

# Initial Study

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## Lands of Lester

File Nos. GP10-10-01 and PDC10-007

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Prepared by



October 2010

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## SECTION 1.0 INTRODUCTION AND PURPOSE

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This Initial Study of environmental impacts for the Lands of Lester Project is being prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations 15000 et. seq.), and the regulations and policies of the City of San José.

The approximately 9.8-acre project site is located at the northeast quadrant of Blossom Hill Road and Cahalan Avenue. The project site consists of an approximately 8.5-acre parcel [Assessor's Parcel Number (APN) 464-22-030), an approximately 1.2-acre parcel (APN 464-44-057), and approximately 0.1 acres of a larger 1.3-acre parcel (APN 464-22-029).

The project site, except for the 1.2-acre parcel, is located within unincorporated Santa Clara County. The 1.2-acre parcel (APN 464-44-057) is currently owned by the City of San José and located within the City.

This Initial Study evaluates the potential environmental impacts which might reasonably be anticipated to result from the Lands of Lester project which proposes:

- Subdividing APN 464-22-029 into two parcels: one parcel 0.1 acres in size and the other parcel 1.2 acres in size;
- Annexing an 8.5-acre parcel (APN 464-22-030) and 0.1 acres of APN 464-22-029 into the City of San José;
- Rezoning the 8.5-acre parcel and 0.1 acres of APN 464-22-029 and rezoning the 1.2-acre parcel (APN 464-22-057) to *A(PD) – Planned Development* to allow for the development of between 85 and 90 single-family detached units;
- Amending the City of San José's General Plan to change the land use designation on the entire project site from *Public Park and Open Space* to *Medium Density Residential* [8-16 dwelling units per acre (du/ac)]. The proposed General Plan Amendment (GPA) would allow between 78 and 157 units on-site;
- Relocating the existing park easement on APN 464-22-030 to APN 464-44-057; and
- Issuing subsequent permits including a Planned Development (PD) permit, grading permit, building permits; as well as approving a Tentative Map and Final Map.

The City of San José is the Lead Agency under CEQA and has prepared this Initial Study to address the impacts of implementing the proposed project.

## **SECTION 2.0 PROJECT INFORMATION**

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### **2.1 PROJECT TITLE**

Lands of Lester

### **2.2 PROJECT LOCATION**

The approximately 9.8-acre project site is located at the northeast quadrant of Blossom Hill Road and Cahalan Avenue. Approximately 8.6 acres of the project site (APNs 464-22-030 and a portion of 464-22-029) are located in an unincorporated pocket of Santa Clara County within south San José. This unincorporated pocket is surrounded by incorporated areas of San José. The remaining 1.2 acres of the project site (APN 464-44-057) is owned by the City of San José. Regional and vicinity maps are shown on Figures 1 and 2, respectively. An aerial photograph of the project site and surrounding area is provided on Figure 3.

### **2.3 LEAD AGENCY CONTACT**

City of San José  
Lesley Xavier, Project Planner  
200 East Santa Clara Street  
Tower, 3rd Floor  
San José, CA 95113-1905  
(408) 535-3555

### **2.4 PROPERTY OWNER/PROPONENT**

SummerHill Homes  
Vince Cantore  
777 California Avenue  
Palo Alto, CA 94304  
(925) 244-7532

### **2.5 ASSESSOR'S PARCEL NUMBERS**

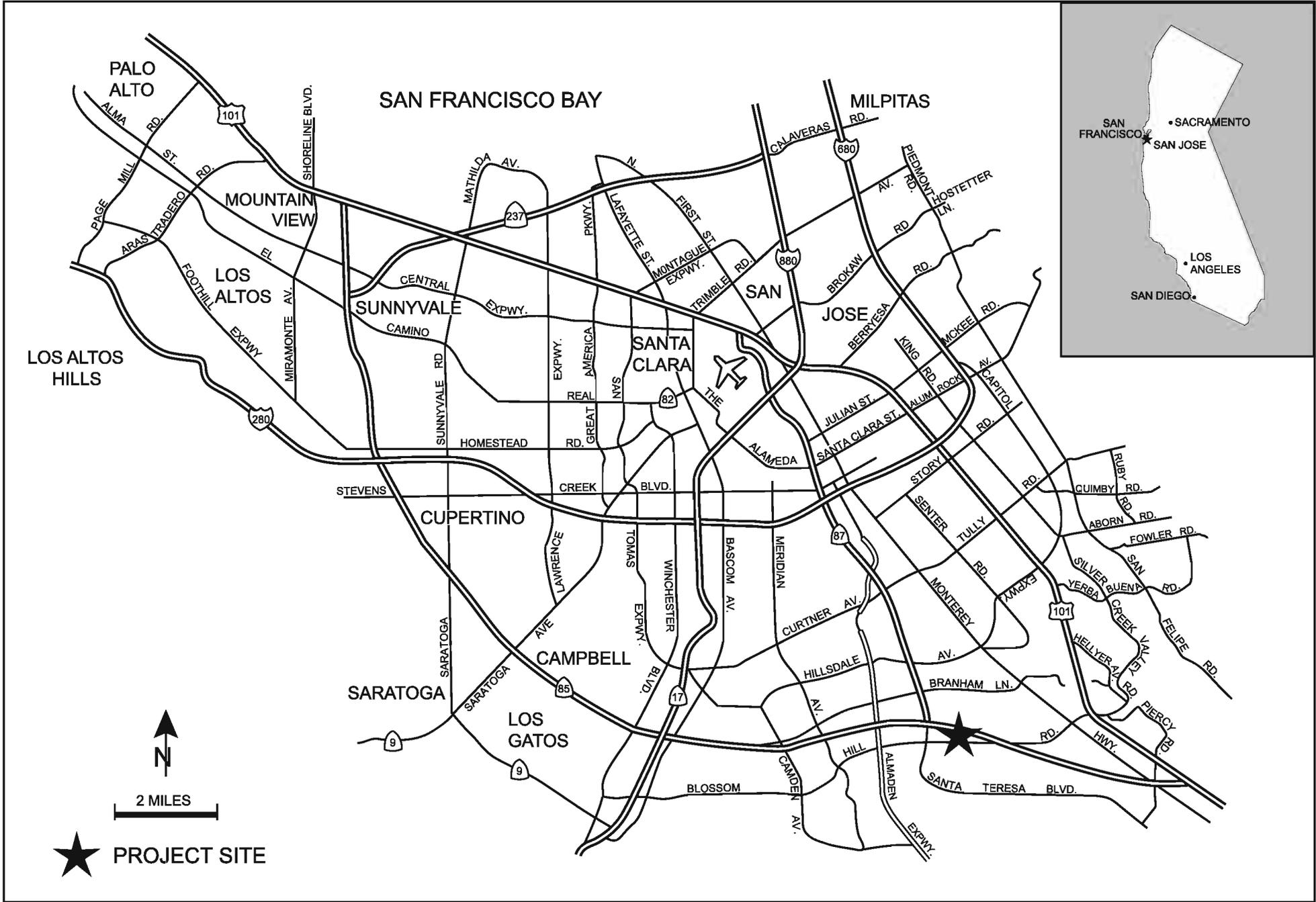
464-22-030, 464-44-057, and a portion of 464-22-029

**2.6 ZONING DISTRICT AND GENERAL PLAN DESIGNATIONS**

464-22-030 County of Santa Clara Zoning District: *A – Exclusive Agriculture*  
City of San José General Plan Land Use Designation: *Public Park and Open Space*

464-44-057 City of San José Zoning District: *R-1-8 – Single Family Residential*  
City of San José General Plan Land Use Designation: *Public Park and Open Space*

464-22-029 County of Santa Clara Zoning District: *A – Exclusive Agriculture*  
City of San José General Plan Land Use Designation: *Public Park and Open Space*



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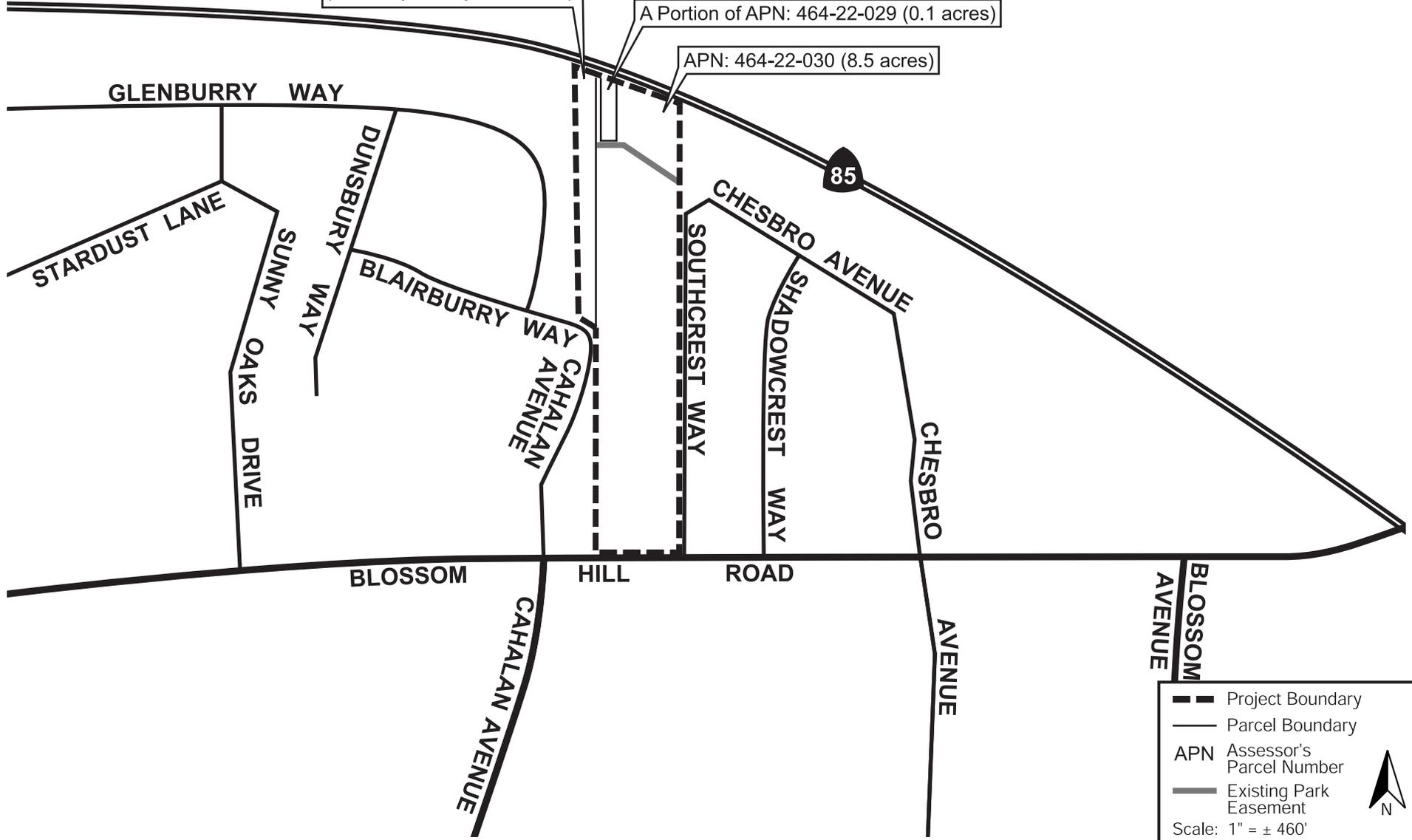
REGIONAL MAP

FIGURE 1

APN: 464-44-057 (1.2 acres)  
(Owned by the City of San Jose)

A Portion of APN: 464-22-029 (0.1 acres)

APN: 464-22-030 (8.5 acres)



Legend:

- Project Boundary
- Parcel Boundary
- APN Assessor's Parcel Number
- Existing Park Easement
- Scale: 1" = ± 460'

VICINITY MAP

FIGURE 2

5



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3

## SECTION 3.0 PROJECT DESCRIPTION

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The approximately 9.8-acre project site consists of an approximately 8.5-acre parcel (APN 464-22-030), an approximately 1.2-acre parcel (APN 464-44-057), and approximately 0.1 acres of a larger 1.3-acre parcel (APN 464-22-029). Parcels 464-22-030 and 464-22-029 are located in unincorporated Santa Clara County and do not have a land use designation in the County of Santa Clara General Plan. These parcels, however, are currently zoned *A – Exclusive Agriculture* in the Santa Clara County Zoning Ordinance. In the City of San José’s General Plan, these parcels have a land use designation of *Public Park and Open Space* (refer to Figure 4). Parcel 464-44-057 is located in San José and has a San José General Plan land use designation of *Public Park and Open Space* and is zoned *R-1-8 – Single-Family Residential*.

A portion of the project site (APN 464-22-030) is currently under a Williamson Act contract. The project site, however, is not designated as farmland, has not been actively used for agricultural purposes since the mid-1970s, and is surrounded by urban uses. The property owner is in the process of canceling the Williamson Act contract.

The project proposes to:

- Subdivide APN 464-22-029 into two parcels: one parcel 0.1 acres in size and the other parcel 1.2 acres in size;
- Annex an 8.5-acre parcel (APN 464-22-030) and 0.1 acres of APN 464-22-029 into the City of San José;
- Prezone the 8.5-acre parcel and 0.1 acres of APN 464-22-029 and rezoning the 1.2-acre parcel (APN 464-22-057) to *A(PD) – Planned Development* to allow for the development of between 85 and 90 single-family detached units;
- Amend the City of San José’s General Plan to change the land use designation on the entire project site from *Public Park and Open Space* to *Medium Density Residential* [8-16 dwelling units per acre (du/ac)]; and
- Relocate the existing park easement on APN 464-22-030 to APN 464-44-057.

Additional details about the proposed General Plan Amendment (GPA) and zoning are provided below.

### Proposed General Plan Amendment

Prior to the construction of Highway 85, parcels 464-22-030 and 464-22-029 were part of an over 280-acre property (referred to as the Martial Cottle property). The construction of Highway 85 physically separated these parcels from the Martial Cottle property. The Martial Cottle property north of Highway 85 is planned for as a future park. While these parcels were originally intended for park use, it is no longer connected to Martial Cottle property and is therefore, no longer planned as parkland. In addition, the portion of parcel 464-22-029 that is part of the project site is currently developed with an electrical substation.

Currently, the entire project site has a General Plan land use designation of *Public Park and Open Space*. The project proposes a GPA to change the land use designation on the entire project site to *Medium Density Residential* (8-16 du/ac). The proposed General Plan Amendment (GPA) would allow between 78 and 157 units on-site.

### **Proposed Planned Development (PD) Zoning**

The proposed land use plan for the project is shown on Figure 5. The proposed land uses on the site include single-family detached dwelling units, public street right-of-way dedication, public facility (i.e., the existing electrical substation), open space, and park trail. As shown on Figure 5, the smaller parcel could be developed with residential units, a roadway, and/or a park trail.

#### Residential Dwelling Units

The proposed zoning would allow for the development of between 85 and 90 dwelling units on the site. As shown in the conceptual site plan (see Figure 6), the project site could be developed with 86 dwelling units. The proposed dwelling units could be up to three-stories in height (up to 40 feet tall). Each unit would have a two-car garage.

#### Park Trail Segment

It is possible that a future park trail could be constructed to connect the project area located south of Highway 85 to the planned Martial Cottle park located north Highway 85. This trail alignment could extend from Martial Cottle park, underneath Highway 85 (Highway 85 is elevated at this location), and through the northwestern portion of the site (see Figure 5) to Cahalan Avenue. This park trail is not currently proposed by the project or by others. The project proposes to relocate the existing park easement on APN 464-22-030 (see Figure 2) to APN 464-44-057 to allow for the construction of a segment of this possible park trail on the project site, however, in the event it is proposed in the future.

The project proposes to comply with the City’s Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) by constructing the trail segment on-site and/or contributing in-lieu park fees.

#### Street Right-Of-Way Dedication

The project includes dedicating 2.4 acres of land for public street right-of-way. The street right-of-way improvements proposed include new curb, gutter, and sidewalk along the project frontage on Southcrest Way, Blossom Hill Road, and Cahalan Avenue, as well as extending Blairburry Way into the project site with a new curb, gutter, and sidewalk (refer to Figure 5).

#### Utility Improvements

The project area is served by existing utilities. The project would extend existing water, sanitary sewer, and storm drain facilities to serve the project site. The project also proposes to implement Best Management Practices (BMPs) during and post construction to reduce water quality impacts, including implementing erosion and sediment controls during construction, incorporating disconnected roof downspouts, and installing pervious paving.

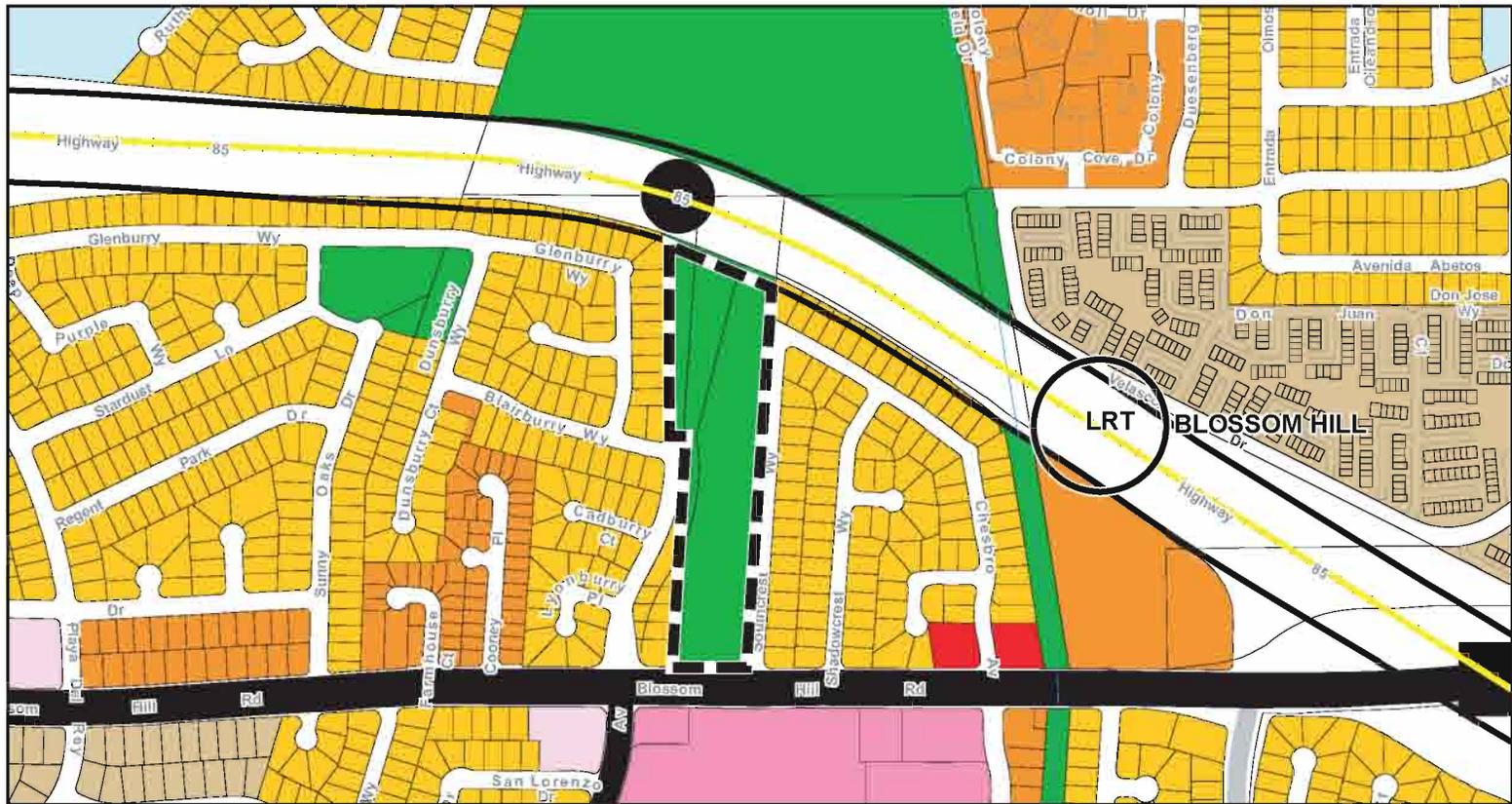
### Measures to Reduce Greenhouse Gas Emissions

The project proposes to implement the following measures to reduce its operational greenhouse gas emissions:

- Provide outdoor electrical outlets for electric landscape equipment;
- Use low VOC architectural coatings;
- Plant shade trees within 40 feet of the south side or within 60 feet of the west sides of each unit;
- Include cool roof materials;
- Require smart meters and programmable thermostats; and
- Install tankless water heaters.

### Construction

It is anticipated that the project would take approximately two to three years to fully build out depending on market conditions. Site preparation, including grading and installation of infrastructure would be completed in a single phase. It is estimated that the project would require import of 40,000 cubic yards of fill. The project proposes to participate in the City's Construction & Demolition Diversion Deposit Program (CDDD) to reduce construction and demolition (C&D) debris being landfilled.



**Map Legend**

- |   |   |   |                                   |   |                               |
|---|---|---|-----------------------------------|---|-------------------------------|
|  | Medium Low Density Residential (8.0 DU/AC)    |  | Public Park and Open Space        |  | Arterial (115-130 ft.)        |
|  | Medium Density Residential (8-16 DU/AC)       |  | Neighborhood/Community Commercial |  | Arterial (80-106 ft.)         |
|  | Medium High Density Residential (12-25 DU/AC) |  | General Commercial                |  | State Transportation Corridor |
|   |   |  | Office                            |  | Project Site                  |



Source: San Jose General Plan Land use / Transportation Diagram. January 2010

EXISTING GENERAL PLAN LAND USE DESIGNATIONS

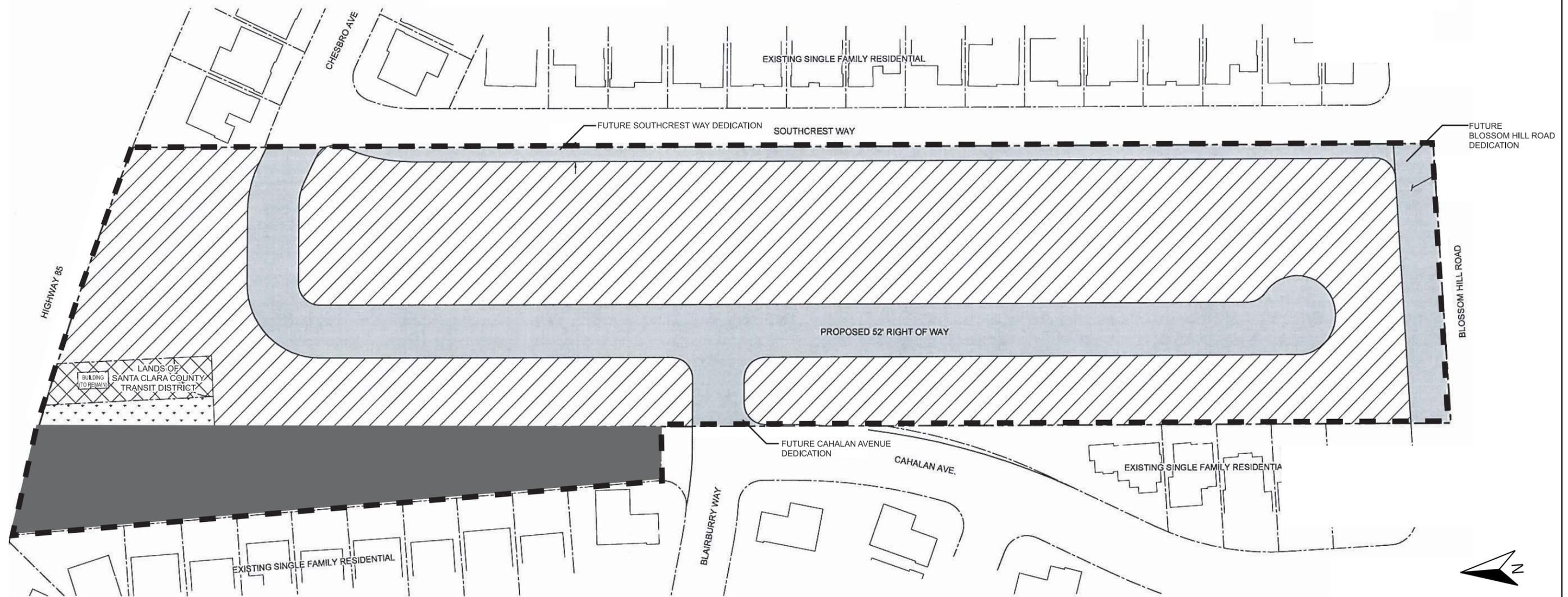
FIGURE 4

**LEGEND**

— — — PROJECT BOUNDARY

**PROPOSED USES**

HATCH PATTERN	LAND USE
	SINGLE FAMILY DETACHED DWELLING UNITS
	PUBLIC STREET RIGHT-OF-WAY DEDICATION
	PUBLIC FACILITY
	OPEN SPACE
	SINGLE FAMILY DETACHED DWELLING UNITS, PUBLIC STREET RIGHT-OF-WAY DEDICATION, AND/OR FUTURE PARK TRAIL

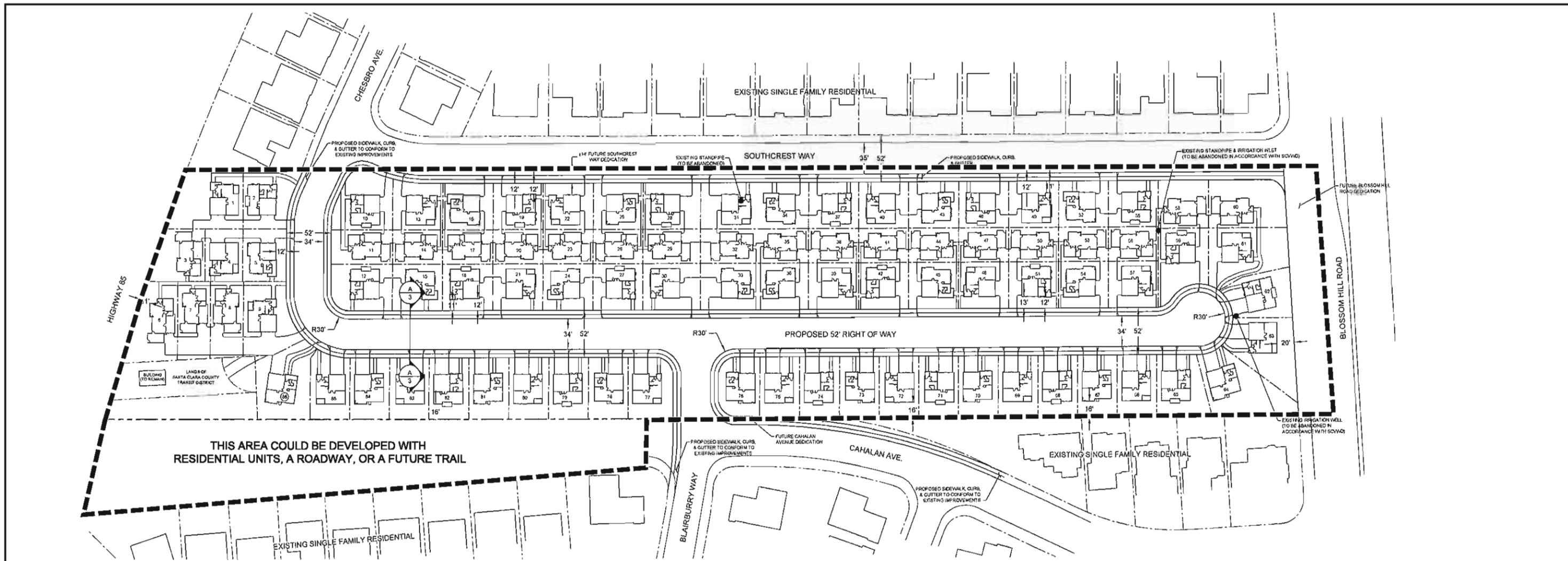


Source: HMM, 4/28/10

Scale: 1" = ± 100'

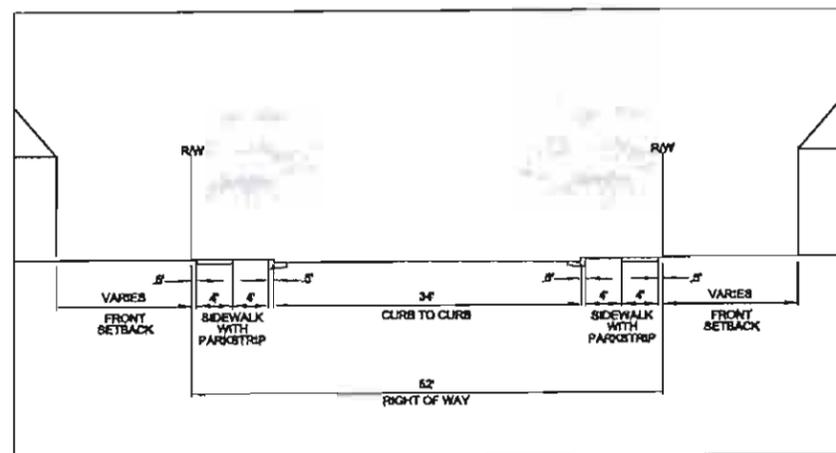
**PROPOSED LAND USE PLAN**

**FIGURE 5**



**LEGEND**

- PROJECT BOUNDARY
- RIGHT-OF-WAY



**A-A: PROPOSED 52' RIGHT-OF-WAY SECTION**

NOT TO SCALE

Source: HMM, 4/28/10



Scale: 1" = ± 125'

## SECTION 4.0 ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

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This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370). Measures that are required by law or are City standard conditions of approval are categorized as “Standard Measures.” Measures that will further reduce or avoid already less than significant impacts are characterized as “Avoidance Measures.”

Each impact is numbered using an alpha-numerical system that identifies the environmental issue. For example, **Impact HAZ – 1**, denotes the first impact discussed in the hazards and hazardous materials section. Mitigation measures (MM) are also numbered to correspond to the impacts they address. For example, **MM NOI – 2.3** refers to the third mitigation measure for the second impact in the noise section. The letter codes used to identify environmental issues are as follows:

<b>Letter Code</b>	<b>Environmental Issue</b>
AES	Aesthetics
AG	Agricultural and Forest Resources
AQ	Air Quality
BIO	Biological Resources
CUL	Cultural Resources
EN	Energy
GEO	Geology and Soils
GHG	Greenhouse Gas
HAZ	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality
LU	Land Use
MIN	Mineral Resources
NOI	Noise
POP	Population and Housing
PS	Public Services
REC	Recreation
TRAN	Transportation
UTIL	Utilities and Service Systems

## **4.1 AESTHETICS**

### **4.1.1 Setting**

#### **4.1.1.1 *General Plan Policies***

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating visual and aesthetic impacts resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to the visual and aesthetic policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Urban Design Policy #1: Apply Strong Architectural & Site Design Controls on Development.
- Urban Design Policy #2: Private Development should include Adequate Landscaped Areas.
- Urban Design Policy #7: Designs should consider Security, Aesthetics and Public Safety.
- Scenic Routes Policy # 1: Development within Corridors should be designed with the intent of preserving and enhancing attractive natural and man-made vistas.
- Scenic Routes Policy: Preserve views of hillsides wherever they occur.

In addition to the policies of the San José General Plan, future development allowed by the proposed land use designation would be required to comply with the following City policies and guidelines:

- *Outdoor Lighting Policy* (City Council Policy 4-3, as revised 6/20/00)
- *Residential Design Guidelines*

#### **4.1.1.2 *Existing Conditions***

The approximately 9.8-acre project site is generally rectangular in shape and located at the northeast corner of Blossom Hill Road and Cahalan Avenue. The project site is enclosed by a six foot tall chain link fence. The project site and surrounding area is flat and, as a result, the project site is only visible from the immediate area.

Most of the project site is undeveloped with overgrown grasses and weeds. The northern portion of the site is developed with a small one-story structure that houses an electrical substation. There is a paved roadway from the intersection of Southcrest Way and Chesbro Avenue that leads to the substation. The substation and access road are separated from the majority of the site by a chain link fence that divides the site.

Stockpiles of dirt, wood, and pipes, as well as a portable toilet, are stored along the eastern site boundary near Blossom Hill Road. Construction equipment, along with stockpiles of dirt and pipes, are stored along the western site boundary near the intersection of Cahalan Avenue and Blairburry Way.

North of the project site is an existing retaining wall and masonry soundwall that extends approximately 20 feet above ground level and separates the project site from Highway 85. Highway 85 is a designated scenic urban throughway in the City’s General Plan, though it is not a state designated scenic highway. The soundwall blocks views of the project site to and from the highway. Southcrest Way (a two-lane residential street) and single-story residences are located to the east of the project site. Blossom Hill Road (a six-lane roadway) and a single-story commercial strip mall are located south of the project site. Two-story single family residences with fencing back up to the west side of the project site. A short segment of Cahalan Avenue (a two-lane residential street) also abuts the west side of the project site.

Views of the hills are intermittent from the project site, due to existing urban development and landscaping.

Views of the project site are provided in Photos 1 – 4.

**4.1.2 Environmental Checklist and Discussion of Impacts**

AESTHETICS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
5) Increase the amount of shading on public open space (e.g., parks, plazas, and/or school yards)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1



Photo 1 - View of project site (including substation) from Southcrest Way looking west.



Photo 2 - View of project site from Blossom Hill Road looking north.

## PHOTOS 1 AND 2



Photo 3 - View of western site boundary from Blossom Hill Road looking north.



Photo 4 - View of eastern project site boundary from Cahalan Avenue looking north.

PHOTOS 3 AND 4

#### **4.1.2.1**      *Change In Visual Character*

The proposed General Plan Amendment (GPA) would allow development of the existing undeveloped and vacant portions of the site with up to 157 residential units. Note that while the proposed GPA allows for up to 157 residential units on the site, the zoning proposes between 85 and 90 units. The conceptual site plan shows 86 units on the project site (see Figure 6). The units could be up to three stories in height (up to 40 feet tall).

While the visual character of the site would change from being mostly undeveloped to developed, the proposed residential development would be of similar mass and scale of the existing adjacent residential uses to the east and west of the project site. The project will conform to the City's *Residential Design Guidelines* and undergo architectural and site design review by City Planning Staff to ensure compatibility with the surrounding neighborhood. For these reasons, the project would not substantially degrade the existing visual character or quality of the site or its surroundings.

The portion of the site where the park trail could be constructed on (APN 464-44-057) is currently undeveloped and consists of compacted dirt. A future park trail segment at this location is not anticipated to degrade the visual character or quality of the site or its surroundings.

#### **4.1.2.2**      *Impacts to Visual Resources and Scenic Views*

Besides the trees on-site, the project site does not contain significant visual or aesthetic resources. As discussed in **Section 4.4 Biological Resources**, there are a total of 12 trees on the project site, four of which are ordinance size. While the project could result in the removal of all 12 on-site trees, the trees removed would be replaced (refer to **Section 4.4 Biological Resources**). For this reason, the removal of trees resulting from project construction would not result in a significant impact.

As stated in the City's General Plan, the City has many scenic resources which include the hills and mountains that frame the Valley floor. Development of the project site with up to 40 foot tall residences could limit views of the hills from surrounding properties. However, as discussed previously, existing views of the hills are already limited by existing urban development and landscaping. Therefore, the development of the project site would not result in significant impacts to views of the hills.

Highway 85 is not a state or county designated scenic highway, but is identified in the City's General Plan as a scenic urban thoroughfare. Views of the project site from Highway 85 are blocked by an existing soundwall. Development of the proposed residential uses would taller than the soundwall. The tops of the proposed residential units would be visible above the soundwall from vehicles traveling on Highway 85; however, it is not anticipated that this would substantially degrade any existing views from Highway 85.

#### **4.1.2.3**      *Light and Glare Impacts*

Outdoor lighting associated with the proposed development would incrementally increase the amount of nighttime lighting in the project area. The project would be required to conform to the City's *Outdoor Lighting on Private Developments Policy*, which requires low-pressure sodium lighting be used and that light fixtures be oriented downward and designed to preclude spillover light. The project's conformance with the City's *Outdoor Lighting on Private Development Policy* would reduce light and glare impacts to a less than significant level.

#### **4.1.2.4            *Shade and Shadow Impacts***

The City of San José typically identifies significant shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on public open spaces, measured midday on the first day of winter (December 21) and on the vernal and autumnal equinoxes (March/September 21). There are no existing public open spaces adjacent to the project site that would be shaded by the proposed project. For this reason, the proposed project would not result in significant shade or shadow impacts.

#### **4.1.3            Conclusion**

The proposed project, in conformance with applicable General Plan policies and the City’s *Outdoor Lighting Policy* and *Residential Design Guidelines*, would not result in significant aesthetic impacts. **(Less Than Significant Impact)**

## 4.2 AGRICULTURAL AND FOREST RESOURCES

### 4.2.1 Setting

#### 4.2.1.1 *General Plan Policies*

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the agricultural policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Agricultural Lands and Prime Soils Policy # 1: Williamson Act contracts and other forms of property tax relief should be encouraged for agricultural lands in non-urban areas.
- Agricultural Lands and Prime Soils Policy # 4: Preservation of agricultural lands and prime soils in non-urban areas should be fostered in order to retain the aquifer recharge capacity of these lands.

#### 4.2.1.2 *Site Conditions*

The project site is not designated as farmland. According to the Santa Clara County Important Farmland map (2008), the project site is designated as *Other Land*. Common examples of *Other Land* include low density rural developments, brush, timber, wetland, and riparian areas not suitable for livestock grazing, confined livestock, poultry, or aquaculture facilities, strip mines, borrow pits, and water bodies smaller than 40 acres. Vacant and non agricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as *Other Land*.<sup>1</sup>

The larger parcel is currently zoned *A – Exclusive Agriculture* in the Santa Clara County Zoning Ordinance and the smaller parcel is currently zoned *R-1-8 – Single-Family Residential* in the City of San José’s Zoning Ordinance. The larger parcel is currently part of a Williamson Act contract. The California Land Conservation Act of 1965, which is commonly referred to as the Williamson Act, allows local governments to enter contracts with private landowners to restrict specific parcels of land to agricultural or related open space use in return for lower property tax assessments.<sup>2</sup> The property owner is currently in the process of canceling the Williamson Act contract.<sup>3</sup>

Historically, the site has been used for agricultural purposes, possibly including the growing of Christmas trees. The site, however, has not been actively used for agriculture since the mid-1970s. Most of the site is vacant and undeveloped. The northern portion of the site is developed with a utility structure and there are tree stumps in the southern portion of the site. The project site is surrounded by urban development (refer to Figure 3).

The project site is not zoned or used as forest land or timberland. Therefore, the development of the project site would not result in the loss of forest land or conversion of forest land to non-forest use.

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<sup>1</sup> California Department of Conservation, Division of Land Resource Protection. Santa Clara County Important Farmland 2008. Map. July 2009.

<sup>2</sup> California Department of Conservation. “Williamson Act Program.” Accessed 18 March 2010. Available at: <http://www.conservation.ca.gov/DLRP/lca/Pages/Index.aspx>.

<sup>3</sup> Cantore, Vince. Project Manager at SummerHill Homes. Personal Communications. March 2010.

**4.2.2 Environmental Checklist and Discussion of Impacts**

AGRICULTURAL AND FOREST RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4
4) Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,4
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3

As discussed above, the larger parcel is currently zoned in the Santa Clara County Zoning Ordinance for agriculture and is under a Williamson Act contract. The project site, however, is not designated as farmland, has not been actively used for agricultural purposes since the mid-1970s, and is surrounded by urban uses. In addition, the property owner is in the process of canceling the Williamson Act contract. For these reasons, the project would not result in impacts to farmland.

As shown in Figure 3, the project site is surrounded by urban uses including a highway, roadways, residential uses, and commercial uses. There is designated prime farmland located north of the site, north of Highway 85, which is dry farmed with hay and other grains.<sup>4</sup> This property is referred to as the Martial Cottle property. While the Martial Cottle farmland is located in the vicinity of the project site, it is separated from the site by Highway 85 (which is over 215 feet wide). The development of the project site is isolated from the Martial Cottle property. Therefore, development of the project site would not result in the conversion of the Martial Cottle property to non-agricultural uses. Note that the Martial Cottle property is currently undergoing environmental review for development as a State and County park.

#### **4.2.3            Conclusion**

The development of the proposed project would not result in significant agricultural impacts. **(Less Than Significant Impact)**

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<sup>4</sup> State of California Parks Department and Santa Clara County Parks and Recreation Department. Draft Martial Cottle Park State Park General Plan/County Park Master Plan. 10 February 2010. Available at: <http://www.sccgov.org/portal/site/parks/>.

## **4.3 AIR QUALITY**

### **4.3.1 Setting**

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain, and for photochemical pollutants, sunshine.

The project is located in San José, which is in Santa Clara Valley. The project site is in proximity to both the Pacific Ocean and San Francisco Bay, which have moderating influence on the climate. The valley is bound to the north by the San Francisco Bay and by mountains to the east, south, and west. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southeast axis. During the afternoon and early evening, a north-northwesterly sea breeze often flows from the Bay through the valley, and a light south-southeasterly drainage flow often occurs during the late evening and early morning hours.

#### **4.3.1.1 *Regional and Local Criteria Pollutants***

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants have health effects such as respiratory impairment and heart/lung disease symptoms.

Areas that do not violate ambient air quality standards are considered to have attained the standard. Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and state standards for particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). The area is considered attainment or unclassified for all other pollutants.

#### **4.3.1.2 *Community Risk Contaminants and their Health Effects***

##### **Fine Particulate Matter (PM<sub>2.5</sub>)**

Particulate matter pollution consists of very small particles suspended in the air, which can include smoke, soot, dust, salts, acids, and metals. Particulate matter also forms when industry and gaseous pollutant undergo chemical reactions in the atmosphere. Respirable particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>) represent fractions of particulate matter. PM<sub>10</sub> refers to particulate matter less than 10 microns in diameter and PM<sub>2.5</sub> refers to particulate matter that is 2.5 microns or less in diameter. Major sources of PM<sub>2.5</sub> results primarily from diesel fuel combustion (from motor vehicles, power generation, industrial facilities), residential fireplaces, and wood stoves. PM<sub>10</sub> includes all PM<sub>2.5</sub> sources as well as emissions from dust generated by construction, landfills, and agriculture; wildfires and brush/waste burning, industrial sources, windblown dust from open lands, and atmospheric chemical and photochemical reactions. PM<sub>10</sub> and PM<sub>2.5</sub> pose a greater health risk than larger-size particles, because these tiny particles can penetrate the human respiratory system's natural defenses and damage the respiratory tract increasing the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections. Whereas larger particles tend to collect in the upper portion of the respiratory system, PM<sub>2.5</sub> are so tiny that they can penetrate deeper into the lungs and damage lung tissues. Suspended

particulates also damage and discolor surfaces on which they settle, as well as produce haze and reduce regional visibility.

### Toxic Air Contaminants

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants discussed above. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, 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 near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about two-thirds of the cancer risk from TACs (based on the statewide average). According to the CARB, diesel exhaust is a complex mixture of gases, vapors and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the state's Proposition 65 or under the federal Hazardous Air Pollutants programs.

CARB reports that recent air pollution studies have shown an association that diesel exhaust and other cancer-causing toxic air contaminants emitted from vehicles are responsible for much of the overall cancer risk from TACs in California. Diesel particulate matter (DPM) emitted by diesel-fueled engines was found to comprise much of that risk. DPM can be distributed over large regions, thus leading to widespread public exposure. Diesel engines emit particulate matter at a rate about 20 times greater than comparable gasoline engines. The vast majority of diesel exhaust particles (over 90 percent) consist of PM<sub>2.5</sub>, which are particles that can be inhaled deep into the lung. Like other particles of this size, a portion will eventually become trapped within the lung possibly leading to adverse health effects. While the gaseous portion of diesel exhaust also contains TACs, CARB's 1998 action was specific to DPM, which accounts for much of the cancer-causing potential from diesel exhaust. California has adopted a comprehensive diesel risk reduction program to reduce DPM emissions 85 percent by 2020. The USEPA and CARB adopted low sulfur diesel fuel standards in 2006 that reduce diesel particulate matter substantially.

CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium and heavy duty diesel trucks that represent the bulk of DPM emissions from California highways. These regulations include the solid waste collection vehicle (SWCV) rule, in-use public and utility fleets, and the heavy-duty diesel truck and bus regulations.

In December 2008 the CARB approved a new regulation to reduce emissions of DPM and nitrogen oxides from existing on-road heavy-duty diesel fueled vehicles. The regulation requires affected vehicles to meet specific performance requirements between 2011 and 2023, with all affected diesel vehicles required to have 2010 model-year engines or equivalent by 2023. These requirements are phased in over the compliance period and depend on the model year of the vehicle.

Non-diesel vehicles also emit TACs, primarily in the form of organic compounds. A fraction of the total organic gas (TOG) emissions from vehicles are TACs. Organic compounds that have been identified as TACs associated with the emissions from vehicles include acetaldehyde, benzene, 1,3-

butadiene, ethyl benzene, formaldehyde, hexane, naphthalene, toluene, and xylenes. These TACS are emitted from vehicle exhaust and from evaporative emissions that emanate from hoses, fittings or canisters, while the vehicle is being operated.

#### **4.3.1.2 Sensitive Receptors**

BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas.<sup>5</sup> The nearest existing sensitive receptors to the project site include the residences located east and west of the site (refer to Figure 3). The occupants of the proposed residential units are future sensitive receptors.

#### **4.3.1.1 Regulatory Overview**

The City of San José is within the San Francisco Bay Area Air Quality Management District (BAAQMD). 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. Air quality standards are set by the federal government (the 1970 Clean Air Act and its subsequent amendments) and the state (California Clean Air Act of 1988 and its subsequent amendments). Regional air quality management districts such as BAAQMD must prepare air quality plans specifying how state standards would be met. BAAQMD's most recently adopted Clean Air Plan (CAP) is the *2010 Clean Air Plan (2010 CAP)*.

The Bay Area 2010 CAP provides an updated comprehensive plan to improve Bay Area air quality and protect public health, taking into account future growth projections to 2035. The 2010 CAP was adopted by BAAQMD's Board of Directors in September 2010. The population projections used in the 2010 CAP were based on the Association of Bay Area Government (ABAG) *2007 Projections*. ABAG's *Projections 2007* forecasts San José's population to be 1,422,800 residents in 2035.

### **BAAQMD Buffer Zones**

The BAAQMD recommends that general plans include buffer zones to separate sensitive receptors from sources of air toxic contaminants and odors. In April 2005, CARB released the final version of the *Air Quality and Land Use Handbook*, which is intended to encourage local land use agencies to consider the risks from air pollution prior to making decisions that approve the siting of new sensitive receptors (e.g., schools, homes or daycare centers) near sources of air pollution. The primary purpose of the handbook is to highlight the potential health impacts associated with proximity to common air pollution sources, so that those issues are considered in the planning process. CARB makes recommendations regarding the siting of new sensitive land uses near freeways, truck distribution centers, dry cleaners, gasoline dispensing stations, and other air pollution sources. These advisory recommendations include minimum setbacks of 500 feet between new residences and freeways. The setbacks are based primarily on modeling information and are not reflective of site-specific conditions in San José. Siting of new sensitive land uses within these recommended setback distances may be possible, but only after site-specific studies are conducted to identify the actual health risks. CARB acknowledges that land use agencies have to balance other siting considerations such as housing and transportation needs, economic development priorities and other quality of life issues.

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<sup>5</sup> Bay Area Air Quality Management District. *BAAQMD CEQA Guidelines*. December 1999. Page G-4.

## BAAQMD Significance Thresholds

### Plan-Level

Based on the BAAQMD-adopted thresholds of significance, a GPA is determined to be inconsistent with the most current Clean Air Plan (CAP), and therefore have a significant air quality impact, if the GPA would:

- Not incorporate current Air Quality Plan control measures as appropriate to the plan area; or
- Cause the rate of increase in vehicle miles traveled (VMT) or vehicle trips (VT) to be greater than the rate of increase in population.

### Project-Level

The BAAQMD-adopted thresholds of significance for criteria air pollutants are 54 pounds or more a day of reactive organic gas (ROG), nitrous oxide (NO<sub>x</sub>), and/or PM<sub>2.5</sub>; or 82 pounds or more a day of PM<sub>10</sub>. According to the draft BAAQMD CEQA Air Quality Guidelines (June 2010) screening criteria, the construction of 114 single-family dwelling units may result in significant levels of construction-related criteria air pollutants and the operation of 325 single-family dwelling unit development may result in significant levels operational-related criteria air pollutants.<sup>6</sup>

The BAAQMD-adopted thresholds of significance for local community risk and hazard impacts apply to both the siting of a new source and to the siting of a new receptor. Local community risk and hazard impacts are associated with TACs and PM<sub>2.5</sub> because emissions of these pollutants can have significant health impacts at the local level.

If emissions of TACs or PM<sub>2.5</sub> exceed any of the thresholds of significance listed below, the proposed project would result in a significant impact.

- Non-compliance with a qualified risk reduction plan;
- An excess cancer risk level of more than 10 in one million, or a non-cancer (i.e., chronic or acute) hazard index greater than 1.0 would be a cumulatively considerable contribution; or
- An incremental increase of greater than 0.3 micrograms per cubic meter (µg/m<sup>3</sup>) annual average PM<sub>2.5</sub> would be a cumulatively considerable contribution.

## General Plan Policies

In connection with the implementation of the CAP, various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. All future development allowed by the proposed land use designation would be subject to the air quality policies listed in Chapter 4, Goals and Policies, of the General Plan, including the following:

- Air Quality Policy #1: Establish Appropriate Land Uses & Regulations to Reduce Air Pollution.
- Air Quality Policy #5: Design Development near Transit Stations to Promote Transit Usage.

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<sup>6</sup> Note that the June 2010 draft BAAQMD CEQA Air Quality Guidelines have not been adopted yet. Once adopted, they would supersede the current CEQA Air Quality Guidelines (December 1999).

- Transportation Policy #17: Encourage Pedestrian Travel.
- Transportation Policy #19: Encourage Walking, Bicycling, and Public Transportation.
- Transportation Policy #23: Street & Sidewalk Designs should Promote Transit Access.
- Transportation Policy #28: Promote Implementation of Transportation Demand Management.
- Transportation Policy #51: Develop a Safe & Direct Bicycle Network.

In addition to the policies of the City’s General Plan, all future development allowed by the proposed land use designations would be subject to the City’s Grading Ordinance, which mandates that all earth moving activities shall include requirements to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time.

**4.3.2 Environmental Checklist and Discussion of Impacts**

AIR QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,5
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6,7,8
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,6,8
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

**4.3.2.1 Consistency with the Clean Air Plan**

Determining consistency with the CAP involves assessing whether Transportation Control Measures (TCMs) contained in the 2010 CAP are implemented. The TCMs were designed to reduce emissions from motor vehicles by reducing vehicle trips and vehicle miles traveled. TCMs may also reduce vehicle use, vehicle idling, or traffic congestion. Applicable TCMs are listed in Table 2 below. Individual projects can not individually implement the listed measures. Most TCMs, however, are implemented through the City’s General Plan policies, which are the basis of mitigation for land use impacts in San José.

While the proposed project would intensify the use of the project site and increase vehicle trips compared to existing conditions, the proposed General Plan Amendment would allow medium density residential development on an infill site near transit which is consistent with the 2010 CAP goals to reduce auto trips. In addition, the project would not cause the rate of increase in VMT to be greater than the rate of increase in population. For these reasons, the proposed project, in conformance with applicable General Plan policies, is consistent with the regional air quality plan.

<b>Control Measures</b>	<b>Description</b>
Goods Movement	This measure will reduce diesel PM and GHG emissions from goods movement in the Bay Area through targeted enforcement of CARB diesel ATCMs in impacted communities, partnerships with ports and other stakeholders, increased signage indicating truck routes and anti-idling rules, shifts in freight transport mode, shore-side power for ships, and improvements in the efficiency of engine drive trains, distribution systems (roadways, logistic systems) and land use patterns.
Land Use Guidelines	This measure will provide guidance to local governments regarding 1) air quality and greenhouse gases in General Plans, and 2) how to address and mitigate population exposure related to land use development.
Reduce Risk in Impacted Communities	This measure will establish a system to track cumulative health risks from all emissions sources in impacted communities (as identified by the District’s CARE program) in order to monitor progress in reducing population exposure.
Energy Efficiency	This measure will provide 1) education to increase energy efficiency; 2) technical assistance to local governments to adopt and enforce energy efficient building codes; and 3) incentives for improving energy efficiency at schools.
Renewable Energy	This measure will promote distributed renewable energy generation (solar, micro wind turbines, cogeneration, etc.) on commercial and residential buildings, and at industrial facilities.
Urban Heat Island Mitigation	This measure will mitigate the “urban heat island” effect by promoting the implementation of cool roofing, cool paving, and other strategies.

<b>Control Measures</b>	<b>Description</b>
Tree-Planting	This measure will promote planting of low VOC-emitting shade trees to reduce urban heat island effects, save energy, and absorb CO <sub>2</sub> and other air pollutants.
Voluntary Employer Based Trip Reduction Programs	This measure will support voluntary efforts by Bay Area employers to encourage their employees to use alternative commute modes, such as transit, ridesharing, bicycling, walking, telecommuting, etc.
Local and Areawide Bus Service Improvements	This measure will improve transit by sustaining and improving existing service, including new Express Bus or Bus Rapid Transit on major travel corridors, funding the replacement of older and dirtier buses, and implementing the Transit Priority Measures (TPMs) component of the Transportation Climate Action Campaign.
Local and Regional Rail Service Improvements	This measure will improve rail service by sustaining and expanding existing services and by providing funds to maintain rail cars, stations, and other rail capital assets. Specific projects for implementation include BART extensions, Caltrain electrification, Transbay Transit Center Building and rail foundation, Capital Corridor intercity rail service, and Sonoma Marin Area Rail Transit (SMART) District commuter rail project.
Transit Efficiency and Use Strategies	This measure will improve transit efficiency and make transit more convenient for riders.
Bicycle Access and Facilities Improvements	This measure will expand bicycle facilities serving employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers. Typical improvements include bike lanes, routes, paths, and bicycle parking facilities. This TCM also includes improving bicycle access to transit and supporting the annual Bike to Work event.
Freeway and Arterial Operations Strategies	This measure will improve the performance and efficiency of freeway and arterial systems through operational improvements.
Local Land Use Strategies	This measure will support and promote land use patterns, policies, and infrastructure investments that support higher density mixed-use, residential and employment development near transit in order to facilitate walking, bicycling and transit use.
Pedestrian Access and Facilities Improvements	This measure will improve pedestrian facilities and encourage walking by funding projects that improve pedestrian access to transit, employment and major activity centers. Improvements may include sidewalks/paths, benches, reduced street width, reduced intersection turning radii, crosswalks with activated signals, curb extensions/bulbs, buffers between sidewalks and traffic lanes, and street trees.

#### 4.3.2.2 *Impacts from the Proposed Project*

##### **Short-Term Construction-Related Impacts**

Construction activities would temporarily affect local air quality. Construction activities such as earthmoving, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed to the atmosphere. Construction activities would increase dustfall and locally elevated levels of PM<sub>10</sub> downwind.

The draft BAAQMD CEQA Air Quality Guidelines (June 2010) has a screening threshold of 114 single-family dwelling units for a potentially significant construction-related air quality impact. The project proposes to construct up to 90 single-family units, which is below the screening threshold and therefore, would not result in a significant air quality impact.

**Standard Measures:** The project proposes to implement the following standard BAAQMD measures during all phases of construction to reduce construction-related air quality impacts:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out on to adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pad shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in property conditions prior to operation.

- Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

### **Long-Term Air Quality Impacts**

As discussed previously, the draft BAAQMD CEQA Air Quality Guidelines (June 2010) has a screening threshold of 114 single-family dwelling units for a potentially significant construction-related air quality impact and 325 single-family dwelling units for a potentially significant operational-related air quality impact. The project proposes to construct 90 single-family units, which is below the screening threshold and, therefore, would not result in a significant air quality impact.

#### **4.3.2.3 Impacts to the Project**

##### **Air Contaminant Exposure**

Since identifying diesel particulate matter as a toxic air contaminant, the CARB has conducted studies to identify existing health effects from exposure to DPM. The CARB identified the average year 2000 statewide potential cancer risks at 540 excess cases per million people.<sup>7</sup> The potential risk near high volume freeways was found to be much higher. The risk is predicted to decrease in the future due to plans to reduce diesel particulate matter emissions from a variety of sources. The 2000 CARB report predicts an average statewide risk at 360 excess cancer cases per million people in 2020. Modeling information compiled by BAAQMD indicates that the cancer risk in the San José area in the vicinity of the project is about 300 excess cases per million people.

##### TAC Cancer Risk Analysis

In order to evaluate whether siting a new sensitive population would result in a significant TAC cancer risk, an analysis was completed that involved the development of future DPM and organic TAC emissions for traffic on Highway 85 and Blossom Hill Road using the latest version of the CARB EMFAC2007 emission factor model with defaults for Santa Clara County. EMFAC2007 is the most recent version of the CARB motor vehicle emission factor model. DPM emissions are predicted by the model to decrease in the future. However, the current version of EMFAC2007 does not incorporate the effects of the recent on-road diesel vehicle regulations, which will substantially reduce DPM emissions even further.

CARB recently adopted new regulations that will require on-road diesel trucks to be retrofitted with particulate matter controls or replaced to meet new 2010 engine standards that have much lower DPM and PM<sub>2.5</sub> emissions. This regulation will substantially reduce these emissions between 2011 and 2023, with the greatest reductions occurring in 2013 through 2015. While new trucks and buses will meet strict federal standards, this measure is intended to accelerate the rate at which the fleet either turns over so there are more cleaner vehicles on the road, or is retrofitted to meet similar standards. With this regulation, older, more polluting trucks would be removed from the roads much quicker. CARB anticipates a 68 percent reduction in PM<sub>2.5</sub> (including DPM) emission from trucks in 2014 with this regulation.

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<sup>7</sup> California Air Resources Board. Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel Fueled Engines and Vehicles. 2000.

The requirements for diesel trucks are phased in for future years and depend on the model year of the trucks. Since this analysis assesses the risk of proposed residences to future exposures, the lower future emissions were taken into account. The diesel truck age distribution used in the EMFAC2007 model was adjusted to reflect the effects of the new regulations.

The EMFAC2007 results were then adjusted to the traffic volume and mix on Highway 85 reported by Caltrans. Similar adjustments were made for diesel vehicles traveling on Blossom Hill Road. Average traffic volumes were based on traffic data developed for the project. Average daily traffic volumes were assumed to increase by one percent per year to account for future traffic conditions. Dispersion modeling of DPM and organic TAC emissions was conducted using the CAL3QHCR model, which is recommended by the BAAQMD for this type of analysis. Additional detail about the models, including model inputs and outputs, are provided in Appendix A.

Based on the modeling, the maximum long-term concentrations of DPM would occur in the areas adjacent to the southern project property boundary, closest to Blossom Hill Road, and the maximum long-term organic TAC concentrations would occur in the areas adjacent to northern project boundary, closest to Highway 85. The highest DPM concentrations did not occur near Highway 85 since heavy duty trucks are restricted from this portion of the highway.

Using the modeled long-term average DPM concentrations, the individual cancer risks were computed using the most recent methods recommended by BAAQMD<sup>8</sup> and the California Office of Environmental Health Hazard Assessment (OEHHA),<sup>9</sup> which assume almost continuous exposure over a 70-year lifetime.

According to the adopted BAAQMD CEQA thresholds of significance, an incremental risk of greater than 10 cases per million for a 70-year exposure duration at the Maximally Exposed Individual or MEI would result in a significant impact. Over the course of a 70-year lifetime exposure, the maximum incremental residential cancer risk at this site is calculated as 9.2 excess cancer cases per million people.<sup>10</sup> Since the maximum incremental cancer risk predicted for the proposed project is less than 10 in a million, the potential health risks is considered less than significant.

### Non-Cancer Health Impacts

The non-cancer health effects from DPM and organic TACs were analyzed in the air quality assessment. The total Hazard Index (HI) for DPM and organic TACs would be lower than the significance criterion of a HI greater than 1.0. Refer to Appendix A for more detail about the assessment.

In addition, potential impacts from PM<sub>2.5</sub> emissions from vehicles traveling on Highway 85 and Blossom Hill Road were evaluated. PM<sub>2.5</sub> concentrations from Highway 85 and Blossom Hill Road traffic were modeled to evaluate the potential impact of exposure to exhaust produced from traffic

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<sup>8</sup> Bay Area Air Quality Management District. Air Toxics NSR Program Health Risk Screening Analysis (HSRA) Guidelines. January 2010.

<sup>9</sup> Office of Environmental Health Hazard Assessment. Air Toxics Hot Spots Program Risk Assessment Guidelines. The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. August 2003.

<sup>10</sup> It should be noted that the cancer risk calculations reflect use of the BAAQMD's most recent cancer risk calculation method, adopted in January 2010, which applies a Cancer Risk Adjustment Factor of 1.7 to the cancer risks for residential exposures to account for age sensitivity exposure to toxic air contaminants. This analysis computes cancer risk based on lifetime exposure to Highway 85 and Blossom Hill Road traffic (i.e., almost constant exposure over a 70-year period). This type of assessment is recommended by BAAQMD, while noting that exposures could be less.

near the project site. The maximum annual average PM<sub>2.5</sub> concentrations occurred in the areas closest to Highway 85 near the northernmost portion of the project site. Based on the conceptual site plan, the highest average annual PM<sub>2.5</sub> concentration was calculated at the northwest corner of the project site (at ground level) and the calculated concentration did not exceed 0.3 µg/m<sup>3</sup>.<sup>11</sup> For this reason, the project would have a less than significant impact from PM<sub>2.5</sub> concentrations.<sup>12</sup> Refer to Appendix A for more detail about the PM<sub>2.5</sub> analysis.

### **Global Climate Change**

Global climate change can result in an increase in summer temperatures and the number of days ozone pollution levels are exceeded, which can contribute to adverse health effects ranging from minor restricted activity days and work loss days, to hospitalizations due to asthma-related, bronchitis, and other respiratory or cardiovascular symptoms, to premature deaths. The proposed residential project would house sensitive populations. Like other residential uses in San José, new residents could be subject to effects of higher temperatures and air pollution if warming temperatures occur locally. Due to the proximity to San Francisco Bay, new residents would not be subject to effects as severe as in inland areas, and the effect is considered less than significant.

#### **4.3.3 Conclusion**

The proposed project, with the implementation of the above standard construction measures, would not result in significant air quality impacts. **(Less Than Significant Impact)**

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<sup>11</sup> PM<sub>2.5</sub> concentrations were modeled to be lower at the second and third floors of the proposed residences compared to ground level concentrations.

<sup>12</sup> Note that revisions to the site plan that move units closer to Highway 85 could result in significant PM<sub>2.5</sub> impacts.

## **4.4 BIOLOGICAL RESOURCES**

The following discussion is based on a biological evaluation prepared by *Live Oaks Associates, Inc.* in July 2010 and an arborist report by *HortScience* in March 2010. Copies of these reports are included in Appendix B of this Initial Study.

### **4.4.1 Setting**

Biological resources include plants and animals and the habitats that support them. Individual plant and animal species that are listed as rare, threatened, or endangered under the state and/or federal Endangered Species Act, and the natural communities or habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also important biological resources.

The avoidance and mitigation of significant impacts to biological resources under CEQA is consistent with and complementary to various federal, state, and local laws and regulations that are designed to protect these resources. Many of these regulations mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts, prior to the commencement of development activities.

#### **4.4.1.1 *Regulatory Framework***

##### **Regulated Habitats**

##### United States Army Corps of Engineers Jurisdiction

Areas meeting the regulatory definition of “Waters of the United States” (jurisdictional waters) are subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE). The USACE, under provisions of Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899), has jurisdiction over “Waters of the U.S.”

##### California Department of Fish and Game Jurisdiction

Activities that result in the diversion or obstruction of the natural flow of a stream, or which substantially change its bed, channel or bank, or which utilize any materials (including vegetation) from the streambed requires that the project proponent enter into a Streambed Alteration Agreement with the CDFG, under Sections 1601-1603 of the state Fish and Game Code.

##### Habitat Conservation Plan

Six local partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the cities of San José, Gilroy, and Morgan Hill) and three wildlife agencies (the CDFG, USFWS, National Marine Fisheries Service) are in the process of designing a multi-species habitat conservation plan. The study area of the Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) primarily covers southern Santa Clara County, which includes the City of San José with the exception of the bayland areas. An administrative draft version is currently available for review, with the projected completion of 2010.

The HCP/NCCP will address listed species and species that are likely to become listed during the plan's 50-year permit term. The covered species include, but are not limited to, western burrowing owl, California tiger salamander, California red-legged frog, central California coast steelhead, and central valley Chinook salmon. The HCP/NCCP planning agreement requires that the agencies comment on reportable interim projects and recommend mitigation measures or project alternatives that would help achieve the preliminary conservation objectives and not preclude important conservation planning options or connectivity between areas of high habitat value.

#### City of San José Tree Ordinance

The City of San José maintains the urban natural landscape partly by promoting the health, safety, and welfare of the City by controlling the removal of ordinance trees on private property. Ordinance-size trees are defined as trees over 56 inches or more in circumference (or 18 inches or more in diameter) at a height of 24 inches above natural grade. The removal of mature trees detracts from the scenic beauty of the City; causes erosion of topsoil; creates flood hazards; increases the risk of landslides; reduces property values; increases the cost of construction and maintenance of drainage systems through the increased flow and diversion of surface waters; and eliminates one of the prime oxygen producers and prime air purification systems in this area.

#### City of San José Heritage Trees

Under the City of San José Municipal Code, Section 13.28.330 and Section 13.32.090, specific trees are found, because of factors including, but not limited to, their history, girth, height, species or unique quality, to have a special significance to the community and are designated "Heritage Trees."

### **Special-Status Plant and Wildlife Species**

#### Federal Endangered Species Act

The federal Endangered Species Act (FESA) protects listed wildlife species from harm or "take" which is broadly defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. A take can also include habitat modification or degradation that directly results in death or injury to members of a listed wildlife species. An activity can be defined as "take" even if it is unintentional or accidental. Listed plant species are provided less protection than listed wildlife species. Listed plant species are legally protected from take under FESA if they occur on federal lands or if the project requires a federal action, such as a Section 404 fill permit.

#### California Endangered Species Act

The California Endangered Species Act (CESA) prohibits the take of any plant or animal listed or proposed for listing as rare (plants only), threatened, or endangered. In accordance with the CESA, CDFG has jurisdiction over state-listed species (California Department of Fish and Game Code 2070). Additionally, the CDFG maintains lists of "species of special concern" that are defined as species that appear to be vulnerable to extinction because of declining populations, limited ranges, and/or continuing threats.

### Federal Migratory Bird Treaty Act

The Federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

### California Department of Fish and Game Code Section 3503.5

Birds of prey are protected under Fish and Game Code section 3503.5, which states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.”

The California Native Plant Society (CNPS), a non-governmental conservation organization, has developed lists of plant species of concern in California. Although the CNPS is not a regulatory agency and plants on these lists have no formal regulatory protection, plants appearing on List 1B or List 2 are, in general, considered to meet CEQA’s Section 15380 criteria and adverse effects to these species may be considered significant.

## **General Plan Policies**

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating biological impacts resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to the biological policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Woodlands, Grasslands, Chaparral and Scrub Policy #4: Grading should be designed to minimize the removal of significant vegetation.
- Species of Concern Policy #2: Habitat areas that support Species of Concern should be retained to the greatest extent feasible.
- Urban Forest Policy #2: Development projects should include the preservation of ordinance-sized, and other significant trees. Any adverse affect on the health and longevity of native oaks, ordinance sized or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement. In support of these policies the City should: 1) Continue to implement the Heritage Tree program and the Tree Removal Ordinance and 2) Consider the adoption of Tree Protection Standards and Tree Removal Mitigation Guidelines.
- Urban Forest Policy #3: The City encourages the maintenance of mature trees on public and private property.
- Urban Forest Policy #4: In order to realize the goal of providing street trees along all residential streets, the City should require the planting and maintenance of street trees as a condition of development.

- Urban Forest Policy #5: The City should encourage the selection of trees appropriate for a particular urban site. Tree placement should consider energy saving values, nearby powerlines, and root characteristics.
- Urban Forest Policy #6: Trees used for new plantings in urban areas should be selected primarily from species with low water requirements.
- Urban Forest Policy #7: Where appropriate, trees that benefit urban wildlife species by providing food or cover should be incorporated in urban plantings.
- Urban Design Policy #23: New development projects should include the preservation of ordinance-sized and other significant trees. Any adverse affect on the health and longevity of such trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.

#### 4.4.1.2 *Existing Conditions*

##### **Habitat Types**

The project site consists of two biotic habitats: non-native grassland/ruderal (i.e., disturbed areas) and developed land in the form of a VTA substation and access road. There are no wetlands or other USACE or CDFG jurisdictional areas on-site.

##### Non-Native Grassland/Ruderal Field

Most of the project site supports non-native and ruderal, or disturbed, grassland habitats. A portion of this habitat appears to have been once used to support a Christmas or decorative tree farm. Several stunted evergreen stump-sprouted trees were observed within remaining rows of tree stumps in the southern half of the project site. Also, the soils and vegetation within this habitat appear to have been manipulated (discing, mowing, and use of herbicide along the margins of the site).

Grasses and forms of European origin dominate the vegetation of non-native grassland/ruderal habitat. Grasses common to this habitat and observed on the site include wild oats, ripgut, and foxtail barley. Common forbs observed included common fiddleneck, black mustard, and yellow star thistle. Consistent with its ruderal nature, several trees, some of which are likely escaped ornamental varieties from nearby landscaping, were observed along the margins of the site. Nonetheless, some of the species that use the site are grassland residents and some are migrants that use the grasslands on the site for only a portion of each year.

While no reptiles and amphibians were observed during a site survey, several species could be expected to use the site for habitat. These could include, but may not be limited to, the western toad, western fence lizards, and the gopher snake, which forages in grasslands and other habitats. Several avian species were observed on or near the site during the site survey including the Cooper's hawk, mourning dove, Anna's hummingbirds, American crow, black phoebes, and white-crowned sparrow. A variety of raptors, such as the Cooper's hawk, are likely attracted to this habitat by the presence of invertebrates and small reptiles, birds, and mammals. Additional raptors that could be expected to the use the site for foraging habitat, and which could utilize tall trees within the site's

immediate vicinity for roosting or even nesting habitat include, but are not limited to, the white-tailed kite, red-tailed hawk, American kestrel, and turkey vulture.

Botta's pocket gopher burrows were observed in the non-native grassland/ruderal habitat of the site. A couple dozen California ground squirrel burrows and scat were observed in this habitat. The California vole, western harvest mouse, and the ornate shrew are also likely residents, and several burrows consistent with the California vole were observed in the central portion of the site. Most mammalian predators, except for the non-native red fox, house cat, striped skunk, and raccoon, are likely to be absent from the site due to its isolation from other suitable grassland habitats in the region.

#### Developed Land/VTA facility

A VTA electrical substation with a paved driveway and fencing is located in the northwest corner of the project site. In general, developed lands are low in species richness and diversity. As observed during surveys completed in January, February, and March of 2010, the low-traffic nature of this facility has allowed for plant and animal species to establish in a limited way. Likely due to the small size of this portion of the site, faunal species observed in this area were and would remain consistent with the ruderal grassland species described above.

#### **Special-Status Plant Species**

A number of special-status plant species could occur in the region, however, none would occur or would be likely to occur on the project site due to the absence of suitable habitat, the urban infill nature of the site, and significant disturbances to the natural character of the site over time.

#### **Special-Status Animal Species**

A number of special-status animal species could occur in the region; however, only two may reside within or immediately adjacent to the project site: the white-tailed kite and burrowing owl. The remaining species would be absent, unlikely to occur on the site or only occasionally pass through or briefly forage within the site. Most of these species are absent from the site due to the project location (i.e., outside of common range for the species and/or the site's location being highly urban in nature) or lack of suitable breeding and/or foraging habitat (i.e., aquatic, woodland, or riparian habitat). Also, non-listed raptors and other migratory birds may occur on the project site or within proximity.

#### **Ordinance and Heritage Trees**

There are a total of 12 trees on-site. Most of the trees on-site are scattered along the periphery of the project site. There are tree stumps remaining from an abandoned Christmas tree farm on the southern half of the project site (refer to Figure 3). These tree stumps were not counted as trees.

The tree species found on-site include the red elderberry, Monterey pine, California black walnut, olive, and plum. A summary of these tree species, size, condition, and preservation suitability is provided in Table 3 below. As shown on Table 3, four of the 12 on-site trees are ordinance size. There are no heritage trees on-site.

**Table 3:  
Summary of Trees On-Site**

<b>Tree #<sup>1</sup></b>	<b>Common Name</b>	<b>Diameter (inches)<sup>2</sup></b>	<b>Ordinance Size?</b>	<b>Condition<sup>3</sup></b>	<b>Preservation Suitability<sup>4</sup></b>
365	Red elderberry*	20	Yes	4	Moderate
366	Red elderberry*	14	No	4	Moderate
367	Red elderberry*	18	Yes	4	Moderate
368	Red elderberry*	11	No	4	Moderate
369	Red elderberry*	40	No	4	Moderate
370	Red elderberry*	24	Yes	4	Moderate
371	Monterey pine	3	No	3	Poor
372	Monterey pine	3	No	3	Poor
373	Monterey pine	3	No	3	Poor
374	Olive	5	No	3	Poor
375	Plum	10	No	3	Poor
376	California black walnut*	56	Yes	3	Poor

Notes:

\* Indicates a California native tree.

<sup>1</sup> For location of trees, refer to Figure 7.

<sup>2</sup> Diameter of trees measured at two feet above grade. The trees on-site are multi-stem trees. The diameter of each trunk was added to determine the overall diameter of the tree.

<sup>3</sup> 1 = Poor Health, 5 = Excellent Health

<sup>4</sup> A rating of “Good” means trees with good health and structural stability that have the potential for longevity at the site. Trees categorized as having “Moderate” have fair health and/or structural defects that may be abated with treatment. Trees categorized as “Poor” are in poor health or have significant defects in structure that cannot be abated with treatment.



Notes:  
 Base map provided by  
 Google Earth  
 Tree locations are approximate.  
 Source: HortScience

TREE LOCATION MAP

FIGURE 7

**4.4.2 Environmental Checklist and Discussion of Impacts**

BIOLOGICAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,9
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,10
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

#### **4.4.2.1      *Habitat Impacts***

The project would result in the replacement of ruderal fields and areas already developed, which are used by some native wildlife species, with between 85 and 90 residential units. While the project site provides some habitat for regional wildlife populations, it is not of unique or particularly significant value to such populations. The project site does not include riparian habitat, or wetlands, nor is the site adjacent to any wetlands, waterway, or other sensitive habitat. Therefore, implementation of the proposed project would not have any impact, direct or indirect, on wetlands or other regulated habitat.

The project site is not a “movement corridor” for native wildlife, although many species may be moving within it and through it. Development of the project site will have little effect on home range and dispersal movements of native wildlife now using habitats where site development may eventually occur. Many migratory species that now pass through the project area are neo-tropical migrant birds that are likely to pass through and over the site even when it is developed. A considerable amount of open space lands in the vicinity of the site will continue to be used by native species for home range and dispersal movements. For these reasons, the project would not result in significant impacts to regional wildlife movements.

There are no waterways that cross the site and, therefore, the development of the project site would not interfere with migratory fish.

The project site is not part of an adopted HCP or NCCP. However, the Santa Clara Valley HCP/NCCP, if and when approved (which is projected for 2010), would cover the project site. The HCP/NCCP Planning Agreement requires that the agencies comment on reportable interim projects and recommend mitigation measures or project alternatives that would help achieve the preliminary conservation objectives and not preclude important conservation planning options or connectivity between areas of high habitat value.

#### **4.4.2.2      *Special-Status Plant Species***

As discussed above, special-status plant species are absent or would be unlikely to occur on the project site due to the absence of suitable habitat, the urban infill nature of the site, and significant disturbances to the natural character of the site over time. For this reason, the project would not result in significant impacts to special-status plant species.

#### **4.4.2.3      *Special-Status Animal Species***

The white-tailed kite and burrowing owl, which are protected by state and federal law, may reside on or immediately adjacent to the site. Non-listed raptors and other migratory birds, which are protected by the Federal Migratory Bird Treaty Act, may also occur on the project site or within a close enough distance from the site where development activity on the project site could result in nest abandonment.

#### **White-Tailed Kite, Raptors, and Migratory Birds**

The development of the proposed project would not result in a significant loss of habitat for the white-tailed kite or other non-listed raptors and migratory birds due to the marginal forage value of the project site, the regional abundance of similar habitat, and the relatively low numbers of individual raptors that would be expected to forage on the project site. However, impacts to

individual white-tailed kites or other protected birds would be significant. The trees on the site provide marginally suitable habitat for some species of birds, but the large trees in the immediate vicinity of the site, especially the row of eucalyptus trees west of the site, provide suitable nesting habitat for raptors including the white-tailed kite and more common raptor and migratory species.

While no active nests or nests from previous years were observed on-site or within 250 feet of the site during surveys completed between January and March 2010, breeding pairs could choose to nest in the onsite trees or in nearby trees prior to construction of the proposed project.

Project construction at the time of nesting (February 1 through August 31) could induce the adults to abandon the nest when juveniles are present. The mortality of juveniles would constitute a significant impact.

**Standard Measure:** The project proposes to implement the following standard measure to reduce impacts to white-tailed kite, raptors, and migratory birds to a less than significant level:

- If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

### **Burrowing Owls**

Protocol-level burrowing owl surveys were completed in January to March 2010. No owls or signs of owls were observed on-site during these surveys; however, owls could move onto the site prior to project construction.

The development of the project site would not result in a significant loss of burrowing owl habitat because there are no historic records of the burrowing owl using the project site and no burrowing owls or burrowing owl evidence was noted during the protocol-level surveys completed on the project site. Impacts to individual burrowing owls, if they moved onto the site, would be significant. Should site grading occur during the nesting season for this species (February 1 through August 31), nest and nestlings that may be present would likely be destroyed. Resident owls may also be buried in their nest burrows outside of the nesting season (September 1 through January 31). Any actions related to site development that result in the mortality of a burrowing owl would be a significant impact.

The project, with the implementation of the standard measures below, would reduce impacts to white-tailed kite, raptors, migratory birds, and burrowing owls to a less than significant level.

**Standard Measure:** The project proposes to implement the following standard measure to reduce impacts to burrowing owls to a less than significant level:

- The developer shall have a qualified biologist complete a survey and prepare a report not more than one month prior to construction activities to determine the presence of burrowing owls on the site.

The survey shall be conducted in a manner consistent with the recommendations as outlined by the California Department of Fish & Game's *Staff Report on Burrowing Owl Mitigation* (1995), the burrowing owl's consortium's *Burrowing Owl Survey Protocol and Mitigation Guidelines* (1997). In summary, these protocols recommend conducting pedestrian surveys of the subject parcel in such a way as to allow 100 percent visual coverage of the site. An initial survey is used to determine if the site supports potentially suitable nesting habitat (i.e., ground squirrel burrows) for the owl. Typically, sites in Santa Clara County that support open habitats (e.g., ruderal field, grassland, oak savanna, etc.) and ground squirrel activity are considered potentially suitable habitat for the owl. If the initial survey concludes that the site supports potentially suitable habitat, then three additional, or Phase II, surveys may be necessary to ascertain if owls are present on the site.

If owls are present on the site, a mitigation program shall be developed in conformance with the requirements of the California Department of Fish and Game and the U.S. Wildlife Service. If mitigation includes relocation, owls shall not be relocated during the nesting season (February 1 through August 31). Prior to the issuance of any grading or building permits, the developer shall submit a biologist's report to the satisfaction of the City's Environmental Principal Planner indicating that no owls were found on the site or that owls were present and that mitigation has been implemented in conformance with the requirements of the above regulatory agencies.

#### **4.4.2.2 Ordinance Size Trees**

There are a total of 12 trees on the project site, including four ordinance size trees. Given the conceptual site plan (see Figure 6) and tree health and preservation suitability, it is anticipated that all 12 trees on-site would be removed as a result of the project.

The project proposes to plant new landscaping, including new trees, as part of the project, and plant replacement trees to mitigate the project's impact from removing existing trees. There are trees located directly adjacent to the project site that may be affected from the development of the project. If off-site trees would be removed as a result of the project, the project would plant replacement trees to mitigate the loss of the off-site trees. For these reasons, the project would not result in a significant impact to ordinance size trees.

**Standard Measures:** The project proposes to implement the following standard measures to reduce impacts to trees:

- Prior to approval of a PD Permit, an updated tree survey shall be completed by a certified arborist or licensed landscape architect, which identifies the number of on-site and off-site trees that would be removed as a result of the project.
- All trees that are to be removed shall be replaced at the following ratios:

<b>Diameter of Tree to be Removed</b>	<b>Native Replacement Ratio</b>	<b>Non-Native Replacement Ratio</b>	<b>Minimum Size of Each Replacement Tree</b>
18 inches or greater	5:1	4:1	24-inch box
12 - 18 inches	3:1	2:1	24-inch box
less than 12 inches	1:1	1:1	15-gallon container
Notes: X:X = tree replacement to tree loss ratio Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.			

Trees that would be removed as part of the project, but are located off-site, shall be removed with the property owner’s permission.

- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building, and Code Enforcement, at the development permit stage:
  - The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
  - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjoining properties for screening purposes to the satisfaction of the Director of Planning, Building, and Code Enforcement.
  - A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. Contact Rhonda Berry, Our City Forest, at (408) 998-7337 x106 to make a donation. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

**Pre-Construction Treatments**

- The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
- Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be six feet chain link or equivalent as

approved by consulting arborist. Fences are to remain until all grading and construction is completed.

- Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture and the most recent editions of the American National Standard for Tree Care Operations and Pruning. Any pruning of off-site trees shall be done with the property owner's permission.

### **During Construction**

- Prior to the issuance of any approval or permit, the consulting arborist shall inventory all trees on-site as to their size, species and location on the lot and the inventory shall be submitted on a topographical map to the Director of Planning, Building, and Code Enforcement.
- Damage to any tree during construction shall be reported by the person causing the damage, the responsible to the Director of Planning, Building, and Code Enforcement, and the contractor or owner shall treat the tree for damage in the manner specified by the consulting arborist.
- No construction equipment, vehicles or materials shall be stored, parked or standing within the tree dripline.
- Drains shall be installed according to city specifications so as to avoid harm to trees due to excess watering.
- Wires, signs and other similar items shall not be attached to trees.
- Cutting and filling around the base of trees shall be done only after consultation with the consulting arborist and then only to the extent authorized by the consulting arborist.
- No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree or uphill from any tree where certain substances might reach the roots through a leaching process.
- Barricades shall be constructed around the trunks of trees as directed by the Director of Planning, Building, and Code Enforcement so as to prevent injury to trees making them susceptible to disease causing organisms.
- Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots (San José Municipal Code 13.32.130).
- As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

**4.4.3            Conclusion**

The proposed project, in conformance with applicable General Plan policies and with the implementation of the above standard measures, would not result in significant impacts to biological resources. **(Less Than Significant Impact)**

## **4.5 CULTURAL RESOURCES**

### **4.5.1 Setting**

#### **4.5.1.1 *General Plan Policies***

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating geology and soil impacts resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to the geology and soil policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Historic, Archaeological and Cultural Resources Policy #1: Preservation of historically or archaeologically significant sites should be a key consideration in the development review process.
- Historic, Archaeological and Cultural Resources Policy #8: For archaeologically sensitive sites, the City should require investigation during the planning process and should also require that appropriate mitigation measures be incorporated into the project design.
- Historic, Archaeological and Cultural Resources Policy #9: Requirement on all development permits and tentative subdivision maps that upon discovery of Native American burials development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.

#### **4.5.1.1 *Prehistoric and Historic Archaeological Resources***

An archaeological literature review and field inspection of the project site was completed by *Holman & Associates, Archaeological Consultants* in March 2010. A complete copy of this report is on file with the City of San José Department of Planning, Building, and Code Enforcement located at 200 East Santa Clara Street, Floor 3, San José, California 95113. The purpose of the archaeological literature review was to obtain information regarding recorded historic and/or prehistoric archaeological sites in and around the project area.

There are no known prehistoric or historic archaeological resources on the project site. No evidence of historic and/or prehistoric archaeological resources were found on-site during the field inspection. However, there is an archaeological site (Scl-295) located northwest of the project site inside the current highway right-of-way. Scl-295 consists of a village that was located inside the riparian zone of Canoas Creek. Canoas Creek is located approximately 1,000 feet east of the project site.

#### **4.5.1.2 *Historic Resources***

There is an existing structure located in the northwestern corner of the project site. This structure houses a modern electrical substation and would not be removed/demolished as part of the project. Other than the substation, there are no other structures on the project site.

**4.5.2 Environmental Checklist and Discussion of Impacts**

CULTURAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,11
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,11

**4.5.2.1 Prehistoric and Historic Archaeological Resources**

While neither the literature review or the visual inspection revealed any evidence of historic or prehistoric archaeological resources inside the project site, there remains a low to moderate potential that the project site could contain archaeological materials obscured by the existing ground cover which could be associated with Native American use and/or habitation of the riparian zone associated with Canoas Creek.

The project, with the implementation of the below standard measures, would result in a less than significant impact to prehistoric/historic archaeological resources.

**Standard Measures:** The project proposes to implement the following standard measures to reduce impacts to prehistoric and/or historic archaeological resources:

- A qualified archaeologist shall be retained to inspect the project area during initial site grading and trenching to search for potentially buried archaeological resources.
  - If no resources are discovered, the archaeologist shall submit a report to the City’s Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.
  - If evidence of any archaeological, cultural, and/or historical deposits are found, all work inside the culturally sensitive zone shall be stopped until a plan for the evaluation of the resource through hand excavation has been submitted to and approved by the City of San José Department of Planning, Building, and Code Enforcement. Evaluative testing, in the form of limited hand excavation, is necessary to obtain materials and information about the archaeological resource which would demonstrate its eligibility for placement on the California Register of Historic Resources (CRHR).

If evaluative testing demonstrates that the project would impact a CRHR eligible archaeological deposit, the project archaeologist shall submit a plan for mitigation of impacts to the resource to the City of San José Department of Planning, Building, and Code Enforcement for approval before any construction related earthmoving activities are allowed to recommence inside the zone of archaeological sensitivity. Mitigation can take the form of additional hand excavation to retrieve and/or to record significant archaeological materials and information, combined with archaeological monitoring of all earthmoving activities inside the archaeological zone in order to identify, record, and/or remove for determination of significance as defined by the CEQA Guidelines and to identify, record, and remove all endangered human remains and associated grave goods.

The project archaeologist shall submit plans/reports, to the satisfaction of the City’s Environmental Principal Planner. These reports shall identify any program mitigation that the Developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)

- In the event that human remains are discovered during monitoring and/or excavation activities, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
  - 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 Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
  - A final report shall be submitted to the City’s Environmental Principal Planner prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City’s Environmental Principal Planner.

#### **4.5.2.2      *Historic Resources***

The project would not impact existing structures. Therefore, the project would not result in a significant impact to historic resources.

**4.5.3            Conclusion**

The proposed project, with the implementation of the above standard measures, would not result in significant impacts to cultural resources. **(Less Than Significant Impact)**

## 4.6 GEOLOGY AND SOILS

The following discussion is based on a geotechnical investigation completed by *Cornerstone Earth Group* in July 2010 for the project site. A complete copy of this report is provided in Appendix C of this Initial Study.

### 4.6.1 Setting

#### 4.6.1.1 *General Plan Policies*

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating geology and soil impacts resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to the geology and soil policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Soils and Geologic Conditions Policy #1: Development should be required to evaluate and mitigate for geologic hazards.
- Soils and Geologic Conditions Policy #6: Development should adequately mitigate soils and geologic hazards.
- Soils and Geologic Conditions Policy #8: Development should not cause or be affected by geological hazards on adjoining properties.
- Earthquake Policy #1: New buildings required to be designed and constructed to resist stress produced by earthquakes.
- Earthquake Policy #3: Approval of development requires mitigation of seismic hazards.
- Earthquake Policy #5: New development should be required to evaluate and mitigate for seismic hazards.

#### 4.6.1.2 *Existing Conditions*

##### **Regional Geologic Setting**

The project site is located within the relatively flat alluvial plain of the Santa Clara Valley. The Santa Clara Valley is within the San Francisco Bay Block, which is bounded to the east by the Hayward and Calaveras faults and to the west by the San Andreas Fault. The Shannon, Sargent, Hooker Gulch, Berrocal, and Monte Vista faults lie in the foothills of the Santa Cruz Mountains along the western boundary of the valley. The project site lies in the southwestern portion of the valley where it abuts the Santa Teresa Hills.

The broad alluvial plain of the Santa Clara Valley surrounding the site consists of Holocene and Pleistocene alluvial deposits that are comprised of a deep section of unconsolidated and semi-consolidated stream and basin deposits that were deposited largely by ancestral Coyote Creek and Guadalupe River on top of the Franciscan Complex rocks that form the bottom of the basin.

## **On-Site Geologic Conditions**

### Soils

Quaternary age alluvial deposits are prevalent in the project area. The project site is underlain by Quaternary basin deposits (Qhb). Alluvial fan levee deposits (Qhl) are in areas located just west of the project site. Subsurface investigation at the site revealed the basin deposits consist of a relatively thick surficial layer of fat clay, which is underlain by gravels and sands with varying proportions of silt and clay. The on-site soils are stiff to hard (cohesive soils) and loose to very dense (cohesionless soils). Some silt and clay beds were encountered during subsurface testing as well. The soils on-site have a high expansion potential.

### Groundwater

Groundwater levels in the project area are between 10 and 20 feet below ground surface. The groundwater level at the project site is approximately 10 feet below ground surface. Fluctuations in ground water levels could occur due to many factors include recharge from nearby creeks, perched water, regional ground water variations, and rainfall or irrigation.

### Seismicity

The project site is located within the seismically active San Francisco Bay region. Seismologists and geologist recognize the City of San José and the entire South Bay to be within one of the most seismically active areas in the United States. The 2007 California Building Code (Section 1613) provides a classification system termed “Site Class,” where each site is classified based on the soil types and their engineering properties. There are six site classifications and most of the City of San José is classified as Site Class D (stiff soil).

The United States Geological Survey (USGS) Working Group on California Earthquake Probabilities (2007) forecast a 99.7 percent change of a magnitude 6.7 or greater earthquake in California before 2038. During such an earthquake, the danger of fault ground rupture is limited to sites immediately adjacent to fault zones (the project site is not located next to a fault zone), but strong ground shaking would occur City-wide.

The major active faults that could impact the project area include the San Andreas Fault, Hayward Fault, Monte Vista-Shannon Fault, and the Calaveras Fault. The distance from the project site to these faults is listed in Table 5 below.

The project site is not located within a State Designated Alquist Priolo Earthquake Fault Zone, City of San José Fault Hazard Zone, or Santa Clara County Fault Rupture Hazard Zone.

<b>Fault</b>	<b>Distance (miles)</b>
Monte Visa/Shannon	2.7
Hayward (southeast)	6.7
Calaveras (south)	9.3
San Andreas	9.7
Hayward	13.5
Calaveras (north)	15.4

Liquefaction

Liquefaction is a result of seismic activity and is characterized as the transformation of loosely water-saturated soils from a solid state to a liquid-like state after ground shaking. There are many variables that contribute to liquefaction including the age of the soil, soil type, soil cohesion, soil density, and ground water level. The project site is located within a State of California and City of San José hazard zone for liquefaction. The liquefaction susceptibility at the site is high.

Landslide Potential

Because the site topography is flat and the project site is not located near any mapped landslides or moderate slopes, the landslide potential at the site is low. The project site is not located within a State of California earthquake-induced Landslide Hazard Zone.

**4.6.2 Environmental Checklist and Discussion of Impacts**

<b>GEOLOGY AND SOILS</b>						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a) Rupture of a known earthquake fault, as described 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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12

GEOLOGY AND SOILS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12
4) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12

**4.6.2.1 Soil Conditions**

Due to the flat topography of the project site, the proposed project is not exposed to slope instability, erosion, or landslide-related hazards.

The project site includes highly expansive soils, which may expand and contract as a result of seasonal or man-made soil moisture conditions. Expansive soil conditions could damage the future development on the site; however, the incorporation of the below standard measures would reduce impacts to a less than significant level.

**Standard Measures:** The project proposes to implement the following standard measures to reduce geologic and soil, including expansive soil, impacts to a less than significant level:

- Buildings shall be designated and constructed in accordance with the design-level geotechnical investigation prepared for the site, which identifies the specific design features that will be required for the project, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage and pavement design. The geotechnical investigation shall be reviewed and approved by the City Public Works Department prior to issuance of a building permit for the project.
- The project shall implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.

#### 4.6.2.2 *Seismicity and Seismic Hazards*

No active faults cross the project site or are located adjacent to the project site. Therefore, potential of fault ground rupture is unlikely. However, the project site is located in a seismically active region and therefore, strong ground shaking is expected during the lifetime of the proposed project. Ground shaking on the site could damage buildings and other proposed structures, and threaten the welfare of future residents. As discussed previously, the liquefaction potential at the site is high.

**Standard Measure:** The project proposes to implement the following standard measure to reduce seismic-related impacts, including ground shaking and liquefaction, to a less than significant level:

- The proposed project shall be designed and constructed in conformance with the 2007 California Building Code to avoid or minimize potential damage from seismic shaking and seismic-related hazards, including liquefaction, on the site.

#### 4.6.3 Conclusion

The proposed project, in conformance with applicable General Plan policies and the above standard measures, would not result in significant geology and soil impacts. **(Less Than Significant Impact)**

## 4.7 GREENHOUSE GAS EMISSIONS

### 4.7.1 Setting

#### 4.7.1.1 *Background Information*

This section provides a general discussion of global climate change and focuses on emissions from human activities that alter the chemical composition of the atmosphere. The discussion on global climate change and greenhouse gas emissions is based upon the California Global Warming Solutions Act of 2006 [Assembly Bill (AB) 32], the 2006 and 2009 Climate Action Team (CAT) reports to Governor Schwarzenegger and the Legislature, and research, information and analysis completed by the International Panel on Climate Change (IPCC), the United States Environmental Protection Agency (EPA), California Air Resources Board (CARB), and the CAT. Estimates of greenhouse gas emissions for the construction phase of the project are provided in Appendix D of this Initial Study.

Global climate change refers to changes in weather including temperatures, precipitation, and wind patterns. Global temperatures are modulated by naturally occurring and anthropogenic (generated by mankind) atmospheric gases such as carbon dioxide, methane, and nitrous oxide.<sup>13</sup> These gases allow sunlight into the Earth's atmosphere but prevent heat from radiating back out into outer space and escaping from the earth's atmosphere, thus altering the earth's energy balance. This phenomenon is known as the greenhouse effect.

Naturally occurring greenhouse gases include water vapor,<sup>14</sup> carbon dioxide, methane, nitrous oxide, and ozone. Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also greenhouse gases, but are for the most part solely a product of industrial activities. Emissions of greenhouse gases are typically expressed in a common metric (i.e., carbon dioxide equivalent), so that their impacts can be directly compared, as some gases are more potent (have a higher global warming potential) than others.

Agencies at the international, national, state, and local levels are considering strategies to control emissions of gases that contribute to global warming. There is no comprehensive strategy that is being implemented on a global scale that addresses climate change; however, in California a multi-agency "Climate Action Team," has identified a range of strategies and the Air Resources Board, under AB 32, has approved the *Climate Change Scoping Plan*. AB 32 requires achievement by 2020 of a statewide greenhouse gas emissions limit equivalent to 1990 emissions, and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions. The CARB and other state agencies are currently working on regulations and other initiatives to implement the *Scoping Plan*. By 2050, the state plans to reduce emissions to 80 percent below 1990 levels.

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<sup>13</sup> IPCC. 2007: Summary for Policymakers. In: Climate Change 2007: The Physical Science Bases. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor, and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Available at: <http://ipcc.ch/>.

<sup>14</sup> Concentrations of water are highly variable in the atmosphere over time, with water occurring as vapor, cloud droplets and ice crystals. Changes in its concentration are also considered to be a result of climate feedbacks rather than a direct result of industrialization or other human activities. For this reason, water vapor is not discussed further as a greenhouse gas.

## **Bay Area Air Quality Management District Air Quality CEQA Thresholds of Significance**

The adopted Bay Area Air Quality Management District (BAAQMD) Air Quality CEQA Thresholds of Significance for operational-related greenhouse gas emissions is 1,100 metric tons of carbon dioxide equivalents a year or 4.6 metric tons of carbon dioxide equivalents per service population per year. The BAAQMD does not have an adopted threshold of significance for construction related greenhouse gas emissions.

The BAAQMD recommends using the URBEMIS model to estimate direct CO<sub>2</sub> emissions from the area and mobile sources. To estimate a project's carbon dioxide equivalent emissions from direct and indirect emission sources, BAAQMD recommends using the BAAQMD Greenhouse Gas Model (BGM). The BAAQMD developed the BGM model to calculate greenhouse gas (GHG) emissions not included in URBEMIS such as indirect emissions from electricity use and waste and direct fugitive emissions from refrigerants.

### **4.7.1.2      *General Plan Policies***

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating climate change impacts resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to the policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Solid Waste Goal #2: Extend the life span of existing landfills by promoting source reduction, recycling, composting, and transformation of solid wastes.
- Solid Waste Goal #5: Achieve a high level of public awareness of solid waste issues and alternatives to landfilling.
- Air Quality Policy #2: Expansion and improvement of public transportation services and facilities should be promoted, where appropriate, to both encourage energy conservation and reduce air pollution.
- Air Quality Policy #6: Continue to actively enforce the City's ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds in packaging and in building construction and remodeling to help reduce damage in the global atmospheric ozone layer.
- Energy Policy #9: the City should encourage the development of renewable energy sources and alternative fuels and cooperate with other public and quasi-public agencies.

In addition, the *San José Green Vision* adopted in October 2007, is a 15-year plan to transform the City into a world center of Clean Technology, promote cutting-edge sustainable practices, and demonstrate that the goals of economic growth, environmental stewardship and fiscal responsibility are inextricably linked. The 10 goals of the *Green Vision* are as follows:

1. Create 25,000 Clean Tech jobs as the World Center of Clean Tech Innovation;
2. Reduce per capita energy use by 50 percent;
3. Receive 100 percent of our electrical power from clean renewable sources;

4. Build or retrofit 50 million square feet of green buildings;
5. Divert 100 percent of the waste from our landfill and convert waste to energy;
6. Recycle or beneficially reuse 100 percent of our wastewater (100 million gallons per day);
7. Adopt a General Plan with measurable standards for sustainable development;
8. Ensure that 100 percent of public fleet vehicles run on alternative fuels;
9. Plant 100,000 new trees and replace 100 percent of our streetlights with smart, zero-emission lighting; and
10. Create 100 miles of interconnected trails.

The City of San José has also adopted a Green Building Policy, which fosters long-term social, economic, and environmental sustainability in public building and development. The Green Building Policy goals center on five main categories: sustainable sites, energy and atmosphere, water efficiency, materials and resources, and indoor environmental quality.

In October 2008, the City Council adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The proposed project would be subject to this policy. A residential project of greater than 10 units, such as the proposed project, would be required to achieve LEED Certified rating or Build it Green (BIG) rated 50 points.

In addition, the City of San José is currently preparing a Greenhouse Gas Reduction Strategy for San José that will identify current and projected greenhouse gas emissions and measures for local government and the community to implement to reduce and avoid greenhouse gas emissions. The Greenhouse Gas Reduction Strategy will include community input and is anticipated to be completed in 2010.

**4.7.1.3 Existing Conditions**

Currently, most of the project site is currently undeveloped and vacant. There is an existing electrical substation located in the northwest corner of the project site.

**4.7.2 Environmental Checklist and Discussion of Impacts**

GREENHOUSE GAS EMISSIONS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6,13

#### 4.7.2.1 *Greenhouse Gas Emissions from the Project*

Given the overwhelming scope of global climate change, it is not anticipated that a single development project would have an individually discernable effect on global climate change. It is more appropriate to conclude that the greenhouse gas emissions generated by the proposed project would combine with emissions across the state, nation, and globe to cumulatively contribute to global climate change.

Greenhouse gas emissions from the proposed project would include emissions from constructing and operating the project. The greenhouse gas emissions from the project include:

- construction emissions from equipment and vehicles used for demolition, grading, and construction;
- mobile emissions (e.g., emissions from combustion of fossil fuels for vehicle trips to and from the project sites);
- emissions from the generation of electricity to operate the residences;
- emissions from the decomposition of organic materials in solid waste generated by the project residents;
- emissions from the manufacture and transport of building materials;
- emissions produced from conveying water to the project site; and
- emissions released from existing trees that will be removed.

The URBEMIS2007 and BGM models were used to estimate the project's direct and indirect greenhouse gas emissions from construction, transportation, area sources, electricity, natural gas, water and wastewater, and solid waste. Reductions in the electricity, area source, and mobile source emissions were applied to reflect the measures that the project proposes (as well as the project's compliance with the City's Private Sector Green Building Policy) to reduce energy (e.g., electricity and fuel) consumption. The specific measures the project is incorporating that will reduce greenhouse gas emissions are discussed below.

#### **Measures to Reduce Greenhouse Gas Emissions**

The City's Private Sector Green Building Policy (6-32) requires that the proposed project achieve GreenPoint Rated 50 points or LEED Certified. The project's compliance with Policy 6-32 would result in energy efficiency performance in excess of the standard California Code of Regulations Title 24 energy requirements.

As discussed in **Section 3.0 Project Description**, the project proponent proposes to incorporate the following features in the project to reduce greenhouse gas emissions:

- Provide outdoor electrical outlets for electric landscape equipment;
- Use low VOC architectural coatings;
- Plant shade trees within 40 feet of the south side or within 60 feet of the west sides of each unit;
- Include cool roof materials;
- Require smart meters and programmable thermostats; and
- Install tankless water heaters.

The project architect estimates that the project would reduce energy demands 15 percent below what is required for Title 24 compliance. In addition, best management practices outlined in **Section 4.3 Air Quality** that are proposed to reduce the project's reduce air quality impacts would also reduce greenhouse gas emissions during construction. The project would also participate in the City's Construction and Demolition Debris Recycling Program by recycling or diverting at least 50 percent of materials generated for discards by the project in order to reduce the amount of demolition and construction waste going to the landfill.

### **Estimated Generated Greenhouse Gas Emissions**

#### Construction Impacts (Short-Term Emissions)

As discussed previously, the BAAQMD does not have an adopted threshold of significance for construction related greenhouse gas emissions. Construction of the project would involve emissions associated with equipment and vehicles used to construct the proposed residential units, as well as emissions associated with manufacturing materials used to construct the project. The URBEMIS2007 model was used to estimate the emissions associated with construction equipment and vehicle activity. There are, however, no reliable methods to estimate construction-related emissions associated with the manufacturing of project materials.

Using URBEMIS2007, construction of the proposed residential units was calculated to generate a total of about 980 metric tons of CO<sub>2</sub> equivalent emissions. The following best management practices outlined in **Section 4.3 Air Quality** are proposed to reduce the project's reduce air quality impacts, as well as greenhouse gas emissions, during construction:

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in property conditions prior to operation.

The project would participate in the City's Construction and Demolition Debris Recycling Program by recycling or diverting at least 50 percent of materials generated for discards by the project in order to reduce the amount of demolition and construction waste going to the landfill.

In order to estimate the project's construction greenhouse gas emissions over the lifetime of the project, the emissions were amortized over 30 years. The construction emissions amortized over 30 years would result in about 33 metric tons of CO<sub>2</sub> equivalents a year.

#### Operational Impacts

It is estimated that the project's annual operational greenhouse gas emissions, including emissions from transportation, area sources, electricity use, natural gas use, water use, wastewater generation, and solid waste generation would be approximately 1,067 metric tons of CO<sub>2</sub> equivalents a year.

<b>Table 6: Estimated Operational Greenhouse Gas Emissions</b>							
<b>Project</b>	<b>Source of Greenhouse Gas Emissions (CO<sub>2</sub>e metric tons/year)</b>						
	<b>Transportation</b>	<b>Area Source</b>	<b>Electricity</b>	<b>Natural Gas</b>	<b>Water &amp; Wastewater</b>	<b>Solid Waste</b>	<b>Total</b>
90 single-family dwelling units	910.92	4.05	134.50	-24.10*	17.59	23.87	1,066.83
Note: * Solid waste generated by the project is landfilled at Newby Island Sanitary Landfill (NISL), which operates a landfill gas recovery system. Landfill gas is converted for energy use at NISL. For this reason, the emissions for natural gas use are negative because landfill gas generated from waste at the NISL is converted to energy rather than flared.							

Assuming 3.24 persons per household, the proposed project would increase the population of the City of San José by about 292 persons.<sup>15</sup> Therefore, the project would generate approximately 2.83 metric tons of carbon dioxide equivalents per person per year. The project would be below the BAAQMD thresholds of significance of 1,100 metric tons of carbon dioxide equivalents a year and 4.6 metric tons of carbon dioxide equivalents per service population per year, even when taking into consideration the project’s amortized construction greenhouse gas emissions. For this reason, the project is considered to have a less than significant impact.

**4.7.3 Conclusion**

The proposed project, in conformance with the City’s Private Sector Green Building Policy, would not have a significant greenhouse gas emissions impact. **(Less Than Significant Impact)**

<sup>15</sup> The persons per household number is based on 2000 Census data from the City.

## 4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment, a Phase II Soil Quality Investigation, and an additional Phase II Environmental Site Sampling completed by *Strategic Engineering & Science* (SCS) in February 2010. The purpose of the environmental assessment was to identify and assess possible sources of hazardous materials at the site and their potential to impact the project. The assessment included a regulatory database search for any known or suspected hazardous materials or waste problems on the site or in the vicinity of the site. The purpose of the soil quality investigations was to evaluate the soil for the presence of residual concentrations of agriculturally-related chemicals. A copy of the Phase I/II report and additional Phase II letter report is included as Appendix E of this Initial Study.

### 4.8.1 Setting

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing. Determining if such substances are present on or near project site is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

#### 4.8.1.1 *General Plan Policies*

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts resulting from planned development within the City. All future development allowed by the proposed land use designation change will be subject to the hazards and hazardous materials policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Hazardous Materials Policy #1: Require proper storage and disposal of hazardous materials.
- Hazardous Materials Policy #3: Evaluate soil and groundwater contamination when considering proposals for new development.
- Hazardous Materials Policy #4: Development located within areas containing naturally occurring asbestos should be required to mitigate any potential impacts associated with grading or other subsurface excavation.
- Fire Hazards Policy #3: Development adjacent to grass and semi-arid hillsides should be designed to minimize hazards from wildland fires.
- Fire Hazards Policy #6: Development should provide for adequate emergency access and emergency evacuation routes.
- Soils and Geologic Conditions Policy #9: Residential development proposed on property formerly used for agricultural or heavy industrial uses should incorporate adequate mitigation/remediation for soils contamination as recommended through the Development Review process.

#### **4.8.1.1 Site Conditions**

##### **On-Site Observations**

Currently, most of the site is vacant and undeveloped. The northwestern corner of the site is developed with a Santa Clara Valley Transportation Authority (VTA) electrical substation. An asphalt road extends from northern end of Southcrest Way to the substation. South of the substation structure is a pad-mounted electrical transformer and a sub-grade electrical vault. Two water connections were observed in the vicinity of the substation.

Small pine trees and a grid of numerous small diameter tree stumps (possibly from a Christmas tree farm) are located in the southern portion of the site. A one foot high, three-foot diameter circular metal structure stacked with old wood blocks (which encases an agricultural well) was observed along the southern boundary of the site. According to the property owner, the well has not been abandoned, but a metal cap was welded on the top of the well and the well is registered as inactive. The well is 256 feet deep and was constructed in the late 1980s.

Other observations on the site include two irrigation stand-pipes in the southern portion of the site (along the eastern site boundary) and disking equipment south of the substation. Refer to Appendix E for more detail on the on-site observations.

##### **Historical Site Condition**

Approximately 8.4 acres of the project site (APNs 464-22-030 and 464-22-029) was originally part of a larger over 280-acre property called Cottle Ranch (also referred to as the Martial Cottle property). The majority of Cottle Ranch remains on the north side of Highway 85 (see Figure 3). Based on a review of historical aerial photographs and maps of the project site and information from the property owner, the site was used for agricultural purposes between 1948 and 1976. The project site was initially developed with agricultural field crops and several structures. By 1956, the site was cultivated with a pear orchard and then pine trees in later years. The orchard was reportedly removed from the site in 1976. The VTA electrical substation reportedly was constructed on-site in the late 1980s. A small wooden well shed was located adjacent to the well until at least 2003.

#### **4.8.1.2 Potential On-Site Sources of Contamination**

##### **Regulatory Agency Records Review**

Various federal and state regulations require that government agencies maintain records of environmental permits, records of properties generating, handling or storing hazardous materials, records of properties generating, handling or storing hazardous materials, records of properties impacted by regulated compounds, and records of properties under investigation by the government for alleged violations of hazardous material regulations.

A search of federal and state databases, including the California Regional Water Quality Control Board's database (Geotracker) and Department of Toxic Substances Control database (Envirostor), was undertaken. A listing of the databases searched is provided in Appendix E of this Initial Study. The project site was not listed on any of the databases searched. A series of 110 kV power lines were depicted south of the site, the nearest approximately 1/8 miles south of the site, generally extending west to east.

### **Agricultural Use Impacts**

Agricultural cultivation of the project site with field crops, a pear orchard, and pine trees was documented from at least the mid-1940s through the mid-1970s. Widespread use of organochlorine pesticides, such as DDT, was common during this time period. Standard agricultural practices also likely included application of other agricultural chemicals, possibly including lead arsenate. Cryolite, (a naturally-occurring mineral containing sodium, aluminum, and fluoride), sulfur, arsenic, and Canadian 16/20 were reportedly used on crops on the Cottle Ranch.

Given the historic agricultural use on the project site, eight near-surface soil samples were collected on-site and evaluated for the presence of organochlorine pesticides, arsenic, lead, and mercury.<sup>16</sup> All pesticide concentrations were compared to their respective California Human Health Screening Level (CHHSL). CHHSLs are concentrations of 54 hazardous chemicals in soil or soil gas that the California Environmental Protection Agency (CalEPA) considers to be below thresholds of concern for risks to human health. The presence of a chemical at a concentration above a CHHSL does not necessarily indicate that adverse impacts to human health are occurring; rather, it indicates that impacts may exist and that additional evaluation may be needed.

The results of the soil analysis are summarized in Table 7 below. The analysis found that concentrations of residual pesticides or pesticide-related metals did not exceed their corresponding CHHSL and/or the typical naturally-occurring concentrations, and hazardous waste thresholds.

As shown in Table 7, low concentrations of pesticides, including 4,4'-DDE, 4,4'-DDD, and 4,4'-DDT were detected in some of the samples. Low concentrations of lead and arsenic were detected in all of the soil samples. According to a local background study of natural-occurring metals, lead in northern Santa Clara County soils generally range from 6.8 to 16.1 mg/kg with concentrations up to 54 mg/kg. The detected lead concentrations, ranging from 8.8 to 11.8 mg/kg, are below the CHHSL and appear consistent with naturally-occurring background concentrations.

Arsenic concentrations ranging from less than 1.8 mg/kg to 2.5 mg/kg were detected in the soils collected. The reported arsenic concentrations exceed the CHHSL for residential land use (0.07 mg/kg); however, naturally-occurring arsenic concentrations in this area commonly exceed the screening level. Therefore, the arsenic concentrations in the agricultural use areas appear to be consistent with the naturally-occurring background concentrations.

Mercury was also detected in all of the samples collected. Naturally-occurring mercury in northern Santa Clara County soils generally range from 0.2 to 0.5 mg/kg with concentrations up to 1.3 mg/kg. The mercury concentrations detected were below the CHHSL of 18 mg/kg and appear consistent with naturally-occurring background concentrations.

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<sup>16</sup> While soil samples were not directly taken from APN 464-44-057, the historic and current use of this parcel is consistent with the historic and current use of the rest of the site. Therefore, the soil contaminants and contaminant concentrations on APN 464-44-057 are expected to be similar to what was found on the rest of the project site. (Source: McCloskey, Tom. Strategic Engineering & Science, Inc., Project Manager. Personal communications. July 2010.)

<b>Sample ID</b>	<b>4,4'-DDD</b>	<b>4,4'-DDE</b>	<b>4,4'-DDT</b>	<b>Arsenic</b>	<b>Lead</b>	<b>Mercury</b>
1	ND	0.0821	ND	1.8	11.8	0.27
2	ND	0.121	0.0297	ND	10.3	0.31
3	ND	0.0589	ND	ND	8.8	0.26
4	ND	0.0751	ND	ND	8.8	0.32
5	ND	0.107	0.0267	ND	9.3	0.36
6	ND	0.127	0.0318	ND	9.1	0.78
7	ND	0.122	0.0261	ND	9.7	0.85
8	0.0286	0.204	0.0531	2.5	10.4	1.4
Typical Naturally-Occurring Concentrations	NA	NA	NA	0.2-5.5	6.8-16.1 (up to 54)	0.2-0.5 (up to 1.3)
CHHSL (residential land use)	2.3	1.6	1.6	0.07*	150	18
TTLC	NE	NE	NE	500	1,000	20
Notes: ND = Non-detect. The compound was not detected at or above laboratory detection limits. NA = Not applicable. NE = Not established. CHHSL = California Human Health Screening Levels in Evaluation of Contaminated Properties, CalEPA, January 2005 and updates. TTLC = Total threshold limit concentration for hazardous waste classification. * = CalEPA does not require cleanup of soil to below background levels. Natural background concentrations of arsenic are often well above the health-based goals in Bay Area soils.						

### ***Agricultural Well/Irrigation System***

An inactive, capped agricultural well is located near the southern boundary of the site. Subsurface concrete irrigation channels with associated steel standpipes are also present. The mixing of pesticides may have occurred at well heads and subsequent spillage can be a concern at former agricultural properties. Soil sampling was completed in the area of the agricultural well to evaluate the wellhead area for the presence of soil contamination. Four surface soil samples were collected and analyzed for organochlorine pesticides, arsenic, lead, and mercury.

The results of the soil sampling near the agricultural well are summarized in Table 8 below. All pesticide concentrations were below their corresponding CHHSL and/or the typical naturally-occurring concentrations, and hazardous waste thresholds.

<b>Sample ID</b>	<b>4,4'-DDD</b>	<b>4,4'-DDE</b>	<b>4,4'-DDT</b>	<b>Arsenic</b>	<b>Lead</b>	<b>Mercury</b>
1	ND	0.126	0.0312	ND	13.9	0.28
2	ND	0.103	ND	ND	12.5	0.28
3	ND	0.174	0.0381	ND	12.9	0.22
4	ND	0.0818	ND	2.9	11.2	0.50
Typical Naturally-Occurring Concentrations	NA	NA	NA	0.2-5.5	6.8-16.1 (up to 54)	0.2-0.5 (up to 1.3)
CHHSL (residential land use)	2.3	1.6	1.6	0.07*	150	18
TTLIC	NE	NE	NE	500	1,000	20
Notes: ND = Non-detect. The compound was not detected at or above laboratory detection limits. NA = Not applicable. NE = Not established. CHHSL = California Human Health Screening Levels in Evaluation of Contaminated Properties, CalEPA, January 2005 and updates. TTLIC = Total threshold limit concentration for hazardous waste classification. * = CalEPA does not require cleanup of soil to below background levels. Natural background concentrations of arsenic are often well above the health-based goals in Bay Area soils.						

### **Electrical Substation and Transformers**

As discussed previously, there is an existing VTA electrical substation located at the northwestern corner of the project site. The substation converts PG&E power to direct current for operation of the light rail system along Highway 85. There is an existing underground 12 kilovolt (kV) line that extends from Chesbro Avenue to the substation and then to the light rail system. The 12 kV line is a typical voltage for electrical lines in City streets.

According to the VTA, who was interviewed in 2003, hazardous materials were not stored in or adjacent to the building. The substation is of relatively new construction, appearing to be in good condition, and no indications of chemicals releases were observed. Electrical transformers in the vicinity of the substation are unlikely to contain polychlorinated biphenyls (PCBs) due to their relatively recent installation.

### **Radon Risks**

Radon is a cancer-causing natural radioactive gas that is not detectable by sight, smell, or taste. Radon comes from the natural (radioactive) breakdown of uranium in soil, rock and water and gets into the air. Radon can be found all over the United States. It can get into any type of building — homes, offices, and schools — and result in a high indoor radon level.<sup>17</sup>

<sup>17</sup> United States Environmental Protection Agency. “Radon.” 11 March 2010. Available at: <http://www.epa.gov/radon/index.html>.

The average radon activity detected in the state testing in the project area was reported to be zero picocuries per liter (pCi/l). The average radon activity detected in the first floor living area in the Federal test in the project area was reported to be 1.000 pCi/l; no test data was recorded for the second floor living area or basement. All test data were reported to be less than the United States EPA (USEPA) recommended action level of four pCi/l.

**4.8.1.3 Potential Off-Site Sources of Contamination**

**Regulatory Database Search**

Based on the information obtained from the database search, given the type of release, current case status, and distance and direction from the site, no off-site sources were identified that would impact the project site.

**Other Hazards**

The project site is not located within the Santa Clara County Airport Land Use Commission (ALUC) jurisdiction, or is it one of the City’s designated evacuation routes.<sup>18</sup> The project is not located in a California Department of Forestry and Fire Protection (CAL FIRE) Fire Hazard Severity Zone.<sup>19</sup>

**4.8.2 Environmental Checklist and Discussion of Impacts**

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14

<sup>18</sup> Airport Land Use Commission. 2008 Countywide Land Use Plan. Adopted September 1992, amended October 2007 and November 2008. Available at:

<http://www.sccgov.org/portal/site/planning/print?contentId=b8601e99c9d74010VgnVCM10000048dc4a92>.

<sup>19</sup> California Department of Forestry and Fire Protection. “Santa Clara County Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE.” Map. 8 October 2008. Available at:

[http://www.fire.ca.gov/fire\\_prevention/fhsz\\_maps/fhsz\\_maps\\_santaclara.php](http://www.fire.ca.gov/fire_prevention/fhsz_maps/fhsz_maps_santaclara.php).

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14
4) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	15

The project proposes to construct between 85 and 90 single-family detached units on the project site. In addition, a park trail could be constructed on parcel 464-44-057 of the project site. The existing electrical substation and transformers on site would remain under the proposed project.

#### **4.8.2.1      *Potential On-Site Sources of Contamination***

As discussed previously, the project would not result in significant impacts from soil contaminants (including those near the agricultural well), the electrical substation and transformers, or radon.

The agricultural well and irrigation system would not result in a significant hazardous materials impact; however, prior to site development, the well and irrigation system shall be abandoned in accordance with requirements of the Santa Clara Valley Water District (SCVWD).

#### **4.8.2.2      *Potential Off-Site Sources of Contamination***

Information contained in the database search did not reveal the presence of properties in the vicinity that would likely impact the project site. As stated previously, the project site is not located within the ALUC jurisdiction, is not located on one of the City's designated evacuation routes, and is not located in a Fire Hazard Severity Zone.

#### **4.8.3      Conclusion**

The proposed project, in conformance with applicable General Plan policies, would not result in significant hazardous materials impacts. **(Less Than Significant Impact)**

## **4.9 HYDROLOGY AND WATER QUALITY**

### **4.9.1 Setting**

#### **4.9.1.1 *Water Quality Regulations***

The discharge of stormwater from the City’s municipal storm sewer system is regulated primarily under the federal Clean Water Act and California’s Porter-Cologne Water Quality Control Act. The San Francisco Bay Regional Water Quality Control Board (RWQCB) implements these regulations at the regional level. New construction in San José is subject to the conditions of the City’s NPDES Permit, which was reissued by the RWQCB in February 2001. Additional water quality control measures were approved in October 2001 (revised in 2005), when the RWQCB adopted an amendment to the NPDES permit for Santa Clara County. This amendment, which is commonly referred to as “C3” requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling one acres or more to 1) include storm water treatment measures; 2) ensure that the treatment measures be designed to treat an optimal volume or flow of storm water runoff from the project site; and 3) ensure that storm water treatment measures are properly installed, operated and maintained.

#### **City of San José Post-Construction Urban Runoff Management Policy 6-29**

The City has developed a policy that implements Provision C.3 of the NPDES Permit, requiring new development projects to include specific construction and post-construction measures for improving the water quality of urban runoff to the maximum extent feasible. The City’s Post-Construction Urban Runoff Management Policy (6-29) established general guidelines and minimum Best Management Practices (BMPs)<sup>20</sup> and Treatment Control Measures (TCMs)<sup>21</sup> for specified land uses, and includes the requirement of regular maintenance to ensure their effectiveness. The threshold for requiring numerically sized Post-Construction TCMs is any project that creates, adds, or replaces 10,000 square feet or more of impervious surfaces.

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<sup>20</sup> Post-Construction Best Management Practices (BMPs) are methods, activities, maintenance procedures, or other management practices designed to reduce the amount of stormwater pollutant loading from a site. Examples of Post-Construction BMPs include proper materials storage and housekeeping activities, public and employee education programs, and storm inlet maintenance and stenciling.

<sup>21</sup> Post-Construction Treatment Control Measures are: site design measures, landscape characteristics or permanent stormwater pollution prevention devices installed and maintained as part of a new development or redevelopment project to reduce stormwater pollution loading from the site; are installed as part of a new development or redevelopment project; and are maintained in place after construction has been completed. Examples of runoff treatment control measures include filtration and infiltration devices (e.g., vegetative swales/biofilters, insert filters, and oil/water separators) or detention /retention measures (e.g., detention/retention ponds). Post-Construction TCMs are a category of BMPs.

### **City of San José Post-Construction Hydromodification Management Policy 8-14**

In 2005, the City of San José adopted the Post-Construction Hydromodification Management (Policy 8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification<sup>22</sup> is likely to cause increased erosion, silt pollution generation, or other impacts to local rivers, streams, and creeks.

Policy 8-14 requires stormwater discharges from new and redevelopment projects that create or replace one acre (43,560 square feet) or more of impervious surfaces to be designed and built to control project-related hydromodification, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to beneficial uses of local rivers, streams, and creeks. The Policy establishes specified performance criteria for Post-Construction Hydromodification control measures (HCMs) and identifies projects which are exempt from HCM requirements. The project site is considered an area “under review” and subject to Policy 8-14. The project’s conformance with this Policy will ensure that post-project runoff shall not exceed pre-project runoff rates.

### **General Plan Policies**

In addition to the regulations and City policies above, various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts resulting from planned development within the City. All future development addressed by this Initial Study will be subject to the hydrologic policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Level of Service Policy #12: New projects should be designed to minimize damage due to stormwater and flooding.
- Water Resources Policy #12: Require specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff.
- Flooding Policy #1: New development should be designed to provide protection from impacts of the 100-year flood.
- Flooding Policy #7: Development should provide adequate flood control retention facilities.

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<sup>22</sup> Hydromodification occurs when the total area of impervious surfaces increases resulting in the decrease of rainfall infiltration, which causes more water to run off the surface as overland flow at a faster rate. Storms that previously did not produce runoff from a property under previous conditions can produce erosive flows in creeks. The increase in the volume of runoff and the length of time that erosive flows occur intensifies sediment transport, increasing creek scouring and erosion as well as causing changes in stream shape and conditions, which can, in turn, impair the beneficial uses of the stream channels.

#### 4.9.1.2 Existing Conditions

##### Hydrology and Drainage

No waterways cross the project site. The nearest waterway to the project site is Canoas Creek located approximately 0.15 miles east of the project site. The depth to groundwater is approximately 19 feet in the project site area. Groundwater in the site vicinity generally flows northwest to north-northwest. The elevation of the site is approximately 160 feet above mean sea level.

Virtually all of the project site is undeveloped and consists of pervious surfaces (refer to Table 9). Runoff from the project site is conveyed to 12- and 24-inch storm drain lines located in Cahalan Avenue, a 12-inch storm drain line in Southcrest Way, and a 30-inch storm drain line in Chesbro Avenue.

<b>Table 9: Pervious and Impervious Surfaces On-Site</b>						
<b>Site Surface</b>	<b>Existing/Pre-Construction (sf)</b>	<b>%</b>	<b>Project/Post-Construction (sf)</b>	<b>%</b>	<b>Difference (sf)</b>	<b>%</b>
<b>Impervious</b>						
Building Footprint	510	0.1	108,000	25	107,490	25
Parking/Driveways	0	0	101,020	24	101,020	24
Sidewalks/Patios/Paths	0	0	31,180	7	31,180	7
<i>Subtotal</i>	<i>510</i>	<i>0.1</i>	<i>240,200</i>	<i>56</i>	<i>239,690</i>	<i>56</i>
<b>Pervious</b>						
Landscaping	0	0	186,600	44	186,600	44
Undeveloped	426,290	99.9	0	0	-426,290	-100
<i>Subtotal</i>	<i>426,290</i>	<i>99.9</i>	<i>186,600</i>	<i>44</i>	<i>-239,690</i>	<i>-56</i>
<b>TOTAL</b>	<b>426,800</b>	<b>100</b>	<b>426,800</b>	<b>100</b>		

##### Flooding

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is not within a 100-year flood zone.<sup>23</sup> The project site would not be subject to the estimated 55-inch sea-level rise from global warming.<sup>24</sup>

There are no dams or levee systems in the project area; however the site is within the dam failure inundation area for Calero, Guadalupe, and Anderson Dams.<sup>25</sup> Calero Dam is located approximately six miles southeast of the site; Guadalupe Dam is located approximately four miles south-southwest of the site; and Anderson Dam is located approximately 13 miles southeast of the project site.

<sup>23</sup> Federal Emergency Management Agency. "Flood Insurance Rate Map." Map Number 06085C0263H. 18 May 2009. Available at:

<http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>.

<sup>24</sup> Bay Conservation and Development Commission (BCDC). "55-Inch Sea-Level Rise by End of Century South Bay." 2008.

<sup>25</sup> Association of Bay Area Governments. "Dam Failure Inundation Hazard Map for Southeast San José." 1995. Available at: <http://www.abag.ca.gov/cgi-bin/pickdamx.pl>.

The project area is not subject to inundation from a seiche, tsunami, or mudflow.

**Water Quality**

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

As discussed above, most of the project site is undeveloped and vacant. The northwest corner of the site is developed with a substation and paved access road providing access to the substation from Southcrest Way. Runoff from the site may currently contain sediment.

**4.9.2 Environmental Checklist and Discussion of Impacts**

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,16
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,17,18
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

**4.9.2.1 Hydrology and Drainage**

With the development of the proposed project, approximately 44 percent (or 186,600 square feet) of the project site would be pervious and 56 percent (or 240,200 square feet) would be impervious (refer to Table 9). The development of the proposed project would result in an increase in impervious surfaces, which would result in a corresponding increase in stormwater runoff from the project site.

Based upon a preliminary stormwater control plan for the project, development of the site would incorporate BMPs during and post-construction including implementing erosion and sediment controls during construction, disconnecting roof downspouts, and installing pervious paving to

reduce pollutants in stormwater runoff from the site. Site runoff would be conveyed to the existing storm drain lines in Cahalan Avenue, Southcrest Way, and Chesbro Avenue.

The project site is not located within a natural or facility groundwater recharge area.<sup>26</sup> The project does not propose to draw significant amounts from groundwater supplies, which could lead to a draw-down of the groundwater aquifer. For these reasons, the proposed project would not impede groundwater recharge or adversely affect the local groundwater table level.

#### **4.9.2.2        *Flooding***

As stated above, the project site is not located within a 100-year flood plain, or within an area predicted to be affected by sea-level rise. Therefore, the development of the proposed project would not place housing in an existing or future 100-year flood hazard area or place structures within a 100-year flood hazard area that would impede or redirect flood flows.

As discussed previously, the project site is within inundation areas for Calero, Guadalupe, and Anderson Dams. These dams are owned and operated by Santa Clara Valley Water District (SCVWD). Dams fail for a variety of reasons. They can be caused by overtopping and subsequent erosion failures and inadequate dam spillways and freeboard. In the San Francisco Bay Area, the largest hazard threatening dam safety is earthquakes. The SCVWD operates a comprehensive dam safety program to ensure public safety. Elements of the safety program include dam maintenance, periodic studies, annual inspections with the State Division of Safety of Dams (DSOD), review and evaluation of monitoring data year-round, a program to evaluate the conditions of the dam following earthquakes and an Emergency Action Plan coordinated with local emergency management agencies, and capital improvements when major repairs or improvements are needed. For these reasons, the site is not subject to a significant risk of loss, injury or death involving dam inundation.

#### **4.9.2.3        *Sea-Level Rise***

The project site is over 20 miles from the San Francisco Bay. The California Climate Action Team predicts that sea level will rise by 55 inches (about 4.6 feet) by the year 2100. Based on the sea level rise and coastal flooding maps for the South Bay, the project site would not be affected by the predicted sea level rise.<sup>27</sup>

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<sup>26</sup> Santa Clara Valley Water District. Santa Clara Valley Water District Groundwater Management Plan. July 2001. Available at: <http://www.valleywater.org/Services/Groundwater.aspx>.

<sup>27</sup> Sources: 1) San Francisco Bay Conservation and Development Commission. Shoreline Areas Vulnerable to Sea Level Rise: South Bay. Map. 2008. Available at: [http://www.bcdc.ca.gov/planning/climate\\_change/climate\\_change.shtml](http://www.bcdc.ca.gov/planning/climate_change/climate_change.shtml). 2) California Climate Change Center. Impacts of Sea-Level Rise on the California Coast. March 2009.

#### 4.9.2.4 *Water Quality*

##### **Construction Impacts**

Construction activities, including grading, would disturb soils and could result in off-site deposition of sediments that could clog storm drains or adversely affect the Canoas Creek. In addition, hazardous materials such as fuel, oil, paint, and solvents are routinely used during construction, and the accidental spill or release of these substances could adversely affect water quality. While construction activities would be temporary in nature, the potential impacts to water quality could last beyond the duration of construction, depending on the extent of degradation.

Development of the project site could increase some contaminants in stormwater runoff during construction, which could adversely affect the water quality of Canoas Creek and, ultimately, the San Francisco Bay. The project, with the implementation of the standard measures listed below, would not result in significant water quality impacts during project construction.

**Standard Measures:** The project proposes to implement the following standard measures to reduce and avoid water quality impacts during construction to a less than significant level:

- Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board’s National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works, as follows:
  - The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities; and
  - The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
- The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works. The Erosion Control Plan may include BMPs as specified in ABAG’s Manual of Standards Erosion & Sediment Control Measures for reducing impacts on the City’s storm drainage system from construction activities.
- The project applicant shall comply with the City of San José Grading Ordinance, including 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 following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:
  - Restrict grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season;
  - Utilize on-site sediment control BMPs to retain sediment on the project site;
  - Utilize stabilized construction entrances and/or wash racks;
  - Implement damp street sweeping;
  - Provide temporary cover of disturbed surfaces to help control erosion during construction;

- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

### **Post-Construction Impacts**

Under provisions of the NPDES Municipal Permit, projects that disturb more than 10,000 square feet are required to incorporate Best Management Practices (BMPs) for non-point pollution control in new development areas.

The amount of impervious surfaces on the site, such as buildings and paved areas, would increase by 56 percent, or 239,690 square feet (refer to Table 9). The amount of pollution carried by runoff from buildings and pavement, therefore, could also increase proportionately. The project would increase traffic and human activity on and around the site, generating more pollutants and increasing dust, litter, and other contaminants that could be washed into the storm drain system. The project would therefore, generate increases in water contaminants which could be carried downstream in stormwater runoff from paved surfaces on the site.

Stormwater from urban uses (including building rooftops) contain metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. Runoff from the proposed project may contain increased oil and grease from parked vehicles, as well as sediment and chemicals (i.e., fertilizers and pesticides) from the landscaped areas.

The proposed project would increase the amount of impervious surfaces, thereby increasing the amount of urban runoff from the site that would convey pollutants to the Guadalupe River and San Francisco Bay. The City of San José has standard measures to reduce stormwater runoff impacts from new development. The project, with the implementation of the standard measures listed below, would not result in significant water quality impacts post-construction.

**Standard Measures:** The project proposes to implement the following standard measures to reduce and avoid water quality impacts post-construction to a less than significant level:

- Prior to the issuance of a Planned Development Permit, the applicant shall provide details of specific Best Management Practices (BMPs), including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled “No Dumping – Flows to Bay” to the satisfaction of the Director of Planning, Building and Code Enforcement.
- The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater of new development.
- The project shall comply with applicable provisions of the City’s Post-Construction Urban Runoff Management Policy (6-29) which establishes guidelines and minimum BMPs for all projects, and the City’s Post-Construction Hydromodification Management Policy (8-14) which provides for numerically sized (or hydraulically sized) treatment control measures (TCMs).<sup>28</sup>

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<sup>28</sup> In order to comply with Policy 8-14, the project may complete improvements such as upsizing existing utility lines located within existing roadway right-of-way and/or constructing detention pond(s) on-site. Such improvements would not result in significant environmental impacts.

**4.9.3**            **Conclusion**

The proposed project, in conformance with applicable General Plan policies and with the implementation of the above standard measures, would not result in significant hydrology or water quality impacts. **(Less Than Significant Impact)**

## **4.10 LAND USE**

### **4.10.1 Setting**

#### **4.10.1.1 *General Plan Policies***

Many of the policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating land use impacts resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to the land use policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Balanced Community Policy #2: Construct a variety of housing densities/types.
- Residential Land Use Policy #1: Provide adequate services and facilities.
- Residential Land Use Policy #5: Mitigation of hazards.
- Residential Land Use Policy #9: Neighborhood character and identity and compatibility of land uses.
- Residential Land Use Policy #11: Provide for adequate open space/recreation.
- Residential Land Use Policy #20: Maximize energy efficiency.
- Residential Land Use Policy #24: Create pedestrian-friendly environment.
- Neighborhood Identity Policy #1: Neighborhood groups should have input to the decision-making process in City government.
- Neighborhood Identity Policy #3: Development should be designed to improve the character of existing neighborhoods.
- Urban Design Policy #1: Apply strong architectural and site design controls.
- Urban Design Policy #2: Private development should include adequate landscaped areas.
- Urban Design Policy #10: Limits on building height.

In addition to the policies of the San José General Plan, future development allowed by the proposed land use designations would be required to comply with the San José *Residential Design Guidelines*, which includes parameters for setbacks, building design, landscaping, screening, and lighting, all of which are factors in ensuring land use compatibility.

**4.10.1.2      *Local Agency Formation Commission Policies Relative to  
Annexation/Reorganizations for Cities and Special Districts***

The Local Agency Formation Commission (LAFCO) implements policies related to the efficient growth and development of urban areas and the preservation of open space and agricultural uses. LAFCO’s policies regarding annexation and reorganization of cities and special districts are intended to encourage urban development within cities rather than unincorporated land before annexing fringe areas, logical and reasonable annexations and reorganizations, annexation of unincorporated islands, exchange of territory between cities to improve illogical boundary or service situations, and governmental efficiency by reducing overlaps of service provisions.

The LAFCO Commission encourages city processing of annexations and reorganizations within Urban Service Areas without LAFCO review. Pursuant to Government Code Section 56757, reorganizations within a city’s urban service area may be approved by city councils without LAFCO review if the proposal meets certain conditions. Applicable LAFCO’s policies on annexation are outlined below.

1. LAFCO will strongly discourage city annexations of land outside Urban Service Areas until inclusion into the Urban Service Area is appropriate. However, the Commission recognizes that in some circumstances, city annexations outside Urban Service Areas will help promote preservation of agriculture, open space, and/or greenbelts. Such cases will be considered on their merits on a case-by-case basis. LAFCO will reconsider allowance of exceptions if it appears a pattern of such requests is developing.
2. Where development outside Urban Service Areas will necessitate annexations to special districts, LAFCO will consider city general plans, joint city/county plans, and land use studies, such as the South County Plan and Preservation 2020, in reviewing proposals.
3. Proponents must clearly demonstrate that the city or special district is capable of meeting the need for services.
4. Boundaries of proposals must be definite and certain, and split lines of assessment must be avoided wherever possible.
5. The boundaries of a proposed annexation or reorganization must not create or result in areas that are difficult to serve.
6. Pre-zoning is a requirement for city annexation. Where territory is pre-zoned agricultural, but has an urban use designation on the city’s general plan, the applicant will be required to demonstrate why such an annexation is not in violation of the Cortese-Knox Local Government Reorganization Act, which requires LAFCO to: a) Steer growth away from agricultural areas; and b) Determine that annexation and development of land for non-agricultural purposes is not premature.
7. No subsequent change may be made to the general plan or the zoning of the annexed territory that is not in conformance to the pre-zoning designations for a period of two years after the completion of the annexation unless the city council makes a finding at a public hearing that a substantial change has occurred in the circumstances that necessitate the change.

8. For annexations for residential development of five acres or more, a copy of the application shall be sent to the appropriate school district(s) for the purpose of ascertaining the impact the proposal may have on the district's ability to provide educational services.
9. All applications for annexations where pre-zoning indicates that land development could cause the number of vehicle trips per day to exceed 2,000, shall be sent by the LAFCO Executive Officer to the Congestion Management Agency with the Valley Transportation Authority for comment as to impact on regional transportation facilities and services.
10. Where service providers other than the reorganizing agencies may be substantively impacted by a proposed reorganization, LAFCO shall request comments on the proposal from the affected service providers. Comments received will be a factor considered in reviewing the proposal.
11. Concurrent detachment of territory from special districts which will no longer provide service is a required condition of city annexation.
12. LAFCO will consider the applicable service reviews and discourage changes in organization that undermine adopted service review determinations or recommendations.

#### **4.10.1.3 Existing Conditions**

##### **Existing Land Use**

The approximately 9.8-acre project site (APNs 464-22-030, 464-44-057, and a portion of 464-22-029) is located at the northeast corner of Blossom Hill Road and Cahalan Avenue. The entire project site, except for 1.2 acres (APN 464-44-057), is in an unincorporated pocket of Santa Clara County. The 1.2-acre parcel (APN 464-44-057) is owned by the City of San José and located within the City of San José. The area immediately north, south, west, and east of the project site is incorporated City of San José. The entire project site is within the Urban Service Area (USA) of the City of San José.

Currently, most of the project site is vacant and undeveloped. The northern portion of the site is developed with an electrical substation and an access road that extends from Southcrest Way to the substation. There are stockpiles of dirt, wood, and pipes, as well as a portable toilet stored on the south east corner of the project site. Construction equipment, pipes, and stockpiles of dirt are located along the western site boundary near the intersection of Cahalan Avenue and Blairburry Way.

The approximately 8.6 acres (APNs 464-22-030 and 464-22-029) of the project site is unincorporated and is currently zoned *A – Exclusive Agriculture* in the County's Zoning Map.<sup>29</sup> The remaining 1.2 acres of the project site (APN 464-44-057) is currently zoned *R-1-8 – Single Family Residential*.

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<sup>29</sup> According to the County's Zoning Ordinance, the purpose of the *A – Exclusive Agriculture* district is to preserve and encourage the long-term viability of agriculture and agricultural lands, recognizing the vital contributions agriculture makes to the economy and quality of life within the County. The intent of this district is to reserve those lands most suitable for agricultural production for agricultural and appropriate related uses. This district is also intended to retain in open space uses those lands which may be suitable for future urbanization until such time as they are included within a city's urban service area and public facilities and services can be economically provided, consistent with community plans and objectives.

According to the City of San José’s General Plan, the entire project site is designated as *Public Park and Open Space*.<sup>30</sup>

**Surrounding Land Uses**

The surrounding land uses around the project site include Highway 85 to the north, Southcrest Way and single-family residences to the east, Blossom Hill Road and commercial uses to the south, and Cahalan Avenue and single-family residences to the west. Figure 3 shows the project site and its surrounding land uses.

**4.10.2 Environmental Checklist and Discussion of Impacts**

LAND USE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,4
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

The project proposes to subdivide APN 464-22-029 into two parcels (one parcel would be 0.1 acres in size and the other parcel would be 1.2 acres in size); annex the 8.5-acre parcel (APN 464-22-030) and 0.1 acres of APN 464-22-029 into the City of San José; rezoning the 8.5-acre parcel and 0.1 acres of APN 464-22-029 and rezoning the 1.2-acre parcel (APN 464-22-057) to A(PD) – *Planned Development* to allow for the development of between 85 and 90 single-family detached units; and amend the City of San José’s General Plan to change the land use designation on the entire project site from *Public Park and Open Space* to *Medium Density Residential* (8-16 du/ac).

As shown on Figure 3, the land uses surrounding the project site include roadways, residential, and commercial uses. The development of residential uses on the project site would not introduce a new land use to the area. A park trail, if constructed on APN 464-44-057 of the project site, is not an incompatible land use with the proposed and adjacent residential use. In addition, the project site is currently separated from surrounding development by existing roadways, soundwalls, and fences.

<sup>30</sup> The *Public Park and Open Space* land use designation are for lands devoted to open space use for the most part, although some development, such as restrooms, playgrounds, educational/visitor’s centers, and parking areas, is an inherent part of many of the properties so designated.

The proposed project would be subject to architectural and site design review by the City at the Planned Development (PD) Permit stage. Such review will include conformance with the City's adopted *Residential Design Guidelines*. The City's *Residential Design Guidelines* are intended to ensure that new development is compatible with existing neighborhood character and does not adversely impact neighboring residential uses. For these reasons, the project would not divide an established community.

The project site is not part of an approved habitat conservation plan or natural community conservation plan. Note that the City of San José, along with the cities of Gilroy and Morgan Hill, the County of Santa Clara, the Santa Clara Valley Transportation Authority and the Santa Clara Valley Water District are in the process of preparing a Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) for the Santa Clara Valley. This HCP/NCCP has not yet been approved.

#### **4.10.2.1      *Annexation***

The project proposes the annex approximately 8.4 acres (APN 464-22-030 and 0.1 acres of APN 464-22-029) in an unincorporated pocket of Santa Clara County into the City of San José. The act of annexing the 8.4 acres into the City would not result in environmental impacts. These parcels are already located within the City of San José's Urban Service Area (LAFCO policies 1 and 2) and, as discussed in **Sections 4.6 Energy** and **4.18 Utilities and Service Systems**, there is adequate energy and utility supply and capacity to serve the proposed project (LAFCO policies 3 and 5). The parcels have definite and certain boundaries (LAFCO policy 4).

The 8.4 acres are currently zoned *A – Exclusive Agriculture* in the Santa Clara County Zoning Map. The project proposes to prezone 8.4 acres of the project site and rezone the remaining 1.2 acres of the project site to *A(PD) – Planned Development* in order to develop between 85 and 90 single-family detached units (LAFCO policy 6). The development density of the proposed PD rezoning (8.7-9.2 du/ac) would be consistent with the project's proposed General Plan land use designation of *Medium Density Residential* (8-16 du/ac). As discussed in **Section 4.2**, the project would not have a significant impact on agricultural uses (LAFCO policy 6).

Subsequent change to the General Plan or zoning of the annexed parcel that is not in conformance to the pre-zoning designation is not anticipated (LAFCO policy 7). As discussed in **Section 4.14 Public Services**, the local schools have sufficient capacity to accommodate the project-generated students (LAFCO policy 8).

As discussed in **Section 4.17 Transportation**, the proposed project would generate approximately 891 net new average daily trips, which is below LAFCO's threshold of 2,000 average daily trips that would require analysis of regional transportation impacts; therefore, the proposed project does not require a regional transportation analysis (LAFCO policy 9).

It is not anticipated that service providers would be substantively impacted by the proposed annexation (LAFCO policy 10). The City will require detachment of territory from special districts (if any) as a requirement of the annexation (LAFCO policy 11).

For the above reasons, the proposed project would be consistent with LAFCO's policies for annexation.

#### **4.10.2.2      *General Plan and Zoning Conformance***

The project proposes a GPA and rezoning to develop 85 to 90 residential units on the project site. By definition, the project is not consistent with the City's existing General Plan because it requires an amendment to the General Plan. However, future development resulting from the proposed GPA is required to conform to applicable General Plan policies including those regarding land use and housing.

In addition, future development resulting from the proposed GPA is required to conform to the City's *Residential Design Guidelines*, which include guidelines for setbacks, parking, landscaping, and building design. For example, single-family detached houses and courthouses are required to be set back from a freeway by 25 feet if behind a soundwall. The *Residential Design Guidelines* state that for courthouses, an average of 200 square feet of landscaping per unit should be provided in the courtyard. Also, there should be a minimum of 400 square feet of private open space per courthouse unit and the small lot single-family units should be provided with 400 square feet of private open space for a 3,000 square foot lot and 500 square feet of private open space for a 3,000 to 4,000 square foot lot.

The project's conformance with applicable General Plan policies and the City's *Residential Design Guidelines* would reduce or avoid land use impacts.

#### **4.10.3      Conclusion**

The proposed project, in conformance with applicable General Plan policies and the City's *Residential Design Guidelines*, would not result in significant land use impacts. **(Less Than Significant Impact)**

## **4.11 MINERAL RESOURCES**

### **4.11.1 Setting**

#### **4.11.1.1 *General Plan Policies***

Many of the policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating mineral resource impacts resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to the land use policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Extractive Resources Policy #1: When urban development is proposed on lands which have been identified as containing economically usable extractive resources, the value of such resources should be taken into consideration.
- Extractive Resources Policy #2: The City encourages the conservation and development of the Surface Mining and Reclamation Act of 1975 (SMARA) designated mineral deposits wherever feasible.
- Extractive Resources Policy #3: In making land use decisions involving areas which have a SMARA designation of regional significance, at the time of consideration of such decision, the City should, in balancing mineral values against alternative land uses, consider the importance of these minerals to their market region as a whole and not just their importance to San José.
- Extractive Resources Policy #4: The quarrying of economically usable resources, including sand and gravel, should be carefully regulated to mitigate potential environmental effects such as dust, noise and erosion.
- Extractive Resources Policy #5: When approving quarrying operations, the City should require the preparation and implementation of reclamation plans for the contouring and revegetation of sites after quarrying activities cease.

#### **4.11.1.2 *Background Information***

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Pursuant to the mandate of SMARA, the State Mining and Geology Board has designated the Communications Hill Area (Sector EE), which is generally bound by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials. The project site does not contain mineral resources or mining.

**4.11.2 Environmental Checklist and Discussion of Impacts**

MINERAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

The project site is outside of the Communications Hill area and will therefore, not result in a significant impact from the loss of availability of a known mineral resource.

**4.11.3 Conclusion**

The project would not result in impacts to mineral resources. **(No Impact)**

## 4.12 NOISE AND VIBRATION

The following discussion is based on an environmental noise and ground-borne vibration assessment completed by *Charles M. Salter Associates, Inc.* in August 2010. The purpose of the assessment is to quantify the noise environment and ground-borne vibration due to light rail trains, and compare these with applicable standards for residential land uses. A complete copy of this report is provided in Appendix F of this Initial Study.

### 4.12.1 Setting

#### 4.12.1.1 *Background Information*

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a “decibel” scale which serves as an index of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the “A-weighted” decibel or dBA. Further, sound is averaged over time and penalties are added to the average for noise that is generated during times that may be more disturbing to sensitive uses such as early morning, or late evening.

Since excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The noise guidelines are almost always expressed using one of several noise averaging methods, such as  $L_{eq}$ , DNL, or CNEL.<sup>31</sup> Using one of these descriptors is a way for a location’s overall noise exposure to be measured, realizing of course that there are specific moments when noise levels are higher (e.g., when a jet is taking off from the Airport or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on SR 85 or in the middle of the night). For this discussion, the DNL will be used as it is consistent with the guidelines for the City of San José.

The effects of noise on people can be listed in three general categories:

- a) Subjective effects of annoyance, nuisance, dissatisfaction;
- b) Interference with activities such as speech, sleep, and learning; and
- c) Physiological effects such as startle, hearing loss.

The sound levels associated with environmental noise usually produce effects only in the first two categories. There has never been a completely predictable measure for the subjective effects of noise nor of the corresponding reactions of annoyance and dissatisfaction. This is primarily because of the wide variation in individual thresholds of annoyance and habituation to noise over time.

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<sup>31</sup>  $L_{eq}$  stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. DNL stands for Day-Night Level and 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. CNEL stands for Community Noise Equivalent Level; it is similar to the DNL except that there is an additional five dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour  $L_{eq}$ .

Thus, an important factor in assessing a person’s subjective reaction is to compare the new noise environment to the existing noise environment. In general, the more a new noise exceeds the existing ambient noise environment, the less acceptable the new noise will be judged.

With regard to increases in noise level, knowledge of the following relationships will be helpful in understanding the quantitative discussions below:

- a) Except in carefully controlled laboratory experiments, a change of only one dB in sound level cannot be perceived by the human ear.
- b) Outside of the laboratory, a three dB change is considered a just-noticeable difference.
- c) A change in level of at least five dB is required before any noticeable change in community response would be expected.
- d) A 10 dB change is subjectively heard as approximately a doubling in loudness, and would almost certainly cause an adverse community response.

#### **4.12.1.2      *Applicable Noise and Vibration Standards and Policies***

##### **Noise**

Because excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The City of San José’s General Plan contains goals and policies, which pertain to desired noise levels for various land uses located within the City.

The General Plan cites long-term and short-term exterior DNL goals for residential uses of 55 dBA and 60 dBA, respectively. Outdoor uses on sites where the DNL is above 60 dBA should be limited to acoustically protected areas. The General Plan also distinguishes between noise from transportation sources and noise from non-transportation (i.e., stationary) sources. The short-term exterior noise goal is 60 dBA DNL for transportation sources. For stationary sources, the exterior noise goal is 55 dBA DNL at the property line between sensitive land use (e.g., residences, schools, libraries, hospitals, etc.) and non-sensitive land use (e.g., industrial, commercial, etc.)

The above noise goals notwithstanding, the General Plan specifically recognizes that these goals may not be achieved within the timeframe of the General Plan in certain areas of the City that are affected by noise from aircraft, railroads, and roadway traffic. It should be noted, however, that the maximum exterior noise level necessary to avoid significant adverse health effects is 76 dB DNL.

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating noise impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the noise policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Noise Policy #1: City’s short- and long-term noise objectives.
- Noise Policy #8: Use of outdoor appliances, air conditioners, and other consumer products.
- Noise Policy #9: Reduction of noise during construction.
- Urban Design Policy #18: Implement sound attenuation into new development.

In addition to the above General Plan policies, future development allowed by the proposed land use designations would be subject to the following codes, guidelines, and ordinances:

- San José Municipal Code §20.100.450: Limits construction hours within 500 feet of residences to 7 AM – 7 PM weekdays, with no construction on weekends or holidays.
- Title 24 of the State Building Code: Multi-family buildings must be designed to achieve an interior DNL of 45 dBA or less in all habitable residential areas.
- San José Residential Design Guidelines: Specifies setbacks from non-residential uses in order to minimize land use conflicts, including excessive noise.
- City of San José Zoning Ordinance: The City Zoning Ordinance applies specific noise standards to Residential Zoning Districts, which limits the sound pressure levels generated by any use or combination of uses at any property line to a maximum noise level of 55 dBA.

#### Single-Event Noise Levels

The City of San José does not specifically regulate maximum instantaneous interior noise levels from single-events outdoors, such as vehicles and emergency sirens. However, because of its possible effects on sleep, and because of the site's proximity to Blossom Hill Road and Highway 85, the possible impact of noise from individual vehicles are discussed in this section.

Some cities, including Palo Alto and Morgan Hill, have guidelines for addressing maximum interior noise levels due to individual outdoor events such as train horns. The most common present a goal of 50 dBA or lower in bedrooms, and 55 dBA or lower in other rooms.

### **Vibration**

The City of San José has not established vibration limits that can be used to evaluate the compatibility of sensitive land uses (such as residential uses) with respect to groundborne vibration. Although there are no local standards, the U.S. Department of Transportation's Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The suggested upper limit for residences exposed to frequent events (more than 70 events per day) is 72 VdB, to occasional events (between 30 and 70 events per day) is 75 VdB, to infrequent events (fewer than 30 events per day) is 80 VdB.

While the above criteria are generally intended to help assess the impact of new rail projects adjacent to existing land uses, they are frequently used to help assess the compatibility of new projects adjacent to existing rail lines. For reference, the FTA has identified the threshold of perception of vibration for humans around 65 VdB.

### 4.12.1.3 Existing Conditions

#### Noise

Vehicles on adjacent roadways dominate environmental noise levels at the project site. To quantify the existing noise environment, two long-term monitors continuously measured noise levels at the site from February 9-15, 2010. In addition, short-term “spot” measurements were completed and compared with corresponding time periods of the long-term monitors to determine how noise levels vary across the site and at different elevations. Table 10 summarizes existing noise levels at the site. Approximate measurement locations are shown on Figure 8.

Noise Measurement	Noise Measurement Location	DNL
LT-1	Highway 85 – approximately 235 feet south of the roadway centerline, eight feet above ground	65 dBA
LT-2	Blossom Hill Road – approximately 55 feet north of the roadway centerline	72 dBA
ST-1	Northern portion of site – approximately 240 feet south of Highway 85 centerline, 20 to 40 feet above ground	68-74 dBA
ST-2	Northern portion of the site – approximately 170 feet south of Highway 85 centerline, 18 feet above ground	69 dBA
ST-3	Northern portion of the site – approximately 170 feet south of Highway 85 centerline, 18 feet above ground	68 DBA
ST-4	Mid-site – approximately 750 feet south of Highway 85 centerline	61 dBA
ST-5	Blossom Hill Road – approximately 65 feet north of roadway centerline	70 DBA

Reoccurring maximum noise levels at the long-term monitor along Blossom Hill Road were as high as 101 dBA due to vehicles and sirens.<sup>32</sup> In the northern portion of the project site, maximum noise levels at the long-term monitor were in the range of 80-82 dBA due to vehicles and aircraft. Due to decreased shielding from the highway noise barrier, maximum noise levels at the second and third-story levels are estimated to be at least four to six decibels higher, respectively, from vehicles on Highway 85 (i.e., 84-88 dBA  $L_{max}$ ).

An existing substation is located in the northwestern corner of the project site. While substation noise was not measurable above transportation sources during on-site measurements, noise may be audible at the nearest future residences on the site when traffic noise is low.

<sup>32</sup> Typical maximum sound levels at the setback of homes nearest the roadway is 92 dBA.



NOTES: ESTIMATED FUTURE NOISE LEVELS AT APPROXIMATELY 8' / 18' / 28' ABOVE GRADE FOR 1st / 2nd / 3rd FLOORS HIGHWAY NOISE BARRIER ELEVATION AND ENVIRONMENTAL NOISE LEVELS TO BE CONFIRMED DURING THE DESIGN PHASE AERIAL PHOTO PROVIDED BY OTHERS; NOT TO SCALE

● APPROXIMATE NOISE MEASUREMENT LOCATION



N.T.S.

Source: Charles M. Salter Associates, Inc.

**NOISE MEASUREMENT LOCATIONS AND ESTIMATED FUTURE NOISE LEVELS**

**FIGURE 8**

**Vibration**

There are two active light rail transit (LRT) tracks located in the center of Highway 85 north of the project site. The tracks currently carry 64 to 69 northbound LRT trains and 66 to 71 southbound LRT trains daily. There is an existing soundwall that separates the site from Highway 85 and the LRT train tracks.

Ground-borne vibration was measured at the existing site grade, at distances of approximately 130 feet and farther from the VTA Light Rail tracks in the center of Highway 85. Measurements consisted of two northbound and four southbound trains. Measured vibration levels were all below the 72 VdB guideline for frequent train events at residences. Therefore, while train vibration may be perceptible at the nearest future residences on the project site, no mitigation is required to comply with the FTA Guidelines. The developer should include highway noise and VTA Light Rail noise and vibration in its disclosure to buyers.

**4.12.2 Environmental Checklist and Discussion of Impacts**

NOISE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project result in:						
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,19

NOISE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project result in: 6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,19

While CEQA does not specifically define what amount of noise level increase is considered significant, generally, in high noise environments, a project is considered by the City to have a significant impact if the project would: 1) substantially and permanently increase existing noise levels more than three dBA DNL (three decibels is the minimum increase generally perceptible by the human ear); or 2) would cause ambient noise levels to exceed the guidelines established by the General Plan.

**4.12.2.1 Noise Impacts From the Project**

**Short-Term Construction Noise**

Noise impacts resulting from construction depend on: 1) the noise generated by various pieces of construction equipment; 2) the timing and duration of noise generating activities; 3) the distance between construction noise sources and noise sensitive receptors; and 4) existing ambient noise levels. Construction activity noise is generally stationary, such as generators or compressors, or mobile, such as trucks, excavators, cutting and welding tools, pneumatic tools, etc.

Noise levels from construction activities would vary depending on the type of equipment being used, the process, and the location. The impact of a particular construction activity is also dependent on the fraction of time the equipment is operated over the construction period. Construction activities that are expected to generate the highest noise levels include grading, concrete work, and framing where heavy equipment may be used. No pile driving would be required for the construction of the project.

The nearest, existing sensitive receivers are the adjacent one to two-story residences to the east and west of the project site. Most residences adjacent to the project site are 20-40 feet from the project site boundary; however, residences adjacent to the northeast corner of the site are about 10 feet from the project site boundary.

Table 11 lists typical noise levels from various construction equipment at a distance of 50 feet. Corresponding noise levels at 25 feet from the source would be approximately six decibels higher.

<b>Table 11: Typical Construction Equipment Sound Levels</b>	
<b>Equipment</b>	<b>Typical Sound Level 50 feet from Source (in dBA)</b>
Air compressors	81
Backhoe	80
Concrete mixer	85
Concrete pump	82
Dozer	85
Generator	81
Grader	85
Loader	85
Paver	89
Pneumatic Tool	85
Saw	76
Truck	88
Source: US Department of Transportation. <u>Transit Noise and Vibration Impact Assessment, Construction Equipment Noise Emission Levels</u> . May 2006.	

While the construction of the proposed project would be temporary (two to three years), given the proximity of nearby residences and the estimated construction noise levels, the project would result in significant short-term construction-related impacts.

**Impact NOI – 1:** The proposed project would result in significant, short-term construction-related impacts. **(Significant Impact)**

**Mitigation and/or Avoidance Measures:** The project proposes to implement the following mitigation measures to reduce short-term construction noise impacts to a less than significant level:

**MM NOI – 1.1:** Construction will be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

**MM NOI – 1.2:** The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.

**MM NOI – 1.3:** Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located as close as feasible to the City’s goal of at least 200 feet from noise sensitive receptors, such as residential uses.

- MM NOI – 1.4:** The developer shall implement a Construction Management Plan, approved by the Director of Planning, Building and Code Enforcement, to minimize impacts on the surrounding sensitive land uses to the fullest extent possible. The Construction Management Plan would include measures to minimize impacts of construction upon adjacent sensitive land uses, including early and frequent notification and communication with the neighborhood of the construction activities.
- MM NOI – 1.5:** Prohibit unnecessary idling of internal combustion engines.
- MM NOI – 1.6:** Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

### **Project-Generated Traffic**

Vehicles are expected to access the project site via Cahalan Avenue, Southcrest Way, and Chesbro Avenue. Based on the transportation impact analysis completed by *Hexagon Transportation Consultants* for the project (refer to Appendix G), project-generated traffic would increase the noise levels along adjacent roadways by approximately one decibel or less, which would not be audible to the human ear (typically, three decibels is the minimum increase generally perceptible by the human ear). Project traffic, therefore, would not result in a long-term noise impact.

### **Stationary Noise Sources**

Stationary noise sources associated with the project are expected to consist of mechanical equipment such as air-conditioning units. Air-conditioning units should be selected and located to meet the City’s Zoning Ordinance limit of 55 dBA at residential property lines. If needed, additional mitigation measures may consist of equipment barriers and/or enclosures, which would be determined at the design phase.

**Standard Measure:** The project proposes to implement the following standard measure to ensure stationary noise sources, including mechanical equipment, at the project site meets the City’s Zoning Ordinance limit of 55 dBA at residential property lines:

- Post-construction mechanical equipment shall conform to the City’s General Plan limitation of 55 dBA DNL at residential property lines.

#### 4.12.2.2 *Noise and Vibration Exposure Impacts to the Project*

##### **Noise Levels**

###### Exterior Noise Levels

As discussed previously, the existing noise level at the project site would range from 76 dBA DNL or higher at the third-story of proposed residences in the northern portion of the site nearest Highway 85, to 60 dBA DNL in the center portion of the site, to 72 dBA DNL at proposed residences along Blossom Hill Road. With projected traffic along Blossom Hill Road and Highway 85, it is estimated that existing noise levels could increase one to two decibels in the future.

While portions of the project site would be exposed to noise levels above the City's long-term and short-term exterior noise goals of 55 and 60 dBA DNL, respectively, the City's General Plan specifically recognizes that the exterior noise goals may not be achieved at certain areas of the City which are affected by noise from aircraft and major roadway traffic (e.g., adjacent to major highways such as Highway 85). For this reason, the project would not result in significant exterior noise impacts.

The residences in the northwestern corner of the project site would be located near the existing electrical substation. Future residents should be notified that they may occasionally hear tonal noise from the substation, particularly at the quietest times of the day or night.

###### Interior Noise Levels

Given the exterior noise levels at the project site, it is estimated that the interior noise level of the proposed residences would range between 55 and 60 dBA DNL. Therefore, the project would be exposed to interior noise levels above the City's interior noise goal of 45 dBA DNL.

**Impact NOI – 2:** The proposed project would be exposed to interior noise levels above the City's interior noise goal of 45 dBA DNL. (**Significant Impact**)

**Mitigation and/or Avoidance Measures:** The project proposes to implement the following mitigation measures to reduce interior noise levels to 45 dBA DNL or lower:

- MM NOI – 2.1:** Use sound-rate windows, doors, and exterior wall assemblies to reduce interior noise from outdoor sources to 45 dBA DNL.
- Assuming a typical room size of 12 feet by 14 feet, with approximately 33-percent window on one or two exterior facades, and exterior walls consisting of three-coat stucco over wood sheathing, insulation in stud cavities, and at least two-layers of gypsum board on the interior, preliminary calculations suggest that sound insulation ratings in the range of STC 39 to 42 or higher may be needed at residences in the northern portion of the site nearest to Highway 85, and sound insulation ratings in the range of STC 32 to 35 may be needed in residences along Blossom Hill Road.
  - Sound insulation ratings will decrease towards the middle of the site, where typical dual-pane construction-grade windows will likely

suffice, without specific higher STC ratings. For reference, typical dual-pane construction grade windows and sliding glass doors have sound insulation ratings in the range of STC 26 to 28.

- Window and door sound insulation ratings must be for the complete assemblies, including frames and operable sashes. Sound insulation ratings shall be from tests conducted by an NVLAP accredited laboratory. For reference, sound insulation ratings of up to STC 36 can typically be achieved using high quality insulated windows with glazing selected to meet the required ratings. Sound insulation ratings between STC 36 and 39 can be achieved by some specialty window manufacturers by using 1-inch or 1-½ inch glazing sections. Ratings above STC 39 typically require dual sash or “four track” windows with frames that are 5 to 6 inches deep.
- Specific details and sound insulation ratings shall be determined during the design phase, when the site plan, grading and floor plans, and exterior elevations have been developed. The height of the noise barrier along Highway 85 should be determined and a qualified acoustical consultant shall review this and drawings during the design phase and determine appropriate noise mitigation measures.
- Dual pane windows and doors with equal glass thicknesses can have resonances that result in audible tones indoors. Acoustical test reports of all sound rated windows and doors shall be reviewed by a qualified acoustical consultant, and compared with traffic noise spectrums, prior to approval of building permits.

**MM NOI – 2.2:** The project shall provide mechanical ventilation or air conditioning systems for each unit to allow a more habitable interior environment since windows will need to be closed to meet the indoor noise criterion.

#### Maximum Interior Noise Level

Designing the building shell to achieve the interior DNL goal described above would result in calculated maximum noise levels in the range of 55 to 67 dBA, or higher, in residences nearest to Highway 85 and Blossom Hill Road. The City’s General Plan does not identify a goal for maximum instantaneous noise levels; therefore, the project would not have a significant noise impact in regards to maximum instantaneous noise levels.

However, other cities including Palo Alto and Morgan Hill have identified a maximum instantaneous noise level standard of 50 dBA in bedrooms and 55 dBA in other rooms. Achieving the maximum noise level of  $L_{max}$  50 dBA in bedrooms and 55 dBA in other rooms may require double-stud exterior walls with added layers of gypsum board, and windows with sound insulation ratings in the range of STC 40 to 52. For reference, windows with STC ratings of 50 are not common.

## **Vibration**

As discussed previously, measured vibration levels at the project site were all below the 72 VdB guideline for frequent train events at residences. Therefore, while train vibration may be perceptible at the nearest future residences on the project site, no mitigation is required to comply with the FTA Guidelines. The developer shall include highway noise VTA Light Rail noise and vibration in its disclosure to buyers.

### **4.12.3      Conclusion**

The proposed project, in conformance with applicable General Plan policies and with the implementation of the above mitigation and/or avoidance measures, would not result in significant noise or vibration impacts. **(Less Than Significant Impact with Mitigation Incorporated)**

**Mitigation and/or Avoidance Measures Not Proposed By the Project  
But Could be Required by the City Council as Conditions of Approval  
to Further Reduce Noise Impacts**

The City could require the following measures as conditions of approval to further reduce construction-related noise impacts:

- Noise mitigation could be evaluated on a case-by-case basis with neighbors who feel that noise is excessive. Additional mitigation could involve either administrative controls, physical noise mitigation measures, or both. Examples include a) evaluating the feasibility of noise control blankets on the building structure, as the building is erected; b) evaluating the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent residences; or c) to the extent feasible, temporary screens of a manageable size located between noisy activities and sensitive receivers.
- Post at least one sign along the eastern, southern, and western site boundary to notify the neighborhood of permitted days and hours of construction activities.
- Hold a preconstruction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, posted signs, etc.) are completed.

The City could require the following measures as conditions of approval to reduce exterior noise levels at the proposed residences:

- It is estimated that the noise level in private yards at residences in the northern and middle portions of the site would range between approximately between 60 and 68 dBA DNL. To further reduce the exterior noise level at residences in the northern portion of the site, the height of the existing soundwall that currently extends approximately 20 feet above site ground level between the site and Highway 85 would need to be raised.
- To reduce exterior noise levels at residences proposed along Blossom Hill, the project could install noise barriers along Blossom Hill Road. Noise barriers between 10 and 12 feet tall are estimated to reduce vehicle noise levels to 60 dBA DNL or lower; and noise barriers between seven and eight feet tall along Blossom Hill Road are estimated to reduce vehicle noise levels 65 dBA DNL or lower.

The City could require the following measure as conditions of approval to reduce the maximum instantaneous noise levels within the proposed residences:

- Avoid locating bedrooms with a direct line-of-sight to Blossom Hill Road, as this would decrease necessary STC ratings.

**4.13 POPULATION AND HOUSING**

**4.13.1 Setting**

In 2007, the City had a population of 974,000.

According to the Association of Bay Area Governments (ABAG) *Projections 2007*, for the year 2010, the City of San José’s projected to have a population of 1,059,200, 329,270 households, 405,170 jobs, and 486,030 employed residents.<sup>33</sup> Based on the 2010 projections, the City would have a jobs/employed resident ratio of 0.8 (0.8 jobs per employed resident).

Most of the project site is undeveloped and vacant except for northwestern corner of the project site which is developed with an electrical substation. There is no housing on-site.

**4.13.2 Environmental Checklist and Discussion of Impacts**

POPULATION AND HOUSING						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Induce substantial 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

Since the project site is not developed with housing and the project would not require the displacement of existing housing or people, the project would not require the construction of replacement housing.

The proposed zoning would allow for the development of up to 90 dwelling units on the site. Assuming 3.24 persons per household, the proposed project would increase the population of the City of San José by about 292 persons.<sup>34</sup> Considering the current overall population of over one million in the City of San José, the proposed project would not represent a substantial increase in population.

<sup>33</sup> Association of Bay Area Governments. *Projections 2007*. December 2006.

<sup>34</sup> The persons per household number is based on 2000 Census data from the City.

In addition, the project would not 1) induce growth in an area where urbanization is not already planned, 2) create a precedent for growth outside the existing urban envelope, or 3) create a significant demand for new infrastructure in an area where urban infrastructure does not already exist.

**4.13.3            Conclusion**

The project would not result in significant population and housing impacts. **(Less Than Significant Impact)**

## **4.14 PUBLIC SERVICES**

### **4.14.1 Setting**

#### **4.14.1.1 *State Law and City Ordinances***

All future development allowed by the proposed land use designation changes will be subject to the following State law and City ordinances that offset the demand created by residential development upon schools and parkland, respectively:

- State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to the issuance of a building permit. The affected school district(s) are responsible for implementing the specific methods for mitigating school impacts under the Government Code, including setting the school impact fee amount consistent with state law.
- The City of San José Parkland Dedication Ordinance (PDO) (Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO) require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project in the City is required to conform to both the PDO and PIO.

#### **4.14.1.2 *General Plan Policies***

In addition to the above State law and City ordinances, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating impacts to public services resulting from planned development within the City. All future development allowed by the proposed land use designation would be subject to applicable policies listed in Chapter 4, Goals and Policies, of the City's General Plan, regarding public services including the following:

- Level of Service Policy #1: The City's urban service delivery priorities should be ordered as follows:
  - Provide services and facilities designed to serve existing needs.
  - Prevent the deterioration of existing levels of service.
  - Upgrade City service levels, when feasible.
- Level of Service Policy #2: Capital and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or by lowered service levels to accommodate the needs created by new growth. The City Council may provide a system whereby funds for capital and facility needs may be advanced and later repaid by the affected property owners.
- Level of Service Policy #3: The Urban Service Area should not be expanded without taking into consideration the funding necessary to adequately provide for the long term, without degrading services in the existing urban areas, for all City services and facilities including operations and maintenance required by the development anticipated in the area proposed for expansion.

- Level of Service Policy #4: The City should be proactive in promoting consolidation of overlapping services between governmental jurisdictions where it would increase efficiency and quality of service delivery, both Countywide and regionally.
- Level of Service Policy, Other Services #16: Utilize the following Citywide level of service measures as benchmarks to be used to evaluate major General Plan land use and policy changes, such as expansions of the Urban Service Area or land use changes from non-residential to residential:
  - For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, achieve a response time of 11 minutes or less for 60 percent of all Priority 2 calls.
  - For fire protection, a four-minute average response time to all calls.
  - For parks and recreation: 3.5 acres of neighborhood and community serving recreational lands per 1,000 population, of which a minimum is 1.5 acres of neighborhood, community or local serving regional/City-wide park lands and up to two acres of school playgrounds, and all of which is located within a reasonable walking distance of the project; 7.5 acres of regional/City-wide park lands per 1,000 population; and 500 square feet of community center floor area per 1,000 population.
  - For libraries, 2.75 volumes (items) held in the San José Public Library system per capita, and 0.59 square feet of library space per capita.
- Schools Policy #21: The City supports a system of open communication between the City, the public school districts and the development community in order to coordinate the activities of each to achieve the highest quality of education for all public school students.
- Schools Policy #22: Residential development should be approved only in conformance with the School Facility Availability Ordinance and City Council Policy.<sup>35</sup> The City encourages school districts and developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures. These discussions should occur as early as possible in the project planning stage, preferably immediately preceding or following land acquisition.
- Schools Policy #23: The City should cooperate with school districts in identifying and evaluating the impacts of population and demographic changes which may affect the need for new schools, may lead to school closures, may require the re-opening of closed schools or may lead to the decision that existing school sites should be preserved for meeting future needs.
- Schools Policy #25: The City and school districts should cooperate in the joint planning, development, and use of public school facilities combined with other public facilities and services, such as open space, recreation facilities, libraries, fire stations, and community service/ programs. The City should provide all pertinent information on General Plan amendments, rezonings and other development proposals to all affected school districts in a timely manner.

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<sup>35</sup> School Facility Availability Policy and Ordinance (1995): A task force of school district officials and developers explored ways to compensate cash-strapped school districts for the impacts of new development. Using a variety of resources, including a survey of the actual student population generated in new housing (projects up to five years old), the task force developed a policy and ordinance requiring residential developers to pay an additional school impact fee to support those districts requiring additional assistance.

- Fire Hazards Policy #2: All new development should be constructed, at a minimum, to the fire safety standards contained in the San José Building Code.
- Fire Hazards Policy #5: Anticipated fire response times and fire flows should be taken into consideration as a part of the Development Review process.
- Fire Hazards Policy #6: New development should provide adequate access for emergency vehicles, particularly fire fighting equipment, as well as provide secure evacuation routes for the inhabitants of the area.
- Parks and Recreation Policy #1: The City should consider as an objective the provision of neighborhood or community park within reasonable walking distance for each resident. That portion of a Citywide or regional park which provides recreational accessibility for nearby residents in the same manner as a neighborhood or community park should be considered as meeting this objective.
- Parks and Recreation Policy #3: Through the development review process, private open space and recreation facilities should be encouraged in high density residential projects, mixed use projects and major employment complexes in the vicinity of major transit corridors in order to meet a portion of the open space and recreation needs of residents, employees and visitors that will be generated by that development.
- Parks and Recreation Policy #16: The City should facilitate the creation and improvement of neighborhood and community parks by using the Parkland Dedication Ordinance, the Parallel Impact Fee Ordinance, and the Construction and Conveyance Tax.

#### **4.14.1.3      *Fire Protection Service***

Fire protection to the project area is provided by the San José Fire Department (SJFD), which serves a population of approximately 920,000 and an area of 205 square miles. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. In 2007-2008 (most recent data available), approximately 84 percent of the emergency calls received by the SJFD were medically-related, 10 percent were classified as other, and six percent were fire-related.<sup>36</sup> It is the SJFD's goal not to exceed four minutes for the "first response" and six minutes for the "second response" times.

The nearest fire station to the project site is Station No. 12 located at 5912 Cahalan Avenue, approximately 0.5 miles south-southwest of the project site.

#### **4.14.1.4      *Police Protection Service***

Police protection services in San José are provided by the City of San José Police Department (SJPD). Officers patrolling the project area are dispatched from police headquarters located at 201 West Mission Street. The SJPD employs more than 1,300 sworn officers in four Bureaus comprised of 11 divisions with more than 67 specialized units and assignments. In 2009, the City had 22,755

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<sup>36</sup> City of San José, Fire Department. "SJFD Response By Station: Fiscal Year 2008-2009." Accessed 24 March 2009. Available at: <http://www.sjfd.org/Stats/0708Station.asp>.

reported property crimes, 3,439 reported violent crimes, 2,867 reported domestic crimes, and 43 reported hate crimes.<sup>37</sup>

#### **4.14.1.5 Schools**

The project site is located within the Oak Grove School District and the East Side Union High School District. Oak Grove School District is comprised of 16 elementary schools and three intermediate (middle) schools, and has a total of 11,800 enrolled students.<sup>38</sup> East Side Union High School District is comprised of 11 high schools and five alternative education schools, and has a total of 24,728 enrolled students.<sup>39</sup>

Students in the project area likely attend Del Roble Elementary School, Herman Middle School, and Santa Teresa High School.

#### **4.14.1.6 Parks**

The City of San José manages approximately 3,650 acres of regional and neighborhood parkland. The City provides developed parkland, open space, and community facilities to serve its residents. Park and recreational facilities vary in size, use, type of service, and provide for neighborhood, citywide, and regional uses. The City's Departments of Parks, Recreation, and Neighborhood Services, General Services, and Public Works are responsible for the design, construction, operation, and maintenance of all City park and recreational facilities.

The nearest parks to the project site include Playa Del Rey Park located approximately 0.1 miles west of the site and Cahalan Park located approximately 0.3 miles south-southwest of the project site. Note that there is an over 280-acre park (Martial Cottle Park Master Plan) proposed north of the project site, north of Highway 85. The Martial Cottle Park Master Plan is currently in the planning process.

#### **4.14.1.7 Other Public Services**

The San José Public Library System consists of one main library and 18 open branch libraries. The Dr. Martin Luther King Jr. Main Library, which reopened in Fall 2003 as a joint San José State University Library and San José Public Library, is located at the corner of San Fernando and Fourth Streets, in downtown San José. The library closest to the project site is the Pearl Avenue Branch Library located at 4270 Pearl Avenue, approximately 1.5 miles northwest of the project site.

In 2000, the Branch Library Bond Measure was approved which provided funding over 10 years to construct six new branch libraries and expand 14 existing libraries in the City. The Pearl Avenue Branch Library was one of the libraries expanded through this bond measure. With the Bond Measure, the City will have over 950,000 square feet of library space.

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<sup>37</sup> City of San José, Police Department. "Official Crime Statistics." 5 March 2010. Available at: <http://www.sjpd.org/CrimeStats/crimestats.html>.

<sup>38</sup> Oak Grove School District. Homepage. Accessed 24 March 2010. Available at: <http://www.ogsd.k12.ca.us/index.htm>.

<sup>39</sup> East Side Union High School District. Homepage. Accessed 24 March 2010. Available at: <http://www.esuhdsd.org/index.html>.

The Southside Community and Senior Center are other public facilities located near the project site. The Southside Community and Senior Center is located at 5585 Cottle Road, approximately 2.2 miles east of the project site.

**4.14.2 Environmental Checklist and Discussion of Impacts**

PUBLIC SERVICES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) 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:						
– Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
– Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
– Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
– Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
– Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

**4.14.2.1 Fire Protection Service**

The development of the proposed project would incrementally increase the demand for fire protection services in the area. Given the infill location of the site and the size of the proposed development project, it is not anticipated that the project would create the need for a new or expanded fire station in the project area. In addition, the proposed project would be constructed in conformance with current codes, including features that would reduce potential fire hazards. For these reasons, the project would not have a significant impact on fire protection service.

**4.14.2.2 Police Protection Service**

The development of the proposed project would incrementally increase the calls for police service, however, given the infill location of the site and the size of the proposed development project, it is not anticipated that the project would create the need for a new or expanded police facilities. In addition, the design for the project, including landscaping, surveillance, access control, and lighting will be reviewed by the SJPD to ensure that the design does not adversely affect the SJPD’s ability to provide adequate service to the project site. For these reasons, the project would not have significant impact on police protection service.

#### 4.14.2.3 *Schools*

Based on the student generation rates provided by Oak Grove School District and East Side Union High School District, the implementation of the proposed zoning would generate about 33 elementary and middle school students, and 18 high school students.<sup>40</sup>

According to the Oak Grove School District and East Side Union High School District, there is currently sufficient capacity at the local schools to accommodate the students generated from the proposed project.<sup>41</sup> As required by law, the project shall pay an impact fee to the school districts to offset the increased demands on school facilities caused by the project. For these reasons, the project would not have a significant impact on schools.

**Standard Measure:** The project proposes to implement the following standard measure to reduce school impacts to a less than significant level:

- In accordance with California Government Code Section 65996, the developer shall pay a school impact fee to the school districts to offset the increased demands on school facilities caused by the proposed project.

#### 4.14.2.4 *Parks*

It is possible that a future park trail could be constructed to connect the project area located south of Highway 85 to the planned Martial Cottle park located north Highway 85. This trail alignment could extend from Martial Cottle park, underneath Highway 85 (Highway 85 is elevated at this location), and through the northwestern portion of the site (see Figure 5) to Cahalan Avenue. This park trail is not currently proposed by the project or by others. As part of the project, however, the existing park easement on APN 464-22-030 (see Figure 2) would be relocated to APN 464-44-057 to allow for the construction of a park trail segment that could extend from the northwestern corner of the site to Cahalan Avenue.

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) requiring new residential development to either dedicate sufficient space to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development. These ordinances are intended to reduce the extent to which new development would exacerbate the existing shortfall of park and recreational facilities. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City's decision whether the project would dedicate land for a new public park site or accept a fee in-lieu of land dedication. Affordable housing associated with low, very-low, and extremely-low income units are exempt from the PDO and PIO. The acreage of parkland required is based on the Acreage Dedication Formula outlined in the PDO.<sup>42</sup>

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<sup>40</sup> The student generation rate for Oak Grove School District is 0.37 students per single-family detached unit (Source: Jew, Chris. Oak Grove School District, Assistant Superintendent – Business Services. Personal communications. 12 April 2010.). The student generation rate for East Side Union High School District is 0.2 students per unit (Source: Garafolo, Alan. East Side Union High School District, Associate Superintendent of Student Services and Facilities. Personal communications. 24 March 2010.).

<sup>41</sup> Sources: 1) Jew, Chris. Oak Grove School District, Assistant Superintendent – Business Services. Personal communications. 12 April 2010; and 2) Garafolo, Alan. East Side Union High School District, Associate Superintendent of Student Services and Facilities. Personal communications. 24 March 2010.

<sup>42</sup> Acreage Dedication Formula = # units x 3.5 persons per single-family detached unit x 0.003 acres per person

The proposed PD zoning would allow for between 85 and 90 units on-site. Based on the Acreage Dedication Formula, a 90-unit residential development would be required to dedicate approximately 0.9 acres of parkland. As discussed in **Section 3.0 Project Description**, the project proposes to fulfill the City’s PDO/PIO obligation by constructing a trail segment on APN 464-44-057 of the project site and/or contributing in-lieu park fees.

**Standard Measure:** The project proposes to implement the following standard measure to reduce impacts to parks:

- The project shall conform to the City’s *Park Impact Ordinance (PIO)* and *Parkland Dedication Ordinance (PDO)* (Municipal Code Chapter 19.38).

#### **4.14.2.5 Other Public Services**

It is estimated that the proposed project would generate approximately 292 residents in the service area of neighborhood libraries.<sup>43</sup> Additional demand for library services resulting from future residents of the project would result in additional users of neighborhood libraries, including the Pearl Avenue Branch Library, and the Martin Luther King Jr. Main Library.

As population in San José continues to grow, service demands will increase and additional library services will be required. These additional services would include the following:

- Expanding the physical size of branches and main library;
- Adding new branches;
- Enlarging materials collections;
- Expanding/redefining collections to accommodate changing technologies;
- Increasing staff; and
- Providing additional services not currently provided.

While the proposed project would incrementally increase the use of libraries in the vicinity of the site, it will not trigger the need to construct new facilities beyond those that will be completed under the Branch Library Bond Measure. Therefore, the project would have a less than significant impact on libraries.

In addition, while the proposed project would incrementally increase the use of local community centers in the vicinity of the site, it will not trigger the need to construct new facilities. Therefore, the project would have a less than significant impact on community centers.

#### **4.14.3 Conclusion**

The proposed project, in conformance with applicable General Plan policies and with the implementation of the above standard measures, would not result in significant impacts to public services. **(Less Than Significant Impact)**

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<sup>43</sup> The estimated number of residents was based on 3.24 persons per household and a maximum of 90 residential units being developed on the project site.

## 4.15 RECREATION

### 4.15.1 Setting

#### 4.15.1.1 *General Plan Policies*

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating recreation impacts resulting from planned development within the City. All future development allowed by the proposed project would be subject to the recreation-related policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Parks and Recreation Policy #1: The City should consider as an objective the provision of neighborhood or community park within reasonable walking distance for each resident. That portion of a Citywide or regional park which provides recreational accessibility for nearby residents in the same manner as a neighborhood or community park should be considered as meeting this objective.
- Parks and Recreation Policy #3: Through the development review process, private open space and recreation facilities should be encouraged in high density residential projects, mixed use projects and major employment complexes in the vicinity of major transit corridors in order to meet a portion of the open space and recreation needs of residents, employees and visitors that will be generated by that development.
- Parks and Recreation Policy #16: The City should facilitate the creation and improvement of neighborhood and community parks by using the Parkland Dedication Ordinance, the Parallel Impact Fee Ordinance, and the Construction and Conveyance Tax.

In addition, all future development allowed by the proposed land use designation changes will be subject to the City of San José Parkland Dedication Ordinance (PDO) (Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO). These ordinances require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project in the City is required to conform to both the PDO and PIO.

#### 4.15.1.2 *Existing Conditions*

As described previously in **Section 4.14 Public Services**, the City of San José manages approximately 3,650 acres of regional and neighborhood parkland. The City provides developed parkland, open space, and community facilities to serve its residents. Park and recreational facilities vary in size, use, type of service, and provide for neighborhood, citywide, and regional uses. The City’s Departments of Parks, Recreation, and Neighborhood Services, General Services, and Public Works are responsible for the design, construction, operation, and maintenance of all City park and recreational facilities.

The City’s General Plan has established level of service benchmarks for parks and community centers. The City has a service level goal of 3.5 acres of neighborhood and community serving parkland per 1,000 residents, of which a minimum of 1.5 acres is City-owned and up to two acres is school playground/fields, all of which should be located within three-quarters of a mile walking

distance of each residence. In addition, the City seeks to provide 7.5 acres of regionally serving parkland and 500 square feet of community center space per 1,000 residents.

The nearest parks to the project site include Playa Del Rey Park located approximately 0.1 miles west of the site and Cahalan Park located approximately 0.3 miles south-southwest of the project site. Note that there is an over 280-acre park (Martial Cottle Park Master Plan) proposed north of the project site, north of Highway 85. The Martial Cottle Park Master Plan is currently in the planning process.

**4.15.2 Environmental Checklist and Discussion of Impacts**

RECREATION						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

Future residents of the proposed project would use recreational facilities in the area. Given the size of the proposed project and the existing and planned recreational facilities in the vicinity, the project would not create significant new demand for recreational services or facilities. In addition, the project is required to provide private/common open space per the City’s *Residential Design Guidelines*.

It is possible that a future park trail could be constructed to connect the project area located south of Highway 85 to the planned Martial Cottle park located north Highway 85. This trail alignment could extend from Martial Cottle park, underneath Highway 85 (Highway 85 is elevated at this location), and through the northwestern portion of the site (see Figure 5) to Cahalan Avenue. This park trail is not currently proposed by the project or by others. As part of the project, however, the existing park easement on APN 464-22-030 (see Figure 2) would be relocated to APN 464-44-057 to allow for the construction of a park trail segment that could extend from the northwestern corner of the site to Cahalan Avenue.

The City of San José PDO and PIO are intended to reduce the extent to which new development would exacerbate the existing shortfall of park and recreational facilities. The acreage of parkland required is based on the Acreage Dedication Formula outlined in the PDO.<sup>44</sup>

<sup>44</sup> Acreage Dedication Formula = # units x 3.5 persons per household for single-family detached x 0.003 acres per person

The proposed PD zoning would allow for between 85 and 90 units on-site. Based on the Acreage Dedication Formula, a 90-unit residential development would be required to dedicate approximately 0.9 acres of parkland. The project proposes to comply with the City's PDO/PIO by constructing the trail segment on-site and/or contributing in-lieu park fees.

Given the number of residents generated by the proposed development and the fact that the proposed project would comply with the City's PIO/PDO, the project would not result in substantial physical deterioration of existing park facilities or require construction of new facilities.

**Standard Measure:** The project proposes to implement the following standard measure to reduce impacts to parks:

- The project shall conform to the City's *Park Impact Ordinance* (PIO) and *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38).

#### **4.15.3            Conclusion**

The proposed project, in conformance with applicable General Plan policies and with the implementation of the above standard measure, would not result in significant recreation impacts. **(Less Than Significant Impact)**

## 4.16 TRANSPORTATION

The following discussion is based on a traffic impact analysis completed for the project by *Hexagon Transportation Consultants* in September 2010. A copy of this report is included in Appendix G of this Initial Study.

### 4.16.1 Setting

#### 4.16.1.1 *General Plan Policies*

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating transportation and traffic impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the transportation policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Level of Service Policy #5: Maintain specified levels of service.
- Transportation Policy #3: Provide right-of-way dedication and improvements.
- Transportation Policy #8: Factor safety for all modes into the design of streets and roadways.
- Transportation Policy #9: Discourage through traffic on neighborhood streets.
- Transportation Policy #16: Encourage pedestrian travel by providing pedestrian facilities.
- Transportation Policy #53: Priority improvements to the transportation bicycle network.

In addition to the policies of the San José General Plan, future development allowed by the proposed land use designations would be required to comply with the San José *Residential Design Guidelines*.

#### 4.16.1.2 *Existing Conditions*

The existing conditions for all of the major transportation facilities in the vicinity of the project site, including the roadway network, transit service, and bicycle and pedestrian facilities are described below.

### **Existing Roadway Network**

Regional access to the project site is provided via State Route (SR) 85 and SR 87. These facilities are described below and shown in Figure 9.

SR 85 is a predominantly north-south freeway that is oriented in an east-west direction in the vicinity of the project. It extends from Mountain View to south San Jose, terminating at Highway 101 (US 101). SR 85 is a six-lane freeway with four mixed-flow lanes and two high occupancy vehicle (HOV) lanes. It connects to Interstate 280 (I-280), SR 17, SR 87, and US 101. SR 85 provides access to the project site via its interchanges with Blossom Hill Road and Santa Teresa Boulevard.

SR 87 is a six-lane freeway that is aligned in a north-south orientation. SR 87 begins at its interchange with SR 85 and extends northward to US 101. Access to the project site is provided via SR 85 and its ramps at Santa Teresa Boulevard.

Local access to the site is provided by Blossom Hill Road, Santa Teresa Boulevard, Cahalan Avenue, Chesbro Avenue, and Southcrest Way.

Blossom Hill Road is a six-lane divided arterial that runs in an east-west direction in the vicinity of the site. Blossom Hill Road extends westward to Los Gatos and eastward to US 101, where it transitions into Silver Creek Valley Road. This roadway includes full interchanges at US 101 and SR 85. Access to the project site is provided via Cahalan and Chesbro Avenues and Southcrest Way.

Santa Teresa Boulevard is a six-lane divided arterial that begins at the terminus of SR 87 and ends in Morgan Hill. This roadway provides connections to both SR 87 and SR 85. Access to the project site is provided via Blossom Hill Road.

Cahalan Avenue is a two-lane collector that begins just north of Blossom Hill Road and extends southward just beyond Santa Teresa Boulevard. Cahalan Avenue runs along the western boundary of the project site. Access to the site is provided via its signalized intersection with Blossom Hill Road.

Chesbro Avenue is a two-lane local street that begins just north of Blossom Hill Road and extends southward just beyond Santa Teresa Boulevard. Access to the project site is provided via its signalized intersection with Blossom Hill Road.

Southcrest Way is a two-lane local street that runs along the eastern boundary of the project site. Direct access to several of the proposed units is provided via driveways along Southcrest Way.

### **Existing Bicycle and Pedestrian Facilities**

Pedestrian facilities in the project area consist primarily of sidewalks along the public streets. Crosswalks with pedestrian signal heads and push buttons are located at all signalized intersections in the project area including the intersections of Cahalan and Chesbro Avenues with Blossom Hill Road.

There are a number of roadways in the project area that have Class II bike lanes (see Figure 10). Class II bike lanes are striped lanes for one-way bike travel on a roadway. Bike lanes currently exist on the following roadway segments:

- Blossom Hill Road, between Snell Avenue and Almaden Expressway;
- Snell Avenue, between Blossom Hill Road and Capitol Expressway;
- Santa Teresa Boulevard, between SR 87 and Bernal Road;
- Blossom Avenue, between Blossom Hill Road and Santa Teresa Boulevard; and
- Cahalan Avenue, between Blossom Hill Road and Santa Teresa Boulevard.



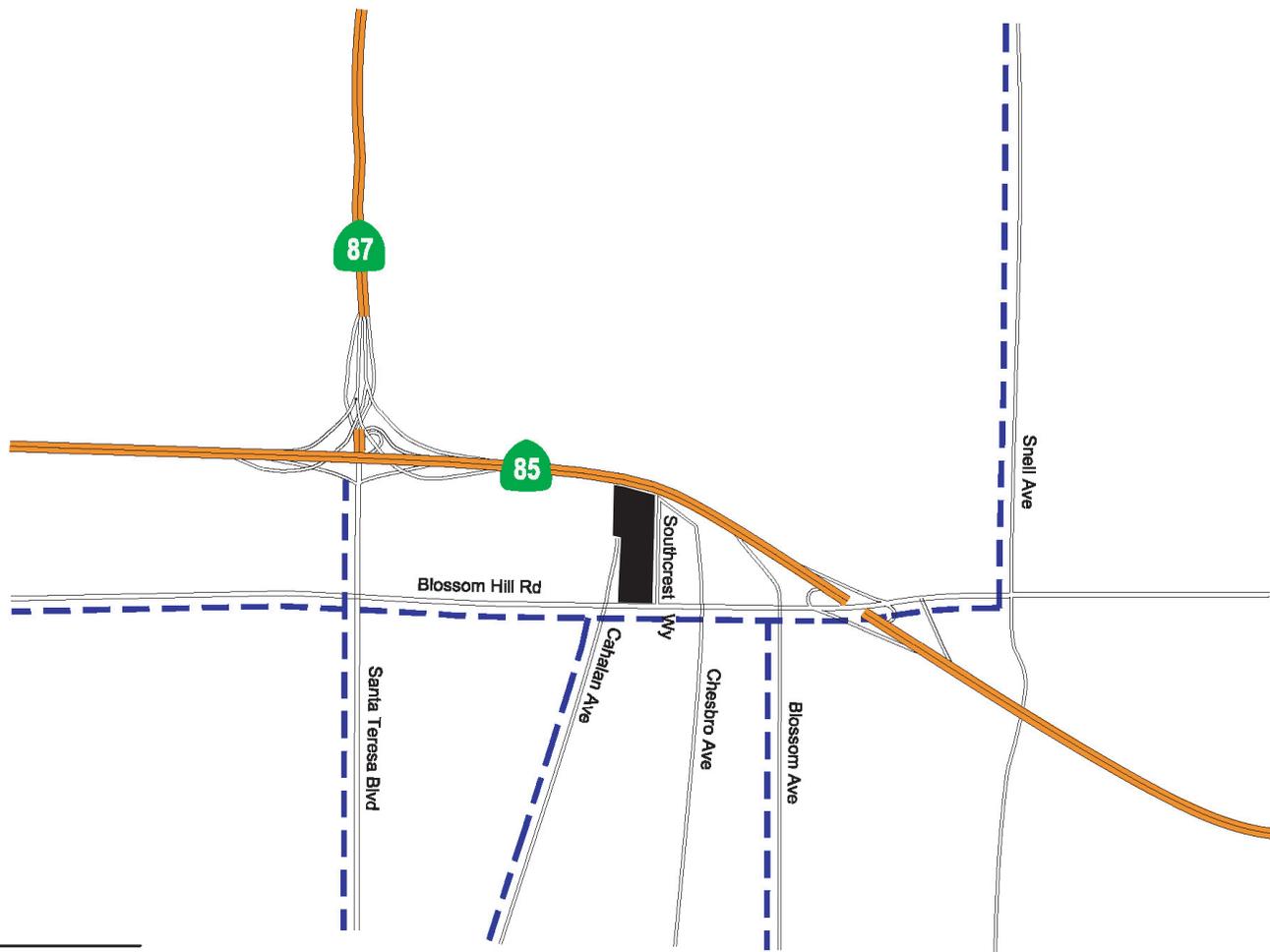
**LEGEND**

-  = Project Site Location
-  = Study Intersection

Source: Hexagon Transportation Consultants, Inc.

EXISTING ROADWAY NETWORK AND STUDY INTERSECTIONS

FIGURE 9



**LEGEND**

- = Project Site Location
- = Bike Lane

Source: Hexagon Transportation Consultants, Inc.

### Existing Transit Service

Existing transit service to the project area is provided by the Santa Clara Valley Transportation Authority (VTA). These are described below and shown on Figure 11.

#### Bus Routes

*Local Route 27* provides service between Good Samaritan Hospital and Kaiser Hospital (San José Medical Center). Route 27 operates along Blossom Hill Road, Poughkeepsie Road, and Cottle Road with 30-minute headways during the peak commute hours. Route 27 is the only bus route that provides direct service to the project site. The nearest bus stop to the project site is located at the Blossom Hill light rail transit (LRT) station. Other nearby routes (Routes 66, 122 and 304) operate along Snell Avenue.

*Local Route 66* provides service between Kaiser Hospital and Dixon Landing Road in Milpitas. Route 66 operates along Snell Avenue, with 15-minute headways during the peak commute hours.

*Express Route 102* runs along Snell Avenue and SR 85 and provides service between the Santa Teresa LRT station and Palo Alto. Express Route 102 operates on 30- to 60-minute headways between 5:56 AM and 8:30 AM in the northbound direction, and between 3:33 PM and 6:43 PM in the southbound direction.

*Express Route 122* provides service once per day in each direction between the Santa Teresa LRT station and Lockheed Martin/Moffett Park. Express Route 122 runs along Snell Avenue and operates northbound between 5:53 AM and 6:43 AM, and southbound between 4:46 PM and 5:43 PM.

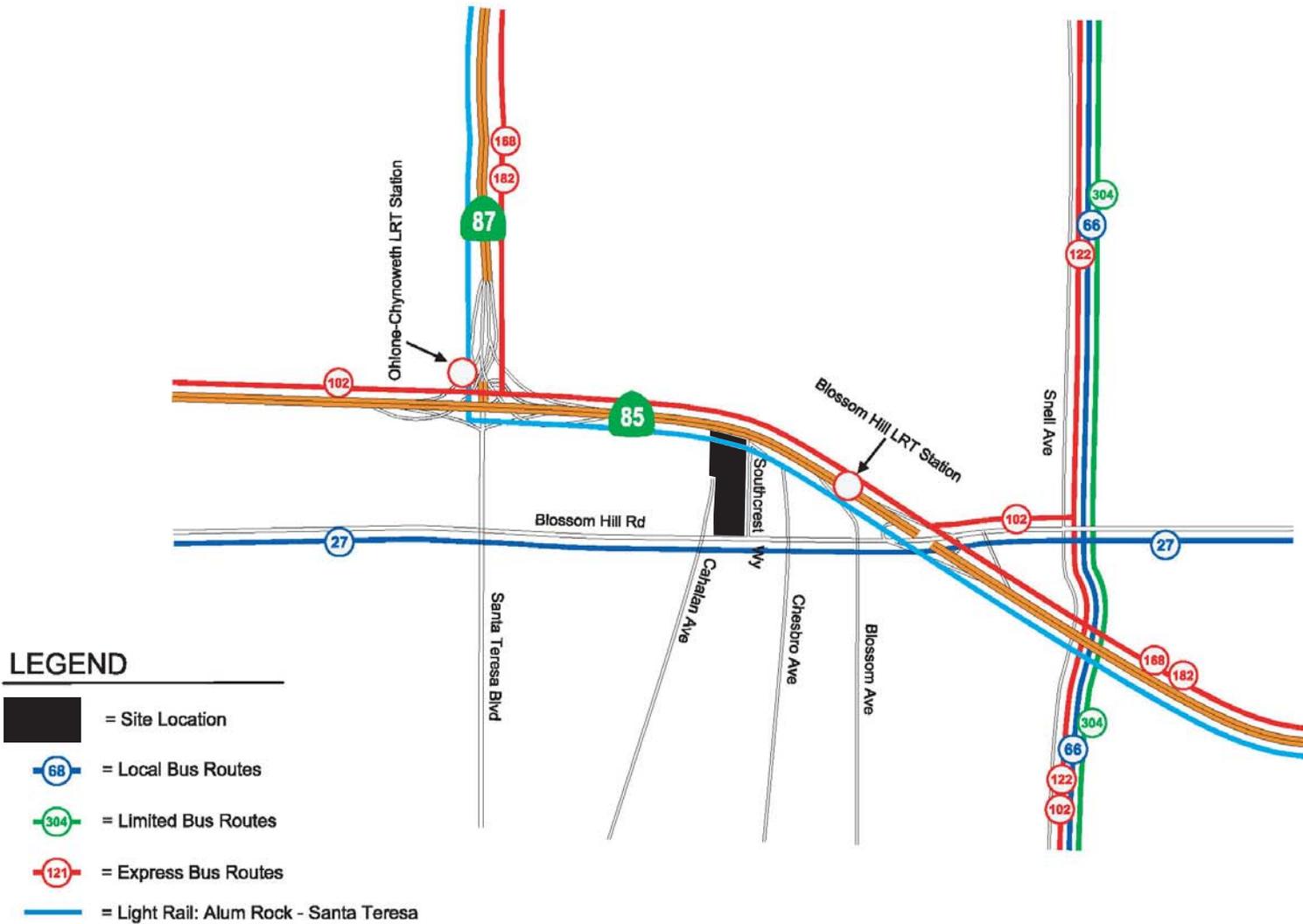
*Express Route 168* runs along US 101 and SR 85 and provides limited service between the San José Diridon Transit Center and the Gilroy Transit Center. Express Route 168 operates on 30-minute headways between 5:42 AM and 8:51 AM in the northbound direction, and between 3:33 PM and 6:45 PM in the southbound direction. Express Route 168 provides five daily trips in each direction.

*Express Route 182* runs along SR 85 and provides limited service between Palo Alto and IBM/Bailey Road. Express Route 182 operates on 30- to 40-minute headways between 4:51 PM and 6:35 PM in the northbound direction, and 7:02 AM and 8:33 AM in the southbound direction. Express Route 182 provides two daily trips in each direction.

*Limited Stop Route 304* provides service between the Santa Teresa LRT station and the Sunnyvale transit center, with stops in downtown San José. It operates along Snell Avenue and Monterey Highway. Limited Stop Route 304 operates on 30- to 40-minute headways during the peak commute hours. Limited Stop Route 304 provides four trips in each direction per day.

#### Light Rail Transit (LRT) Service

The VTA currently operates a light rail transit (LRT) line system extending from south San José through downtown to the northern areas of San José, Santa Clara, Mountain View and Sunnyvale. The Alum Rock-Santa Teresa Line operates on a generally 15-minute headways between 4:00 AM and 1:00 AM in the vicinity of the project site. The nearest LRT station is located near Blossom Hill Road and SR 85.



### LEGEND

-  = Site Location
-  = Local Bus Routes
-  = Limited Bus Routes
-  = Express Bus Routes
-  = Light Rail: Alum Rock - Santa Teresa

Source: Hexagon Transportation Consultants, Inc.

## EXISTING TRANSIT SERVICES

## FIGURE 11

#### **4.16.1.2      *Analysis Methodologies and Level of Service Standards***

##### Long-Term General Plan Amendment Traffic Analysis

The City of San José’s traffic forecasting model was developed to help the City project peak hour traffic impacts attributable to changes proposed to the City’s General Plan. The model uses the CUBE transportation planning software system.

The project site is located within the South San José special policy subarea, which covers the entire area south of SR 85 between Camden Avenue and US 101. The City has identified geographic subareas within which localized near-term congestion has resulted in the adoption of an Area Development Policy that presently determines how traffic and traffic infrastructure are managed within that area.

The general plan amendment analysis for land use amendments within each of the special subareas consists of a cordon line analysis and proximity analysis. The cordon line analysis measures area-wide traffic impacts by evaluating all traffic that enters and exits each of the special subareas via imaginary boundaries (cordon lines) established for each subarea. The cordon line analysis is useful when transportation options are limited and/or the roadway network is at or near capacity, as is the case within the majority of the South San José special subarea which is primarily limited to the use of Almaden Expressway. The project site, however, is located along or near two major arterials (Blossom Hill Road and Santa Teresa Boulevard) that provide direct connections to two major regional facilities (SR 85 and SR 87). Therefore, City staff determined that a screenline analysis was better suited than the cordon line analysis to evaluate the effects of the proposed land use amendment.

The analysis completed for the proposed GPA includes a quantification of increased trips across regional screenlines near the project and a proximity analysis. These two analyses are described below.

##### *Proximity Analysis Methodology*

The proximity analysis provides specific information on the anticipated traffic operations within the area surrounding a proposed General Plan Amendment site. Specific quantitative differences will be identified, including overall VMT, changes in VMT on congested roadways, and the number of congested roadway links that would occur under the project condition compared to the existing General Plan base case. A proposed land use amendment that would intensify land use would generally be expected to result in higher overall VMT on all roadway links, and on already congested roadway links within the proximity area for the proposed amendment.

##### *Screenline Analysis Methodology*

Regional screenlines occur along transportation barriers, manmade or natural, that have a substantial capacity-constraining effect on local and regional travel. The barrier will have a limited number of crossing points, through which traffic can be measured. Regional screenlines are a method for capturing travel characteristics at a macroscopic level. Aspects of travel behavior, such as the volume and capacity of multiple roadway links, can be evaluated as a group. Instead of evaluating individual link volume and capacity, links affected by an amendment are evaluated collectively at or near all of the screenlines within the proposed amendment’s proximity area by summing up volume and capacity of all roadway links that cross each screenline.

The methodology to evaluate this grouped volume-to-capacity ratio is called the aggregated V/C ratio. Aggregated V/C can be computed for: (1) all links, and/or (2) congested links only, on a screenline affected by an amendment.

Near-Term Traffic Analysis – Level of Service Methodology

In San José, the description of traffic congestion is based on the “level of service” concept. Level of Service (LOS) is a qualitative description of traffic flow based on such factors as speed, travel time, delay, and freedom to maneuver. Six levels are defined from LOS A, free-flow conditions with little or no delay, to LOS F, jammed conditions with excessive delays. When volumes exceed capacity, stop-and-go conditions result, and operations are designated as LOS F.

All of the signalized study intersections are located in the City of San José and are therefore subject to the City of San José Level of Service standards. The City of San José level of service methodology is TRAFFIX, which is based on the Highway Capacity Manual (HCM) 2000 method for signalized intersections. TRAFFIX evaluates signalized intersection operations on the basis of average control delay time for all vehicles at the intersection. Since TRAFFIX is also the VTA’s Congestion Management Program (CMP)-designated intersection level of service methodology, the City of San José methodology employs the CMP default values for the analysis parameters. The City of San José level of service standard for signalized intersections is LOS D or better. The level of service standard for CMP-designated intersections is LOS E or better.

The correlation between average delay and level of service is shown in Table 12, below.

<b>Table 12: Signalized Intersection Level of Service Definitions</b>		
<b>Level of Service</b>	<b>Description of Operations</b>	<b>Average Control Delay* (seconds/vehicle)</b>
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	Up to 10.0
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 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 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high volume-to-capacity (V/C) ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	Operations with high delay values 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 80.0
F	Operation with delays unacceptable to most drivers occurring due to oversaturation, poor progression, or very long cycle lengths.	Greater than 80.0
Note: * Average Control Delay includes the time for initial deceleration delay, queue move-up time, stopped delay, and final acceleration. Source: Highway Capacity Manual, Transportation Research Board, 2000.		

#### 4.16.1.3 Study Intersections and Traffic Scenarios Analyzed

##### Study Intersections

The transportation impacts related to the proposed project were evaluated following the standards and methodologies set forth by the City of San José and the VTA. The traffic study included an analysis of AM and PM peak hour traffic conditions for five signalized intersections. An analysis of freeway segments was not performed because the proposed project would not add traffic equal to at least one percent of capacity of any freeway segment (refer to Appendix G for more detail). The study intersections are identified below and shown on Figure 9.

1. SR 85 and Blossom Hill Road (E)\*
2. SR 85 and Blossom Hill Road (W)\*
3. Chesbro Avenue and Blossom Hill Road
4. Cahalan Avenue and Blossom Hill Road
5. Santa Teresa Boulevard and Blossom Hill Road

\* Denotes CMP intersections

##### Traffic Scenarios Analyzed

Traffic conditions at the intersections were analyzed for the weekday AM and PM peak hours of traffic. The AM peak hour of traffic is generally between 7:00 and 9:00 AM, and the PM peak hour is typically between 4:00 and 6:00 PM. It is during these periods that the most congested traffic conditions occur on an average day. Traffic conditions were evaluated for the following scenarios:

Scenario 1: *Existing Conditions.* Existing conditions are represented by existing peak-hour traffic volumes on the existing roadway network.

Scenario 2: *Background Conditions.* Background conditions are represented by future background traffic volumes on the near-term future roadway network. Background traffic volumes are estimated by adding to existing peak-hour volumes the projected volumes from approved but not yet completed developments.

Scenario 3: *Project Conditions.* Project conditions are represented by future traffic volumes, with the project, on the near-term future roadway network. Future traffic volumes with the project (hereafter called project traffic volumes) are estimated by adding background traffic volumes to the traffic generated by the project. Project conditions are evaluated relative to background conditions in order to determine potential project impacts.

CEQA Guidelines Section 15125(a) states that the existing environmental setting will normally constitute the baseline physical conditions against which the impacts of a project are to be evaluated. The courts have held that a Lead Agency has the discretion to use an alternate baseline, as long as the exercise of discretion is supported by substantial evidence. For the analysis of traffic impacts, the City of San José uses an alternate baseline, background condition, the rationale for which is described in the following paragraphs.

In 2001, the Santa Clara County Congestion Management Agency (CMA) adopted a Congestion Management Program for the County. Subsequently, the CMA also adopted an implementation methodology, with specific direction on how to calculate an impact on a CMP facility and identification of what constituted a “significant impact” on regional roadway intersections and on freeways in Santa Clara County. The methodology was developed through a joint technical working group and was reviewed with all relevant stakeholders and went through a public review and comment period. The methodology was accepted by all of the jurisdictions in Santa Clara and became the threshold of significance for impacts to regional roadways and freeways in Santa Clara County.

The methodology requires recent intersection counts and identifies a process for updating roadway traffic counts. It also defines and formalizes the inclusion of “background” information in the calculation of traffic impacts. In part because of the rapid growth and constantly changing physical conditions that periodically occur in Silicon Valley, it is not unusual for traffic conditions to change substantially between the time a CEQA document is prepared and the point in time when the project is fully implemented. The traffic methodology therefore includes provision for incorporating the traffic from approved projects but not yet constructed or occupied (projects that have completed their own CEQA review and require no new discretionary action to be implemented or occupied) to be added to existing conditions, creating the baseline against which the impacts of a new project’s traffic will be calculated. The methodology also allows traffic from an existing vacant building or complex to be calculated and included in background conditions.

The purpose of identifying a background condition for calculating impacts is to ensure that all possible care is taken to identify the actual capacity of the roadways that will be available to accommodate any newly proposed development project. This methodology also more accurately characterizes the real world conditions under which the newly proposed project would be implemented, should it be approved.

#### **4.16.1.4**      *Existing Levels of Service*

The results of the intersection level of service analysis under existing conditions are summarized in Table 13 below. The results show that, measured against the City of San José level of service standards, the intersection of SR 85 Ramps and Blossom Hill Road (west) is currently operating at an unacceptable LOS E during the AM peak hour. The remaining study intersections are currently operating at an acceptable LOS D or better.

Study Intersection	Peak Hour	Existing Conditions		Background Conditions	
		Average Delay	LOS	Average Delay	LOS
1. SR 85 and Blossom Hill Road (E)*	AM	32.5	C	30.4	C
	PM	27.5	C	26.3	C
2. SR 85 and Blossom Hill Road (W)*	AM	<b>58.9</b>	<b>E</b>	<b>69.2</b>	<b>E</b>
	PM	53.3	D	<b>56.0</b>	<b>E</b>
3. Chesbro Avenue and Blossom Hill Road	AM	21.4	C	18.5	B
	PM	29.1	C	25.6	C
4. Cahalan Avenue and Blossom Hill Road	AM	27.8	C	26.0	C
	PM	38.6	D	34.0	C
5. Santa Teresa Boulevard and Blossom Hill Road	AM	34.8	C	35.7	D
	PM	41.1	D	42.7	D

Notes:  
 \* Denotes CMP Intersections  
**Bold** entries indicate conditions that exceed the City’s level of service standard.

**Observed Existing Traffic Conditions**

Traffic conditions in the field were observed in order to identify existing operational deficiencies and to confirm the accuracy of calculated levels of service. The purpose of this effort was (1) to identify any existing traffic problems that may not be directly related to intersection level of service, and (2) to identify any locations where the LOS calculation does not accurately reflect level of service in the field.

Overall, the study intersections operate adequately during the weekday AM and PM peak hours, and the calculated levels of service accurately reflect actual existing traffic conditions. However, field observations showed that some operational issues currently occur near the project site as described below.

AM Peak Hour Observations (Between 7:00 AM and 9:00 AM)

During the AM peak hour, long vehicle queues develop on westbound Blossom Hill Road between SR 85 and Snell Avenue due to the metered on-ramp to northbound SR 85. The vehicle queue occasionally extends to Snell Avenue, but typically has no effect on the overall operation of adjacent intersections.

PM Peak Hour Observations (Between 4:00 PM and 6:00 PM)

Long vehicle queues develop on westbound Blossom Hill Road between SR 85 and Snell Avenue during the PM peak hour as well, due mostly to high westbound traffic volumes and disproportionate lane usage. All of the vehicles preparing to enter northbound SR 85 use the outside through lane (curb lane) on Blossom Hill Road. However, the northbound ramps are not metered during the PM peak hour allowing the vehicles to clear efficiently without causing any operational issue.

**4.16.1.5 Background Conditions**

The following discussion describes background traffic conditions. Background conditions are defined as conditions just prior to completion of the proposed development. Traffic volumes for background conditions comprise volumes from existing traffic counts plus traffic generated by other approved developments in the vicinity of the site.

**Background Transportation Network**

It is assumed in this analysis that the transportation network under background conditions would be the same as the existing transportation network.

**Background Traffic Estimates**

Background peak-hour traffic volumes were estimated by adding to existing volumes the estimated traffic from approved, but not yet constructed, developments. The added traffic from approved but not yet constructed developments was provided by the City.

**Background Intersection Levels of Service**

The results of the intersection level of service analysis under background conditions are summarized in Table 13. The results show that, measured against the City of San José level of service standards, the intersection of SR 85 Ramps and Blossom Hill Road (West) is projected to operate at an unacceptable LOS E during both the AM and PM peak hours under background conditions. The remaining study intersections would operate at an acceptable LOS D or better.

**4.16.2 Environmental Checklist and Discussion of Impacts**

TRANSPORTATION/TRAFFIC						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 1) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20

TRANSPORTATION/TRAFFIC						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20
6) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,20

**4.16.2.1 Significant Impact Criteria**

**Long-Term General Plan Amendment Traffic Impacts**

Proximity Analysis

The impact from traffic generated by a proposed General Plan land use amendment on roadways in the vicinity of the project site will be considered significant if the proximity analysis concludes that the following occurs in either the AM or PM peak hour:

- The number of VMT on congested links increases by at least 0.5 percent and 100 vehicle miles within the proximity area of the proposed amendment.

### Screenline Analysis

The traffic impact from a proposed General Plan land use amendment outside the boundaries of the special subareas will be significant if the CUBE model analysis concludes that the proposed amendment causes one or both of the following to occur in either the AM or PM peak hour:

- The aggregated E/F link V/C ratios of one or more nearby regional screenlines increase in the peak direction by at least 0.005, and total volumes on the same E/F links increase in the peak direction by at least 2.5 percent of average congested link capacity.

### **Near-Term Traffic Impacts**

The project would create a significant adverse impact on traffic conditions at a signalized intersection in the City of San José if for either peak hour:

- The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under project conditions, or
- The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by four (4) or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more.

An exception to this rule applies when the addition of project traffic reduces the amount of average delay for critical movements (i.e. the change in average delay for critical movements is negative). In this case, the threshold of significance is an increase in the critical V/C value by .01 or more. A significant impact by City of San José standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection level of service to background conditions or better.

#### **4.16.2.2 Project Conditions**

The project proposes a GPA to change the land use designation on the project site from *Public Park and Open Space* to *Medium Density Residential* (8-16 du/ac). The proposed PD zoning on the site would allow for the development of between 85 and 90 dwelling units on the project site. The project would not affect air traffic patterns or substantially increase hazards due to design features (e.g., sharp curves) or incompatible land uses (also refer to **Section 4.11 Land Use**).

### **Long-Term Traffic Impacts**

#### Proximity Analysis Results

The proximity analysis consists of the determination of differences in peak hour trip generation, VMT, and traffic added to congested links between project conditions with the proposed land use change and the existing General Plan base case.

A proximity radius of 0.7 miles was determined for the proposed GPA, since this radius corresponds to a magnitude of approximately 20,000 VMT as calculated under the General Plan base condition. The results of the proximity analysis show that the overall VMT in the proximity area would increase by 0.24 percent during the AM peak hour and 0.26 percent during the PM peak hour with the

proposed project, which corresponds to increases of 52 and 58 vehicle-miles, respectively. The proposed GPA would cause the congested VMT in the project area to increase by 0.05 percent, with a corresponding increase of three vehicle-miles on the congested links during the AM peak hour. The proposed GPA would cause the congested VMT in the project area to increase by 0.10 percent, with a corresponding increase of seven vehicle-miles on the congested links during the PM peak hour.

Based on the impact criteria for the proximity analysis, the increases in traffic volumes on the roadways in the proximity area do not constitute a significant adverse traffic impact. Refer to Appendix G of this Initial Study for more detail regarding the proximity analysis and results.

### Screenline Analysis Results

Ten total links were included in the analysis during each of the peak hours. The links consist of facilities located south of SR 85 including Almaden Expressway, Winfield Boulevard, Santa Teresa Boulevard, Blossom Hill Road, Snell Avenue, Lean Avenue, Cottle Road, Via Del Oro, Great Oaks Boulevard, and Monterey Highway. The results of the analysis shows that two links operate at either LOS E or F during the AM peak hour and one link operates at either LOS E or F during the PM peak hour.

Based on the screenline impact criteria, the increases in V/C and the corresponding increases in traffic volumes due to the proposed land use amendment would result in less than significant impacts on the LOS E/F links. Refer to Appendix G of this Initial Study for more detail regarding the screenline analysis and results.

## **Near-Term Traffic Impacts**

### Transportation Network Under Project Conditions

It is assumed in this analysis that the transportation network under project conditions would be the same as described under background conditions.

### Project Trip Estimates

The amount of traffic produced by a new development and the locations where that traffic would appear are estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. The first step estimates the amount of added traffic to the roadway network. The second step estimates the direction of travel to and from the project site. The trips are assigned to specific street segments and intersection turning movements in the third step.

#### *Trip Generation*

Based on trip generation rates recommended by the City of San José in the City's Traffic Impact Analysis Handbook Vol. 1, 2008, it is estimated that the project would generate 891 daily trips, with 89 trips (31 inbound trips and 58 outbound trips) occurring during the AM peak hour and 89 trips (58 inbound trips and 31 outbound trips) during the PM peak hour. The project trip generation estimates are presented in Table 14.

Land Use	Size	Daily Trip Rate	Average Daily Trips	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Single-Family Detached	90 units	9.9	891	31	58	89	58	31	89

*Trip Distribution*

The trip distribution pattern for the proposed project was estimated based on existing travel patterns on the surrounding roadway system and the locations of complementary land uses. The trip distribution pattern is provided in Appendix G.

*Trip Assignment*

The peak-hour trips generated by the proposed development were assigned to the roadway system in accordance with the trip distribution pattern discussed above. The project trip assignment is provided in Appendix G.

Project Intersection Level of Service

Project trips, as represented in the above project trip assignment, were added to future background traffic volumes to obtain background plus project traffic volumes. Background traffic volumes plus project trips are typically referred to simply as project traffic volumes. The results of the intersection level of service analysis under project conditions are summarized in Table 15.

Study Intersection	Peak Hour	Background Conditions		Project Conditions			
		Average Delay	LOS	Average Delay	LOS	Increase in:	
						Critical Delay	Critical V/C
1. SR 85 and Blossom Hill Road (E)*	AM	30.4	C	30.4	C	0.0	0.001
	PM	26.3	C	26.3	C	0.0	0.001
2. SR 85 and Blossom Hill Road (W)*	AM	<b>69.2</b>	<b>E</b>	<b>70.1</b>	<b>E</b>	1.5	0.006
	PM	<b>56.0</b>	<b>E</b>	<b>56.3</b>	<b>E</b>	0.4	0.003
3. Chesbro Avenue and Blossom Hill Road	AM	18.5	B	18.5	B	0.1	0.007
	PM	25.6	C	25.6	C	-0.1	0.002
4. Cahalan Avenue and Blossom Hill Road	AM	26.0	C	26.9	C	1.2	0.019
	PM	34.0	C	34.2	C	0.1	0.008
5. Santa Teresa Boulevard and Blossom Hill Road	AM	35.7	D	35.7	D	0.0	0.000
	PM	42.7	D	42.8	D	0.1	0.008

Notes:  
 \* Denotes CMP Intersections  
**Bold** entries indicate conditions that exceed the City’s level of service standard.

The results show that, measured against the City of San José level of service standards, the same signalized study intersection [SR 85 and Blossom Hill Road (W)] projected to operate at an unacceptable LOS E under background conditions will continue to operate at unacceptable levels under project conditions. However, no study intersection would be significantly impacted by the project, according to City of San José level of service standards.

#### Transit, Pedestrian, and Bicycle Impacts

Although no deduction was applied to the estimated trip generation for the project, it can be assumed that some of the project trips could be made by transit. Assuming up to a three percent transit mode share, which is probably the highest that could be expected, yields an estimate of approximately two transit trips during each of the peak hours. Given that the site is served by several bus routes and is located in proximity to a light rail station, these riders easily could be accommodated by the existing service. It is not anticipated the additional transit riders generated by the proposed project would adversely affect transit services or facilities.

Sidewalks are found along all streets that are near the project site. These sidewalks are adequate to serve the anticipated pedestrian demand, and the project would not adversely impact pedestrian facilities or their safety.

The bikeways within the vicinity of the project site include bike lanes on segments of Blossom Hill Road west of Snell Avenue, Snell Avenue north of Blossom Hill Road, Santa Teresa Boulevard south of SR 87, Cahalan Avenue south of Blossom Hill Road, and Blossom Avenue south of Blossom Hill Road. These facilities would remain unchanged under project conditions. The project would not decrease the performance or safety of the bikeways.

#### Emergency Access

An analysis of the conceptual site plan (refer to Figure 3) was completed to determine the adequacy of access to the project site for small buses, fire trucks, garbage trucks, and semi-trailer trucks.

The site plan indicates that the curb-to-curb width of the internal roadway will be 52 feet, which will provide adequate width for trucks and emergency vehicles. The cul-de-sac on-site would also provide adequate turning radius for trucks and emergency vehicles. For these reasons, the project design would not impede emergency access.

#### **4.16.3      Conclusion**

The proposed project, in conformance with applicable General Plan policies, would not result in significant transportation impacts. **(Less Than Significant Impact)**

## 4.17 UTILITIES AND SERVICE SYSTEMS

### 4.17.1 Setting

Water service to the project area is provided by San José Water Company. There is an existing six-inch water line in Southcrest Way and an eight-inch water line in Cahalan Avenue. There are no recycled water mains in the project vicinity.

Sanitary sewer and storm drain lines are owned and maintained by the City of San José. There is an existing 36-inch sewer line in Cahalan Avenue, a 10-inch sewer line in Chesbro Avenue, and a six-inch sewer line in Southcrest Way. There are existing 12-inch and 24-inch storm drain lines in Cahalan Avenue, a 12-inch storm drain line in Southcrest Way, and a 30-inch storm drain line in Chesbro Avenue.

Residential solid waste services are provided to the project area by Garden City Sanitation. Residential recycling services are provided by California Waste Solutions, and yard waste pick up is provided by GreenWaste Recovery.

#### 4.17.1.1 *General Plan Policies*

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating utility-related impacts resulting from planned development within the City. All future development allowed by the proposed land use designations will be subject to the utility and service policies listed in Chapter 4, Goals and Policies, of the City’s General Plan, including the following:

- Level of Service Policy #2: Capital and facility needs generated by new development should be financed by new development.
- Level of Service Policy #6: Standard is level of service “D” for sanitary sewer lines.
- Level of Service Policy #7: Monitor and regulate growth so that cumulative sewage treatment demand can be accommodated by the San José/Santa Clara Water Pollution Control Plant.
- Level of Service Policy #9: Encourages use of water conservation programs.
- Urban Design Policy #7: Undergrounding of utility lines serving new development.

In addition to the above-listed policies of the San José General Plan, new development in San José is required to comply with programs that mandate the use of water-conserving features and appliances and the City’s Integrated Waste Management Program, which minimizes solid waste.

Also, the City’s *Green Vision* provides a comprehensive approach to achieved sustainability through new technology and innovation. Of the 10 *Green Vision* goals the City established to achieve by 2022, Goal #5 calls for diverting 100 percent of waste from landfill and convert waste to energy (also see discussion in Section 2.12.1.2). As part of implementing the *Green Vision*, the City adopted a *Zero Waste Strategic Plan* in 2008 with the specific objectives of 75 percent diversion by 2013 and zero waste by 2022. Under the *Zero Waste Strategic Plan*, the City is improving downstream reuse and recycling, implementing upstream strategies to reduce the volume and toxicity of discarded products, and supporting the reuse of discarded materials. The City is also currently collaborating

with the local community and businesses to promote waste reduction and focusing on personal action and behavior change leading to less wasteful lifestyles. Other specific actions by the City to reduce waste and divert solid waste from landfills include:

- Implementing program enhancements to the residential Recycle Plus program to capture more materials and compost food waste;
- Redesigning the commercial solid waste management program to allow capture of more recyclables and compostables and greater service and rate equity for businesses;
- Targeting increased diversion and recovery of construction debris under the City's Construction & Demolition Diversion Deposit (CDDD) Program;
- Maximizing sorting to capture food and other hard to recycle materials and supporting use of conversion technology that convert waste to energy; and
- Supporting changes to state and local policies needed to change the material flows and create incentives for diversion.

**4.17.2 Environmental Checklist and Discussion of Impacts**

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

The project proposes to develop up to 90 single-family dwelling units on the project site. The project would connect to existing water, sanitary sewer, and storm drain lines described above.

**4.17.2.1 Water Supply**

Typically, a single-family residence uses about 250 gallons of water a day. Therefore, the proposed project is estimated to use about 22,500 gallons of water a day. While the project would incrementally increase the demand in water, the project would implement measures to reduce water use and would not require or result in the construction of new or expanded water facilities.

Impacts to the project from global climate change could include reduced water availability due to droughts. Water would be used on the site for potable water supplies, plumbing fixtures, and landscape use. Due to the medium density nature of the project and City's requirements for efficient water uses, the proposed project would not be a major new water user. At this time, neither the State Department of Water Resources, Santa Clara Valley Water District nor the City of San José has established the effects of global climate change on water supplies in California or locally.

**4.17.2.2 Sanitary Sewer**

**Wastewater Treatment Facility Capacity**

The existing capacity at the WPCP is 167 million gallons per day (mgd) during dry weather flow. Of this total capacity, the City of San José is allocated approximately 108 mgd. The sewer flow from San José between 2000 and 2007 was approximately 98 mgd (average dry weather influent flow).<sup>45</sup> Generally, sanitary sewer generation is approximately 85 percent of water use on the site. Therefore, it is estimated that the project would generate about 19,125 gallons (or 0.019 million gallons) of sewage a day. Give the available treatment capacity at the WPCP and the estimated amount of

<sup>45</sup> Guo, Shelley. City of San José Department of Public Works. Personal communications. April 2010.

sewage the project would generate, there would be sufficient capacity at the WPCP to treat wastewater from the project.

The proposed units fronting Southcrest Way would connect to the existing six-inch sewer line in Southcrest Way and the remainder of the units would connect to the existing 36-inch sewer line in Cahalan Avenue. There is sufficient capacity in the existing sewer lines to serve the project. The project would not require the expansion or construction of wastewater treatment facilities.

### **Wastewater Treatment Requirements**

Wastewater generators, such as the WPCP, have a permit to discharge their wastewater. Pursuant to the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act, the San Francisco Bay RWQCB regulates wastewater discharges to surface waters, such as the San Francisco Bay, through a NPDES program. The RWQCB also requires waste discharge requirements (WDRs) for some discharges in addition to those subject to NPDES permits. For example, SFWQCB issues WDRs for wastewater recycled for reuse. Wastewater permits contain specific requirements that limit the pollutants in discharges. As required by the RWQCB, the WPCP monitors its wastewater to ensure that it meets all requirements. The RWQCB routinely inspects treatment facilities to ensure permit requirements are met.

Sewage from the proposed project would be treated at the WPCP in accordance with their existing NPDES permit and WDRs. It is not anticipated that the sewage generated by the project would exceed wastewater treatment requirements of the RWQCB.

#### **4.17.2.3 Storm Drainage**

As discussed in **Section 4.10 Hydrology and Water Quality**, the project would result in the increase in impervious surfaces, which would result in a corresponding increase in runoff from the site. There is sufficient capacity in the existing storm drains to accommodate runoff from the project. Therefore, the project would not require or result in the construction of new or expanded storm drain facilities.

#### **4.17.2.4 Solid Waste**

The project would also result in an incremental increase in residential solid waste. It is estimated that the project would generate approximately 1.4 tons of solid waste a week and about 0.9 tons of recyclables a week.<sup>46</sup> The generation of solid waste resulting from the proposed project would be minimized through implementation of the City's Integrated Waste Management Program, which includes the following services:

- Curbside collection of residential recyclables including aluminum, glass, tin, mixed paper, mixed plastic bottles, waste oil, and small scrap;
- Collection of bulky goods from residences, city corporation yards, and City sponsored neighborhood clean-up events for potential reuse and recycling;
- Processing and marketing of recyclables at material recovery facilities and community relations/education programs; and
- Curbside collection of yard trimmings.

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<sup>46</sup> It is assumed that a single-family dwelling unit generates approximately 31.6 pounds of solid waste a week and 20.5 pounds of recyclables a week.

According to the operator of Newby Island Landfill, as of December 31, 2007, the landfill has approximately 10.7 million cubic yards of capacity remaining.<sup>47</sup> The City of San José has a contract with Newby Island for 320,000 tons of residential and commercial solid waste per year through December 31, 2020, with a provision for the City to extend the contract as long as capacity exists.

In recent years, the City has generated approximately 200,000 tons of residential solid waste a year that is landfilled at Newby Island. Residential disposal requirements are expected to decrease as new pilot programs and zero waste strategies are implemented.

Given Newby Island Landfill's existing capacity, the City's contract with Newby Island Landfill, the existing amount of waste the City disposes at the landfill, and the amount of waste the project is estimated to generate, there is sufficient capacity within the City's contract with Newby Island to serve the proposed project.<sup>48</sup>

In addition, the project would participate in the City's Construction and Demolition Debris Recycling Program by recycling or diverting at least 50 percent of materials generated for discards by the project in order to reduce the amount of demolition and construction waste going to the landfill.

#### **4.17.3            Conclusion**

The proposed project, in conformance with applicable General Plan policies, would not result in significant utilities and services impacts. **(Less Than Significant Impact)**

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<sup>47</sup> Allied Waste Services of North America, LLC. Personal communications. April 2008.

<sup>48</sup> Note that an application is on file (file no. PDC07-071) at the City for a height expansion at Newby Island Sanitary Landfill, which would add approximately 15 million cubic yards to the capacity of the landfill.

**4.18 MANDATORY FINDINGS OF SIGNIFICANCE**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	p. 11-134
2) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	p. 11-136
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	p. 11-134

The proposed project would not result in significant environmental impacts with the implementation of the mitigation measures included in the project and described in this Initial Study (refer to **Section 4.0 Environmental Setting, Checklist, and Discussion of Impacts**).

In regards to cumulative impacts, the project area is generally built out. Besides the future development of Martial Cottle Park located north of the project site, north of Highway 85, no other projects are planned or proposed in the project area.

According to BAAQMD, a project would have a cumulatively considerable air contaminant exposure impact if the aggregate total of all past, present, and foreseeable future sources within a 1,000 foot radius from the fence line of a source, or from the location of a receptor, plus the contribution from the project, exceeds the following:

- Non-compliance with a qualified risk reduction plan;

- An excess cancer risk level of more than 100 in one million or a chronic non-cancer hazard index (from all local sources) greater than 10.0; or
- 0.8 µg/m<sup>3</sup> annual average PM<sub>2.5</sub>.

Other existing or planned sources of air contaminant exposure that could increase the cancer risk, hazard, or PM<sub>2.5</sub> concentrations are not present in the project area. Therefore, the cumulative risk to future residents at the project site would be the same as estimated in **Section 4.3 Air Quality** and is considered less than significant.

Given the fact that the project area is generally built out, it is not anticipated that the project would result in cumulatively considerable aesthetics, air quality (including regional/local and construction-related air quality impacts), biological resources, land use, noise, population and housing, public services, recreation, transportation, and utilities and services. Other project impacts including cultural resources, geology and soils, hazardous materials, hydrology and water quality impacts are specific to the project site and would not contribute to cumulative impacts elsewhere.

The project's contribution to global climate change is discussed in **Section 4.7** in terms of the project's greenhouse gas emissions. The project would not result in impacts to mineral resources and therefore, would not result in significant cumulative impacts to mineral resources. Based on the above discussion, the project would not result in significant cumulative impacts.

### Checklist Sources

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.
2. City of San José. 2020 General Plan. Last updated December 2009.
3. California Department of Conservation, Division of Land Resource Protection. Santa Clara County Important Farmland 2008. Map. July 2009.
4. City of San Jose. Zoning Ordinance. Amended July 3, 2009.
5. Bay Area Air Quality Management District. Bay Area 2005 Ozone Strategy. January 2006.
6. Bay Area Air Quality Management District. Air Quality CEQA Thresholds of Significance. June 2010.
7. Bay Area Air Quality Management District. Draft CEQA Air Quality Guidelines. June 2010.
8. Illingworth & Rodkin, Inc. SummerHill Homes Air Quality Community Risk Assessment San José, California. June 22, 2010.
9. Live Oak Associates, Inc. Biological Evaluation Lester Property. April 13, 2010.
10. HortScience. Draft Arborist Report. March 30, 2010.
11. Holman & Associates. Cultural Resource Study of the Lester Property, San José, Santa Clara County, California. March 19, 2010.
12. Cornerstone Earth Group. Geotechnical Investigation. July 30, 2010.
13. URBEMIS and BMG. Greenhouse Gas Emissions Outputs. June 2010.
14. Strategic Engineering & Science. Phase I Environmental Site Assessment and Phase II Soil Quality Investigation. February 3, 2010.  
  
Strategic Engineering & Science. Summary Letter for Additional Phase II Environmental Site Sampling, Lester Property, San José, California. March 1, 2010.
15. California Department of Forestry and Fire Protection. “Santa Clara County Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE.” Map. 8 October 2008. Available at: [http://www.fire.ca.gov/fire\\_prevention/fhsz\\_maps/fhsz\\_maps\\_santaclara.php](http://www.fire.ca.gov/fire_prevention/fhsz_maps/fhsz_maps_santaclara.php).
16. Santa Clara Valley Water District. Santa Clara Valley Water District Groundwater Management Plan. July 2001. Available at: <http://www.valleywater.org/Services/Groundwater.aspx>.

17. Federal Emergency Management Agency. “Flood Insurance Rate Map.” Map Number 06085C0263H. 18 May 2009. Available at: <http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>.
18. Association of Bay Area Governments. “Dam Failure Inundation Hazard Map for Southeast San José.” 1995. Available at: <http://www.abag.ca.gov/cgi-bin/pickdamx.pl>.
19. Charles M. Salter Associates, Inc. Lester Site Draft Environmental Noise and Ground-Borne Vibration Assessment. August 4, 2010.
20. Hexagon Transportation Consultants, Inc. Lester Property Residential Traffic Impact Analysis. September 22, 2010.

## SECTION 5.0 REFERENCES

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- Airport Land Use Commission. 2008 Countywide Land Use Plan. Adopted September 1992, amended October 2007 and November 2008. Available at: <http://www.sccgov.org/portal/site/planning/print?contentId=b8601e99c9d74010VgnVCM10000048dc4a92>.
- Association of Bay Area Governments. “Dam Failure Inundation Hazard Map for Southeast San José.” 1995. Available at: <http://www.abag.ca.gov/cgi-bin/pickdamx.pl>.
- . Projections 2007. December 2006.
- Bay Area Air Quality Management District. Air Quality CEQA Thresholds of Significance. June 2010.
- . Air Toxics NSR Program Health Risk Screening Analysis (HSRA) Guidelines. January 2010.
- . Bay Area 2005 Ozone Strategy. January 2006.
- . Draft CEQA Air Quality Guidelines. June 2010.
- . Recommended Methods for Screening and Modeling Local Risks and Hazards. May 2010.
- Bay Conservation and Development Commission (BCDC). “55-Inch Sea-Level Rise by End of Century South Bay.” 2008.
- California Air Resources Board. Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel Fueled Engines and Vehicles. 2000.
- California Climate Change Center. Impacts of Sea-Level Rise on the California Coast. March 2009.
- California Department of Conservation, Division of Land Resource Protection. Santa Clara County Important Farmland 2008. Map. July 2009.
- California Department of Conservation. “Williamson Act Program.” Accessed 18 March 2010. Available at: <http://www.conservation.ca.gov/DLRP/lca/Pages/Index.aspx>.
- California Department of Forestry and Fire Protection. “Santa Clara County Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE.” Map. 8 October 2008. Available at: [http://www.fire.ca.gov/fire\\_prevention/fhsz\\_maps/fhsz\\_maps\\_santaclara.php](http://www.fire.ca.gov/fire_prevention/fhsz_maps/fhsz_maps_santaclara.php).
- Charles M. Salter Associates, Inc. Lester Site Draft Environmental Noise and Ground-Borne Vibration Assessment. August 4, 2010.
- City of San José, Fire Department. “SJFD Response By Station: Fiscal Year 2008-2009.” Accessed 24 March 2009. Available at: <http://www.sjfd.org/Stats/0708Station.asp>.
- City of San José, Police Department. “Official Crime Statistics.” 5 March 2010. Available at: <http://www.sjpd.org/CrimeStats/crimestats.html>.

- City of San José. Zoning Ordinance. Amended July 3, 2009.
- . 2020 General Plan. Last updated December 2009.
- Cornerstone Earth Group. Geotechnical Investigation. July 30, 2010.
- East Side Union High School District. Homepage. Accessed 24 March 2010. Available at: <http://www.esuhd.org/index.html>.
- Federal Emergency Management Agency. “Flood Insurance Rate Map.” Map Number 06085C0263H. 18 May 2009. Available at: <http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>.
- Hexagon Transportation Consultants, Inc. Lester Property Residential Traffic Impact Analysis. September 22, 2010.
- Holman & Associates. Cultural Resource Study of the Lester Property, San José, Santa Clara County, California. March 19, 2010.
- HortScience. Draft Arborist Report. March 30, 2010.
- Illingworth & Rodkin, Inc. SummerHill Homes Air Quality Community Risk Assessment San José, California. June 22, 2010.
- IPCC. 2007: Summary for Policymakers. In: Climate Change 2007: The Physical Science Bases. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor, and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Available at: <http://ipcc.ch/>.
- Live Oak Associates, Inc. Biological Evaluation Lester Property. April 13, 2010.
- Oak Grove School District. Homepage. Accessed 24 March 2010. Available at: <http://www.ogsd.k12.ca.us/index.htm>.
- Office of Environmental Health Hazard Assessment. Air Toxics Hot Spots Program Risk Assessment Guidelines, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. August 2003.
- San Francisco Bay Conservation and Development Commission. Shoreline Areas Vulnerable to Sea Level Rise: South Bay. Map. 2008. Available at: [http://www.bcdc.ca.gov/planning/climate\\_change/climate\\_change.shtml](http://www.bcdc.ca.gov/planning/climate_change/climate_change.shtml).
- Santa Clara Valley Water District. Santa Clara Valley Water District Groundwater Management Plan. July 2001. Available at: <http://www.valleywater.org/Services/Groundwater.aspx>.
- State of California Parks Department and Santa Clara County Parks and Recreation Department. Draft Martial Cottle Park State Park General Plan/County Park Master Plan. 10 February 2010. Available at: <http://www.sccgov.org/portal/site/parks/>.

Strategic Engineering & Science. Phase I Environmental Site Assessment and Phase II Soil Quality Investigation. February 3, 2010.

Strategic Engineering & Science. Summary Letter for Additional Phase II Environmental Site Sampling, Lester Property, San José, California. March 1, 2010.

Transportation Research Board. Highway Capacity Manual. 2000.

United States Environmental Protection Agency. “Radon.” March 11, 2010. Available at: <http://www.epa.gov/radon/index.html>.

URBEMIS and BMG. Greenhouse Gas Emissions Outputs. June 2010.

### **Persons and Organizations Contacted**

Allied Waste Services of North America, LLC. April 2008.

Cantore, Vince. Project Manager at SummerHill Homes. March-July 2010.

Garafolo, Alan. East Side Union High School District, Associate Superintendent of Student Services and Facilities. March 2010.

Guo, Shelley. City of San José Department of Public Works. April 2010.

Jew, Chris. Oak Grove School District, Assistant Superintendent – Business Services. April 2010.

McCloskey, Tom. Strategic Engineering & Science, Project Manager. July 2010.

## **SECTION 6.0 LEAD AGENCY AND CONSULTANT**

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### **LEAD AGENCY**

#### **City of San José**

Department of Planning, Building, and Code Enforcement

Joseph Horwedel, Director

Lesley Xavier, Project Planner

### **CONSULTANT**

#### **David J. Powers & Associates, Inc.**

Environmental Consultants and Planners

Judy Shanley, Principal

Kristy Weis, Project Manager

Stephanie Francis, Graphic Artist