue and Stevens Creek Boulevard. The nearest sensitive receptors are adult seniors residing at Courtyard Care Center (i.e., a nursing home) located across Northlake Drive, approximately 70 feet east of the project site. The nearest residence is located at an apartment complex on Northlake Drive, 125 feet southeast of the project site.

3.3.2 Checklist Questions

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?
b) Violate any air quality standard or result in a cumulatively considerable net increase in an existing or projected air quality violation?
c) Expose sensitive receptors to substantial pollutant concentrations?
d) Result in substantial emissions (such as odors or dust) adversely affecting a substantial number of people?

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 3.3-2.

Table 3.3-2: BAAQMD Air Quality Significance Thresholds

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (pounds/day)	**Annual Daily Emissions** (pounds/year)	**Annual Average Emissions** (tons/year)
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15

Table 3.3-2: BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operational Thresholds**	
	Average Daily Emissions (pounds/day)	**Annual Daily Emissions** (pounds/year)	**Annual Average Emissions** (tons/year)
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust-Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
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 µg/m^3	>0.8 µg/m^3	
Notes: ROG = reactive organic gases, NO_x = nitrogen oxides, PM_{10} = course particulate matter with a diameter of 10 micrometers (µm) or less, and $PM_{2.5}$ = fine particulate matter with a diameter of 2.5 µm or less.			

3.3.3 Project Impacts

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

The proposed project would not conflict with the latest 2017 Clean Air Plan efforts or General Plan policies since the project's construction and operational emissions would be below the BAAQMD thresholds of significance for air pollutants as discussed below under Question b), and development of the project site would be considered urban infill. City and project compliance with the applicable 2017 CAP Control Measures are discussed in the table that follows.

Table 3.3-3: Applicable Control Measures	
Control Measure	**Consistency with Measure**
Transportation Measures	
TR2 - Trip Reduction Programs: Implement the regional Commuter Benefits Program (Rule 14-1) that requires employers with 50 or more Bay Area employees to provide commuter benefits. Encourage trip reduction policies and programs in local plans, e.g., general and specific plans while providing grants to support trip	The City is requiring a TDM plan as part of development approval. Therefore, the project would be consistent with this measure.

Table 3.3-3: Applicable Control Measures	
Control Measure	**Consistency with Measure**
reduction efforts. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to adopt transit benefits ordinances in order to reduce transit costs to employees, and to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips. Fund various employer-based trip reduction programs.	
TR8 - Ridesharing, Last-Mile Connection: Promote carpooling and vanpooling by providing funding to continue regional and local ridesharing programs, and support the expansion of carsharing programs. Provide incentive funding for pilot projects to evaluate the feasibility and cost-effectiveness of innovative ridesharing and other last-mile solution trip reduction strategies. Encourage employers to promote ridesharing and carsharing to their employees.	The City is requiring a TDM plan as part of development approval. Therefore, the project would be consistent with this measure.
TR9 - Bicycle and Pedestrian Access and Facilities: Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The City is requiring pedestrian and bicycle facilities for the project. Therefore, the project would be consistent with this measure.
TR13 - Parking Policies: Encourage parking policies and programs in local plans, e.g., reduce minimum parking requirements; limit the supply of off-street parking in transit-oriented areas; unbundle the price of parking spaces; support implementation of demand-based pricing in high-traffic areas.	The City is allowing the project to have a 38 percent reduction in parking with implementation of a TDM plan. Therefore, the project would be consistent with this measure.
Building Measures	
BL1 - Green Buildings: Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the California Green Building Standards Code (CALGreen; Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with	The City has adopted CalGreen code requirements, as well as a "reach" energy code; to which the project would be subject. Therefore, the project would be consistent with this measure.

Table 3.3-3: Applicable Control Measures	
Control Measure	**Consistency with Measure**
ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	
BL4 - Urban Heat Island Mitigation: Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/roofing upgrades for commercial and residential multifamily housing.	The City has adopted CalGreen code requirements, which require cool- and solar-ready roofs, which would be required of the project. Therefore, the project would be consistent with this measure.
Natural and Working Lands Measures	
NW2 - Urban Tree Planting: Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, BAAQMD's technical guidance, best management practices for local plans, and CEQA review.	The City has an adopted tree ordinance to which the project would be subject which has specific tree replacement requirements to preserve the urban forest. Therefore, the project would be consistent with this measure.
Water Measures	
WR2 - Support Water Conservation: Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The City has adopted CalGreen code requirements, which require water-efficient indoor plumbing fixtures and landscape irrigation fixtures. The project would be required to comply with these code requirements and, therefore, would be consistent with this measure.

For these reasons, the project would not conflict with or obstruct implementation of the 2017 CAP and the impact would be less than significant. **(Less Than Significant Impact)**

b) Would the project violate any air quality standard or result in a cumulatively considerable net increase in an existing or projected air quality violation?

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction and operation of the project.[7] The project land use types (office, retail,

[7] CalEEMod is a statewide land use emissions computer model designed to quantify potential criteria pollutant and greenhouse gas emissions associated with both construction and operations from a variety of land use projects.

restaurant, and health club uses, as well as the proposed emergency generators), their square footage, and the anticipated construction schedule were provided by the project applicant and entered into CalEEMod, which computes annual emissions for construction. The model provides emission estimates for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic.

Construction Emissions

Based on the construction schedule for the office and parking garage, the earliest possible start date would be in 2020 and the project would be built out over a period of approximately 31 months, or approximately 665 construction workdays. For the health club, the earliest possible start date would be in 2021 and the project would be built over approximately 19 months or 405 workdays. Construction of the office building, parking garage, and the health club would overlap in 2021 and 2022. The earliest operational year would be 2023.

Based on the CalEEMod results, average daily construction emissions were computed by dividing the total construction emissions by the number of construction days (665 workdays). Construction of the proposed project would include demolition, site preparation, trenching, grading and excavation, exterior building construction, paving and interior building construction. Auger drilling is proposed during the grading phase. Construction is anticipated to last for 31 months. Table 3.3-4 below shows the calculated construction emissions for the project, based on projected construction information provided by the project applicant.

Table 3.3-4: Project Construction Period Emissions (Criteria Air Pollutants)

Scenario	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total construction emissions	3.9 tons	14.9 tons	0.54 tons	0.51 tons
Average daily emissions[1]	**11.8 lbs/day**	**44.8 lbs/day**	**1.6 lbs/day**	**1.5 lbs/day**
BAAQMD Thresholds	*54* lbs./day	*54* lbs./day	*82* lbs./day	*54* lbs./day
Exceed Threshold?	No	No	No	No

Notes: [1]Assumes 665 workdays.

As shown in Table 3.3-4, project generated construction emissions would not exceed the BAAQMD significance thresholds. Thus, the project would not violate air quality standards and the impact would be less than significant. **(Less than Significant Impact)**

Operational Emissions

Operational air emissions from the project would be generated primarily from vehicle trips based on the project's trip generation to and from the project site (see Section 3.15 Transportation), which were input into the CalEEMod model. Evaporative emissions from architectural coatings and

CalEEMod was developed for the California Air Pollution Officers Association in collaboration with the California Air Districts.

maintenance products (classified as consumer products) are typical emissions from the proposed uses. Emissions from the two proposed, 1000 kW emergency generators were also modeled. CalEEMod was used to estimate emissions from operation of the project at full build-out. The results of the analysis are shown in Table 3.3-5 below.

Table 3.3-5: Project Operational Emissions (Criteria Air Pollutants)

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
2023 Project Operational Emissions (*tons/year*)	3.8 tons	6.3 tons	5.2 tons	1.5 tons
2023 Existing Operational Emissions (*tons/year*)	0.3 tons	0.3 tons	0.3 tons	0.1 tons
Net Annual Emissions	3.5 tons	6.0 tons	4.9 tons	1.4 tons
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	***No***	***No***	***No***	***No***
2022 Project Operational Emissions (*lbs./day*)[1]	19.0lbs.	32.8 lbs.	26.9 lbs.	7.6 lbs.
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	***No***	***No***	***No***	***No***

Notes: [1] Assumes 365-day operation.

As shown above, the project would not exceed the BAAQMD significance thresholds for operational emissions. **(Less than Significant Impact)**

Cumulative considerations are discussed as a separate section below.

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

The operation of the project site includes emissions from generators and vehicle trips. As discussed above, the project construction and operation would meet the BAAQMD standards for criteria pollutant on a project-specific level, which would not expose sensitive receptors to those pollutant concentrations at a level above City's threshold.

However, construction emissions would occur as exhaust emissions from construction equipment, truck travel, and worker traffic, and from fugitive dust emission associated with demolition and ground disturbance. These two types of emissions (fugitive dust and TACs) are discussed below.

Construction Fugitive Dust

Construction activities, particularly during site preparation and grading, would generate fugitive dust in the form of PM_{10} 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 Best Management Practices (BMPs), which are listed below as standard permit conditions, are implemented to reduce these emissions.

Standard Permit Conditions:

- Water active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

These BMPs will be incorporated into construction documents, contracts, and project plans. The project, with the implementation of the above project conditions, would not expose sensitive receptors to substantial dust emissions. **(Less than Significant Impact)**

Construction Toxic Air Contaminants

Project impacts related to increased community health risks can occur either by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity or by significantly exacerbating existing cumulative TAC impacts. The proposed project would introduce new sources of TACs during construction (i.e. temporary short-term construction emissions) and operation (i.e. increased traffic volumes and a diesel generator). A community risk assessment was prepared (included within Appendix B) to address impacts on surrounding off-site sensitive receptors. There are also several existing sources of TACs and localized air pollutants in the vicinity of the project. The impact of the existing sources of TAC upon the existing sensitive receptors was assessed. Community risk impacts are addressed by predicting increased cancer risk, the increase in annual $PM_{2.5}$ concentrations and computing the Hazard Index (HI) for non-cancer health risks.

A health risk assessment (included as part of Appendix B) was prepared to address project construction impacts on the surrounding off-site sensitive receptors. The primary community risk impacts associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Diesel exhaust (which is a TAC) poses both a potential health and nuisance impact to nearby receptors. Project impacts related to increased community risk can occur by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. Project construction activity would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors. Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. While these exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations (as described previously), they may, however, still pose health risks for nearby sensitive receptors.

The maximally exposed individual (MEI) receptors are located on the second floor of the residential building southeast of the site across Northlake Drive (Northlake Ambassador Apartments). The results of the community health risk assessment are summarized in Table 3.3-6.

Table 3.3-6: Construction Community Risk at the Residential MEI

Source	Maximum Cancer Risk (per million)	$PM_{2.5}$ Concentration ($\mu g/m^3$)	Hazard Index
Project Construction	**84.2 (infant)**	**0.40**	0.06
BAAQMD Threshold – Single Source	*>10.0*	*>0.3*	*>1.0*
Exceed Threshold?	**Yes**	**Yes**	**No**

As shown, the maximum computed HI would be below the BAAQMD significance criterion. The maximum incremental residential infant cancer risk and annual $PM_{2.5}$ concentration exposure would exceed their respective BAAQMD significance thresholds.

Impact AIR-1: Project construction would exceed BAAQMD significance thresholds for infant cancer risk and annual $PM_{2.5}$ concentration exposure at the residential MEI. **(Significant Impact)**

To ensure impacts are reduced below the significance threshold, the following mitigation measure shall be implemented by the project to reduce health risk impacts from project construction activities.

MM AIR-1.1: Prior to the issuance of any demolition, grading, and/or building permits, the project applicant shall retain a qualified consultant to develop a construction operations plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 88-percent reduction in diesel particulate matter (DPM) exhaust emissions or greater. To achieve the reduction on the project one or a combination of the following measures will be implemented:

- All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a

minimum, meet EPA particulate matter emissions standards for Tier 4 engines. Exceptions could be made for equipment that meets EPA Tier 2 or 3 standards that include CARB-certified Level 3 Diesel Particulate Filters8 or equivalent.

- Provide electric power connections during early construction phases to avoid use of diesel generators.
- Stationary construction cranes (building cranes) and manlifts shall be powered by electricity, where feasible.

If any of these alternative measures are proposed, the project applicant shall include them in the construction operations plan (as stated in MM AIR-1.2), which includes specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, or building permits, whichever occurs the earliest. The construction operations plans shall demonstrate that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 88 percent reduction in DPM exhaust emissions or greater.

MM AIR-1.2: Prior to the issuance of any demolition, grading and/or building permits (whichever occurs first), the project applicant shall submit a construction operations plan that includes specifications of the equipment to be used during construction prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest) to the Director of Planning, Building, and Code Enforcement or Director's designee. The construction operations plan shall be accompanied by a letter, signed by an air quality specialist, verifying that the equipment included in the plan meets the specified reductions set forth in these mitigation measures.

With implementation of MM AIR-1.1 and MM AIR-1.2, as well as the standard permit conditions for dust, the computed maximum lifetime residential cancer risk at the MEI from construction would be 7.7 in one million, which is below the BAAQMD significance threshold of 10 in one million. Additionally, the maximum annual $PM_{2.5}$ concentration would be reduced to 0.07 $\mu g/m^3$, which is below the BAAQMD significant threshold of 0.3 $\mu g/m^3$. As a result, impacts would be reduced to a less than significant level with respect to community risk caused by construction activities. **(Less than Significant Impact with Mitigation Incorporated)**

d) Would the project result in substantial emissions (such as odors or dust) adversely affecting a substantial number of people?

Examples of land uses that generate considerable odors include wastewater treatment plants, landfills, and chemical plants. These significant sources of odor are not proposed as part of the project. The project proposes office and commercial uses on-site. The proposed uses are similar to the existing uses on-site. Restaurants on-site may create emissions leading to objectionable odors; however, they would not emit substantial odors similar to wastewater treatment plants, landfills, or

[8] California Air Resources Board. "Verification Procedure-Currently Verified." Accessed April 11, 2019. http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm

chemical plants. Thus, the project would have a less than significant impact. **(Less than Significant Impact)**

3.3.4 Cumulative Impacts

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

Cumulative Exposure of Sensitive Receptors

Community health risk assessments include substantial sources of TACs located within 1,000 feet of project site. These sources include highways, busy surface streets, and stationary sources identified by BAAQMD. A review of the area surrounding the project site identified several stationary sources and roadways that would be sources of TACs. Traffic on Stevens Creek Boulevard and Saratoga Avenue both have average daily traffic (ADT) over 10,000 vehicles. Other nearby streets all have ADTs less than 10,000 vehicles per day and are not considered sources of TACs. Four stationary sources were identified using the BAAQMD stationary source tool, however, one has since been demolished. Table 3.3-7 shows both the project and cumulative community risk impacts at the construction MEI.

Table 3.3-7: Cumulative Community Risk at the Residential MEI

Source	Maximum Cancer Risk (per million)	$PM_{2.5}$ Concentration ($\mu g/m^3$)	Hazard Index
Project Impacts			
Unmitigated Project Construction (Years 2020-2022)	84.2 (infant)	0.40	0.06
Mitigated Project Construction (Years 2020-2022)	7.7 (infant)	0.07	0.01
Project Traffic (Years 2023-2049)	0.9	0.05	-
Project Generators (Years 2023-2049)	0.5	0.01	<0.01
Unmitigated Total/Maximum Project (Years 0-30)	85.6	0.40	0.06
Mitigated Total/Maximum Project (Years 0-30)	9.1	0.07	0.01
Cumulative Sources			
Stevens Creek Boulevard, ADT 25,925	2.1	0.08	-
Saratoga Avenue, ADT 19,125	1.0	0.04	-
ARCO Gas Station (#104141), MEI at 1,000 feet	0.1	-	<0.01
Chevron Gas Station (#106785), MEI at 1,000 feet	0.3	-	<0.01
MJ Coffee (#22234, Coffee Roaster), MEI at 800 feet	<0.1	0.02	<0.01
Combined Sources Unmitigated	89.3 (infant)	0.52	<0.08
Mitigated	12.8 (infant)	0.19	<0.04
BAAQMD Cumulative Source Threshold	*>100*	*>0.8*	*>10.0*

Table 3.3-7: Cumulative Community Risk at the Residential MEI				
Source		**Maximum Cancer Risk (per million)**	**$PM_{2.5}$ Concentration ($\mu g/m^3$)**	**Hazard Index**
Exceed Threshold?	**Unmitigated**	***No***	***No***	***No***
	Mitigated	***No***	***No***	***No***

As shown in Table 3.3-7, the combined effect of all TAC sources in the project area (with and without the implementation of the project conditions and MM AIR-1.1 and MM AIR-1.2) would be less than significant because the cumulative threshold of significance would not be exceeded. Thus, the project would not make a considerable contribution to a cumulative impact. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.4 BIOLOGICAL RESOURCES

The discussion of trees in this section is based on an arborist report prepared by HMH Engineers in December 2019. This report is included as Appendix C to this Draft EIR.

3.4.1 Environmental Setting

3.4.1.1 *Regulatory Framework*

Federal and State

Special-Status Species

Individual plant and animal species listed as rare, threatened or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the 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 do the same. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, 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 and Birds of Prey Protections

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade in 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.[9] 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.

Regional

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and

[9] U.S. Department of the Interior. M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority (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 approximately 500,000 acres of southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

City of San José

City of San José Tree Ordinance

Ordinance-sized trees, heritage trees, and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 4.5 feet above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree due to its size, history, unusual species, or unique quality. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

Envision San José 2040 General Plan

The General Plan includes the following policies related to biological resources that are applicable to the proposed project.

Policy	Description
ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

Policy	Description
MS-21.6	As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies, or guidelines.
CD-1.25	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.

3.4.1.2 *Existing Conditions*

The project site is located in a developed urban habitat of San José. The project site is located within the Habitat Plan area and is designated as Urban-Suburban land. No rare, threatened, endangered, or special-status species are known to inhabit the site. There are no undisturbed areas or sensitive habitats on the site, and the site itself does not contain any streams, waterways, or wetlands. The nearest waterway, Saratoga Creek, is located approximately 1.5 miles west of the project site. Because of its urban setting and isolation from larger undeveloped lands and riparian areas, the site does not function as a movement corridor for local wildlife.

The primary biological resources on-site are trees. As summarized in Table 3.4-1, the site contains 65 tees, 41 of which are ordinance-sized. There is also one off-site street tree adjacent to the western boundary of the site, which is ordinance sized. Most of the trees on-site are non-native and are in good health.

Table 3.4-1: Summary of Trees on Project Site

Tree #	Common Name	Scientific Name	Circumference (in inches)
1	Queen Palm	Syagrus romanzoffiana	42
2	Queen Palm	Syagrus romanzoffiana	41
3	Queen Palm	Syagrus romanzoffiana	43
4	Queen Palm	Syagrus romanzoffiana	38
5	Magnolia	Magnolia grandiflora	39
6	Magnolia	Magnolia grandiflora	46
7	Magnolia	Magnolia grandiflora	50
8	Sycamore	Platanus x acerifolia	50
9	Sycamore	Platanus x acerifolia	61
10	Magnolia	Magnolia grandiflora	38
11	Magnolia	Magnolia grandiflora	41
12	Magnolia	Magnolia grandiflora	63
13	Tree of heaven	Alianthus altissima	66

Table 3.4-1: Summary of Trees on Project Site			
Tree #	**Common Name**	**Scientific Name**	**Circumference (in inches)**
14	Redwood	Sequoia sempervirens	64
15	Redwood	Sequoia sempervirens	65
16	Redwood	Sequoia sempervirens	93
17	Evergreen pear	Pyrus kawakamii	35
18	Redwood	Sequoia sempervirens	79
19	Magnolia	Magnolia grandiflora	39
20	Magnolia	Magnolia grandiflora	72
21	Magnolia	Magnolia grandiflora	24
22	Magnolia	Magnolia grandiflora	41
23	Magnolia	Magnolia grandiflora	33
24	Magnolia	Magnolia grandiflora	39
25	Magnolia	Magnolia grandiflora	24
26	Redwood	Sequoia sempervirens	85
27	Redwood	Sequoia sempervirens	104
28	Redwood	Sequoia sempervirens	79
29	Liquidambar	Liquidambar styraciflua	52
30	Liquidambar	Liquidambar styraciflua	45
31	Liquidambar	Liquidambar styraciflua	38
32	Liquidambar	Liquidambar styraciflua	37
33	Liquidambar	Liquidambar styraciflua	26
34	Liquidambar	Liquidambar styraciflua	28
35	Liquidambar	Liquidambar styraciflua	50
36	Magnolia	Magnolia grandiflora	41
37	Magnolia	Magnolia grandiflora	54
38	Magnolia	Magnolia grandiflora	36
39	Magnolia	Magnolia grandiflora	36
40	Magnolia	Magnolia grandiflora	100
41	Redwood	Sequoia sempervirens	81
42	Redwood	Sequoia sempervirens	70
43	Redwood	Sequoia sempervirens	63
44	Redwood	Sequoia sempervirens	103
45	Coast live oak	Quercus agrifolia	33

Table 3.4-1: Summary of Trees on Project Site			
Tree #	**Common Name**	**Scientific Name**	**Circumference (in inches)**
46	Black walnut	Juglans nigra	25
47	Ash	Fraxinus uhdei	76
48	Japanese maple	Acer Palmatum	19
49	Birch	Betual Pendula	9
50	Birch	Betual Pendula	13
51	Redwood	Sequoia sempervirens	90
52	Redwood	Sequoia sempervirens	76
53	Redwood	Sequoia sempervirens	298
54	Liquidambar	Liquidambar styraciflua	33
55	Liquidambar	Liquidambar styraciflua	30
56	Liquidambar	Liquidambar styraciflua	39
57	Liquidambar	Liquidambar styraciflua	32
58	Liquidambar	Liquidambar styraciflua	34
59	Liquidambar	Liquidambar styraciflua	25
60	Liquidambar	Liquidambar styraciflua	36
61	Liquidambar	Liquidambar styraciflua	28
62	Liquidambar	Liquidambar styraciflua	25
63	Liquidambar	Liquidambar styraciflua	31
64	Green ash	Fraxinus uhdei	104
65	Lemon tree	Citrus Sp	35

3.4.2 Checklist Questions

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 CDFW or 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?

3.4.3 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?

Based on the highly urbanized and developed nature of the project site, natural communities or habitats for special-status plant and wildlife species are not present and would not be impacted, with the exception of nesting birds (described further below).

Nesting Birds

Development of the project would result in the removal of all trees on the project site. Trees could provide nesting habitat for birds, including migratory birds. Nesting birds are protected under provisions of the MBTA and CDFW code. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or removal and site grading that disturb a nesting bird on-site or immediately adjacent to the construction zone would constitute a significant impact.

Impacts BIO-1: Development of the proposed project would result in impacts to nesting birds including incidental loss of fertile eggs or nestlings or nest abandonment if present on the site at the time of construction. **(Significant Impact)**

The following mitigation measures would reduce and/or avoid impacts to nesting birds (if present on or adjacent to the site) to a less than significant level.

MM BIO-1.1: Avoidance: The project applicant shall schedule demolition and construction activities 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).

MM BIO-1.2: Nesting Bird Surveys: If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of 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). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests.

MM BIO-1.3: Buffer Zones: If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

MM BIO-1.4: Reporting: 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 of the Department of Planning, Building and Code Enforcement.

With implementation of MM BIO-1.1 through MM BIO-1.4, the project's impact to nesting birds 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?

As previously mentioned, the project site is developed with six buildings and surface parking lot. There are no undisturbed areas or sensitive habitats on the site, and the site itself does not contain any streams, waterways, or wetlands. The nearest waterway, Saratoga Creek, is located approximately 1.5 miles west of the project site. Thus, there would be no impact. **(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?

See response to Question b). **(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?

Because of its urban setting and isolation from larger undeveloped lands and riparian areas, the site does not function as a movement corridor or nursery for native wildlife. **(No Impact)**

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

The project site and immediate vicinity currently supports 65 existing trees. The project proposes to remove all trees, including 41 ordinance-sized trees, and plant 86 new trees on the project site as part of the project. The trees cannot be preserved given their location on the site in relation to the proposed project structures. Per the City's Standard Permit Conditions, all trees removed as a result

of the project would be required to be replaced in accordance with all applicable laws, policies, or guidelines, including:

- City of San José Tree Removal Control (Municipal Code Section 13.31.010 to 13.32.100)
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

The General Plan disclosed and acknowledged the potential loss of the urban forestry with the full buildout of the General Plan and has disclosed that there are City policies to reduce or avoid adverse impacts to the urban forest (Section 3.5 of the General Plan EIR). As part evaluation of tree removal and replacement, the tree replacement ratio (shown below) is utilized as the appropriate tree replacement ratio and procedures for tree removals (updated 2017). The update included updates to requirements for alternative replacement off site and adopted an ordinance for City to collect fees for off-site improvements if replacement on site is not proposed or possible. Therefore, consistent with this approach, the project would be subject to replacement of any proposed trees.

Standard Permit Condition: The trees removed by the proposed project shall be replaced according to the City's required replacement ratios, as provided in Table 3.4-2 or alternative measures listed below. The species, location, and number of trees to be planted would be determined in consultation with the City Arborist, the Department of Planning, Building and Code Enforcement, and the Department of Transportation

Table 3.4-2: Tree Replacement Ratios

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

[1] As measured 4.5 feet above ground level

[2] X:X = tree replacement to tree loss ratio

[3] Ordinance-sized tree

A 38-inch tree = 12 inches in diameter. A 24-inch box tree = two 15-gallon trees

- A total of 65 trees on-site would be removed (two non-native less than 19 inches, 20 non-native 19 to 38 inches, and two native 19 to 38 inches, 27 non-native 38 inches or more, and 14 native 38 inches or more) requiring 227 trees to be planted. The project currently proposes to plant 528 trees, which is 301 more trees than required to be planted by the ordinance. 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 for private trees, and with the Director of the Department of Transportation for any trees in the Right of Way (currently the to be planted tree species are Chinese elm, London planetree, Shumard red oak, California pepper tree, and autumn gold maidenhair tree).

- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures would be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement and the Director of the Department of Transportation, at the development permit stage:
    - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
    - Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance to the City Council approved Fee Resolution. The City would use the off-site tree replacement fee(s) to plant trees at alternative sites.

Additionally, (where applicable) the project would implement a Tree Protection standard permit condition and include measures to implement during project construction to minimize impacts to trees to remain, including those on adjacent properties, as described below.

Standard Permit Condition:

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

By conforming to the above conditions, the proposed project would meet 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. **(Less than Significant Impact))**

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

Private development in in areas designated Urban-Suburban is subject to the Habitat Plan if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County or one of the participating cities;

- The activity is described in Section 2.3.2 Urban Development or in Section 2.3.7 Rural Development;10 and
- In Figure 2-5 (of the Habitat Plan), the activity is located in an area identified as Private Development is Covered, OR the activity is equal to or greater than two acres AND
    - The project is located in an area identified as Rural Development Equal to or Greater than Two Acres is Covered, or Urban Development Equal to or Greater than Two Acres is Covered OR
    - The activity is located in an area identified as Rural Development is not Covered but, based on land cover verification of the parcel (inside the Urban Service Area) or development area, the project is found to impact serpentine, wetland, stream, riparian, or pond land cover types; or the project is located in occupied nesting habitat for western burrowing owl.

The proposed project is consistent with the activity described in Section 2.3.2 of the Habitat Plan and would require discretionary approval by the City. Consistent with the Habitat Plan, the project applicant shall implement the following standard permit condition.

Standard Permit Condition:

- 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 the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at https://scv-habitatagency.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)**

3.4.4 Cumulative Impacts

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

Nesting Birds

As described above, there is a potential for nesting and migratory birds to occur in the project area. The cumulative projects analyzed in this Draft EIR may also impact nesting birds and raptors. The project would implement MM BIO-1.1 to 1.4 to avoid nesting bird impacts, which would reduce the project's contribution to cumulative impacts to nesting birds. It is assumed all projects in the cumulative scenario would implement similar protective measures in conformance with the MBTA

[10] Covered activities in urban areas include residential, commercial, and other types of urban development within the Cities of Gilroy, Morgan Hill, and San José planning limits of urban growth in areas designated for urban or rural development, including areas that are currently in the unincorporated County (i.e., in "pockets" of unincorporated land inside the cities' urban growth boundaries).

and CDFW code. For these reasons, the cumulative impact to nesting and migratory birds and raptors would be less than significant. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

Indirect Nitrogen Deposition

The Habitat Plan identified nitrogen deposition as an indirect cause of impacts to rare species in southern Santa Clara County, particularly those located on serpentine soils. Nonpoint air pollution sources such as automobiles emit nitrogen compounds into the air. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition from vehicle traffic and other sources facilitates the spread of invasive plant species. Non-native annual grasses grow rapidly, enabling them to out-compete serpentine species.

The displacement of these species, and subsequent decline of the several federally listed species, including the Bay Checkerspot butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County (the last remaining major population of these butterflies). The invasion of native grasslands by invasive and/or non-native species is now recognized as one of the major causes of the decline of the federally endangered Bay Checkerspot butterfly.

Conservation strategies included in the adopted Habitat Plan account for the indirect impacts of nitrogen deposition and identify measures to conserve and manage serpentine areas over the term of the Habitat Plan, such that cumulative impacts to this habitat and Bay Checkerspot butterfly would not be significant and adverse.[11] A mitigation program for indirect impacts on Bay Checkerspot butterfly habitat is being implemented independently by others (i.e., Santa Clara Valley Habitat Agency) and the proposed project shall pay impact fees to this mitigation program. For this reason, the proposed project, in combination with cumulative scenario projects, would not result in a significant cumulative impact as a result of nitrogen deposition impact. **(Less than Significant Cumulative Impact)**

Trees

The General Plan disclosed the full buildout of the City under the General Plan as it relates to loss of urban forestry. A tree replacement ratio is used to determine appropriate numbers of replacement trees required. The project would be required to replace/pay an in-lieu fee for trees that would be removed on-site (approximately 227 trees are required consistent with the City's required tree replacement ratios) in order to maintain the City's urban forest. For this reason, the proposed project, in combination with cumulative scenario projects, would not result in a significant cumulative impact as a result of conflict with the tree ordinance. **(Less than Significant Cumulative Impact)**

[11] The Santa Clara Valley Habitat Plan Final EIR/EIS (August 2012) identifies a beneficial cumulative effect of implementing the Santa Clara Valley Habitat Plan.

3.5 CULTURAL RESOURCES

The following analysis is based, in part, on a historical evaluation prepared by TreanorHL in December 2019. The Department of Parks and Recreation (DPR) evaluation form 523L for each structure can be found in Appendix D of this Draft EIR. The analysis is also based on a Cultural Resources Literature Review prepared for the previously approved 45 Buckingham housing development, located approximately 260 feet north of the site in the City of Santa Clara. A copy of this report is on file at the City of San José Department of Planning, Building and Code Enforcement.

3.5.1 Environmental Setting

3.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

The National Register of Historic Places (NRHP), established under the National Historic Preservation Act, is a comprehensive inventory of known historic resources throughout the United States. The NRHP is administered by the National Park Service and includes buildings, structures, sites, objects and districts that possess historic, architectural, engineering, archaeological or cultural significance. For a resource to be eligible for listing, it also must retain integrity of those features necessary to convey its significance. CEQA requires evaluation of project effects on properties that are listed in or eligible for listing in the NRHP.

State and Regional

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The CRHR aids government agencies in identifying, evaluating, and protecting California's historical resources, and indicates which properties are to be protected from substantial adverse. The CRHR is administered through the State Office of Historic Preservation, which is part of the California State Parks system. A historic resource listed in, or formally determined to be eligible for listing in, the NRHP is, by definition, included in the CRHR.[12]

Archaeological Resources and Human Remains

Archaeological sites are protected by a number of state policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods.

Both state law and County of Santa Clara County Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found on a site. If the Coroner

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

determines the remains are those of Native Americans, the Native American Heritage Commission (NAHC) and a "most likely descendant" must also be notified.

Local

Envision San José 2040 General Plan

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

Policy	Description
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.
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.
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.

3.5.1.2 *Existing Conditions*

Cultural resources are evidence of past human occupation and activity and include both historical and archaeological resources. These resources may be located above ground or underground and have significance in the history, prehistory, architecture, and culture of the nation, State of California, or local or tribal communities.

Prehistoric Resources

Although there are no existing conditions or immediate evidence that would suggest the presence of subsurface historic or prehistoric resources (overall the site has a low-potential for these resources), the project site is located in a culturally sensitive area due to known prehistoric and historic occupation of San José and Santa Clara, and the sites proximity to Saratoga Creek. Native American settlements are commonly associated with the abundant food supply in the Santa Clara Valley and they often established settlements near local waterways. The project site is located approximately 1.3 miles east of Saratoga Creek, which increases the likelihood that historic artifacts may be located on the project site. In addition, historic occupation of San José and Santa Clara has been well documented, and the City has a strong record reflecting early settlement by Spanish missionaries.

Historic Resources

Historic resources are generally 50 years or older in age and include, but are not limited to, buildings, districts, structures, sites, objects, and areas. The six existing buildings on- site were constructed more than 50 years ago and are discussed in detail below.

3806 Stevens Creek Boulevard

The building at 3806 Stevens Creek Boulevard is a one-story, wood-frame building with brick veneer and a flat roof with a wide-eave overhang that was constructed in 1960. An entry porch with square wood columns covers the main entrance, which has large fixed windows flanking glazed double doors with transoms. The building was previously utilized as a restaurant, auto parts store, and office.

While the building was part of the post-war growth that occurred in San José and Santa Clara Valley and the expansion of the commercial corridor along Stevens Creek Boulevard from the 1950s – 1970s, the building is not associated with historic events in the City in an individually significant way. The building is not associated with any important persons and is not a distinctive example of style or architecture. Lastly, the building is unlikely to yield information significant to history or prehistory. As a result, the building is not eligible for the CRHR or as a City of San José Landmark and is not considered a historic resource.

3828-3830 Stevens Creek Boulevard

The building at 3828-3830 Stevens Creek Boulevard is a one-story, reinforced concrete building with wood beams and steel columns, with a mix of painted concrete walls and horizontal wood siding that was constructed in 1960. The building has a flat roof and the entrances to the multiple commercial spaces include glazed double doors with partial-covered porches or canopies. Metal sash windows of different sizes and types are located on the north and west elevations. The building was briefly used as a store and a grocery warehouse before being converted to a restaurant in 1962. Currently the building is occupied by a store and a restaurant.

While the building was part of the post-war growth that occurred in San José and Santa Clara Valley and the expansion of the commercial corridor along Stevens Creek Boulevard from the 1950s to the 1970s, the building is not associated with historic events in the City in an individually significant way. The building is not associated with important persons and is not a distinctive example of style or architecture. The building is unlikely to yield information significant to history or prehistory. As a result, the building is not eligible for the CRHR or as a City of San José Landmark and is not considered a historic resource.

3896 Stevens Creek Boulevard

The building at 3896 Stevens Creek Boulevard is a one-story, L-shaped commercial building comprised of a steel frame and concrete block that was constructed in 1960. The original building was rectangular and was expanded in 1967 to create the current L-shape design.

The building has a cross-gable roof with wood trusses and overhanging eaves. The north and west elevations include fully glazed, aluminum sash storefronts. There are no windows on the south or east elevations. A deep canopy with round columns projects from the building to the north. The building was previously used as an auto service station.

While the building was part of the post-war growth that occurred in San José and Santa Clara Valley and the expansion of the commercial corridor along Stevens Creek Boulevard, the building is not associated with historic events. The building is not associated with important persons and is not a distinctive example of style or architecture. The building is unlikely to yield information significant to history or prehistory. As a result, the building is not eligible for the CRHR or as a City of San José Landmark and is not considered a historic resource.

344 Saratoga Avenue

The building at 344 Saratoga Avenue is a two-story commercial building with a steel frame and a flat roof that was constructed in 1962. The west (front) elevation has an aluminum sash storefront and a recessed entry covered by a full-width canopy. The second floor also has a full-width canopy and fixed plate-glass aluminum sash windows. The east elevation has concrete stairs leading to the second floor. The building has previously housed insurance, mortgage, and bookkeeping offices, as well as the Coin & Stamp Mart. It is currently occupied by a beauty parlor and offices.

The building was part of the post-war growth that occurred along Stevens Creek Boulevard from the 1950s to the 1970s. The building is not associated with historic events in a significant way. The building features modern design elements, but is not a distinctive example of style or architecture. The building is not associated with important persons. The building is unlikely to yield information significant to history or prehistory. As a result, the building is not eligible for the CRHR or as a City of San José Landmark and is not considered a historic resource.

346 Saratoga Avenue

The building at 346 Saratoga Avenue is a two-story modern commercial building comprised of reinforced concrete block and a flat roof with a parapet. The building was constructed in 1962. The recessed main entrance (on the northern façade) is covered with a one-story, partial width canopy and has a wood sash storefront with aluminum sash glazed double doors.

A multi-color mosaic mural made of stone and glass is located to the west of the storefront. The west elevation is a concrete block wall divided into twelve bays. A one-story canopy supported by four square columns covers the drive-through ATM on the west elevation. The east elevation is a concrete block wall with no architectural elements.

The mural "Vibrant Galaxy" on the building exterior and the interior of the bank were designed by Harry Powers, a painter and a sculptor based in Los Altos and Santa Clara. Powers earned an undergraduate degree from San José State College and a graduate degree from Stanford University. He began working with mosaic, concrete, and stained glass in architectural settings. He also worked with acrylic plastic to fabricate sculpture. He traveled with the U.S. Navy to South America and Italy, taught in England, taught sculpture workshops in Australia, and was an artist in residence in Provence, France. In the 1950s and 1960s, Harry Powers worked on several murals and wall reliefs in the Bay Area.

The building was intended as a stand-alone retail establishment to accommodate automobiles, with parking in front. The building was previously the First National Bank and has been Bank of the West since 1992.

The building is not, however, associated with historic events in the City in an individually significant way. The building features modern design elements, but is not a distinctive example of style or architecture. The mural by Harry Powers is not a significant example of his work, but would an eligible Structure of Merit Under the City's Historic Preservation Ordinance. The building is unlikely to yield information significant to history or prehistory. As a result, the building is not eligible for the CRHR or as a City of San José Landmark and is not considered a historic resource.

350 Saratoga Avenue

The building at 350 Saratoga Avenue is a one-story, reinforced concrete building with brick veneer on the western (front) elevation and a portion of the northern elevation. The building was constructed in 1961 and has a flat roof with a parapet. On the western façade, a partial width canopy covers the aluminum sash storefront and the main entrance with a single glazed door with sidelights and a transom. The east elevation is divided into three structural bays and has a garage door. The building was originally used as the Blue Chip Redemption Center, a use that continued through the early 1970s.

The building was part of the post-war growth that occurred from the 1950s to the 1970s. The building is not, however, associated with historic events in the City in an individually significant way. The building is not associated with important persons and is not a distinctive example of style or architecture. The building is unlikely to yield information significant to history or prehistory. As a result, the building is not eligible for the CRHR or as a City of San José Landmark and is not considered a historic resource.

3.5.2 Checklist Questions

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?

3.5.3 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?

The proposed project would demolish the existing buildings on the site, as well as pavement, a number of trees, utilities, and other improvements. As stated in Section 3.5.1.2 above, the existing buildings were evaluated and determined not to be eligible for listing on the federal or state registers and are not eligible to be candidate city landmarks. The mural at 346 Saratoga Avenue, however, could qualify as a Structure of Merit

Conditions of Approval

- Consistent with General Plan Policies LU-14.2 and LU-14.4, prior to issuance of any demolition permit for the wall mural structure at 346 Saratoga Avenue which is eligible as a Structure of Merit, the project applicant shall offer the mural for preservation to an entity/individual at an off-site location within the City of San José. The advertisement shall include a photograph of the structure, contact information for the project applicant, and contact information for the City's Historic Preservation Officer. The project applicant shall provide evidence to the City's Historic Preservation Officer that the mural has been advertised for relocation in a newspaper of general circulation, posted on a website, and posted on the sites for a period between 30 and 60 days. If an entity or individual is interested in relocating the mural to a new site, the costs and liability of the relocation will be borne entirely by that entity/individual. The purchasing entity/individual is required to coordinate with the City's Historic Preservation Officer to prepare an approved preservation plan and receive appropriate City permits.

  If an entity/individual is not identified for relocation, the applicant is required to offer the mural for donation with preference to a local organization within the County of Santa Clara. If relocation entity/individual or donation organization is not identified, the conditions of salvage and documentation shall be coordinated with the City's Historic Preservation Officer.

- Prior to issuance of any demolition permit for the mural, a qualifying Structure of Merit, photo-documented to consisting of selected views of the building and mural for research and archival use shall be taken under the following standards:
  - Cover sheet—The documentation shall include a cover sheet identifying the photographer, providing the address of building, significance statement, common or historic name of the building, date of construction, date of photographs, and photograph descriptions.
  - Camera—A 35mm camera or comparable.
  - Lenses—No soft focus lenses. Lenses may include normal focal length, wide angle and telephoto.
  - Film—Color film is recommended.
  - View—Perspective view-front and other elevations. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure. Detailed photographs of character-defining features shall be included.
  - Lighting—Sunlight is preferred for exteriors, especially of the front facade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs.
  - Technical—All areas of the photograph must be in sharp focus.
  - Digital Form—All photographs shall be provided in print and digital form

  The project applicant shall coordinate the submission of the photo-documentation, including the original prints and negatives, to History San José. Digital photos shall be provided as a

supplement to the above photo-documentation, but not in place of it. Digital photography shall be recorded on a CD and submitted with the above documentation. The above shall be accompanied by a transmittal stating that the documentation is submitted as a standard measure to address the loss of the Structure of Merit, which shall be named and the address stated, in coordination with the City's Historic Preservation Officer.

With implementation of the above conditions of approval, the demolition of these buildings and other site clearing activities would not impact historic resources. **(Less than Significant Impact)**

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

While no immediate evidence of buried cultural resources has been found, the project site is located within a culturally sensitive area and there is a low potential of encountering buried cultural resources. The disturbance of these resources, if they are encountered during excavation and construction, could create an impact. The project will be required to comply with the City's standard permit conditions, which include measures to avoid or reduce impacts to unknown cultural resources.

Standard Permit Conditions

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

- 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 Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement 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.

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

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

- The Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.
- The descendant identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

With implementation of the City's standard permit conditions, the proposed project would result in a less than significant impact to unknown archaeological resources. **(Less than Significant Impact)**

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

As discussed above in Question b), there is no immediate evidence of buried cultural resources at the project site; however, the project site is located within a culturally sensitive area and there is a chance of encountering human remains. The project will be required to comply with the City's standard permit conditions, which include measures to avoid or reduce impacts to unknown cultural resources. With implementation of the City's standard permit conditions, the proposed project would result in a less than significant impact to unknown human remains. **(Less than Significant Impact)**

3.5.4 Cumulative Impacts

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

Most development projects in San José would require a level of excavation and grading or other activities that may affect archaeological resources, including human remains. Each project is to complete its own literature review, as applicable, to determine the level of archeological and cultural sensitivity of its project site. However, all projects occurring within San José and City of Santa Clara would be required to implement standard permit conditions or mitigation measures, as applicable, that would avoid impacts and/or reduce them to a less than significant level, consistent with CEQA requirements. Such conditions and measures consist of preliminary investigation prior to full excavation, avoidance measures during ground disturbance activities, and/or monitor during ground disturbance activities. Collection and evaluation of finds are also part of these conditions and/or mitigation measures. These projects would also be subject to federal, state, and county laws

regulating cultural resources such as protocols of handling human remains, if found on the project site. For these reasons, the proposed project in combination with the cumulative scenario project would not result a significant cultural resources impact. **(Less than Significant Cumulative Impact)**

3.6 ENERGY

This section is based on the air quality and GHG analysis prepared for the project by Illingworth & Rodkin, Inc. in January 2020. This report is included as Appendix B to this Draft 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 EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. 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 Code

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. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.

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, 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.[13]

Local

Envision San José 2040 General Plan

The policies listed below are specific to energy and are applicable to the proposed project.

Policy	Description
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.
MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
MS-2.3	Utilize solar orientation, (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City
MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
MS-6.8	Maximize reuse, recycling, and composting citywide.
MS-18.6	Achieve by 2040, 50 million gallons per day of water conservation savings in San José, by reducing water use and increasing water use efficiency.

[13] California Air Resources Board. "The Advanced Clean Cars Program." Accessed January 22, 2020. https://www.arb.ca.gov/msprog/acc/acc.htm.

Climate Smart San José

Approved in 2018, Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. Climate Smart San José charts a path to achieving the GHG reductions contained in the international Paris Agreement on climate change. Climate Smart San José encompasses nine overarching strategies:

- Transition to a renewable energy future
- Embrace our California climate
- Densify our city to accommodate our future neighbors
- Make homes efficient and affordable for families
- Create clean, personalized mobility choices
- Develop integrated, accessible public transport infrastructure
- Create local jobs in our city to reduce vehicle miles traveled
- Improve our commercial building stock
- Make commercial goods movement clean and efficient.

San José Reach Code

The California Energy Commission (CEC) updates the California Building Energy Efficiency Standards every three years, in alignment with the CBC updates. Title 24 Parts 6 and 11 of the California Building Energy Efficiency Standards and CALGreen address the need for regulations to improve energy efficiency and combat climate change. The 2019 CALGreen standards include substantial changes intended to increase the energy efficiency of buildings. The 2019 CBC went before City Council in October 2019 for approval, with an effective date of January 1, 2020. As part of this action, the City adopted a "reach code" that requires development projects to exceed the minimum Building Energy Efficiency requirements.[14] The City's reach code applies only to new residential and non-residential construction in San José. It incentivizes all-electric construction and requires increased energy efficiency and electrification-readiness for those choosing to use natural gas. The code requires that non-residential construction include solar readiness. It also requires additional EV charging readiness and/or electric vehicle service equipment installation for all development types.

San José Municipal Code

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).

[14] City of San Jose Transportation and Environmental Committee, *Building Reach Code for New Construction Memorandum,* August 2019.

The project is subject to the City's Green Building Ordinance for Private Sector New Construction as set for in Municipal Code Section 17.84. Prior to the issuance of any shell permits, or complete building permits, the project applicant shall pay a Green Building Refundable Deposit. In order to receive a refund of the deposit, the project must achieve the minimum requirements as set forth in Municipal Code Section 17.84. The request for the refund of the Green Building Deposit together with evidence demonstrating the achievement of the green building standards indicated in Municipal Code Section 17.84 shall be submitted within a year after the building permit expires or becomes final.

3.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,881 trillion British thermal units (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.[15] 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.[16]

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 (PG&E) Company delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity form entirely renewable sources. By 2021, SJCE electricity will be 100 percent GHG emission free. The project site currently uses approximately 0.58 GWh of electricity per year.

Natural Gas

PG&E provides natural gas services within Santa Clara County. In 2017, approximately 1.4 percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[17] In 2016, residential and commercial customers in California used 29 percent, power plants used 32 percent, and the industrial sector used 37 percent. Transportation accounted for one percent of natural gas use in California. In 2017, Santa Clara

[15] United States Energy Information Administration. "State Profile and Energy Estimates, 2017." Accessed August 1, 2019. https://www.eia.gov/state/?sid=CA#tabs-2.
[16] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed March 15, 2019. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[17] California Gas and Electric Utilities. 2018 California Gas Report. Accessed March 15, 2019. https://www.socalgas.com/regulatory/documents/cgr/2018_California_Gas_Report.pdf.

County used approximately 3.5 percent of the state's total consumption of natural gas.[18] The project site currently uses approximately 139,083 kBtu of natural gas per year.

Fuel for Motor Vehicles

In 2018, 15 billion gallons of gasoline were sold in California.[19] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2018.[20] 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.[21,22] The existing project vehicle miles traveled (VMT) is estimated to be 733,428.[23] Assuming a 24.9 mpg, project site trips use approximately 29,455 gallons of fuel per year.

3.6.2 Checklist Questions

Would the project:

a) 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?
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
c) Result in a substantial increase in demand upon energy resources in relation to projected supplies?

3.6.3 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 project would require energy for the manufacture and transportation of building materials, site preparation and grading, and construction of the proposed office building, health club, and parking garage. Construction processes are generally designed to be efficient in order to avoid

[18] CEC. "Natural Gas Consumption by County." Accessed April 12, 2019. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[19] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed July 29, 2019. https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm.
[20] United States Environmental Protection Agency. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.
[21] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed July 29, 2019. http://www.afdc.energy.gov/laws/eisa.
[22] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007.* December 19, 2007.
[23] California Estimator Emissions Model Version 2016.3.2. *CalEEMod St. James Existing Conditions VMT.* July 30, 2019.

excess monetary costs. That is, equipment and fuel are not typically used wastefully on the site because of the added expense associated with renting the equipment, as well as maintenance and fuel. In addition, as discussed in Section 3.3 Air Quality, the project would implement standard permit conditions and mitigation measures to minimize the idling of construction equipment thus reducing the potential for energy waste. Further, the project would recycle at least 75 percent of construction and demolition waste. For these reasons, construction of the project would not use energy in a wasteful manner. **(Less than Significant Impact)**

Operational

The proposed project would increase the density/intensity of uses on the site and would result in a net increase in energy use. Operation of the project would consume energy for multiple purposes including, building heating and cooling, lighting for the proposed buildings and parking garage, and operation of appliances and electronics. Energy would also be consumed during each vehicle trip generated by visitors and employees. The project's estimated energy demand is summarized in Table 3.6-1.

Table 3.6-1: Estimated Annual Project Energy Demand

	Net Electricity (GWh)	**Net Natural Gas** (kBtu)	**Net Gasoline*** (gallons)
Existing	0.73	139,083	29,455
Project	9.92	10,096,407	549,044

Note: *Gasoline demand was calculated by dividing the project's estimated VMT by 24.9 mpg (Source: Illingworth & Rodkin, Inc. *3896 Stevens Creek Boulevard Air Quality & Greenhouse Gas Assessment.* Attachment 2: CalEEMod Modeling Output. March 30, 2020.)

To ensure that energy is not wasted or unnecessarily consumed, the project would comply with Title 24 and CALGreen energy efficiency measures, as well as City of San José Green Building requirements. The project also encourages alternatives to single-vehicle occupancy trips by being proximate to transit and being on a site adequately served by pedestrian and bicycle facilities. For these reasons, operation of the project would not use energy in a wasteful manner. **(Less than Significant Impact)**

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

The project would conform to General Plan policies and City requirements, which promote energy efficiency. By conforming to these policies and requirements, as well as consistency with CalGreen and Title 24, the project would not preclude the City or state from meeting renewable energy or energy efficiency goals. The project, therefore, would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and the impact is less than significant. **(Less than Significant Impact)**

c) Result in a substantial increase in demand upon energy resources in relation to projected supplies?

As shown in Table 3.6-1, the project would use 9.92 GWh of electricity, approximately 10 million kBtu of natural gas, and 549,044 gallons of gasoline. Santa Clara County used a total of approximately 16,668 GWh of electricity and 76.7 billion kBtu of natural gas. [24,25] In 2018, the state of California used 15 billion gallons of gasoline.[26] The project would increase energy usage by less than 0.01 percent across electricity, natural gas, and gasoline; thus, the project would not result in a substantial increase in demand upon energy resources. **(Less than Significant Impact)**

3.6.4 Cumulative Impacts

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

By its nature, energy is a cumulative resource. Past, present, and future development projects contribute to the state's energy impacts. If the project is determined to have a significant energy impact, it is concluded that the impact is cumulatively considerable. As discussed under Questions a) and b) above, the project itself would not result in significant energy impacts. Further, all projects in San José and adjacent cities are required to meet CalGreen and Title 24 energy efficiency requirements, thus lessening overall energy demand. Therefore, the project would not result in a considerable contribution to a significant cumulative energy impact. **(Less than Significant Cumulative Impact)**

[24] EIA. "California Natural Gas Total Consumption". December 21, 2019. Accessed January 20, 2020. https://www.eia.gov/dnav/ng/hist/na1490_sca_2a.htm.
[25] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed March 15, 2019. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[26] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed July 29, 2019. https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm.

3.7 GEOLOGY AND SOILS

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 ensures public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. Alquist-Priolo maps are created by the State Geologist and distributed to affected cities, counties, and state agencies for their use in planning and reviewing new construction.

Seismic Hazards Mapping Act

Following the 1989 Loma Prieta earthquake, the Seismic Hazards Mapping Act (SHMA) was passed. The SHMA directs the California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. It also requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the identified hazard is present and requires the inclusion of measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) contains state-mandated regulations that govern the construction of buildings in California and prescribes standards for constructing safer 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 by a licensed professional for proposed developments to evaluate seismic and geologic conditions that may affect a project, 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 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.

Paleontological Resources Regulations

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 in part valued for the information they yield about the history of the earth and its past ecological settings. The 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 will disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

Envision San José 2040 General Plan

The General Plan includes the following geology and soils policies applicable to the proposed project.

Policy	Description
EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
EC-3.2	Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.
EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
EC-4.2	Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
EC-4.7	Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.

Policy	Description
EC-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 Seismic Hazard Zones for Liquefaction.

3.7.1.2 *Existing Conditions*

Site Geology

Soils

The project site is approximately 135 feet above mean sea level and gently slopes to the northeast. The project site is underlain by soils of the Urbanland-Campbell complex of zero to two percent slopes.[27] These soils are clay alluvium soils derived from metamorphic or sedimentary rock. Urbanland-Campbell complex soils are moderately well drained, and exhibit moderate shrink-swell behavior (i.e., expansive behavior) towards the surface and have very high shrink-swell behavior with greater depth. Expansive soils shrink and swell as a result of moisture changes. These changes can cause heaving and cracking of slabs-on-grade, pavement, and structures found on shallow foundations. There are no unique geologic features on or adjacent to the project site. Due to the flat topography of the project site, the potential for erosion or landslide on or adjacent to the site is low.

Groundwater

Depth to shallow groundwater has historically been encountered at approximately 30 feet below grade, but recent drought conditions have lowered the water table and several of the shallow groundwater zone wells are now dry. The most recent groundwater depth measurements collected indicate the groundwater to be approximately 30 to 50 feet below the ground surface.[28]

Seismicity

The site is not located within a designated Alquist-Priolo Earthquake Fault Zone or in a Santa Clara County Fault Hazard Zone and no active faults have been mapped on-site.[29,30] Therefore, the risk of

[27] Natural Resource Conservation Service. "Web Soil Survey" Accessed: January 11, 2019. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.
[28] TRC. *Limited Phase II Site Investigation Report Garden City Shopping Center*. December 2019.
[29] California Department of Conservation. "CGS Information Warehouse". Accessed January 11, 2019. http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm.
[30] Santa Clara County. *Santa Clara County Geologic Hazard Zones*. Map. October 26, 2012.

fault rupture at the site is low. Faults in the region are, however, capable of generating earthquakes of magnitude 7.0 or higher and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Active faults near the project site are shown in Table 3.7-1.

Table 3.7-1: Active Faults Near the Project Site	
Fault	**Distance from Site**
Monte Vista – Shannon	4.6 miles Southwest
San Andreas	7.8 miles West
Hayward (Southeast Extension)	9.1 miles Northeast
Calaveras	11.3 miles Southeast

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. During ground shaking, such as during earthquakes, cyclically induced stresses may cause increased pore water pressures within the soil voids, resulting in liquefaction. The project site is located within a state-designated and Santa Clara County liquefaction hazard zone.[31,32]

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as the steep bank of a stream channel. The project site is relatively flat and is not adjacent to a creek or any other unsupported face. For these reasons, the potential for lateral spreading is low.

Paleontological Resources

Geologic units of Holocene age are generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils; however, mammoth remains were found along the nearby Guadalupe River in San José in 2005. These sediments have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources. These recent sediments, however, may overlie older Pleistocene sediments with high potential to contain paleontological 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. Based on the underlying geologic formation of the project site, the Envision San José 2040 General Plan FEIR (General Plan FEIR) found the project site to have a high sensitivity (at depth) for paleontological resources.

[31] California Department of Conservation. "Earthquake Zones of Required Investigation". Accessed January 21, 2019. https://maps.conservation.ca.gov/cgs/EQZApp/app/.
[32] Santa Clara County. "Geologic Hazard Zones". Accessed January 21, 2019. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=5ef8100336234fbdafc5769494cfe373.

3.7.2 Checklist Questions

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 Section 1803.5.3 of the CBC, 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?

3.7.3 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?

The project site is located within a State of California Liquefaction Hazard Zone. Therefore, prior to any issuance of grading or building permits, the project is subject to further investigation, consistent with City's policies. The project shall comply with the following standard permit conditions, as required by the CBC.

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 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.

In addition, the project shall be designed and constructed in accordance with the CBC requirements from the site-specific geotechnical investigation. Adherence to the CBC would ensure the project resists minor earthquakes without damage and major earthquakes without collapse and would not exacerbate existing geologic conditions on adjacent sites.

The project site would experience intense ground shaking in the event of a large earthquake. The project site and surrounding areas are, however, relatively flat and have a low potential for lateral spreading during large seismic events. As a result, development of the project site would not expose adjacent or nearby properties to landslide or erosion related hazards. **(Less than Significant Impact)**

b) Would the project not result in substantial erosion or the loss of topsoil?

The site is developed and the majority of the site is paved with very little soil currently exposed. Ground disturbance would be required for demolition of the existing surface parking lots and buildings, grading, and construction of proposed development. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete.

The City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The General Plan FEIR concluded that with the regulatory programs currently in place, the possible impacts of accelerated erosion during construction would be less than significant. The City shall require all phases of the project to comply with all applicable City regulatory programs pertaining to construction related erosion. Because the project would comply with the regulations identified in the General Plan FEIR, implementation of the proposed project would have a less than significant soil erosion impact.

Demolition and construction on the project site would temporarily increase the potential for erosion and sedimentation that could be carried by runoff into the San Francisco Bay. The project would be required to implement the following standard permit condition, consistent with the regulations identified in the General Plan FEIR, for avoiding and reducing construction related erosion impacts.

Standard Permit Conditions

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

With implementation of these measures, as well as compliance with the City's grading ordinance and NPDES requirements, construction of the proposed project would have a less than significant impact. **(Less than Significant Impact)**

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

The project site has a moderately low to low potential for vertical and lateral ground failure but is subject to liquefaction hazards. As discussed in Question a), the proposed project would be constructed in compliance with the CBC and site-specific geotechnical investigation. These construction requirements would address risks for on- or off-site soils stability. For these reasons, the proposed project would not change or exacerbate the geologic conditions and any impact would be less than significant. **(Less than Significant Impact)**

d) Would the project be located on expansive soil, as defined in Section 1803.5.3 of the CBC, creating substantial direct or indirect risks to life or property?

As previously described in Section 3.7.1.2 Existing Conditions, the project site is located in an area of moderate to high expansion potential. Development of the proposed project, however, would not change or exacerbate the geologic conditions of the project area. Further, the project would be required to implement site-specific recommendations from the project geotechnical investigation, consistent with the CBC. As a result, the project would not create substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

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

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

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

While excavation on-site would reach a maximum depth of approximately 14 feet, it is improbable that paleontological resources would be discovered because no paleontological resources have been discovered in this area of San José. The project, however, would implement the following standard permit condition to reduce potential impacts to paleontological resources.

Standard Permit Condition

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

With implementation of the above standard permit condition, potential impacts to paleontological resources would be reduced to a less than significant level. **(Less than Significant Impact)**

3.7.4 Cumulative Impacts

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

The cumulative projects shown in Table 3.0-1 would be subject to similar geology, soils, and seismicity conditions as the proposed project. All cumulative projects occurring within San José would implement standard permit conditions related to geologic hazards and would be constructed consistent with the CBC and site-specific geotechnical investigations in order to avoid impacts from seismicity and geology and soils hazards, and/or reduce them to a less than significant level. Projects in the cumulative scenario would also be subject to similar CEQA requirements and standard permit conditions as the proposed project with regard to avoidance and lessening of paleontological impacts. For these reasons, the cumulative projects, including the proposed project, would not result in significant cumulative geology and soils impacts. **(Less than Significant Cumulative Impact)**

3.7.5 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 geology and soil conditions.

General Plan Policy EC-4.2 states that development is allowed 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. To ensure this, the policy requires the City of San José Geologist to review and approve geological investigation reports for projects within these areas as part of the project approval process. In addition, Policy EC-4.4 requires all new development to conform to the Geologic Hazard Ordinance.

Geologic conditions in the project area would require that the proposed structures be designed and built in conformance with the requirements of the CBC. The General Plan FEIR concluded that adherence to the CBC would reduce seismic-related impacts to a less than significant level. Because the proposed project would comply with the recommendations contained within the site-specific geological investigation report, the CBC, and regulations identified in the General Plan FEIR 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

This section is based on the air quality and greenhouse gas (GHG) analysis prepared for the project by Illingworth & Rodkin, Inc. in March 2020. This report is included as Appendix B to this Draft EIR. Note that the analysis includes a 496,000 square foot parking garage, where a 468,000 square foot garage is now proposed; thus, the analysis in this section is conservative with regard to construction-related GHG emissions.

3.8.1 Environmental Setting

3.8.1.1 *Background*

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of Greenhouse Gases (GHGs) have a broader, global impact. Global warming associated with the "greenhouse effect" is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial/ manufacturing, utility, residential, commercial, and agricultural sectors.

3.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

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

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. 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. The four major requirements of SB 375 are:

- Metropolitan Planning Organizations (MPOs) must meet greenhouse gas emission reduction targets for automobiles and light trucks through land use and transportation strategies.
- MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrated land use/transportation plan for meeting regional targets, consistent with the Regional Transportation Plan.
- Regional housing elements and transportation plans must be synchronized on eight-year schedules, with Regional Housing Needs Assessment (RHNA) allocation numbers conforming to the SCS.
- MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission.

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).

Regional and Local

2017 Clean Air Plan

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

BAAQMD 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. In jurisdictions where a qualified Greenhouse Gas Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, compliance with the Greenhouse Gas Reduction Strategy would reduce a project's contribution to cumulative greenhouse gas emission impacts to a less than significant level.[33]

The jurisdictions in the San Francisco Bay Area Air Basin may also utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Envision San José 2040 General Plan

The policies below are specific to GHG emissions and are applicable to the proposed project.

[33] The required components of a "qualified" GHG Reduction Strategy or Plan are described in Section 15183.5 of the CEQA Guidelines and the BAAQMD CEQA Air Quality Guidelines (amended 2017).

Policy	Description
TR-2.8	Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-2.18	Provide bicycle storage facilities as identified in the Bicycle Master Plan.
TR-3.9	Ensure that all street improvements allow for easier and more efficient bus operations and improved passenger access and safety, while maintaining overall pedestrian and bicycle safety and convenience.
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.
MS-2.3	Utilize solar orientation, (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts
MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
MS-21.1	Manage the Community Forest to achieve San José environmental goals for water and energy conservation, wildlife habitat preservation, stormwater retention, heat reduction in urban areas, energy conservation, and the removal of carbon dioxide from the atmosphere.
MS-21.3	Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.
CD-2.1	Promote the Circulation Goals and Policies in this Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of this Plan. a) Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness.

Policy	Description
	b) Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb-outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles.
	c) Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parking are considered in real estate and business transactions.

GHG Reduction Strategy

The City of San José approved a Supplemental Program EIR for the Envision San José General Plan to include and update the greenhouse gas emissions analysis in December 2015. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and the recent standards for "qualified plans" as set forth by BAAQMD. 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. 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 currently adopted Climate Change Scoping Plan through 2020.

Beyond 2020, the emission reductions in the GHG Reduction Strategy are not large enough to meet the City's identified 3.04 metric tons (MT) CO_2e/SP efficiency metric for 2035. An additional reduction of 5,392,000 MT CO_2e per year would be required for the projected service population to meet the City's target for 2035.[34]

Achieving the substantial communitywide GHG emissions reductions needed beyond 2020 cannot be done alone by the City with the measures identified in the GHG Reduction Strategy adopted by the City Council in 2015. The General Plan FEIR disclosed that it will 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. Thus, the City Council adopted overriding considerations for the identified cumulative impact for the 2020 to 2035 timeframe.

[34] As described in General Plan FEIR, the 2035 efficiency target above reflects a straight-line 40 percent emissions reduction compared to the projected citywide emissions (10.90 MT CO_2e) 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.

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 2030 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.

Climate Smart San José

Approved in 2018, Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. Climate Smart San José charts a path to achieving the GHG reductions contained in the international Paris Agreement on climate change. Climate Smart San José encompasses nine overarching strategies:

- Transition to a renewable energy future
- Embrace our California climate
- Densify our city to accommodate our future neighbors
- Make homes efficient and affordable for families
- Create clean, personalized mobility choices
- Develop integrated, accessible public transport infrastructure
- Create local jobs in our city to reduce vehicle miles traveled
- Improve our commercial building stock
- Make commercial goods movement clean and efficient.

3.8.1.3 *Existing Conditions*

GHG emissions are generated from vehicles entering and leaving the site and from heating, cooling, and lighting of the existing buildings. The site currently generates approximately 387 MT of CO2e annually.

3.8.2 Checklist Questions

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?

As described previously, BAAQMD adopted GHG emissions thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD has determined that GHG emissions would cause significant environmental impacts. The GHG emissions thresholds identified by BAAQMD are 1,100 MT of CO_2e per year or 4.6 MT CO_2e

per service population per year. A project that is in compliance with the City's GHG Reduction Strategy) is considered to have a less than significant GHG impact regardless of its emissions.

The numeric thresholds set by BAAQMD and included within the City's GHG Reduction Strategy were calculated to achieve the state's 2020 target for GHG emissions levels (and not the SB 32 specified target of 40 percent below the 1990 GHG emissions level). The project would be constructed in one phase over a period of two years. The project, therefore, would not be fully constructed and in use until after December 31, 2020. Because the project would be completed in the post-2020 timeframe, the project would not be covered under the City's Reduction Strategy.

CARB has completed a Scoping Plan, which will be utilized by BAAQMD to establish the 2030 GHG efficiency threshold. BAAQMD has yet to publish a quantified GHG efficiency threshold for 2030. For the purposes of this analysis, a "Substantial Progress" threshold of 2.6 MT CO2e/year per service population has been calculated for 2030 based on the GHG reduction goals of SB 32 and Executive Order B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.

3.8.3 Project Impacts

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

GHG emissions associated with the project would occur over the short-term from construction activities, as well as operational emissions over the long term (associated with vehicular traffic within the project vicinity, the generator, energy and water usage, and solid waste disposal). GHG emissions for the proposed project were analyzed using the methodology recommended in the BAAQMD CEQA Air Quality Guidelines. CalEEMod was used to predict GHG emissions from the project (as detailed in Appendix B).

Construction Emissions

GHG emissions associated with construction, based on construction data provided by the project applicant, were computed by CalEEMod to be 2,691 MT of CO_2e. 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, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. For these reasons, any impact would be less than significant. **(Less than Significant Impact)**

Operational Emissions

The project would use natural gas, although the City's new reach code would discourage this source of energy. For the purposes of this analysis, it was assumed that the project would use San José Clean Energy as the electricity provider. After 2023 San José Clean Energy would provide GHG emission-free electricity.

The project service population efficiency rate is based on the number of future full-time office, commercial (includes retail and the restaurant land uses), and health club employees. Based on information provided by the project applicant, the health club would employ approximately 250 people. An employee estimate for the office and commercial land uses was not provided. Therefore, the number of workers for the office was estimated using the following rates: one employee per 250 square feet of commercial/retail space and one employee per 175 square feet of office space. Based on the project's approximately 308,000 square feet of office uses and 15,000 square feet retail uses, there would be 1,760 office employees and 62 retail/commercial employees. The total future service population would be 2,099 employees.

The CalEEMod model, along with the net project vehicle trip generation rates, was used to estimate net daily emissions associated with operation of the project.[35] Table 3.8-1 shows the annual GHG emissions resulting from operation of the proposed project

Table 3.8-1: Annual GHG Emissions (CO_2e) in Metric Tons		
Source Category	**Project in 2023**	**Project in 2030**
Area	<1	<1
Energy Consumption	542	542
Mobile	4,962	4,121
Solid Waste Generation	593	593
Water Usage	106	106
Total	6,204	5,363
Per Service Population Emissions (MT of CO_2e/year/service population)	**3.0**	**2.6**
Significance Threshold (MT of CO_2e/year/service population)	*2.6*	
Threshold Exceeded?	***Yes***	***No***

The 2023 GHG emissions (the first year when the project is expected to be fully operational) would exceed the per capita 2030 threshold of 2.6 MT of CO2e/year/service population. By the year 2030, project emissions are estimated to meet the 2030 per capita threshold of 2.6 MT of CO2e/year/service population (see Table 3.8-1). The difference in emissions generated by the project from 2023 to 2030 shows that year to year project emissions would be reduced over time. Specifically, mobile emissions would be reduced as a result of vehicle fuel efficiency improvements. While the project may generate emissions in excess of 2.6 MT of CO2e/year/service population in one or more interim years between 2023 and 2029, because the proposed project would not exceed the per capita threshold in 2030, the project would meet the GHG reduction target set by SB 32 and not result in a significant GHG emissions impact. **(Less than Significant Impact)**

[35] Operational emissions do not take into account the proposed 40 percent parking reduction.

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

2017 Climate Action Plan

As discussed in Section 3.3 Air Quality, the project is consistent with the 2017 CAP because it supports the primary goals of the 2017 CAP (by providing increased density in a transit priority area) and does exceed thresholds for criteria pollutants and mitigation measures have been included in this EIR to address TACs. **(Less than Significant Impact)**

Envision San José 2040 General Plan

The project is consistent with the General Plan policies identified in Section 3.8.1.2 Regulatory Framework to reduce GHG emissions by:

- Constructing in accordance with CALGreen and Title 24
- Planting trees for shade
- Providing recycling collection bins on-site
- Creating a pedestrian friendly environment within the proposed plaza with shade trees, pedestrian pathways, and amenities
- Providing bicycle parking on-site
- Implementing a TDM plan with reduced vehicle parking

In addition, the project site is served by existing pedestrian facilities, and existing bicycle and transit facilities with regional connections. The automobile-alternative modes of transportation available at the project site promote alternatives to single-occupancy vehicle trips, thus reducing GHG emissions. In addition, there is limited parking spaces available adjacent to the site, which encourages the use of public transportation, carpooling, and other alternatives to single-occupancy vehicle trips to and from the site. **(Less than Significant Impact)**

GHG Reduction Strategy

The GHG Reduction Strategy is based on the General Plan land use assumptions and the project is consistent with the General Plan land use assumptions. The project is also consistent with the applicable GHG Reduction measures and their associated General Plan policies by:

- Consistent with the General Plan Land Use/Transportation Diagram
- Constructing in accordance with CALGreen and Title 24
- Planting trees and landscaping that is appropriate for this climate
- Providing recycling collection bins on-site
- Salvage or recycle at least 75 percent of construction waste
- Creating a pedestrian friendly environment within the proposed plaza with shade trees, pedestrian pathways, and amenities
- Providing bicycle parking on-site
- Reducing the total parking provided through the approval of a TDM

The project, therefore, would be consistent with the City's GHG Reduction Strategy. **(Less than Significant Impact)**

3.8.4 Cumulative Impacts

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

GHG emissions have a broader, global impact; therefore, if a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable. As discussed in Checklist Question a), the project would not result in significant GHG impacts by the year 2030 and would meet the GHG reduction target set by SB 32. Therefore, the project would not have a cumulatively considerable contribution to a significant cumulative GHG emissions impact. **(Less than Significant Cumulative Impact)**

3.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, on a Phase I Environmental Site Assessment (ESA) prepared in January 2020, a Phase II ESA prepared in December 2019, and a Soil Management Plan prepared in January 2020. These reports were all prepared by TRC and are included as Appendix E, Appendix F, and Appendix G (respectively) to this Draft EIR.

3.9.1 Environmental Setting

3.9.1.1 *Regulatory Framework*

Federal and State

Hazardous Materials 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 including the City of Santa Clara Fire Department 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. The California Department of Industrial Relations, Division of Occupational Safety and Health (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.

Cortese List (Government Code Section 65962.5)

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by 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.

Asbestos-Containing Material 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.

Federal Aviation Regulations, Part 77

Federal Aviation Regulations (FAR), 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 such projects, the FAA would conduct an airspace safety review and issue a determination regarding the proposed project's impact on airspace safety.

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

Development within the Norman Y. Mineta San José International Airport Influence Area (AIA) can be subject to hazards from aircraft and 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 2010 and amended it in2016, 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.

Lead-Based Paint Regulations

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 CUPA.

Local

Envision San José 2040 General Plan

The General Plan includes the following hazards and hazardous materials policies applicable to the proposed project.

Policy	Description
CD-5.8	Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.
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.

Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment protocol methodology for managing materials with PCBs in applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.[36]

San José Emergency Operations Plan

An Emergency Operations Plan (EOP) is required for each local government in California. The guidelines for the plan come from the Federal Emergency Management Agency (FEMA), and are modified by the State Office of Emergency Services (OES) for California needs and issues. The purpose of the plan is to provide a legal framework for the management of emergencies and guidance for the conduct of business in the Emergency Operations Center (EOC). San José City Council adopted their EOP in November 2018 which addresses emergencies such as floods, heat waves, power outages, terrorism, earthquakes, and fires.[37]

[36] California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit.* November 2015.
[37] City of San José. *Emergency Operations Plan*. November 2018.

3.9.1.2 *Existing Conditions*

Project Site

The project site was historically used for agricultural purposes (orchard, open field, etc.) and contained small structures (homes and out-buildings), based on historic aerial photographs dating back to 1939. In the 1940s, more structures were present on-site and some of the orchard trees were removed and replaced with agricultural fields. By 1956, a gasoline station was constructed in the northwest portion of the property. The surrounding land uses continued to be primarily agricultural lands with some buildings. Since the project site was used for agricultural purposes from the 1930s until late 1950s, pesticides may have been applied to crops in the normal course of farming operations. The possible historic pesticide use on-site could have resulted in the accumulation of residual pesticides (e.g., DDT compounds, arsenic, and lead) in the shallow soil on-site.

A former gasoline station was located at the northwest corner of the property in the 1960s through the early 1970s at 3896 Stevens Creek Boulevard. There is no record of any underground storage tank removal on this site. The gasoline additive MTBE is, however, present in shallow groundwater beneath a portion of the southwest area of the project site. The groundwater contamination has been attributed to a gasoline release from the Chevron station at 404 Saratoga Avenue, immediately southwest of the project site.

A former plant nursery and flower packing operation was located in the east-central portion of the project site in the early 1960s, and possibly earlier. Pesticides may have been stored and used as part of that business operation. No evidence of the presence of greenhouses was found.

During the site assessments completed in January 2020, the hazardous materials observed were common janitorial and building maintenance supplies and dish washing detergents. No evidence of hazardous materials spills were observed and the potential for these materials to have significantly impacted the site is low. The project site is not on the Cortese List.[38] Given the on-site buildings were constructed in the 1960s, ACMs are likely present and assumed to be present. Similarly, lead-based paint may also be present.

3.9.1.3 *Off-Site Sources of Contamination*

Five leaking underground storage tanks (LUST) sites are located less than one-eighth of a mile from the site, as described below.

Kiely Park Cleaners is located at 445 Kiely Boulevard, south of the project site. The dry cleaning chlorinated solvent PCE is present in shallow groundwater beneath a portion of the southern half of the project site in concentrations above the five parts per billion (ppb) drinking water standard. PCE groundwater concentration up to 140 µg/L was detected in 2013 south of the project site next to the adjacent commercial shopping center. Soil vapor sampling conducted at the project site as part of the Kiely Park Cleaners investigation in 2006 did not identify PCE soil vapor concentrations exceeding residential or commercial vapor intrusion screening levels.

[38] CalEPA. "Cortese List Data Resources". Accessed January 22, 2019. https://calepa.ca.gov/sitecleanup/corteselist.

The Chevron gasoline station located immediately southwest of the project site (404 Saratoga Avenue), is listed as an active LUST site. The site contains three 10,000-gallon gasoline USTs at the northern portion of the property. In 1992, it was discovered that the USTs on-site that had been removed resulted in the release of gasoline into the soil and groundwater. As a result, MTBE as well as other petroleum constituents are likely present in the groundwater adjacent to the southwest of the project site.

On June 14, 2019, TRC completed six on-site soil borings as part of the project site's Phase II ESA. None of the soil samples contained total petroleum hydrocarbons as gasoline (TPHg). No detected metals exceeded environmental screening levels (ESLs), except for lead (220 mg/kg) and nickel (91 kg/mg), both of which exceed the construction worker ESL. To safely deal with this contamination, a Soils Management Plan (see Appendix G) has been prepared for the project. The SMP provides requirements for the management of soil that will be disturbed and/or handled during construction, including excavation, handling, field screening, and chemical testing for surplus soil, dust control, storm water runoff control, and requirements for off-site disposal. The SMP also includes procedures to address unanticipated conditions and for management of groundwater, in the unlikely event that it is encountered during excavation activities and would supplement the project Storm Water Pollution Prevention Plan (SWPPP).

3.9.1.4 *Airport Safety*

The project site is not located within an AIA and is not subject to the CLUP. The Norman Y. Mineta San José International Airport is located approximately 3.6 miles northeast of the project site. As previously mentioned, FAR, Part 77, "Objects Affecting Navigable Airspace" 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 130 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 160 feet, notification to the FAA is required.

3.9.1.5 *Wildland Fires*

According to the California Department of Forestry and Fire Protection (CAL FIRE), the project site is not located in a fire hazard zone or the Wildland Urban Interface.[39]

3.9.2 Checklist Questions

Would the project:

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

[39] CAL FIRE. "Santa Clara County Fire Hazard Severity Zones in SRA". Accessed January 15, 2019. http://frap.fire.ca.gov/webdata/maps/santa_clara/fhszs_map.43.pdf.

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 0.25 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?

3.9.3 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?

Operation

Operation of the proposed office, fitness club, and retail development would include the use and storage of cleaning supplies, maintenance chemicals, and pool chemicals in small quantities, similar to the operations and former operations of the existing buildings, as well as nearby businesses. No medical uses are proposed such that related hazardous materials would be present. The pools would be maintained with the use of three primary chemicals, as described below.

Calcium hypochlorite would be used to maintain water sanitation levels to satisfy the Santa Clara County Health Department. Calcium hypochlorite is a dry chemical that would be stored in a pellet form. It would be added to the pool on an as-needed basis. The pellets are proposed to be stored in plastic shipping containers which are sealed to prevent contamination from moisture.

The pH of the pool water would be controlled with a combination of muriatic acid and CO_2. The muriatic acid is a liquid chemical stored in dual-contained chemical storage tanks. The muriatic acid is introduced into the pool via electronic metering pumps that are controlled by the chemical control monitor on an as-needed basis. Smaller volumes of the muriatic acid would be required when used in conjunction with CO_2, and would not require special handling or building classifications.

The CO_2 would be stored in stainless steel pressure vessels. These vessels would hold the CO_2 in a liquid state. The CO_2 would be added to the pool by a mass transfer system. The mass transfer system would convert the CO_2 into carbonic acid and is controlled by the chemical control monitor. The carbonic acid works in conjunction with muriatic acid to provide the necessary pH adjustments to maintain proper water balance.

The small quantities of cleaning supplies, maintenance chemicals, and pool chemicals that would be transported, used and stored on-site, would not generate substantial hazardous emissions or accidental chemical releases that would pose a risk to site users or adjacent residential land uses. Compliance with applicable federal, state and local handling, storage, and disposal requirements would ensure that no significant hazards to adjacent residences are created by the routine transport, use, or disposal of hazardous substances. **(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?

Construction

The project site is not listed as a hazardous waste or substances site on any regulatory database. Construction on the project site could, however, disturb on-site soils with residual agricultural pesticide contamination, lead, nickel, and/or petroleum-based contaminated groundwater, and expose construction workers and the public to elevated concentrations of chemicals.

Impact HAZ-1: Project construction could result in the exposure of construction workers and the public to elevated concentrations of chemicals. **(Significant Impact)**

To ensure impacts are reduced to a less than significant level, the following mitigation measure shall be implemented by the project to reduce exposure to hazardous chemicals.

MM HAZ-1.1: Prior to the start of ground-disturbing activities or issuance of any grading/building permits by the City, a Site Management Plan shall be developed for the site by a qualified environmental professional. At a minimum, the SMP shall include the following:

- Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of BMPs
- Proper disposal procedures of contaminated materials
- Monitoring, reporting, and regulatory oversight notifications
- A health and safety plan for each contractor working at the site that addresses the safety and health hazards of each phase of site operations with the requirements and procedures for employee protection
- The health and safety plan will also outline proper soil/ and or groundwater handling procedures and health and safety requirements to minimize worker and public exposure to contaminated soil/and or groundwater during construction.
- A copy of the SMP shall be submitted to the Supervising Environmental Planner of the City of San Jose Department of Planning, Building, and Code Enforcement and the Municipal

Compliance Officer of the City of San Jose Environmental Services Department for review and approval.

With implementation of the above mitigation measure, impacts associated with exposure to contaminated soils and groundwater for construction workers, the environment, and area residents would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

Asbestos Containing Materials and Lead-Based Paint Impacts

The project proposes to demolish the existing buildings on-site which could release asbestos particles into the environment and expose construction workers and nearby residents to harmful levels of asbestos. Suspected ACMs would be required to be properly assessed and removed prior to demolition consistent NESHAP guidelines. Additionally, if lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. The project is, however, required to conform to the following regulatory programs and to implement the following standard permit conditions, consistent with Cal/OSHA requirements, to reduce impacts due to the presence of ACMs and/or lead-based paint.

Standard Permit Conditions:

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site 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 or renovation that may disturb the materials. 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.

The General Plan FEIR concluded that conformance with federal, state, and local regulatory requirements will result in a less than significant impact from ACMs and lead. **(Less Than Significant Impact)**

PCBs in Demolition Materials

The project proposes to demolish the on-site buildings, which may have materials that contain PCBs. During demolition. PCBs in building materials could be released and thereby exposed to stormwater runoff from the project site during rain events. To address this risk, applicants for a demolition permit must submit a PCB Screening Assessment Form with their permit application.[40] The form is designed ascertain whether or not the building targeted for demolition is subject to the PCB Screening Assessment. If on-site buildings do contain PCBs that exceed threshold limits, the project applicant must follow applicable federal and state laws, which may include reporting to such agencies as the EPA, RWQCB, and DTSC, who may require additional sampling and abatement of PCBs consistent with state and federal requirements. Identification of PCBs using the Screening Assessment Form and conformance with relevant regulatory requirements will result in a less than significant impact as related to PCBs. **(Less than Significant Impact)**

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

The closest school to the project site is The Harker School (preschool to 12th grade) located at 500 Saratoga Avenue, approximately 0.4 mile southwest. The project would not regularly use or emit hazardous wastes aside from small quantities of cleaning supplies, maintenance chemicals, and pool chemicals, therefore; the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. **(Less than Significant Impact)**

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

The project site is not on the Cortese List and would not result in a significant hazard to the public.[41] **(No Impact)**

[40] City of San Jose, Planning, Building and Code Enforcement Department. Draft Bulletin #254. February 6, 2019.
[41] CalEPA. "Cortese List Data Resources". Accessed January 22, 2019. https://calepa.ca.gov/sitecleanup/corteselist.

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. The project would not result in a safety hazard or excessive noise for people residing or working in the project area?

The project site is located approximately 3.6 miles southwest of the Norman Y. Mineta San José International Airport and is not located within an Airport Influence Area of any airport. Pursuant to FAR Part 77, the proposed 12-story office building must be filed with the FAA for airspace safety review. FAA issuance of a "determination of no hazard", and applicant compliance with any conditions set forth in such FAA determination, would ensure that the project will not adversely impact air safety. **(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 site would be accessible from driveways along Saratoga Avenue and Northlake Drive, which would provide access to the proposed office building, fitness club, and retail space. Furthermore, the project is an infill development within an already urbanized area. The proposed roadways would be accessible to emergency vehicles at all times. The project would, therefore, not interfere with any emergency response or 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 area is located in a developed urban area and would not expose people or structures to wildland fires. **(No Impact)**

3.9.4 Cumulative Impacts

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

Projects in the cumulative scenario could be located on properties where hazardous materials may have been stored, used, and/or transported. These hazardous materials (such as gasoline, oil, propane, and various chemicals in manufacturing) may have been stored on these sites in aboveground or underground tanks. Storage tanks can leak, often resulting in soil and/or groundwater contamination. If groundwater is affected, it can impact properties downgradient of the spill.

Cumulative scenario projects could also be located on sites that were used for agricultural purposes in the past and chemicals such as pesticides and fertilizers may have been used. The use of these chemicals on agricultural properties can result in widespread residual soil contamination. In addition, development of some of the sites would 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 these conditions, which are present on most cumulative project sites to varying degrees, impacts could occur in the cumulative scenario as a result of exposure of residents and/or workers to substances that have been shown to adversely affect health. For all cumulative scenario projects, mitigation measures will be implemented as a condition of approval to lessen risks associated with exposure to hazardous materials. Further, adherence to applicable existing local, state, and federal laws and regulations related to hazardous materials would lessen the potential for cumulative impacts.

If chemical releases have occurred in the cumulative scenario, and depending upon the extent of the release, contaminated soils could be excavated and transported to appropriate landfills or treated on-site. If groundwater is affected, remediation and ongoing groundwater sampling both on the site and on surrounding downgradient properties could be warranted. Finally, determining the extent of asbestos and lead paint contamination would also be required prior to building demolition and site grading and, if present, such substances would be handled and disposed of in a manner that minimizes human exposure. Therefore, cumulative projects, including the proposed project, would not result in significant cumulative hazardous materials impacts. **(Less than Significant Cumulative Impact)**

3.10 HYDROLOGY AND WATER QUALITY

The discussion within this section is based in part on the information contained within a Water Supply Assessment (WSA) prepared by the San José Water Company, dated January 2020. This WSA is included as Appendix H to this document.

3.10.1 Environmental Setting

3.10.1.1 *Regulatory Framework*

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 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.

Federal

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.

State

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) 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 is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional

San Francisco Bay Basin Plan

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

Valley Water Groundwater Management Plan

The Santa Clara Valley Water District (Valley Water) prepared a Groundwater Management Plan (GMP) for the Santa Clara 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 Valley Water will ensure groundwater basins within its jurisdiction are managed sustainably. The Santa Clara subbasin has not been identified as a groundwater basin in a state of overdraft.

Municipal Regional Stormwater NPDES Permit/Provision C.3

The City of San José is required to operate under an NPDES permit to discharge stormwater from the City's storm drain system to surface waters. The Municipal Regional Stormwater Permit (MRP), adopted by the San Francisco Bay Regional Water Quality Control Board in 2015 (Order No. R2-2015-0049) covers 76 Bay Area municipalities and county agencies as co-permittees, including the City of San José. The MRP mandates that the co-permittees use their planning and development review authority to require that stormwater management measures such as site design, pollutant source control and treatment measures be included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

- Projects that create or replace 10,000 square feet or more of impervious surface; and
- Special Land Use Categories that create or replace 5,000 square feet or more of impervious surface.

The MRP requires regulated projects to incorporate Low Impact Development (LID) practices, or provide justification as to why such measures are infeasible. LID measures are intended to reduce runoff and mimic a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source. LID employs principles such as preserving and recreating natural landscape features and minimizing imperviousness to create functional and appealing site drainage that treats stormwater as a resource, rather than a waste product. Practices used to adhere to these LID principles include measures such as rain barrels and cisterns, green roofs, permeable pavement, preserving undeveloped open space, and biotreatment through rain gardens, bioretention units,

bioswales, and planter/tree boxes. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

Dam Safety

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 the state Dam Safety Act, dams are inspected regularly and detailed evacuation procedures have been prepared for each dam. As part of its comprehensive dam safety program, Valley Water routinely monitors and studies the condition of each of its 10 dams. Valley Water also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

Local

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

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

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

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

Envision San José 2040 General Plan

The following policies are specific to hydrology and water quality and are applicable to the proposed project.

Policy	Description
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.

Policy	Description
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).
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.
MS-20.2	Avoid locating new development or authorizing activities with the potential to negatively impact groundwater quality in areas that have been identified as having a high degree of aquifer vulnerability by the Santa Clara Valley Water District or other authoritative public agency.
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.
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.

3.10.1.2 *Existing Conditions*

Flooding

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, the project site is located in Flood Zone D.[42] Zone D is an area of undetermined but possible flood hazard. There are no floodplain requirements for Zone D.

Dam Failure

The eastern portion of the project site is within the Lexington Reservoir failure inundation hazard zone but outside the Anderson Dam failure inundation hazard zone.[43,44] Anderson Dam will, however, be drained by October 1, 2020 on order of the Federal Energy Regulatory Commission due to concerns that the dam poses a risk of collapse if a large earthquake strikes.[45]

[42] FEMA. "FEMA Flood Map Service Center". Accessed January 15, 2019. https://msc.fema.gov/portal/home.
[43] Santa Clara Valley Water District. *Anderson Dam EAP 2009 Flood Inundation Maps.* 2009. Accessed November 10, 2019. http://www.valleywater.org/uploadedFiles/Services/CleanReliableWater/WhereDoesYourWaterComeFrom/Reservoirs/Anderson_Dam/Anderson%20Inundation%20Maps%202009.pdf?n=6912
[44] Santa Clara Valley Water District. *Lexington Reservoir 2009 Flood Inundation Maps.* 2009.
[45] Federal Energy Regulatory Commission. Anderson Dam. March 31, 2020. https://www.ferc.gov/industries/hydropower/safety/projects/anderson.asp

Seiches, Tsunamis, and Mudflows

There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche. There are no bodies of water near the project site that would affect the site in the event of a tsunami.[46] The site is located on the nearly flat valley floor topography and is not subject to the risk of mudflows.

Storm Drainage System

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into Guadalupe River. Guadalupe River flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

Currently, 94 percent (198,090 square feet) of the project site is covered with impervious surfaces. There are existing storm drain lines that run along the northern, western, and eastern borders of the site that serve the existing development and would also serve the proposed development.

Stormwater Runoff

The water quality of Guadalupe River is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes. Based on data from the Environmental Protection Agency (EPA)[47], Guadalupe River is currently listed on the California 303(d)[48] list for Diazinon, mercury, and trash.

Groundwater

Groundwater was found at a depth of 40 feet below ground surface (bgs). Groundwater levels fluctuate seasonally depending on the variations in rainfall, irrigation from landscaping, and other factors. The project site is mostly comprised of impervious surfaces and does not contribute to the recharging of the groundwater aquifer. The project is located within the San José Water Company service area, which gets approximately 38 percent of its water from groundwater supplies within the Santa Clara Valley Subbasin.

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?

[46] Association of Bay Area Governments. *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region.* Accessed December 4, 2019. http://quake.abag.ca.gov/tsunamis.
[47] United States Environmental Protection Agency. *California 303(d) Listed Waters.* Accessed December 4, 2019. http://iaspub.epa.gov/tmdl_waters10/attains_impaired_waters.impaired_waters_list?p_state=CA&p_cycle=2012.
[48] The Clean Water Act, section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies.

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

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 Impacts

Construction of the proposed project, including grading and excavation activities, may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. All construction or demolition activity that results in land disturbances equal to or greater than one acre must obtain coverage under the Construction General Permit, which is administered by the SWRCB. The project would disturb greater than one acre of land and, therefore, would require coverage under the Construction General Permit.

All development projects in San José must comply with the City's Grading Ordinance whether or not the projects are subject to the Construction General Permit. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30th), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Plan must detail the Best Management Practices (BMPs) that would be implemented to prevent the discharge of stormwater pollutants.

Standard Permit Conditions: The following measures are included in the project to prevent stormwater pollution and minimize potential sedimentation during construction:

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

- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- The 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.

The proposed project, with implementation of the standard permit conditions listed above and design features included in the project, would result in less than significant construction-related water quality impacts. **(Less than Significant Impact)**

Post-Construction Impacts

The proposed project would replace more than 10,000 square feet of existing impervious surface area to construct the health club and office building; therefore, it is considered a regulated project under Provision C.3 of the MRP and must provide on-site runoff treatment in conformance with the Provision C.3 requirements, and in conformance with Runoff Policy 6-29. Development of the proposed project would result in approximately 89 percent impervious surfaces, a five percent decrease compared to existing conditions. The project proposes to use numerically sized biocells for runoff treatment and control for the fitness building and mechanical filters for the office building and parking garage. These measures would be reviewed by the City for consistency with the MRP and Runoff Policy 6-29 in controlling the quantity and quality of runoff from the site. . For these reasons, the project would have a less than significant water quality impact. **(Less than Significant Impact)**

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

The project site is not located within a designated groundwater recharge zone.[49] Historic groundwater elevations in the vicinity of the project site are considered to be approximately 40 bgs. The project

[49] Santa Clara Valley Water District. *Groundwater Management Plan.* November 2016.

does not include any below-grade levels; therefore, it is unlikely that construction activities would encounter groundwater during construction of the project.

While the project does not include installation of new groundwater wells, the San José Water Company—water supplier to the project site—obtains a portion of its water from groundwater. Total net potable water demand for the project is estimated to be 96.9 acre-feet per year, or a 0.07 percent increase in total system usage when compared to the San José Water Company's pre-drought 2013 potable water production. Based on the WSA prepared for the project (see Appendix H), the increased water demand is consistent with San José Water Company's 2015 Urban Water Management Plan and additional groundwater pumping would not be needed to accommodate the project's water needs. This conclusion is valid despite the potential loss of water supply with the drainage of Anderson Dam given the varied water sources and contingency planning for drought conditions by the San José Water Company.[50] For these reasons, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge and the impact is less than significant. **(Less Than Significant Impact)**

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

The project site is currently fully developed. Construction of the proposed project would decrease the amount of impervious surfaces on the site by approximately 10,339 square feet due to the increase in landscaping and open space. The proposed project would be required to implement stormwater treatment and drainage measures consistent with City Policy 8-14 and 6-29, and provision C.3 of the MRP for post-construction stormwater treatment. Stormwater collection facilities such as permeable pavement and flow-through planters, included in the project, would be designed to collect stormwater runoff before connecting to the City's existing stormwater infrastructure. These facilities are designed, or "numerically-sized," to capture projected stormwater volumes during storm events to avoid overflow and flooding. They also reduce the rate of runoff compared to traditional stormwater drainage systems by allowing stormwater to flow through biotreatment soils, layers of rock, and native soils before connecting overflows to the storm system.

The project's on-site storm drainage system would connect to the existing storm drains located in Stevens Creek Boulevard, Saratoga Avenue, and North Lake Drive, which ultimately drains to the Guadalupe River. The proposed project would not result in stormwater runoff which would exceed the capacity of existing stormwater drainage systems or provide substantial additional sources of polluted runoff. **(Less than Significant Impact)**

[50] San José Water Company. Email correspondence with Le, Thai-Chau and Kara Hawkins. February 27, 2020.

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

The project site is not located in a 100-year flood hazard area, nor is it subject to seiche, tsunami, or mudslide hazards. The eastern portion of the project site is located within the Lexington Reservoir inundation area; however, Valley Water operates a comprehensive dam safety program to ensure public safety through routine monitoring and studying of its dams. The project, therefore, would not impede or redirect flood flows, or risk the release of pollutants due to project inundation. **(Less than Significant Impact)**

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

The proposed project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the MRP; therefore, implementation of the project would not significantly impact water quality. The project site is not located within a groundwater recharge area and would not interfere with groundwater recharge. For these reasons, the project would not conflict with implementation of a water quality or groundwater management plan. **(Less than Significant Impact)**

3.10.3 Cumulative Impacts

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

Water Quality, Groundwater, and Drainage Impacts

The geographic area for cumulative hydrology and water quality impacts includes the six project sites and the surrounding area. The cumulative projects identified in Table 3.0-1 would involve redevelopment of existing or previously developed sites that contain substantial impervious surfaces, and these projects would be required to conform to applicable General Plan goals, policies, and strategies regarding stormwater runoff, infrastructure, and flooding. All projects within the City, including those identified in Table 3.0-1, would also be required to comply with applicable requirements in the statewide Construction General Permit, MRP (including Provisions C.3), City standard permit conditions, and NPDES permits standards to avoid hydrology and water quality impacts or reduce them to a less than significant level. For these reasons, the project would not have a cumulatively considerable water quality, groundwater, or drainage impact. **(Less than Significant Cumulative Impact)**

Flooding and Inundation Impacts

As discussed under Question c), the project site is not subject to significant flood or inundation hazards. While the project site is partially located within the inundation area for Lexington Reservoir, Valley Water operates a comprehensive dam safety program to ensure public safety through routine monitoring and studying of its dams. Further, Anderson Dam is being drained to address seismic safety concerns. The project, therefore, would not result in a considerable contribution to significant

cumulative impact related to release of pollutants due to flooding and inundation. **(Less than Significant Cumulative Impact)**

3.11 LAND USE AND PLANNING

3.11.1 Environmental Setting

3.11.1.1 *Regulatory Framework*

Envision San José 2040 General Plan

The following polices are specific to land use and are applicable to the proposed project.

Policy	Description
CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
CD-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).

Steven Creek Urban Village Plan

The project site is located within the Stevens Creek Urban Village Plan, which was adopted by City Council on August 8, 2017, and is designated Urban Village. The following Stevens Creek Urban Village Plan land use policies are applicable to the proposed project.

Policy	Description
LU-1.2	Within the Mixed Use Commercial, Urban Residential, or Urban Village land use designations, existing commercial or industrial square footage shall be replaced with an equivalent commercial square footage in the new residential or residential mixed use development.
LU-1.3	Require a minimum overall commercial Floor Area Ratio (FAR) for the area designated with an Urban Village Land Use Designation of 0.25. New development that includes residential uses should not be developed such that the combined FAR of the area designated Urban Village drops below 0.25.
LU-1.4	Encourage the integration of commercial tenant spaces within new development that is designed to accommodate small businesses.
LU-2.2	New development along Stevens Creek Boulevard, Kiely Boulevard, Saratoga Avenue, and Albany Drive should include ground floor commercial and/or active spaces such as lobbies fronting the street and wrapping the corner when located on a corner lot.

UD-2.2	Encourage the placement of ground-floor commercial space in new development especially along the street frontages of Stevens Creek Boulevard, Kiely Boulevard, and Saratoga Avenue.

San José Zoning Ordinance

The Zoning Ordinance serves as an implementing tool for the General Plan by establishing detailed, parcel-specific development regulations and standards. The Zoning Ordinance divides the City of San José into zoning districts to guide future land uses.

3.11.1.2 *Existing Conditions*

General Plan Land Use Designations

The project site is designated Urban Village under the City's General Plan and is subject to the land use policies in the approved Stevens Creek Urban Village Plan. This designation allows for a wide range of commercial uses, including retail sales and services, professional and general offices, and institutional uses. The Stevens Creek Urban Village Plan does not establish a FAR for commercial developments on properties designated Urban Village. The intensity of new commercial development will effectively be limited by the height limits established by the Stevens Creek Urban Village Plan, and the parking requirements established in the Zoning Ordinance.

Zoning Ordinance Designations

The majority of the project site is zoned CN, with a small portion zoned CG. The project is requesting a rezoning to CG. The CG zoning district is intended to serve the needs of the general population. This district allows for a full range of retail and commercial uses with a local or regional market. Development is expected to be auto-accommodating and includes larger commercial centers as well as regional malls.

Existing Land Uses

The project site is a commercial property composed of six commercial buildings surrounded by surface parking lots. The project site is bound by Saratoga Avenue to the west, Stevens Creek Boulevard to the north, Northlake Drive to the east, and adjacent commercial properties to the south. The buildings are oriented to Stevens Creek Boulevard and Saratoga Avenue, and are widely spaced on the site. The site has driveways on all surrounding roadways. Consistent with other mid-century buildings in the project area, the buildings on-site are one and two stories in height.

Surrounding Land Uses

Development in the project area is a mix of retail/commercial and residential land uses. Building heights vary by land use from one to six stories. Taller buildings are the result of newer development on the north side of Stevens Creek Boulevard. North of Stevens Creek Boulevard are a variety of commercial businesses and a new apartment complex. On the east side of Northlake Drive, there are primarily residential land uses, including apartments and a rehabilitation care center. A one-story commercial building is located at the north end of the street, along Stevens Creek Boulevard. The care center is one-story and the apartments are two-story with carports facing the roadway. A gas

station is located in the southwest corner at the intersection of Saratoga Avenue and Kiely Boulevard. West of Saratoga Avenue are a variety of one- to two-story retail buildings. Directly adjacent to the southeast corner of the project site is a one-story community center.

3.11.2 Checklist Questions

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?

3.11.3 Project Impacts

a) Would the project physically divide an established community?

The project site is located between two major roadways and a residential neighborhood. As proposed, the project would redevelop the site with commercial land uses and a public plaza. The project would be consistent with the existing characteristics and uses in the surrounding area and would be consistent with the heights and massing allowed in the Stevens Creek Urban Village Plan. The project would have a maximum height of 160 feet and would be developed with commercial uses, including a fitness gym and an office building. The project would provide a transition between the residential area and the commercial/retail centers and transit on Saratoga Avenue and Stevens Creek Boulevard by providing commercial uses, not completely different than those existing along the corridors. In addition, the proposed plaza on the project site would provide access for pedestrians and bicycles through the site. For these reasons, the proposed project would not physically divide an established community. **(Less than Significant Impact)**

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

The proposed project is subject to mitigation measures to minimize environmental impacts, including hazardous materials and biological resources impacts, and would be consistent with General Plan policies adopted to avoid or mitigate environmental effects as described in the individual resource sections of this EIR. For these reasons, the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

3.11.4 Cumulative Impacts

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

Cumulative scenario projects in the City are subject to General Plan goals, policies, and action statements that require appropriate buffers, edges, and transition areas between land uses. In addition, setback, design, and operational requirements of the San José Zoning Ordinance minimize land use compatibility issues that might result in physical land divisions. For these reasons, a cumulative impact would not occur.

Cumulative scenario projects in the City of San José would go through the City development review process. Projects would be analyzed for conformance with applicable policies adopted for the purpose of avoiding or mitigating an environmental impact though the CEQA review process. The project, therefore, in combination with cumulative development, would not result in significant policy conflict impacts and would contribute to a significant cumulative land use impact as a result of conflict with policies to avoid a significant environmental impact. **(Less than Significant Cumulative Impact)**

3.12 MINERAL RESOURCES

3.12.1 Environmental Setting

3.12.1.1 *Regulatory Framework*

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, after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance. The only area in the City of San José that is designated by the SMARA as containing mineral deposits which are of regional significance is Communications Hill.

3.12.1.2 *Existing Conditions*

The project site is located in Mineral Resource Zone One, which is defined as areas where adequate information indicates no significant mineral deposits are present or where it is judged that little likelihood exists for their presence.[51] There are no known mineral resources located on or adjacent to the project site.

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 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) The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

The project site does not contain any known or designated mineral resources. The only area designated by the SMARA as containing mineral deposits which are of regional significance is Communications Hill, which is located over six miles southeast of the project site. The project,

[51] California Department of Conservation. *Generalized Mineral Land Classification Map of the South San Francisco Bay Production-Consumption Region*. 1996.

therefore, would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

b) The project would not result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. **(No Impact)**

The project site is not delineated in the General Plan or other land use plan as a locally important mineral resource recovery site. For this reason, the project would not result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. **(No Impact)**

3.12.2.2 *Cumulative Impacts*

c) The project would not result in a cumulatively considerable contribution to a significant mineral resources impact. **(No Cumulative Impact)**

Since the project would not result in impacts to mineral resources, the project would not contribute to a cumulative impact to mineral resources. **(No Cumulative Impact)**

3.13 NOISE

The following discussion is based in part upon a noise assessment completed for the project by Illingworth & Rodkin, Inc. in March 2020. This report is included as Appendix I to this EIR.

3.13.1 Environmental Setting

3.13.1.1 *Background Information*

Noise Overview

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 over a wide range of intensities. 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 almost always expressed using one of several noise averaging methods, such as L_{eq}, DNL, or CNEL.[52] Using one of these descriptors is a way for a location's overall noise exposure to be measured, given that there are specific moments when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and specific moments 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 Overview

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. Because of the impulsive nature of construction activities, the use of the PPV descriptor has been routinely used to measure and assess ground-borne vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV.

3.13.1.2 *Regulatory Framework*

State

California Building Standards Code

The California Green Building Standards Code (CalGreen) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite Sound Transmission Class (STC)

[52] 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) is similar to the DNL except that there is an additional five dB penalty 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}.

rating of at least 50 or a composite Outdoor-Indoor Transmission Class (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} noise contour for a freeway or expressway, railroad, industrial source or fixed-guideway noise source. The state also requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at a proposed office building.

Local

Envision San José 2040 General Plan

The General Plan includes noise compatibility guidelines for various land uses. These guidelines are provided in Table 3.13-1: below.

Table 3.13-1: General Plan Land Use Compatibility Guidelines (General Plan Table EC-1)

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care						
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						

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

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

Unacceptable:
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

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

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

Policy	Description
	• Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
EC-1.3	New nonresidential land uses will mitigate noise generation to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or 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 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

City of San José Municipal Code

According to San José Municipal Code, construction hours within 500 feet of a residential unit are limited to the hours of 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 City's Zoning Ordinance also limits commercial and industrial noise levels at any abutting residential property line to 55 dBA, as shown in the following Table 3.13-2.

Table 3.13-2: City of San José Zoning Ordinance Noise Standards	
Land Use Types	**Maximum Noise Levels at Property Line (dBA)**
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial use adjacent to a property used for zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial use or other use other than commercial or residential purposes	70

3.13.1.3 *Existing Conditions*

The primary noise source in the project area is traffic from the surrounding roadways and occasional aircraft fly-overs from the San José International Airport, located approximately 3.6 miles northeast of the project site. The nearest noise sensitive receptors are located at the Islamic Community Center of Bozniaks of the Bay Area adjacent to the southeast corner of the project site (adjacent to ST-1 and LT-1), and multi-family residences located across Northlake Drive approximately 250 feet southeast of the project site (across Northlake Drive from ST-1 and LT-1)

Four long-term (LT-1 through LT-4) and six short-term (ST-1 through ST-6) noise measurements were taken at the project site between August 10, 2016 and August 12, 2016, and May 24, 2017 and May 36, 2017. Long-term noise measurement locations were selected to characterize ambient noise levels from activities and local traffic along Stevens Creek Boulevard, Northlake Drive, Kiely Boulevard, and Saratoga Avenue. Short-term measurements were taken around the perimeter of the project site to quantify noise levels at the site and in the surrounding residential areas. The noise monitoring locations are shown in Figure 3.13-1. Each of the short-term noise measurements were made over periods of ten-minutes, concurrent with the long-term noise data, on Friday, August 12, 2016 between 12:10 p.m. and 2:00 p.m. Short-term noise measurement data is summarized in Table 3.13-3.

Table 3.13-3: Summary of Short-Term Measurements (dBA)						
Noise Measurement Location	**L_{max}**	**$L_{(1)}$**	**$L_{(10)}$**	**$L_{(50)}$**	**$L_{(90)}$**	**$L_{eq(10)}$**
ST-1: ~45 feet west of Northlake Drive	67	64	57	48	45	54
ST-2: ~45 feet north of Kiely Boulevard	73	70	66	59	45	61
ST-3: ~120 feet east of Saratoga Avenue	83	73	63	58	54	63
ST-4: ~65 feet east of Saratoga Avenue	77	74	70	65	57	67
ST-5: Corner of Saratoga Avenue and Stevens Creek Boulevard	75	72	65	60	56	63
ST-6: Corner of Northlake Drive and Stevens Creek Boulevard	82	78	71	66	59	68

NOISE MONITORING LOCATIONS

FIGURE 3.12-1

3.13.2 Checklist Questions

Would the project result in:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
b) Generation of excessive groundborne vibration or groundborne noise levels?
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

For the purposes of this analysis, the City of San José relies on the following as CEQA thresholds of significance as related to nose:

- Construction Noise – For temporary construction-related noise to be considered significant, construction noise levels would have to exceed ambient noise levels by five dBA L_{eq} or more and exceed the normally acceptable levels of 60 dBA L_{eq} at the nearest noise-sensitive land uses or 70 dBA L_{eq} at office or commercial land uses for a period of more than 12 months.[53]
- Operational Noise – Based on General Plan Policy EC-1.2, a significant noise impact would occur where existing noise sensitive land uses would be subject to permanent noise level increases of three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level, or five dBA DNL or more where noise levels would remain "Normally Acceptable," as shown previously in Table 3.13-1: .
- Construction Vibration – Based on General Plan Policy EC-2.3, significant vibration impacts would occur if the project generates a continuous vibration limit of 0.2 inches/sec (5.0 mm/sec) PPV for buildings of normal conventional construction, and a continuous vibration limit of 0.08 inches/sec (2.0 mm/sec) PPV for buildings that are historic or documented to be structurally weakened.

3.13.3 Project Impacts

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

Construction Noise

Construction of the proposed project would include demolition of existing structures, excavation and grading, pile auguring, and construction of new buildings. The majority of construction noise would be generated by the operation of equipment and heavy machinery, such as bull dozers, backhoes, and

[53] City of San José. *Envision San Jose 2040 General Plan Integrated Final Program Environmental Impact Report.* September 2011. Page 325.

auger drills. This type of construction equipment could generate noise ranging from 70 to 90 dBA at a distance of 50 feet away.

Noise modeling for the project (refer to Appendix I) assumed worst-case conditions, in that all equipment per phase of construction would be operating simultaneously. For construction noise, the use of multiple pieces of equipment simultaneously would add together as a collective noise source. While every piece of equipment per phase would likely be scattered throughout the site, the noise-sensitive receptors surrounding the site would be subject to the collective noise source generated by all equipment operating at once. Therefore, to assess construction noise impacts at the receiving property lines of noise-sensitive receptors, the worst-case hourly average noise level for each phase was centered on the site and extrapolated to the nearest property line of the surrounding land uses.

The nearest sensitive receptors include the existing Islamic Community Center of Bozniaks of the Bay Area, which adjoins the site at the southeast corner, and multi-family residences across Northlake Drive southeast of the project site. The existing noise levels at these locations (ST-1 and LT-1) range from 54 to 64 dBA $L_{eq.}$ Based on the noise impact assessment prepared for the project (Appendix I), construction noise levels at these sensitive receptors would range from 57 to 88 dBA. Construction of the project, therefore, would increase ambient noise levels at nearby sensitive receptors temporarily by five dBA L_{eq} or more at various times throughout construction.

Impact NOI-1.1: Construction of the project would increase ambient noise levels at nearby sensitive receptors by five dBA Leq or more at various times throughout construction, and would result in construction occurring over a period of more than one year, and would include pile driving. **(Significant Impact)**

Since active noise-producing project construction is expected to last for approximately 20 months (including pile auguring), the project would be required to implement the mitigation measures outlined below to reduce the impact of construction noise levels on sensitive receptors to a less than significant level.

MM NOI-1.1: Prior to the issuance of any grading or demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior to the issuance of any grading or demolition permits. As a part of the noise logistic plan and project, construction activities for the proposed project shall include, but is not limited to, the following best management practices:

- In accordance with Policy EC-1.7 of the City's General Plan, utilize the best available noise suppression devices and techniques during construction activities.

- Construction activities shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence (San José Municipal Code Section 20.100.450).
- Construct temporary noise barriers, where feasible, to screen mobile and stationary construction equipment. The temporary noise barrier fences provide noise reduction if the noise barrier interrupts the line of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise source and noise-sensitive receptors nearest the project site during all project construction.
- A temporary noise control blanket barrier shall be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
- If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- The project applicant shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent

residential land uses so that construction activities can be scheduled to minimize noise disturbance.

- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- All auger drilling activities and hydraulic ram system activities shall be done during weekdays between 7:00 a.m. and 7:00 p.m.

With implementation of the above requirements of MM NOI-1.1, the proposed project would reduce construction noise impacts to a less than significant level by restricting the hours of construction activities and implementing best management practices available to reduce noise to sensitive receptors. **(Less than Significant Impact with Mitigation Incorporated)**

Operational Noise

Traffic Noise

As discussed further in Section 3.15 Transportation, implementation of the proposed project would result in an increase in traffic along surrounding streets. Based on these traffic changes, the project is estimated to result in a maximum noise level increase of four dBA DNL along the portion of Northlake Drive closest to Stevens Creek Boulevard, and a two dBA DNL increase along the rest of Northlake Drive. Since only commercial uses are located at the corner of Northlake Drive and Stevens Creek Boulevard, the four dBA DNL increase would not result in a significant impact. Residential land uses are located farther south along Northlake Drive, but since a noise level increase of two dBA DNL was calculated along this segment, it would be below the three dBA DNL impact threshold based on General Plan Policy EC-1.2. The project would result in a one dBA DNL increase or less on all other roadway segments in the project area. As a result, the traffic noise generated by the proposed project would have a less than significant impact. **(Less than Significant Impact)**

Mechanical Equipment – Office Building

The proposed office building would include various mechanical equipment for heating, ventilation, and cooling purposes. In addition, exhaust fans and emergency generators could produce noise levels exceeding ambient levels when located near sensitive receptors. On-site emergency generators are proposed in the utility yard along the southern boundary of the project site on the ground level.. All equipment, except the cooling towers and emergency generators, would be located within rooms of

the proposed office building and parking garage and would be adequately shielded from the surrounding receptors.

The cooling tower would be set back approximately 65 feet from the edge of the rooftop and would be approximately 280 feet from the southern boundary shared with the community center (closest sensitive receptor). The height of the rooftop, which is approximately 147 feet, would provide partial shielding and noise levels at the community center would be 47 dBA DNL. The nearest residential property line would be 400 feet from the cooling towers. The day-night average noise level at the nearest residential property line would be below 44 dBA DNL.

The proposed project would include two emergency generators located south of the parking structure. Noise generated by emergency generators would be exempt from City noise thresholds during emergencies; however, emergency generators are tested monthly to ensure proper maintenance in case of emergency. The generators proposed would typically generate noise levels up to 89 dBA at a distance of 50 feet. The generators would be approximately 10 and 30 feet from the property line shared with the adjacent community center and about 45 feet from the property line shared to the south. The utility yard, in which the generators would be located, would be surrounded by a concrete masonry unit (CMU) wall, which would provide at least 5 dBA reduction if tall enough to break the line-of-sight between the generators and the receptors. Assuming a 5 dBA reduction, testing for the emergency generators at the property line of the Islamic Community Center of Bozniaks of the Bay Area, would range from 61 dBA DNL with the inclusion of noise control to 85 dBA DNL without noise control features. This would exceed the City's 55 dBA DNL threshold at the adjoining sensitive property lines. To ensure an impact would not occur, the following standard permit condition would be required for the project.

Standard Permit Condition:

- Mechanical equipment shall be selected and designed by the project applicant to reduce impacts on surrounding uses to meet the City's 55 dBA DNL noise level requirement at the property line of 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 the rooftop away from the northern and eastern edges, where feasible. The findings and recommendations from the acoustical consultant for noise reduction measures shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee for review and approval prior to the issuance of any building permits.

With implementation of the standard permit condition above, the proposed office building would result in a less than significant mechanical noise impact. **(Less than Significant Impact)**

Mechanical Equipment – Health Club Building

The proposed health club building does not have mechanical equipment located on the rooftop or around the building; therefore, it is assumed that all mechanical equipment would be located inside and would be adequately shielded from all surrounding noise-sensitive receptors. Emergency generators would be brought to the health club as needed, and no generator would be permanently located on the site. While the proposed health club building is not expected to generate noise levels in excess of the City's General Plan thresholds, consistent with City's policies and regulations, the proposed health club building's mechanical equipment with the applied standard permitting conditions would meet the City's requirements. **(Less than Significant Impact)**

Truck Loading and Unloading

Truck deliveries are expected for the proposed project. Vendor delivery trucks typically generate maximum noise levels of 60 to 65 dBA L_{max} at a distance of 50 feet. Low speed truck noise results from a combination of engine, exhaust, and tire noise, as well as the intermittent sounds of back-up alarms and releases of compressed air associated with truck/trailer air brakes. The noise levels produced by backup alarms can vary depending on the type and directivity of the sound, but maximum noise levels are typically between 65 to 75 dBA L_{max} at a distance of 50 feet. Assuming a typical delivery would take about 15 to 20 minutes, the hourly average noise level from a delivery would be 68 dBA L_{eq} at a distance of 50 feet. Worst-case conditions would include up to two deliveries per day, which would result in day-night average noise levels up to 57 dBA DNL at 50 feet.

The loading zone for the proposed office building is located in the northeastern corner of the building. Trucks would enter the loading zone via Northlake Drive. The nearest sensitive receptor is the community center located 255 feet south of the loading zone on Northlake Drive. At this distance noise levels from truck deliveries would be 43 dBA DNL, which is below the City's 55 dBA DNL threshold.

The fitness use shows a loading zone area in the southeastern corner of the building. This loading zone would be accessed from the driveway along Saratoga Avenue. Loading zone activities would be shielded from existing residential land uses,. The adjacent Islamic Community Center of Bozniaks of the Bay Area would be exposed to delivery noise; however, the utility yard would provide partial shielding. At the community center, which would be approximately 125 feet from the loading zone, noise levels would be 49 dBA DNL. Assuming that deliveries would occur between 7:00 a.m. and 10:00 p.m., deliveries at the proposed fitness center would not exceed the City's 55 dBA DNL threshold at sensitive uses. **(Less than Significant Impact)**

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

The nearest sensitive receptor is the community center located adjacent to the southeast corner of the project site. There are no historic buildings within 200 feet of the project site; therefore, vibration levels exceeding 0.2 in/sec PPV would be considered a significant impact. Table 3.13-4 below summarized the vibration levels at the nearest building facades around the project site.

Table 3.13-4: Vibration Source Levels for Construction Equipment						
Equipment Type		**Maximum PPV (inches/second)**				
		Community Center (5 feet)	**East Commercial (60 feet)**	**Northlake Drive Residential (135 feet)**	**West Commercial (100 feet)**	**North Commercial (125 feet)**
Clam shovel drop		**1.186**	0.077	0.032	0.044	0.034
Hydromill (slurry wall)	In soil	0.003	0.001	0.002	0.001	0.001
	In rock	0.006	0.003	0.004	0.003	0.003
Vibratory roller		**1.233**	0.080	0.033	0.046	0.036
Hoe ram		**0.523**	0.034	0.014	0.019	0.015
Large bulldozer		**0.523**	0.034	0.014	0.019	0.015
Caisson drilling		**0.523**	0.034	0.014	0.019	0.015
Loaded trucks		**0.446**	0.029	0.012	0.017	0.013
Jackhammer		**0.206**	0.013	0.005	0.008	0.006
Small bulldozer		0.018	0.001	0.0005	0.001	0.001
Source: Transit Noise and Vibration Impact Assessment Manual, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, September 2018, as modified by Illingworth & Rodkin, Inc., December 2019.						

As shown in Table 3.13-4, construction of the proposed project would produce vibration levels exceeding 0.2 in/sec PPV at the community center, resulting in a significant impact.

Impact NOI-2: Construction of the proposed project would produce vibration levels exceeding 0.2 in/sec PPV at the adjacent community center. **(Significant Impact)**

Mitigation Measure:

MM NOI-2.1: Construction Vibration Monitoring, Treatment, and Reporting Plan: The project applicant shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall include, but not be limited to, the following measures:

- The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.

- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted to the Director or Director's designee of the City of San Jose Department of Planning, Building, and Code Enforcement by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. Phase demolition, earth-moving, and ground impacting operations so as not to occur during the same time period.
- Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of any adjacent building.
- Document existing conditions at the community center (345 Northlake Drive, San Jose, CA 95129) prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. Specifically:
    - Performance of a photo survey, elevation survey, and crack monitoring survey for the building. Surveys shall be performed prior to any construction activity, in regular intervals during construction, and after project completion, and shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures.
    - Vibration limits shall be applied to vibration-sensitive structures located within 30 feet of all construction activities identified as sources of high vibration levels.
- Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approached the limits.
- At a minimum, vibration monitoring shall be conducted during demolition and excavation activities.
- If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures.

- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

With implementation of MM NOI-2.1, vibration levels from construction of the proposed project would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

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. The project would not expose people residing or working in the project area to excessive noise levels?

The San José International Airport is located approximately 3.6 miles northeast of the project site and the site is located outside the airport's 65 CNEL noise contour and airport influence area. For these reasons, the project would not expose people to excessive airport noise. **(Less than Significant Impact)**

3.13.4 Cumulative Impacts

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

Construction

While cumulative projects could be constructed at the same time as the proposed project and result in a temporary construction noise increase, all projects in the City would be required to implement the standard permit conditions for noise, as well as similar measures as those identified under Impact NOI-1 and Impact NOI-2 (should a noise or vibration impact occur). Nevertheless, if the proposed project's construction schedule were to overlap one or more of the cumulative projects' construction schedules for a consecutive 12 months or more and if the same sensitive receptors were impacted, the project would have a cumulatively considerable contribution to a cumulative construction noise impact.

This would not occur, however, as the nearest cumulative project for which construction timeframes would overlap is located at 4040 Stevens Creek Boulevard, 600 feet west of the project site. This project would have a different nearest sensitive receptor at 30 Buckingham Drive (Buckingham Place Apartments) and, therefore, a significant noise and vibration impact would not occur. **(Less than Significant Cumulative Impact)**

Operation

Once operational, project noise would be minimal with implementation of MM NOI-1.1 and City standard permit conditions. Thus, the proposed project, in combination with cumulative projects, would not result in a significant temporary or permanent cumulative noise impact. **(Less than Significant Cumulative Impact)**

3.13.5 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 (EC-1.1) that address existing noise conditions.

Exterior Noise

The exterior noise threshold established in the City's General Plan for new commercial uses is 70 dBA DNL at common outdoor activity areas. The outdoor use areas proposed at the project site include a common use plaza in the northwestern corner of the site; balconies on the sixth, eighth, and 10th floors of the office building; two 12th-floor terraces at the office building; two 12th-floor terraces at the office building; and an outdoor play area on the second floor of the fitness center, and a rooftop lounge and pool area at the fitness center.

The common use plaza would be set back approximately 85 to 230 feet from the centerline of Stevens Creek Boulevard and approximately 60 to 190 feet from the centerline of Saratoga Avenue. The proposed buildings would provide partial shielding for this outdoor space; however, there would be direct line-of-sight to both roadways. At the northern and eastern edges of the plaza area, future exterior noise levels would be up to 72 and 71 dBA DNL, respectively; however, at the center of the plaza, future exterior noise levels would be 69 dBA DNL. Since most of the outdoor use is expected to occur towards the center, away from the roadways, this would meet the City's 70 dBA DNL threshold for commercial uses.

The sixth-, eighth-, and 10th-floor balconies would be located along the northern façade of proposed office building, facing Stevens Creek Boulevard, and in the southwestern corner of the proposed office building, overlooking the plaza. The future exterior noise levels at each of the northern balconies would be up to 63 dBA DNL. The balconies located in the southwestern corner would have noise levels up to 65 dBA DNL at their edges. The future noise environment at these balconies would meet the City's exterior noise level threshold.

The 12th-floor includes two terraces where noise levels would range from below 60 to 63 dBA DNL. The outdoor play area on the second floor of the fitness building would be located in the southwest corner, along Saratoga Avenue. The northern portion of the fitness center and the elevation above the ground would provide partial shielding. Assuming partial shielding, the future exterior noise levels would be 62 dBA DNL at the center of the outdoor play area, with noise levels up to 70 dBA DNL at the edge. This would meet the City's threshold for commercial outdoor use areas.

The rooftop pool and lounge area of the health club building would take up the majority of the roof area. While the proposed office building would provide partial shielding from Stevens Creek Boulevard, the rooftop pool and lounge area would have some direct exposure to traffic noise along this roadway. The rooftop area on this building would be elevated approximately 63 feet above the ground, which would also provide some shielding, especially for the areas set back from the edge of the building. The future exterior noise levels at the rooftop pool and lounge area would range from below 60 dBA DNL at receptors away from the building's edges to 62 dBA DNL along the edges. This exterior noise level would be consistent with the City's noise and land use compatibility standards for commercial land uses.

The future exterior noise levels at each of the proposed outdoor use areas described above would be at or below the City's 70 dBA DNL threshold. Therefore, no additional noise control measures are required.

3.13.5.1 *Interior Noise*

The California Green Building Standards Code (CalGreen) requires that interior noise levels be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation within the proposed non-residential buildings.

The setback of the northern façade of the proposed office building from the centerline of Stevens Creek Boulevard would be approximately 80 feet. At this distance, future hourly average noise levels during daytime hours would range from 67 to 76 dBA $L_{eq(1\text{-}hr)}$. The western façade of the proposed health club building would be set back approximately 60 feet from the centerline of Saratoga Avenue. At this distance, future hourly average noise levels during daytime hours would range from 65 to 69 dBA $L_{eq(1\text{-}hr)}$. Standard construction materials for commercial uses would provide about 25 dBA of noise reduction in interior spaces. The inclusion of adequate forced-air mechanical ventilation systems is normally required so windows may be kept closed at the occupant's discretion and would provide an additional five dBA reduction. The standard construction materials in combination with forced-air mechanical ventilation would satisfy the daytime threshold of 50 dBA $L_{eq(1\text{-}hr)}$.

3.14 POPULATION AND HOUSING

3.14.1 Environmental Setting

3.14.1.1 *Regulatory Framework*

State

In order to attain the state housing goal, cities must make sufficient suitable land available for residential development, as documented in an inventory, to accommodate their share of regional housing needs. 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 RHNA; 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 and update it on a regular basis.[54] The City of San José Housing Element and related land use policies were last updated in January 2015.[55]

3.14.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 1,043,058 in May 2019 with an average of 3.20 persons per household.[56] Full build out of the General Plan FEIR is expected to result in a City population of over 1.3 million people by 2035. There are no housing units on the project site and it is in an already developed area with infrastructure and roads.

3.14.2 Checklist Questions

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?

3.14.3 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)?

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3)

[54] "Regional Housing Needs Allocation and Housing Elements" Accessed November 16, 2019. http://hcd.ca.gov/community-development/housing-element/index.shtml.
[55] City of San José. *City of San José 2014-2023 Housing Element*. January 27, 2015.
[56] State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018." Accessed November 22, 2019. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

The project would develop land already planned for job growth in the General Plan and Stevens Creek Urban Village Plan. In addition, the project site is in an already developed area and no extension of infrastructure or roads would be required as part of the project. Furthermore, the project is a proposed commercial land use without any residential units. Thus, the project would not induce substantial unplanned population growth. **(Less than Significant Impact)**

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

There are no housing units currently on the project site, nor has the project site been used for housing in the past; therefore, the proposed project would not displace substantial numbers of existing people or housing. **(No Impact)**

3.14.4 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant population and housing impact?

As previously mentioned, the project is currently only proposing commercial uses and no residential units. Therefore, the project would increase in number of employees, but would not increase population growth beyond what is assumed in the General Plan. The project would not induce substantial population growth in an area not planned for development and would not displace substantial numbers of existing housing or people. As a result, it would not contribute considerably to a cumulative population and housing impact. **(Less than Significant Cumulative Impact)**

3.15 PUBLIC SERVICES AND RECREATION

3.15.1 Environmental Setting

3.15.1.1 *Regulatory Framework*

Local

Envision San José 2040 General Plan

The following General Plan policy relates to public services and would be applicable to the project.

Policy	Description
ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly visible and accessible spaces.
ES-3.11	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.
PR-1.6	Where appropriate and feasible, develop parks and recreational facilities that are flexible and can adapt to the changing needs of their surrounding community.
PR-1.7	Design vibrant urban public spaces and parklands that function as community gathering and local focal points, providing opportunities for activities such as community events, festivals, and/or farmers markets as well as opportunities for passive and, where possible, active recreation.
PR-1.9	As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as a part of new development projects; privately or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

3.15.1.2 *Existing Conditions*

Police Department

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 3.9 miles northeast of the project site. For police protection services, the Envision San José 2040 General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

Fire Department

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The fire department currently consists of 33 active stations serving an area of 205 square miles and over one million residents. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. The nearest fire station to the project site

is Station No. 14, located at 1201 San Tomas Aquino Road, approximately 1.3 miles south of the site. The General Plan identifies a service goal of a total response time of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

Schools

The project site is located within the Campbell Union School District and the Campbell Union High School District. Students in the project area attend Lynhaven Elementary School (K-6th grade), Monroe Middle School (7th and 8th grade), and Del Mar High School. The closest school to the project site is The Harker School—a private school—located at 500 Saratoga Avenue, approximately 0.4 mile southwest.

Parks

The City of San José currently operates The City of San José currently operates 197 neighborhood parks,50 community centers, nine regional parks, and 61 miles of trails. The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The closest park to the proposed project site is Starbird Park, which is located approximately 0.83 miles south on the south side of Highway 280. Nearby community centers include the Cypress Community and Senior Center (located 0.5 mile east) and the Starbird Youth Center (located adjacent to the park).

Libraries

The Dr. Martin Luther King Jr. Library opened in downtown in 2003. There are 22 additional branch libraries located throughout San José. The nearest branch library to the project site is the West Valley Library located at 1243 San Tomas Aquino Road, approximately 1.3 miles south of the site.

3.15.2 Checklist Questions

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 any of the public services:

   i. Fire protection?
   ii. Police protection?
   iii. Schools?
   iv. Parks?
   v. Other public facilities?

b) Would the project increase in 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?

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

3.15.3 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 General Plan FEIR concluded that, with the build out of the City specified within the General Plan, additional fire staff and equipment may be required to adequately serve a larger population but no new fire stations would be required other than those already planned.

The project proposes to redevelop the project site with commercial and office uses, consistent with the General Plan. Implementation of the proposed project would intensify the use of the site and generate additional office workers and employees in the area, which would incrementally increase the demand for fire protection services compared to existing conditions. The project site is currently served by the SJFD and the amount of proposed development represents a small fraction of the total growth identified in the General Plan. The project, by itself, would not preclude the SJFD from meetings their service goals and would not require the construction of new or expanded fire facilities. In addition, the proposed project would be constructed in accordance with current building codes. For these reasons, the proposed project would not have a significant impact. **(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 General Plan FEIR concluded that the build out of the General Plan could require new police facilities, which would require supplemental environmental review but are not anticipated to result in significant, adverse environmental impacts. The proposed project would redevelop the project site with commercial and office uses, consistent with the General Plan. As discussed under Question a), the proposed project would represent a small fraction of the total growth identified in the General Plan and, by itself, would not require the construction of new or expanded police facilities or preclude the SJPD from meeting their service goals. Thus, the proposed project would not have a significant impact. **(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 proposed project does not include any residential units and would not generate any new students. Thus, the proposed project would not impact school facilities. **(No 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 would not generate substantial population growth in the project area or result in the use of public facilities in the City by new residents. Some employees at the project site may visit local parks; however, it is not anticipated that this use would create the need for any new facilities or adversely impact the physical condition of existing facilities. Further, employees would use the public plaza proposed as part of the project. **(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 would not generate substantial population growth in the project area or result in the use of public facilities in the City by new residents. The project proposes an office facility and fitness club and would not generate significant library users; therefore, the proposed project would not result in a significant impact. **(Less than Significant Impact)**

f) Would the project increase in 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?

See response to Question d). **(Less than Significant Impact)**

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

See response to Question d). **(Less than Significant Impact)**

3.15.4 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant public services and recreation impact?

The cumulative projects in San José may require provision of public services, including, increased fire and police services, schools, and recreational facilities. All cumulative projects would implement conditions of approval or mitigation measures that would reduce impacts to public services. These projects would also be subject to state, county, and City codes regulating public services (such as payment of school and park fees). The proposed project does not include any residential development and would not contribute considerably to cumulative impacts as a result of new physical public service facilities because none are needed for the proposed project. **(Less than Significant Cumulative Impact)**

3.16 TRANSPORTATION

The following discussion is based upon a Transportation Analysis and Transportation Demand Management Plan prepared by Hexagon Transportation Consultants, Inc. on July 15, 2020. A copy of these reports are included in Appendix J and Appendix K of this document, respectively.

3.16.1 Environmental Setting

3.16.1.1 *Regulatory Framework*

State

Regional Transportation Planning

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region's Sustainable Communities Strategy and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

Senate Bill 743

SB 743, which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directs the Governor's Office of Planning and Research (OPR) to update the CEQA Guidelines to replace automobile delay—as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. OPR has approved the CEQA Guidelines implementing SB 743. SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize.

Congestion Management Program

The 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, 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

Envision San José 2040 General Plan

The policies that follow are specific to transportation and are applicable to the proposed project.

Policy	Description
CD-2.3	Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate. 1. 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. 2. 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. 3. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies. 4. Locate retail and other active uses at the street level. 5. Create easily identifiable and accessible building entrances located on street frontages or paseos. 6. Accommodate the physical needs of elderly populations and persons with disabilities. 7. Integrate existing or proposed transit stops into project designs.
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.
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and VMT.
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
TR-1.4	Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Policy	Description
TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
TR-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 Urban Villages and other Growth Areas.
TR-8.7	Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.
TR-8.8	Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.
TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

City Council Policy 5-1

As established in City Council Policy 5-1 "Transportation Analysis Policy," the City of San José uses VMT as the metric to assess transportation impacts from new development. If a project's VMT does not meet the established VMT 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 LOS, site access and circulation, 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 a have a less than significant VMT impact.

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 Policy 5-3. Under Policy 5-1, the screening criteria are:

- Small Infill Projects,
- Local-Serving Retail,
- Local-Serving Public Facilities,
- Transit Supportive Projects in Planned Growth Areas with Low VMT and High-Quality
- Transit,
- Restricted Affordable, Transit Supportive Residential Projects in Planned Growth Areas with
- High Quality Transit;
- Transportation Projects that reduce or do not increase VMT.

San José Bike Plan 2020

The San José Bike Plan 2020 establishes goals, policies, and actions to facilitate bicycling as a daily part of life in San José. The plan includes and describes designated bike lanes along many City streets, as well as designated bike corridors. In order to further the goals of the City, pedestrian and bicycle facilities are encouraged with new development projects.

Better Bikeways SJ

The City of San José is redesigning several streets to make it safer, more convenient, and more comfortable to bike. The City is focusing on providing calm, comfortable, and connected bicycling routes with design changes like protected bike lanes on wide streets, protected intersections at busy crossings, and traffic diverters on small streets.

3.16.1.2 *Existing Conditions*

VMT of Existing Land Uses in the Project Area

Based on the City of San José's VMT Evaluation Tool, the existing VMT for employment uses in the project vicinity is 12.95 daily miles per employee. The current regional average VMT for employment uses is 14.37 per employee. Thus, the VMT levels of existing employment uses in the project vicinity are below the regional average VMT levels.

Existing Roadway Network

I-280 is an eight-lane freeway (three mixed-flow lanes and one high-occupancy vehicle (HOV) lane in each direction) in the vicinity of the site. I-280 extends northward through San Francisco and southward to US 101 in San Jose. East of US 101, it makes a transition into I-680 to Oakland. Access to and from the site is provided via a full interchange at Saratoga Avenue.

Saratoga Avenue is a north-south designated Grand Boulevard extending from Fallon Avenue in the north to the City of Saratoga in the south. In the vicinity of the project, Saratoga Avenue has four lanes north of Stevens Creek Boulevard and six lanes south of Stevens Creek Boulevard. It has a raised, landscaped median with left-turn pockets provided at intersections. Saratoga Avenue has

sidewalks on both sides of the street. Saratoga Avenue has bike lanes between Stevens Creek Boulevard and Williams Road. Saratoga Avenue provides direct access to the project site.

Northlake Drive is a two-lane local street that runs in the north-south direction between Stevens Creek Boulevard in the north to Akron Way in the south. Northlake Drive has sidewalks on both sides of the street. Northlake Drive provides direct access to the project site.

Stevens Creek Boulevard is a six-lane arterial that runs in an east-west direction in the vicinity of the site. It is designated as a Grand Boulevard. There are left-turn pockets provided at intersections and a center turn lane provided between intersections in the study area. Stevens Creek Boulevard extends westward to Cupertino and eastward to Bascom Avenue, where it transitions into San Carlos Street. Stevens Creek Boulevard provides access to the project site via its intersections with Saratoga Avenue and Northlake Drive.

Kiely Boulevard is a north-south arterial that extends from Saratoga Avenue in the south to El Camino Real, where it transitions into Bowers Avenue in the north. Near the project site, Kiely Boulevard has four lanes with left-turn pockets provided at intersections and a center turn lane provided between intersections west of Saratoga Avenue. Kiely Boulevard has two lanes with a center turn lane provided between Saratoga Avenue and Northlake Drive. Kiely Boulevard provides access to the project site via its intersections with Saratoga Avenue and Northlake Drive.

Pedestrian Facilities

A complete network of sidewalks is present along the streets in the vicinity of the project site, including Saratoga Avenue, Stevens Creek Boulevard, Northlake Drive, and Kiely Boulevard. The signalized intersections in the vicinity of the project site all have crosswalks. The existing network of sidewalks and crosswalks has connectivity and provides pedestrians with safe routes to the project site and transit stops.

Bicycle Facilities

Class II striped bike lanes are present on Saratoga Avenue south of Stevens Creek Boulevard.[57] There are no other designated bike lanes or bike routes on streets in the immediate vicinity of the project site. Northlake Drive and Kiely Boulevard east of Saratoga Avenue are local streets that carry low traffic volumes and are conducive to bicyclists. Stevens Creek Boulevard, Kiely Boulevard, and Saratoga Avenue are arterial streets with high traffic volumes and vehicle speed. Bicycles are also permitted on San Tomas Expressway; however, due to high speeds and traffic volumes, it is recommended for use only by bicyclists with advanced skills.

Transit Facilities

Existing transit service to the study area is provided by the VTA. Routes that serve the project area are shown below in Table 3.16-1. The bus stop closest to the project site is located on Stevens Creek Boulevard along the project frontage.

[57] Class I bikeways are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel. Class II bikeways are striped bike lanes marked by signage and/or sharrows. Class III bikeways are bike routes and only have signs and/or sharrows.

Table 3.16-1: Existing Bus Service Near the Project			
Bus Route	**Route Description**	**Closest Stop and Distance to Project**	**Peak Hour Headway**
Frequent Bus 23	DeAnza College – Alum Transit Rock Center	On Stevens Creek Boulevard (Project Frontage), 125 feet	10-15 min
Bus 57	West Valley College – Great America	On Kiely Boulevard at Saratoga Avenue, 1,100 feet	30 min
Rapid Bus 523	Berryessa BART – Lockheed Martin	On Stevens Creek Boulevard at San Tomas Expressway, 1,500 feet, and Stevens Creek at Kiely Boulevard, 1,500 feet	15 min

Transportation Analysis Methodology

To determine whether a project would result in CEQA transportation impacts related to VMT, the City has developed the San Jose VMT Evaluation Tool to streamline the analysis for residential, office, and industrial projects with local traffic. For larger projects with regional traffic, the City of San Jose's Travel Demand Model (model) may be required for the CEQA transportation analysis. The VMT evaluation tool evaluates a list of selected VMT reduction measures that can be applied to a project to reduce the project VMT. There are four strategy tiers whose effects on VMT can be calculated with the VMT evaluation tool:

- Project characteristics (e.g. density, diversity of uses, design, and affordability of housing) that encourage walking, biking and transit uses.
- Multimodal network improvements that increase accessibility for transit users, bicyclists, and pedestrians,
- Parking measures that discourage personal motorized vehicle-trips, and
- Transportation demand management (TDM) measures that provide incentives and services to encourage alternatives to personal motorized vehicle-trips.

Based on the San Jose VMT Evaluation Tool and the project site's assessor parcel numbers, the existing area VMT for employment uses in the project vicinity is 12.95 daily miles per employee. The regional average VMT for general employment uses is 14.37 per employee. The City of San José Transportation Analysis Handbook identifies screening criteria to determine whether a CEQA transportation analysis would be required for development projects, including the proposed project. The criteria is based upon the type, characteristics, and/or location of the project. If a project meets the City's screening criteria, the project would have a less than significant VMT impact and a detailed CEQA VMT analysis would not be required.

The project would build 308,000 square feet of office space, which exceeds the screening criteria of 10,000 square feet for office developments. Therefore, a CEQA transportation analysis is required to evaluate the project's VMT against the threshold of significance. For office developments, the threshold of significance is the existing regional average VMT minus 15 percent, which calculates to 12.21 daily VMT per employee.

The project would also include a 151,258 square-foot fitness center, approximately 5,000 square feet of restaurant space, and 10,000 square feet of retail space. Since the City has not established thresholds of significance for fitness centers and restaurants, the project cannot be evaluated directly using the City's VMT evaluation tool. Accordingly, the VMT analysis for these proposed uses was conducted by converting vehicle trips generated by the fitness center and restaurant space to an equivalent retail square footage, for which the City has established a screening criterion and threshold of significance. Conversion of the proposed fitness center and restaurant space would generate daily trips equivalent to 172,821 square feet of retail space. With the proposed retail space, the total daily trips generated by the fitness center, restaurant space, and retail space are equivalent to 182,821 square feet of retail space, which is greater than the screening criteria for local-serving retail developments (100,000 square feet or less). Therefore, a CEQA transportation analysis is required to evaluate the project's VMT against the threshold of significance. For retail developments, the threshold of significance is any net increase in existing regional total VMT. A retail project that would result in any increase in regional VMT is considered an impact.

3.16.2 Checklist Questions

Would the project:

a) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian paths?
b) For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)(1)?
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?

3.16.3 Project Impacts

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

Pedestrian Facilities

The project would improve the southeast corner of the Saratoga Avenue and Stevens Creek Boulevard intersection by removing the pork chop island, moving the curb, and tightening the turn radius at the southeast corner. These improvements would improve pedestrian safety. The project would also reconstruct the existing sidewalks on Saratoga Avenue and Stevens Creek Boulevard along the entire project frontage with new 20-foot sidewalks, consistent with the General Plan designates Stevens Creek Boulevard and Saratoga Avenue as Grand Boulevards and Policy CS-4.2 of the Stevens Creek Urban Village Plan. Thus, the proposed project would not conflict with a plan, ordinance, or policy addressing pedestrian facilities. **(Less than Significant Impact)**

Bicycle Facilities

As discussed above, Class II striped bike lanes are present on Saratoga Avenue south of Stevens Creek Boulevard. There are no other designated bike lanes or bike routes on streets in the immediate vicinity of the project site. Project construction and operation would not impede existing bicycle access or facilities in the project area.

Long-term bicycle parking spaces (65 spaces) would be provided within the ground level of the garage along the northern edge. Short-term bicycle racks (65 spaces) and bike repair stations would be provided in the various locations along Stevens Creek Boulevard and Saratoga Avenue and within the site itself. The short-term bicycle racks would be located in highly visible locations and would be easily accessible between the project buildings and streets. The project would not substantially conflict with plans or policies supporting bicycles or bicycle facilities. **(Less than Significant Impact)**

Transit Facilities

As shown in Table 3.16-1 the project site is served by Routes 23 and 523 on Stevens Creek Boulevard and Route 57 San Tomas Expressway. Due to the close location of the bus stops, it is assumed that some employees of the project would utilize the existing transit services. The project will improve an existing bus stop on Stevens Creek Boulevard and would not conflict with plans or policies related to transit facilities. **(Less than Significant Impact)**

Congestion Management Program – Freeways

Since the project would add more than 100 net new peak-hour vehicle trips to the roadway network, a CMP freeway analysis was completed. The following freeway segments were evaluated for LOS:

- I-280, between Lawrence Expressway and Saratoga Avenue,
- I-280, between Saratoga Avenue and Stevens Creek Boulevard, and
- I-280, between Stevens Creek Boulevard and I-880,

The CMP defines an acceptable level of service for freeway segments as LOS E or better. The project would not cause substantial increases in traffic volumes (one percent or more of freeway capacity) on any of the study freeway segments currently operating at an unacceptable LOS F, as described in Appendix J. Therefore, there is no policy conflict and the impact would be less than significant. **(Less than Significant Impact)**

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)(1)?

Office Uses

As discussed previously, the current VMT of the project area for employment uses is 12.95 daily miles per worker and the regional average is 14.37 daily miles per worker. The City's VMT evaluation tool was used to evaluate the proposed project's office VMT and was estimated to be

12.81 daily miles per worker. This would be lower than the project area VMT of 12.95; however, it would still exceed the City's Transportation Analysis Handbook threshold of 12.21 daily miles per worker. This would result in a significant transportation impact with regard to VMT.

Impact TRA-1: The office use proposed as part of the project would exceed the City's Transportation Analysis Handbook VMT threshold of 12.21 daily miles per worker. **(Significant Impact)**

To reduce VMT impacts to a less than significant level, the following measures shall be implemented by the project.

MM TRA-1.1: The project shall construct the following off-site improvements:

- Remove the pork chop island at the northwest corner of the Saratoga Avenue/Stevens Creek Boulevard intersection. This improvement is in addition to the removal of the pork chop island at the southeast corner along the project frontage that would be implemented as part of the project.
- Remove the pork chop islands at the southwest and northeast corners of the Saratoga Avenue/Kiely Boulevard intersection.
- Implement VTA bus stop improvements for the bus stop on westbound Stevens Creek Boulevard west of Saratoga Avenue and move the bus stop eastward closer to the intersection. This improvement is in addition to the bus stop improvements the project would implement for the bus stop on eastbound Stevens Creek Boulevard east of Saratoga Avenue as part of the project.

Removal of the pork chop islands would 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 safer refuge for pedestrians waiting to use the crosswalks, and providing an ADA standard curb ramps. Using the City's VMT evaluation tool, with implementation of MM TRA-1.1, the project would reduce the office VMT to 12.21 which is equal to but does not exceed the City's 12.21 VMT threshold. Thus, the project would have a less than significant VMT impact. **(Less than Significant Impact with Mitigation Incorporated)**

Commercial Uses

The proposed project's commercial (i.e., fitness club, restaurant, retail uses) VMT was estimated using the City's Travel Demand Model (model). The model results showed that the proposed fitness center, retail, and restaurant uses would cause a net decrease of 2,398 VMT per day due to the variety and type is uses proposed, which shortens trip lengths. The work trips would result in 1,116 fewer daily VMT, and the social/recreational trips would result in 1,282 fewer daily VMT. Because these uses would result in a net decrease in VMT, the proposed fitness center, retail, and restaurant would not result in a significant VMT impact based on the threshold of significance for retail uses. **(Less than Significant Impact)**

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

Vehicular access to the project site would be provided via one full-access driveway along Northlake Drive and one limited-access driveway along Saratoga Avenue. The driveway on Saratoga Avenue would align with the existing mid-block southbound left-turn pocket, so vehicles would be able to make left turns into the driveway. Due to the raised center median on Saratoga Avenue, left turns from the project driveway are not possible. According to the City's Geometric Design Guidelines (Addendum Drawing No. R-8), the typical width for a two-way driveway that serves a commercial development is 16 to 32 feet wide. This provides adequate width for vehicular ingress and egress and provides a reasonably short crossing distance for pedestrians. The project driveways would be 26 feet wide, which meets City guidelines. Thus, the project would not substantially increase hazards due to a geometric design feature. **(Less than Significant Impact)**

d) Would the project result in inadequate emergency access?

Emergency access would be maintained for the period of construction of the project. The project would be required to comply with relevant building and fire codes that would ensure free and clear access ways are maintained for emergency situations during operation of the project. The project would be required to be constructed consistent with SJFD requirements for vehicle access and turning radii. Thus, the project would not result in inadequate emergency access and the impact is less than significant. **(Less than Significant Impact)**

3.16.4 Cumulative Impacts

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

The proposed uses are consistent with the General Plan land use designation for the site and do not require an amendment to the General Plan. For these reasons and consistent with City Council Policy 5-3, the project would not have a cumulatively considerable contribution to a significant cumulative VMT impact. The project would not result in significant multi-modal transportation impacts, would not create dangerous conditions, and would not impede emergency access. No other cumulative projects in the area would contribute to the same less than significant transportation network impacts as the proposed project given that these less than significant impacts are localized to the immediate project area and will generally improve multi-modal travel. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

3.16.5 Non-CEQA Effects

The following summarizes the projects effects on the local transportation system based on the City of San José and City of Santa Clara level of service (LOS) policies. Based on SB 743, an inconsistency with an established LOS policy would not be an impact on the environment under CEQA.

Local Transportation Analysis

As stated previously, San José City Council Policy 5-1 establishes the thresholds for transportation impacts under CEQA based on VMT instead of LOS. Therefore, the following discussion from the Local Transportation Analysis (LTA), in Appendix J, is provided for informational purposes only. The LTA was completed for the project to identifying potential adverse operational effects that may result. 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 a signalized intersection that is located within 0.50 mile of the project site and is currently operating at LOS D or worse.

Trip Generation

The proposed project would generate 7,682 net new daily automobile trips, with 583 trips (397 inbound and 186 outbound) occurring during the AM peak hour and 769 new trips (329 inbound and 440 outbound) occurring during the PM peak hour.

Intersections

Traffic conditions at the study intersections were evaluated using LOS under background plus project and cumulative plus project conditions in the AM and PM Peak Hours.[58] LOS is a qualitative description of operating conditions ranging from LOS A, or free-flowing conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The correlation between average delay and LOS is shown in Table 3.16-2.

Table 3.16-2: Intersection Level of Service Definitions Based on Delay

LOS	Description	Average Delay per Vehicle (in seconds)
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	10.0 or less
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 12.0 12.1 to 18.0 18.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 23.0 23.1 to 32.0 32.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 39.0 39.1 to 51.0 51.1 to 55.0

[58] Background conditions are the existing traffic conditions plus traffic from approved but not yet constructed or occupied developments. Cumulative conditions are the background conditions plus proposed (at the time of NOP for the project) but not yet approved projects within the cities of San José and Santa Clara.

Table 3.16-2: Intersection Level of Service Definitions Based on Delay		
LOS	**Description**	**Average Delay per Vehicle (in seconds)**
E	Operations with high delay indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.1 to 60.0 60.1 to 75.0 75.1 to 80.0
F	Operation with delays unacceptable to most drivers occurring due to over saturation, poor progression, or very long cycle lengths.	Greater than 80.0

City of San José – Local Signalized Intersections

Based on City of San José LOS policies, a project would affect a signalized intersection if the additional project traffic causes one of the following:

- Cause the level of service at any local intersection to degrade from LOS D or better under background conditions to an unacceptable LOS E or F under existing plus project or background plus project conditions; or
- At any local intersection that is already an unacceptable LOS E or F under existing or background conditions, cause the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more; or
- At any designated protected intersection that is already an unacceptable LOS E or F under existing or background conditions, cause the critical-movement delay at the intersection to increase by two or more seconds and the V/C to increase by .005 or more.

City of Santa Clara – Local Signalized Intersections

- Cause the level of service at any local intersection to degrade from LOS D or better under background conditions to an unacceptable LOS E or F under existing plus project or background plus project conditions; or
- At any local intersection that is already an unacceptable LOS E or F under existing or background conditions, cause the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more.

As shown in Table 3.16-3, under background, cumulative, and cumulative plus project conditions, the Winchester Boulevard/Stevens Creek Boulevard intersection would operate at an unacceptable LOS F during the PM peak hour and the San Tomas Expressway/Stevens Creek Boulevard intersection would operate at an unacceptable LOS F during the AM peak hour.

Table 3.16-3: Peak Hour Intersection LOS Summary															
Intersection	**Peak Hour**	**Existing**		**Background**		**Background Plus Project**				**Cumulative**		**Cumulative Plus Project**			
		Avg. Delay (sec)	**LOS**	**Avg. Delay (sec)**	**LOS**	**Avg. Delay (sec)**	**LOS**	**Incr. In Crit. Del.**	**Incr. In Crit. V/C**	**Avg. Delay (sec)**	**LOS**	**Avg. Delay (sec)**	**LOS**	**Incr. In Crit. Del.**	**Incr. In Crit. V/C**
1. Kiely Boulevard/Stevens Creek Boulevard*	AM	37.5	D+	37.3	D+	37.1	D+	0.0	0.006	37.3	D+	37.0	D+	0.0	0.006
	PM	38.4	D+	39.2	D	39.1	D	0.1	0.013	38.7	D+	38.6	D+	0.0	0.010
2. Saratoga Avenue/Stevens Creek Boulevard*	AM	33.1	C-	34.4	C-	36.1	D+	1.3	0.022	34.9	C-	36.5	D+	1.3	0.022
	PM	38.3	D+	40.0	D	43.8	D	6.4	0.111	40.6	D	44.7	D	6.9	0.111
3. San Tomas Expressway/Stevens Creek Boulevard*	AM	61.1	E	**85.2**	F	**89.2**	**F**	**5.5**	**0.011**	**97.1**	**F**	**101.1**	**F**	**5.6**	**0.011**
	PM	57.3	E+	64.3	E	67.0	E	6.1	0.048	64.8	E	68.6	E	9.7	0.050
4. Cypress Avenue/Stevens Creek Boulevard	AM	17.9	B	17.3	B	16.9	B	-0.4	0.010	16.9	B	16.5	B	-0.3	0.010
	PM	15.6	B	15.0	B	14.6	B	-0.4	0.012	14.8	B	14.4	B	-0.4	0.012
5. Winchester Boulevard/Stevens Creek Boulevard*	AM	33.2	C-	36.4	D+	36.5	D+	0.4	0.005	36.7	D+	36.8	D+	0.0	0.004
	PM	46.7	D	**87.4**	**F**	**89.6**	**F**	**4.3**	**0.011**	**94.3**	**F**	**96.6**	**F**	**4.4**	**0.011**
6. Saratoga Avenue/Williams Road	AM	37.3	D+	37.3	D+	37.2	D+	-0.2	0.008	37.3	D+	37.2	D+	-0.2	0.008
	PM	38.2	D+	38.2	D+	38.0	D+	-0.2	0.009	38.2	D+	38.0	D+	-0.2	0.009
7. Saratoga Avenue/Moorpark Avenue*	AM	45.4	D	46.5	D	46.8	D	0.6	0.017	46.5	D	46.8	D	0.6	0.017
	PM	43.6	D	44.2	D	44.1	D	0.0	0.016	44.2	D	44.1	D	0.0	0.016
8. Saratoga Avenue/I-280 Southbound Ramp*	AM	39.7	D	44.8	D	48.9	D	8.1	0.027	47.5.	D	51.9	D	7.9	0.027
	PM	31.1	C	33.0	C-	35.2	D+	3.7	0.036	33.9	C-	36.2	D+	4.0	0.036

Table 3.16-3: Peak Hour Intersection LOS Summary															
Intersection	**Peak Hour**	**Existing**		**Background**		**Background Plus Project**				**Cumulative**		**Cumulative Plus Project**			
		Avg. Delay (sec)	**LOS**	**Avg. Delay (sec)**	**LOS**	**Avg. Delay (sec)**	**LOS**	**Incr. In Crit. Del.**	**Incr. In Crit. V/C**	**Avg. Delay (sec)**	**LOS**	**Avg. Delay (sec)**	**LOS**	**Incr. In Crit. Del.**	**Incr. In Crit. V/C**
9. Saratoga Avenue/I-280 Northbound Ramp*	AM	33.0	C-	31.9	C	30.8	C	0.4	0.013	31.8	C	30.8	C	0.3	0.013
	PM	22.5	C+	21.4	C+	20.5	C+	-1.2	0.027	21.4	C+	20.5	C+	-1.1	0.027
10. Saratoga Avenue/Kiely Boulevard*	AM	36.9	D+	36.3	D+	36.9	D+	-12.7	-0.008	36.5	D+	36.7	D+	-13.6	0.008
	PM	42.9	D	45.4	D	49.3	D	5.7	0.059	45.7	D	49.6	D	5.7	0.059
11. San Tomas Expressway/Saratoga Avenue*	AM	51.6	D-	57.4	E+	58.1	E+	1.5	0.009	69.1	E	70.2	E	2.2	0.009
	PM	50.5	D	56.3	E+	57.5	E+	0.5	0.004	57.1	E+	58.5	E+	0.4	0.004

Notes: * Denotes VTA Congestion Management Program intersection.

Bold indicates a substandard LOS.

Bold indicates and adverse operations effect.

Winchester Boulevard/Stevens Creek Boulevard (San José)

The Winchester Boulevard/Stevens Creek Boulevard intersection is located within an infill opportunity zone and is exempt from the provisions of CMP's intersection operations standards. However, the intersection is located within the City of San Jose and is subject to the City of San Jose LOS standards.

The project would cause the Winchester Boulevard/Stevens Creek Boulevard intersection critical-movement delay to increase by 4.3 seconds and the critical v/c to increase by 0.011. Based on City of San Jose's guidelines, this constitutes a deficiency in intersection operations. A description of proposed improvements to reduce the effect on intersection operations to an acceptable LOS is provided below.

Improvement: The Stevens Creek Boulevard Urban Village Plan identifies the improvements of Stevens Creek Boulevard to a complete street. Complete streets are roadways designed to safely accommodate many different users, including people who bike, people who walk, transit riders, motorists, and emergency vehicles. To offset the level of service deficiency at the Winchester Boulevard/Stevens Creek Boulevard intersection, the project should implement the complete street improvements identified by the City. The complete street improvements are consistent with the multi-modal transportation goals and policies outlined in the Envision San José 2040 General Plan that are intended to improve multi-modal accessibility to all land uses and encourage the use of non-automobile transportation modes to minimize vehicle trip generation and reduce VMT.

As described in Checklist Question a), the project would implement off-site multi-modal network improvements to mitigate the VMT impacts (MM TRA-1.1). The mitigation measure would qualify as the improvements to offset the level of service deficiency at the Winchester Boulevard/Stevens Creek Boulevard intersection. In addition, the improvements would occur within the existing roadways and all construction-related standard permit conditions, conditions of approval, and mitigation measures identified in this DEIR would be adhered to. Thus, construction of the improvements would have a less than significant impact on the environment.

San Tomas Expressway/Stevens Creek Boulevard (Santa Clara)

The San Tomas Expressway/Stevens Creek Boulevard intersection is located in Santa Clara. The City of San José has no jurisdiction over implementation of improvements at this intersection. Under that city's significance criteria, the added project trips would cause a LOS deficiency at the San Tomas Expressway/Stevens Creek Boulevard intersection. This County expressway intersection would operate at an unacceptable LOS F in the AM peak hour under background and cumulative conditions. The addition of project traffic would cause the intersection's average critical-movement delay to increase by 5.4 seconds and the critical v/c to increase 0.011. Therefore, the intersection would have a LOS deficiency.

Improvement: This intersection's level of service could be improved by adding a fourth through lane in the northbound direction on San Tomas Expressway. The August 2015 update of the County Expressway Plan 2040 identifies the widening of San Tomas Expressway to eight lanes (by adding a 4th through lane to both the north and south approaches) between Stevens Creek Boulevard and

Campbell Avenue as a Tier 3 project. It also identifies a grade separation improvement at this intersection as a Tier 3 project. Either the roadway widening or grade separation improvement would improve the intersection level of service to an acceptable LOS E. Therefore, to address the level of service deficiency at the San Tomas Expressway/Stevens Creek Boulevard intersection, the project shall be required a fair share contribution towards the County's expressway improvements.

Bicycle Parking

The City requires short-term and long-term bicycle parking based on each specified land use and proposed square footage. Based on the City's Zoning Code, the proposed project would require 26 long-term bicycle spaces and 102 short-term spaces, for a total of 128 bicycle parking spaces. The project is proposing 64 short-term bicycle spaces and 130 long-term bicycle spaces, for a total of 194 bicycle parking spaces. Therefore, the project would exceed the City's bicycle parking requirement.

Transportation Demand Management Parking Plan

Consistent with the City's General Plan and the Stevens Creek Urban Village Plan, the project would reduce the number of parking spaces required to service the project as well as the total number of vehicle trips by implementing a TDM plan that would include the following measures:

- Bicycle lockers and/or bicycle racks near every entrance
- On-site shower facilities for employees
- Preferential parking for carpools
- Passenger loading for rideshare vehicles
- Commute trip reduction marketing and education
- Rideshare resources
- Ride-matching assistance
- Building designs to support telecommute/flexible work schedules

3.17 TRIBAL CULTURAL RESOURCES

3.17.1 Environmental Setting

3.17.1.1 *Regulatory Framework*

State

Assembly Bill 52 – Tribal Cultural Resources

Assembly Bill (AB) 52 requires that tribal cultural resources be considered under CEQA. A tribal cultural resource can be a site, feature, place, object, or cultural landscape with value to a California Native American tribe that is also eligible for listing on the California Register of Historic Resources (CRHR). AB 52 includes a broad definition of what may be considered a tribal cultural resource and includes a list of recommended mitigation measures for potential impacts. 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 when it is concluded that mutual agreement cannot be reached.

The following mitigation measures may be considered to avoid or minimize the significant impacts under AB 52:

(1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
(2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    (a) Protecting the cultural character and integrity of the resource.
    (b) Protecting the traditional use of the resource.
    (c) Protecting the confidentiality of the resource.
(3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
(4) Protecting the resource.

3.17.1.2 *Existing Conditions*

The Ohlone Tribe submitted a request in July of 2018 for notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the City of San José.

3.17.2 Checklist Questions

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 CRHR, 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 this criteria, the significance of the resource to a California Native American tribe shall be considered.

3.17.3 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 CCRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

No tribal cultural resources, including sites, features, places, cultural landscapes or sacred places have been identified based on available information. In addition, any prehistoric surface features or landscapes have been modified due to development of the project site and area.

AB 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. In 2017, the City had sent a letter to tribal representatives in the area to welcome participation in consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City. The Ohlone tribe has sent a written request for notification of projects citywide to the City of San José. The City of San José notified the Ohlone tribe of the project on January 6, 2020**.** To date, the tribe has not initiated formal consultation.

Based on available data, there are no recorded tribal cultural objects in the project area. Therefore, the proposed project would have no impact on tribal cultural resources. **(No Impact)**

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

See response to Question a). **(No Impact)**

3.17.4 Cumulative Impacts

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

The project would not impact tribal cultural resources under AB 52 as none have been identified in the vicinity of the project area. As a result, the project would not result in a cumulatively considerable tribal cultural resources impact. **(No Cumulative Impact)**

3.18 UTILITIES AND SERVICE SYSTEMS

The discussion within this section is based in part on the information contained within a WSA prepared by the San José Water Company, dated January 2020. This WSA is included as Appendix H to this document.

3.18.1 Environmental Setting

3.18.1.1 *Regulatory Framework*

State

State Water Code

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

Assembly Bill 341 (AB 341) sets forth the requirements of the statewide mandatory commercial recycling program in the Public Resources Code. All 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

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 not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

Local

San José Construction & Demolition Diversion Program

More than 30 percent of landfill waste is construction and demolition debris. The City's Construction and Demolition Diversion Program ensures that at least 75 percent of this waste is recovered and diverted from landfills.

Private Sector Green Building Policy

The City of San José's Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in building design process. This policy establishes baseline green building standards for private sector new 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 in the City of San José.

Envision San José 2040 General Plan

The following General Plan policies relate to utilities and service systems and would be applicable to the project.

Policy	Description
MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.

IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
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 NPDES permit.

3.18.1.2 *Existing Conditions*

Water Services

Water services to the site would be supplied by the San José Water Company. The project site is currently developed with 47,631 square feet of commercial space. Based on the WSA, water usage at the existing site is approximately 7,486 gallons per day (gpd) or about 8.4 acre-feet per year.

Wastewater

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF) which is administered and operated by the City Department of Environmental Services. The RWF treats an average of 110 million gallons of wastewater per day (mgd) with the capacity to treat 167 million gallons of wastewater a day.[59] The General Plan FEIR states that average wastewater flow rates are approximately 85 to 95 percent of business use. For the purposes of this analysis, wastewater flow rates are assumed to be 90 percent of the total on-site water use. The existing buildings are estimated to generate approximately 6,737 gpd of wastewater.

Stormwater Drainage

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. The lines that serve the project site drain into Guadalupe River and carry stormwater from the storm drains into San Francisco Bay. The project site is approximately 3.6 miles west of Guadalupe River. There is no overland release of stormwater directly into any water body from the project site. Currently, the project site is 94 percent covered with impervious surfaces (approximately 198,090 square feet). There are existing storm drain lines along Stevens Creek Boulevard, Northlake Drive, and Saratoga Avenue.

Solid Waste

The City landfills approximately 700,000 tons per year of solid waste including 578,000 tons per year at landfill facilities in San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year. Solid waste in San José is landfilled at Newby Island Sanitary Landfill (NISL). The City has an existing contract with NISL through December 31, 2020 with the option to extend the contract for as long as the landfill is open. The estimated closure date for NISL is 2041. The City has an annual disposal allocation for 395,000 tons per year. As of December 2019, NISL had approximately 14.6 million cubic yards of capacity

[59] City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed December 9, 2019. https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility.

remaining.[60] The existing development on-site is estimated to generate approximately 274 pounds of solid waste per day.[61]

3.18.2 Checklist Questions

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
d) Generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure?
e) Negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals?
f) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?

3.18.3 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 project would utilize existing utility connections to connect to the City's stormwater, electric, telecommunications, waste, and wastewater systems. The analysis in the following sections discusses the potential impacts of the project on existing facilities. Although the project would increase the demand on existing facilities in the City of San José, relocation of existing or construction of new facilities would not be needed to serve the proposed project. As a result, the proposed project would have a less than significant impact due to an expansion of these facilities. **(Less than Significant Impact)**

[60] North, Daniel. General Manager, Republic Services. Personal communication with Weis, Kristy. November 14, 2019.
[61] CalEEMod. *Appendix D Default Data Tables: Table 10.1 Solid Waste Disposal Rates*. September 2016. Strip mall generates 1.05 tons of solid waste per year per 1,000 square feet.

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

The proposed project net increase in water use would be approximately 86,514 gpd (or 96.9 acre-feet per year), which represents a 0.07 percent increase over the pre-drought system wide 2013 water production of 146,776 acre-feet. The project water demand is within normal growth projections for the San José Water Company's system. Further, the City's General Plan FEIR determined that the City's water demand could exceed water supply during dry and multiple dry years after 2025. General Plan policies, existing regulations, adopted plans, and other City policies require water conservation measures be incorporated in new development in order to substantially reduce water demand. As a result, the General Plan FEIR concluded that with implementation of General Plan water conservation policies and regulations, build out under the General Plan would not exceed the available water supply under standard and drought conditions. As a result, implementation of the proposed project would have a less than significant impact on the City's water supply. **(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?

Sanitary Sewer Capacity

For the purposes of this analysis, wastewater flow rates for the project are assumed to be 90 percent of the total on-site water use. The project would, therefore, generate approximately77,863 gpd of wastewater compared to existing conditions. The General Plan FEIR identified an excess treatment capacity of 38.8 million gallons per day from San José wastewater sources. The RWF has millions of gallons of daily wastewater treatment capacity remaining for the City of San José. Development of the site under the proposed project would not substantially increase wastewater treatment demand or result in exceedances of RWQCB's treatment requirements for the RWF. **(Less Than Significant Impact)**

Storm Drainage System

The project site is 94 percent covered impervious surfaces (198,090 square feet) and there is sufficient capacity in the existing storm drainage lines to support stormwater runoff from the site. While the proposed project would allow for an intensification of development on-site, upon completion of the proposed project impervious surfaces would decrease by five percent (approximately 10,339 square feet). Because the storm drainage system is adequate under existing conditions, the system would have sufficient capacity to support the proposed project. In addition, the project would be required to comply with the NPDES Municipal Regional Permit and all applicable plans, policies, and regulations for the treatment of stormwater. Implementation of the proposed project would have a less than significant impact on the City's storm drainage system such that new or expanded facilities would be required. **(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?

The proposed project would generate approximately three tons of solid waste per day, and increase of 2.9 tons compared to existing conditions.[62] The General Plan FEIR concluded the increase in waste generated from build out of the General Plan would not exceed the capacity of existing landfills that serve the City. Further increases in solid waste generation from development allowed under the General Plan would be minimized with ongoing implementation of existing regulations and programs to ensure that the build out of the General Plan would not result in significant impacts from the provision of landfill capacity to accommodate the City's increased service population.

As discussed previously, the NISL had approximately 14.6 million cubic yards of capacity remaining and the City has an annual disposal allocation for 395,000 tons per year. The project would be required to conform to City plans and policies to reduce solid waste generation and would be served by a landfill with adequate capacity. For these reasons, the project would have a less than significant impact on solid waste disposal and landfill facilities. **(Less Than Significant Impact)**

e) Would the project negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals?

Increases in solid waste generation from development allowed under the General Plan would be minimized with ongoing implementation of existing regulations and programs. The project would be required to conform to City plans and policies to reduce solid waste generation and would be served by a landfill with adequate capacity. For these reasons, the project would impact waste services or impair waste reduction goals. **(Less Than Significant Impact)**

3.18.4 Cumulative Impacts

Would the project result in a cumulatively considerable contribution to a significant utilities and service systems impact?

Water Supply

The geographic area for cumulative water supply impacts is San José Water Company's service area. As discussed under Questions a) , b) and c), the project is consistent with the development of the General Plan growth projections. The General Plan FEIR concluded that with implementation of General Plan water conservation policies and regulations, full build out under the General Plan would not exceed the available water supply under standard and drought conditions. **(Less than Significant Cumulative Impact)**

[62] CalEEMod. *Appendix D Default Data Tables: Table 10.1 Solid Waste Disposal Rates*. September 2016. General office generates 0.93 tons of solid waste per year per 1,000 square feet. Health club generates 5.7 tons of solid waste per year per 1,000 square feet.

Wastewater

The geographic area for cumulative wastewater treatment impacts is the service area of the RWF. The project is consistent with the development of the General Plan growth projections. The General Plan FEIR identified an excess treatment capacity of 38.8 million gallons per day from San José wastewater sources; therefore, the project would have a less than significant cumulative impact to the City's wastewater capacity. **(Less than Significant Cumulative Impact)**

Storm Drainage

While the project would slightly increase the impervious surfaces on-site, it would comply with the City's Post-Construction Urban Runoff Policy 6-29 and the MRP by installing filtration areas, bioretention areas, and flow-through planters, and mechanical filters to reduce stormwater runoff entering the City's storm drainage system. For these reasons, the project would not have a cumulative impact on the City's storm drainage system. **(Less than Significant Cumulative Impact)**

Other Utilities

The project would utilize existing utility connections to connect to the City's electric, natural gas, and telecommunications systems. Although the project would increase the demand on existing facilities in the City, relocation of existing or construction of new facilities would not be needed to serve the proposed project. As a result, the proposed project would not have a cumulative impact. **(Less than Significant Cumulative Impact)**

Solid Waste

The General Plan FEIR concluded build out of the General Plan would have a less than significant solid waste impact. As discussed under Question d) and e), the project is consistent with the development of the General Plan growth projections, and the NISL has adequate disposal capacity thought 2041 In addition, the project would be required to conform to City plans and policies to reduce solid waste generation, and would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure. For these reasons, the proposed project would have a less than significant cumulative impact to solid waste disposal. **(Less than Significant Cumulative Impact)**

3.19 WILDFIRE

3.19.1 Environmental Setting

3.19.1.1 *Existing Conditions*

The project site is located in an urban area of San José and is designated as a non-very high fire hazard severity zone in a local responsibility area.[63]

3.19.2 Checklist Questions

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) 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?

3.19.3 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. **(No Impact)**

3.19.4 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)**

[63] CAL FIRE. "Santa Clara County FHSZ Map". Accessed January 23, 2019. http://www.fire.ca.gov/fire_prevention/fhsz_maps_santaclara.

SECTION 4.0 GROWTH-INDUCING IMPACTS

Would the project foster or stimulate significant economic or population growth in the surrounding environment?

For the purposes of this project, a growth inducing impact is considered significant if the project would:

- Cumulatively exceed official regional or local population projections;
- Directly induce substantial growth or concentration of population. The determination of significance shall consider the following factors: the degree to which the project would cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds planned levels in local land use plans; or
- Indirectly induce substantial growth or concentration of population (i.e., introduction of an unplanned infrastructure project or expansion of a critical public facility (road or sewer line) necessitated by new development, either of which could result in the potential for new development not accounted for in local Envision San José 2040 General Plans).

The proposed project is consistent with the existing General Plan land use designation; therefore, it is consistent with its growth projections. The project proposes to intensify the use of the site by redeveloping it with high-intensity commercial development. The site is surrounded by existing infrastructure and both existing and planned development. The proposed project would not require upgrades to the existing sanitary sewer and/or storm drain lines that directly serve the project site. In addition, the project does not include expansion of the existing infrastructure that would facilitate growth in the project area or other areas of the City.

The proposed project would place new commercial uses within the Stevens Creek Urban Village and replaces existing commercial uses, an area designated for new job growth consistent with the City's General Plan. Therefore, the project would not have a significant growth inducing impact.

SECTION 5.0 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA and the CEQA Guidelines require that an EIR address "significant irreversible environmental changes which would be involved in the proposed project, should it be implemented." [§15126(c)]

The proposed project would redevelop a currently developed site. Future development on-site would involve the use of non-renewable resources, both during construction phases and future operations/use of the site. Construction would include the use of building materials, including petroleum-based products and metals that cannot reasonably be re-created. Construction also involves the significant consumption of energy, usually petroleum-based fuels that deplete supplies of non-renewable resources. Upon completion of new construction on-site, occupants may use non-renewable fuels to heat and light the buildings. The proposed project would also result in the increased consumption of water.

The City of San José encourages the use of building materials that include recycled materials and makes information available on those building materials to developers. The new buildings would be built to current codes, which require insulation and design to minimize wasteful energy consumption. The project would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance. In addition, the project would be constructed consistent with City Council Policy 6-29 and the RWQCB MRP to avoid impacts to waterways from any increase in impervious surfaces. In addition, the site provides an increase in jobs within close proximity to transportation networks and housing. The proposed project would, therefore, facilitate a more efficient use of resources over the lifetime of the project.

SECTION 6.0 SIGNIFICANT AND UNAVOIDABLE IMPACTS

A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the project is implemented as it is proposed. The proposed project would not result any significant and unavoidable impacts.

SECTION 7.0 ALTERNATIVES

The California Environmental Quality Act (CEQA) requires that an EIR identify and evaluate alternatives to a project as it is proposed. Two key provisions from the CEQA Guidelines pertaining to the discussion of alternatives are included below:

> **Section 15126.6(a). Consideration and Discussion of Alternatives to the Proposed Project.** An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.
>
> **Section 15126.6(b). Purpose.** Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or be more costly.

Other elements of the CEQA Guidelines discuss that alternatives should include enough information to allow a meaningful evaluation and comparison with the proposed project. The CEQA Guidelines state that if an alternative would cause one or more additional impacts, compared to the proposed project, the discussion should identify the additional impact, but in less detail than the significant effects of the proposed project.

The three critical factors to consider in selecting and evaluating alternatives are: (1) the significant impacts from the proposed project that could be reduced or avoided by an alternative, (2) consistency with the project's objectives, and (3) the feasibility of the alternatives available. Each of these factors is discussed below.

7.1 SIGNIFICANT IMPACTS FROM THE PROJECT

7.1.1 Significant Unavoidable Impacts

As mentioned above, the CEQA Guidelines advise that the alternatives analysis in an EIR should be limited to potentially feasible alternatives that would avoid or substantially lessen any of the significant effects of the project and would achieve most of the project objectives. The project would not result in any significant, unavoidable impacts.

7.1.2 Less than Significant Impacts with Mitigation Incorporated

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, but for which the mitigation is available to reduce them to less than significant levels include:

- Air Quality (TAC health risk)
- Biological Resources (nesting birds)
- Noise (construction vibration and noise)
- Transportation (VMT)

7.2 PROJECT OBJECTIVES

Pursuant to CEQA Guidelines Section 15124, the EIR must include a statement of the objectives sought by the proposed project. While CEQA does not require that alternatives be capable of meeting all of the project objectives, their ability to meet most of the objectives is considered relevant to their consideration. The stated objectives of the project proponent include the following:

- Implement the City of San José's Stevens Creek Urban Village Plan and Envision San Jose 2040 General Plan by rezoning and redeveloping the 4.8-acre project site to maximize commercial densities.
- Implement San José's stated economic development goals through job creation by development of a mix of commercial uses such as maximizing new office space and best in class fitness.
- Redevelop an underutilized existing commercial site and develop a mixed of commercial uses along the classified grand boulevards of Stevens Creek Boulevard and Saratoga Avenue.
- Pursue a development plan that can, in economically feasible fashion, support and provide:
    - A publicly accessible pedestrian plaza that will serve as a community gathering space and to connect the surrounding neighborhood with transit, bicycle and pedestrian features on Stevens Creek Boulevard and Saratoga Avenue serving both private and public uses; and
    - A landscaped, mid-block paseo to make the site more walkable, while also providing a pedestrian connection to future development to the south.

7.3 FEASIBILITY OF ALTERNATIVES

CEQA, the CEQA Guidelines, and the case law on the subject have found that feasibility can be based on a wide range of factors and influences. The CEQA 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])."

7.4 ALTERNATIVES ANALYSIS

7.4.1 Alternatives Considered But Rejected

7.4.1.1 *Location Alternative*

CEQA encourages consideration of an alternative site when significant effects of the project might be avoided or substantially lessened. 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. In order to identify an alternative site that might reasonably be considered to "feasibly accomplish most of the basic purposes" of the project, and would also mitigate some or all of the significant impacts of the project, it is assumed that such a site would need to have the following characteristics:

- Approximately 4.8-acres or more in size;
- Located within the Stevens Creek Urban Village Plan area;
- A General Plan designation that would allow office and commercial uses at a similar intensity (in terms of height and FAR);
- Served by available infrastructure and nearby transit amenities; and
- Immediately available.

There are several sites along Stevens Creek Boulevard (commercial centers at 4360 Stevens Creek Boulevard, 4080 Stevens Creek Boulevard, 3777 Stevens Creek Boulevard) that are of similar size and land use designation. While these sites meet the size and land use designation requirements, location alternatives were rejected because the potentially suitable sites would not reduce the identified less than significant GHG impact, which is primarily due to a low number of employees (i.e. service population) associated with the fitness use and a high number of vehicle trips associated with the office use, respectively. Further, the identified less than significant construction-related TAC and noise impacts would also not be lessened because construction would occur on these alternative sites in a similar manner to the proposed project site and the surrounding mix of uses is similar (with sensitive residential receptors in the immediate vicinity). Further, these sites are not controlled by the applicant. Since no feasible alternative site was identified that would avoid or lessen the project impacts, a location alternative was not further analyzed.

7.4.1.2 *Reduced Intensity Alternative*

A Reduced Intensity Alternative would allow for development of a smaller amount of office and fitness use space. This alternative is qualitatively discussed because a smaller project with the same uses would not reduce the less than significant GHG impact due to the fact that the service population would also decrease, thus emissions would not likely be below the 2.6 MT CO2e/per capita as the number of employees would decrease as the building size decreases. Thus, the emissions per service population (with the small number of fitness use employees) would remain roughly the same as the proposed project. Smaller square footages associated with the office use would also not reduce the overall trip length per employee, such that the VMT impact would be lessened. While the air quality-related TAC health risk and construction vibration impacts could

decrease due to a shorter construction timeframe, they would be unlikely to be less than significant without mitigation due to the close proximity of sensitive receptors (five feet to the south [for noise] and 85 feet to the east [for TACs]). This alternative would partially meet the project's objectives, though to less of an extent. For this reason, a reduced intensity alternative was not analyzed further.

7.4.1.3 *Residential Alternative*

A Residential Alternative would allow up to 840 residential units and associated parking (assuming a density of 175 dwelling units/acre, which is the mid-range for density under the Urban Village designation within the Stevens Creek Urban Village Plan).

A high-density residential use with a high service population of 1,932 (assuming 2.3 residents per unit) could potentially reduce the less than significant GHG emissions impact. It is unknown whether a residential development project would be below the 10.12 VMT impact threshold as this depends on a number of project criteria (such as level of unit affordability, multi-modal infrastructure and improvements, bicycle infrastructure, and level of TDM commitment). A Residential Alternative was not further analyzed, however, for the following reasons. Given the size of building(s) needed to accommodate an 840-unit project at the site and extent of potential disturbance, other less than significant biological, cultural, and vibration impacts would remain the same. This alternative would also not meet any of the applicant's objectives to create an economically viable commercial project. Further, the site's Urban Village land use designation and CN and CG zoning designations does not allow a completely residential project. Rather the designation allows residential uses only in a mixed-use format (i.e. residential and commercial mixed-use projects can be vertical mixed-use with residential above retail or mixed horizontally in one integrated development).

7.4.2 Analyzed Alternatives

In addition to a "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 effects of the project" (Section 15126.6[f]). The discussion below addresses alternatives which could reduce project impacts and are feasible from a physical land use and infrastructure perspective. This Draft EIR does not evaluate the financial or economic feasibility of the alternatives. The components of these alternatives are described below, followed by a discussion of their impacts and how they would differ from those of the proposed project.

7.4.2.1 *No Project Alternative*

The CEQA Guidelines specifically require consideration of a "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 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])."

CEQA encourages consideration of an alternative site when impacts of the project might be avoided or substantially lessened. Only locations that would avoid or substantially lessen any of the impacts of the project and meet most of the project objectives need to be considered for inclusion in the EIR. The No Project Alternative assumes that the project site would remain as it is today with the existing buildings being reoccupied.

Comparison of Environmental Impacts

The No Project Alternative would avoid all the project's environmental impacts.

Relationship to Project Objectives

The No Project Alternative would not meet any of the project objectives as no change would be made to the existing auto-oriented commercial uses at the site. The No Project Alternative would also not meet the goals of the Stevens Creek Urban Village Plan to further the transition of the Stevens Creek Urban Village into a more vibrant mixed-use and pedestrian-oriented place with retail stores, other commercial services, and public open spaces.

Conclusion

Because the No Project Alternative would not result in any new development on the site, this alternative would avoid all environmental impacts of the project. This alternative would not, however, meet any of the project's objectives.

7.4.2.2 *No Project – Existing Zoning Alternative*

The majority of the project site is zoned Neighborhood Commercial (CN), which allows a mix of commercial and office uses, and a smaller portion of the project site on the corner of Stevens Creek Boulevard and Saratoga Avenue is zoned Commercial General (CG). The proposed public plaza would be located within the CG zoning district and would be consistent with the existing CG designation. This alternative would allow for the construction of commercial and office uses on the rest of the project site, based on an allowed height of 50 feet (five stories) and the requisite setbacks. This would reduce the proposed office building from 12-stories to five, reduce the proposed parking garage from seven-stories to five, and reduce the overall height of the proposed health club building from 63 feet to 50 feet.

Comparison of Environmental Impacts

This alternative would reduce the overall development intensity on the site; therefore, it would lessen the construction air quality and noise impacts. The operational GHG impacts, however, would likely be the similar to the proposed project and Reduced Intensity Alternative (described above) due to the reduced employee service population associated with a smaller project. The traffic impact would remain given the continued presence of office uses that exceed the City VMT threshold in terms of miles traveled per employee. All other less than significant impacts would remain the same as construction impacts would likely to remain with any development on the site that may meet the project objectives.

Relationship to Project Objectives

This alternative would meet most of the project objectives of redeveloping an underutilized site with a public plaza, enhance pedestrian spaces, and street facing office and commercial uses. The alternative, however, would not meet the project's objective to develop office and commercial uses at the applicant's desired densities and those identified in the Stevens Creek Urban Village Plan.

Conclusion

The No Project – Existing Zoning Alternative would lessen the project's construction air quality, and noise impacts; however, it would not lessen the project's operational GHG and VMT impacts. This alternative would result in similar or same impacts to all other environmental resources. The No Project – Existing Zoning Alternative would meet the majority of the project's objectives except for the objective of developing the site at densities envisioned in the Stevens Creek Urban Village Plan.

7.4.2.3 *Office Only Project*

This alternative assumes that both buildings would house only office uses which would include a total of 436,000 square feet of office space. This alternative would assume a service population of 2,491 employees (using the office rate of one employee per 175 square feet). With the higher service population, the GHG emissions would be 2.3 MT CO_2e/service population, which is below the "Substantial Progress" threshold. The Office Only Alternative would not, however, reduce the daily miles traveled per worker.

Comparison of Environmental Impacts

The Office Only Alternative would reduce further reduce the GHG emissions impact. All other less than significant impacts (with mitigation) would remain the same.

Relationship to Project Objectives

The Office Only Alternative would meet most of the project objectives of redeveloping an underutilized site with a public plaza, enhance pedestrian spaces, and street facing office uses. The alternative, however, would not meet the project's objectives of creating a mixed-use area with retail stores and other commercial services if the site contains only office space.

Conclusion

The Office Only Alternative would lessen the project's GHG emissions impact; however, it would not reduce the VMT impact as the miles traveled per worker would not be below the 12.21 threshold with a larger office. This alternative would result in similar or same impacts to all other environmental resources. The Office Only Alternative would meet the majority of the project's objectives except for the objective of developing the site with a mix of uses as envisioned in the Stevens Creek Urban Village Plan.

7.4.3 Environmentally Superior Alternative

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Based on the above discussion, the environmentally superior alternative to the proposed project is the No Project Alternative because all of the project's significant environmental impacts would be avoided. However, Section 15126.6(e)(2) states that "if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." In addition to the No Project, the Office Only Alternative would lessen the project's GHG emissions impact.

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:

ABAG. "Metropolitan Transportation Commission Project Mapper". http://projectmapper.planbayarea.org/.

ABAG. "Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region". Accessed December 4, 2019. http://quake.abag.ca.gov/tsunamis.

ABAG. *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region.* Accessed December 4, 2019. http://quake.abag.ca.gov/tsunamis.

BAAQMD. *Final 2017 Clean Air Plan.* April 19, 2017.

CAL FIRE. "Santa Clara County FHSZ Map". Accessed January 23, 2020. https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/

CAL FIRE. "Santa Clara County Fire Hazard Severity Zones in SRA". Accessed January 15, 2020. https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/

CalEEMod. Appendix D Default Data Tables: Table 10.1 Solid Waste Disposal Rates. September 2016.

CalEEMod. Appendix D Default Data Tables: Table 9.1 Water Use Rates. September 2016.

CalEPA. "Cortese List Data Resources". Accessed January 22, 2020. https://calepa.ca.gov/sitecleanup/corteselist.

California Air Pollution Control Officers Association. *Quantifying Greenhouse Gas Mitigation Measures*. August 2010.

California Air Resources Board. "California's Advanced Clean Cars Midterm Review". Accessed December 6, 2019. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/about

California Air Resources Board. "Overview: Diesel Exhaust and Health". Accessed June 16, 2019. https://www.arb.ca.gov/research/diesel/diesel-health.htm.

California Air Resources Board. "The Advanced Clean Cars Program." Accessed January 22, 2020. https://www.arb.ca.gov/msprog/acc/acc.htm.

California Building Standards Commission. "Welcome to the California Building Standards Commission". Accessed December 18, 2019. http://www.bsc.ca.gov/.

California Department of Conservation. "CGS Information Warehouse". Accessed January 11, 2020. http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm.

California Department of Conservation. "Earthquake Zones of Required Investigation". Accessed January 21, 2020. https://maps.conservation.ca.gov/cgs/EQZApp/app/.

California Department of Conservation. "Earthquake Zones of Required Investigation". Accessed January 21, 2020. https://maps.conservation.ca.gov/cgs/EQZApp/app/.

California Department of Conservation. *Generalized Mineral Land Classification Map of the South San Francisco Bay Production-Consumption Region.* 1996.

California Department of Conservation. *Santa Clara County Important Farmland 2014 Map*. October 2016.

California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed April 27, 2019. http://hcd.ca.gov/community-development/housing-element/index.shtml

California Energy Commission. "2019 Building Energy Efficiency Standards". Accessed December 18, 2019. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency

California Energy Commission. "Natural Gas Consumption by County." Accessed April 2, 2020. http://ecdms.energy.ca.gov/gasbycounty.aspx.

California Energy Commission. "Natural Gas Consumption by County". Accessed March 1, 2020. http://ecdms.energy.ca.gov/gasbycounty.aspx.

California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed March 15, 2020. http://ecdms.energy.ca.gov/elecbycounty.aspx.

California Gas and Electric Utilities. 2018 California Gas Report. Accessed March 15, 2020.

Center for the Continuing Study of the California Economy. "Projections of Jobs, Populations, and Households for the City of San José." August 2008. Accessed July 23, 2019. https://www.sanjoseca.gov/home/showdocument?id=22459.

City of San José Fire Department. "Fire Station Response Metrics". Accessed January 16, 2019. http://www.sanJoséca.gov/DocumentCenter/View/36886.

City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed December 9, 2019. https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility

City of San José. Emergency Operations Plan. November 2018.

City of San José. Envision San Jose 2040 General Plan Integrated Final Program Environmental Impact Report. September 2011.

City of San José. Parks, Recreation, and Neighborhood Services. Fast Facts. Operational Budget 2019 – 2020.

EIA. "California Natural Gas Total Consumption". December 21, 2019. Accessed January 20, 2020. https://www.eia.gov/dnav/ng/hist/na1490_sca_2a.htm.

Federal Energy Regulatory Commission. Anderson Dam. March 31, 2020. https://www.ferc.gov/industries/hydropower/safety/projects/anderson.asp.

FEMA. "FEMA Flood Map Service Center". Accessed January 15, 2019. https://msc.fema.gov/portal/home.

National Highway Traffic Safety Administration. Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards. August 28, 2012. https://one.nhtsa.gov/About-NHTSA/Press-Releases/2012/Obama-Administration-Finalizes-Historic-54.5-mpg-Fuel-Efficiency-Standards

Natural Resource Conservation Service. "Web Soil Survey" Accessed January 11, 2020. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.

Office of Planning and Research. "Changes to CEQA for Transit Oriented Development – FAQ." October 14, 2014. Accessed January 22, 2020. http://www.opr.ca.gov/ceqa/updates/sb-743/transit-oriented.html.

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

San Jose Clean Energy. "The Choice is Yours" Accessed January 11, 2019. https://www.sanjosecleanenergy.org/your-choices.

San José Water Company. Email correspondence with Le, Thai-Chau. March 1, 2020.

Santa Clara County. "Geologic Hazard Zones". Accessed January 21, 2020. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=5ef8100336234fbdafc5769494cfe373.

Santa Clara County. “Geologic Hazard Zones”. Accessed January 21, 2020. https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=5ef8100336234fbdafc5769494cfe373.

Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report*. June 2016.

Santa Clara County. *Santa Clara County Geologic Hazard Zones.* Map. October 26, 2012.

Santa Clara Valley Water District. Anderson Dam EAP 2009 Flood Inundation Maps. 2009. Accessed November 10, 2019. https://www.valleywater.org/sites/default/files/Anderson%20Dam%20Inundation%20Maps%202016.pdf.

Santa Clara Valley Water District. *Anderson Dam EAP 2009 Flood Inundation Maps.* 2009. Accessed November 10, 2019. http://www.valleywater.org/uploadedFiles/Services/CleanReliableWater/WhereDoesYourWaterComeFrom/Reservoirs/Anderson_Dam/Anderson%20Inundation%20Maps%202009.pdf?n=6912.

Santa Clara Valley Water District. *Groundwater Management Plan*. November 2016.

Santa Clara Valley Water District. Lexington Reservoir 2009 Flood Inundation Maps. 2009. Accessed November 10, 2019. http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx.

State of California, Department of Finance. “E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018.” Accessed July 23, 2019. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

State of California, Department of Finance. “E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018.” Accessed November 22, 2019. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

State of California. “Regional Housing Needs Allocation and Housing Elements”. Accessed November 16, 2019. http://hcd.ca.gov/community-development/housing-element/index.shtml.

State of California. 2013 State Hazards Mitigation Plan. Accessed January 23, 2019. http://hazardmitigation.calema.ca.gov/plan/state_multi-hazard_mitigation_plan_shmp.

Tetra Tech. Phase I Environmental Site Assessment Garden City Shopping Center. December 16, 2015.

TRC. *Limited Phase II Site Investigation Report Garden City Shopping Center*. December 2019.

U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed February 8, 2018. http://www.afdc.energy.gov/laws/eisa.

U.S. Department of the Interior. M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf.

U.S. EPA. Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles. Accessed August 28, 2019. https://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles.

United States Energy Information Administration. State Profile and Energy Estimates, 2016. Accessed September 6, 2019. https://www.eia.gov/state/?sid=CA#tabs-2.

United States Environmental Protection Agency. California 303(d) Listed Waters. Accessed December 4, 2019.

USGS. "Earthquake Outlook for the San Francisco Bay Region 2014 – 2043". August 2016. Accessed January 21, 2020. https://pubs.usgs.gov/fs/2016/3020/fs20163020.pdf.

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*
David Keyon, *Principal Planner*
Thai-Chau Le, *Supervising Planner*

9.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners

Shannon George, *Principal Project Manager*
Amie Ashton, *Senior Project Manager*
Tyler Rogers, *Associate Project Manager*
Ryan Osako, *Graphic Artist*

TreanorHL
San Francisco, CA
Historic Assessment

Hexagon Transportation Consultants
Gilroy, CA
Transportation

Illingworth & Rodkin
Cotati, CA
Air Quality, Greenhouse Gas Emissions, and Noise