

**INITIAL STUDY/  
MITIGATED NEGATIVE DECLARATION**

**for**

**THE HARKER SCHOOL**

**City PD Rezoning File: PDC 91-10-77;  
PD Permit File: PD12-027**

**CITY OF SAN JOSE, CALIFORNIA**

**AUGUST 2012**

REVISED LANGUAGE FOR THE HARKER SCHOOL INITIAL STUDY/MITIGATED  
NEGATIVE DECLARATION

10/2/2012

**REPLACE** Mitigation Measure TRF 1 (original language):

The project proponent shall implement a comprehensive shuttle bus program as part of its Transportation Demand Management (TDM) program to limit AM peak hour vehicle trips to 350 trips or fewer. The project proponent shall provide buses as necessary to serve the Evergreen/Silver Creek areas in San Jose, Palo Alto, Los Altos, Mountain View, Cupertino, Saratoga and Sunnyvale. The TDM Program shall be monitored by conducting driveway traffic counts on an annual basis to ensure TDM program effectiveness. The driveway counts shall be collected by an independent vendor for the AM peak period between 7 AM - 9 AM with inbound and outbound volumes reported in 15-minute intervals. Driveway counts shall be collected for three days (Tuesday - Thursday) during the period from four to eight weeks after the start of the school's fall session. The data shall be collected on days when there are no special events or school holidays (that could bias the traffic volumes).

A memorandum shall be submitted to the City of San Jose Planning Division Environmental Review Section to document the effectiveness of the TDM Program to meet the trip goal cited above. This memorandum shall include the following: 1) descriptions of the TDM Program elements currently in place, and 2) trip generation for the school based on the driveway counts. The project proponent would be considered non-compliant if the trip generation goal is not achieved. If found to be out of compliance, the project proponent must implement one of the three options below:

- 1) increase the TDM activities (such as modifying existing shuttle routes to serve areas with higher concentrations of students, adding new shuttle routes or stops, making the use of the shuttle bus mandatory for the required number of students, and increasing the proportion of three and four-person carpools) and attain compliance within four months, which would be demonstrated by new monitoring efforts; or
- 2) reduce enrollment in the next academic year; or
- 3) Mitigate all traffic impacts in conformance with the City's Transportation Policies.

The TDM program, the associated monitoring program, and any modifications to the program shall be subject to review by the City of San José Department of Public Works and Department of Transportation. The annual monitoring can be suspended after five years of compliance with the school at its projected 600 students.

**WITH** Mitigation Measure TRF 1 (revised language):

- a. Transportation (City of San José Planning Div., Environmental Review Section Sr Planner).
  - i. The project proponent shall implement an adaptive Transportation Demand Management program, including a comprehensive shuttle bus program, to limit AM peak hour vehicle trips to 370 trips or fewer. The TDM is an adaptive mitigation measure that contains multiple tools to meet the target driveway count of 370 inbound and outbound AM peak hour trips including 20 shuttle trips. The tools could include but are not limited to carpool, shuttle, teacher incentive, pay to drive, etc. All the details of the TDM program have not been determined but the overall goal is defined. The project proponent shall establish a carpool match program to facilitate students living near each other to carpool. The project proponent shall provide buses as necessary to serve the Evergreen/Silver Creek areas in San Jose, Fremont, Palo Alto, Los Altos, Mountain View, Cupertino, Saratoga and Sunnyvale. The TDM Program shall be monitored by conducting driveway traffic counts on a monthly basis to ensure TDM program effectiveness. The driveway counts shall be collected by an independent vendor for the AM peak period between 7 AM - 9 AM with inbound and outbound volumes reported in 15-minute intervals. Driveway counts shall be collected for three consecutive days (Tuesday - Thursday) monthly after the start of the school's fall session. The data shall be collected on days when there are no special events or school holidays (that could bias the traffic volumes).
  - ii. A bi-monthly Monitoring Report shall be submitted to the City of San Jose Department of Planning, Building and Code Enforcement, Environmental Review Section, to document the effectiveness of the TDM Program to meet the trip goal cited above. This memorandum shall include the following: 1) descriptions of the TDM Program elements currently in place, and 2) trip generation for the school based on the driveway counts. The project proponent would be considered non-compliant if the trip generation goal is not achieved. If found to be out of compliance for two consecutive months, the project proponent must implement option 1 below; after six consecutive months of non-compliance, the applicant is required to implement option 2 or 3:
    - 1) Increase the TDM activities (such as modifying existing shuttle routes to serve areas with higher concentrations of students, adding new shuttle routes or stops making the use of the shuttle bus mandatory for the required number of students, and increasing the proportion of three and four-person carpools) and attain compliance within four months, which would be demonstrated by new monitoring efforts.
    - 2) Reduce enrollment in the next academic year (enrollment may be increased back to previously approved level with the issuance of a Planned Development Permit Amendment); or
    - 3) Mitigate all traffic impacts in conformance with the City's Transportation Policies.
  - iii. This TDM program, associated annual monitoring program, and any modifications to the program shall be subject to review by the City of San Jose Department of Public Works and Department of Transportation.

**PUBLIC NOTICE**  
**INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**  
**CITY OF SAN JOSÉ, CALIFORNIA**

**File No. and Project Name/Description:**

**File No. PD12-027 – The Harker School.** Planned Development Permit to allow redevelopment of the existing 7.7 acre former Santa Clara County Children's Shelter campus including demolition of two existing 4,800 square foot buildings, construction of a new 17,500 square foot multi-purpose building, a 2,500 square foot accessory structure and other improvements for a private elementary school for up to 600 pre-K through 5th grade students. The site is located on the west side of Union Avenue, approximately 100' southerly of Barrett Avenue (Council District 9).

The City has performed environmental review on the project. Environmental review examines the nature and extent of any adverse effects on the environment that could occur if a project is approved and implemented. Based on the review, the City has prepared a draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment if protective measures (mitigation measures) are included in the project.

The public is welcome to review and comment on the draft Mitigated Negative Declaration.

The public comment period for this draft Mitigated Negative Declaration begins on **August 24, 2012** and ends on **September 24, 2012**.

The draft Mitigated Negative Declaration, initial study, and reference documents are available online at: <http://www.sanjoseca.gov/planning/eir/MND.asp> .

The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, located at City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact John Baty at (408) 535-7894, or by e-mail at [john.baty@sanjoseca.gov](mailto:john.baty@sanjoseca.gov) .

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

Circulated on:

8/24/2012

Idun Dandson

Deputy

## MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT: The Harker School**

**PROJECT FILE NUMBER: PD12-027**

**PROJECT DESCRIPTION:** Planned Development Permit to allow redevelopment of the existing 7.7 acre former Santa Clara County Children's Shelter campus including demolition of two existing 4,800 square foot buildings, construction of a new 17,500 square foot multi-purpose building, a 2,500 square foot accessory structure and other improvements for a private elementary school for up to 600 pre-K through 5th grade students.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** West side of Union Avenue, approximately 100-feet south of Barrett Avenue (4525 Union Ave); Assessor's Parcel No: 421-07-003

**COUNCIL DISTRICT: 9**

**APPLICANT CONTACT INFORMATION:** Mike Bassoni, The Harker School, 3800 Blackford Avenue, San José, CA 95117; Telephone: (408) 553-0377

### **FINDING:**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

### **MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

- I. AESTHETICS.** The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.
- II. AGRICULTURE AND FOREST RESOURCES.** The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.

**III. AIR QUALITY.** The project will not have a significant air quality impact, therefore no mitigation is required.

**IV. BIOLOGICAL RESOURCES.**

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.

**V. CULTURAL RESOURCES.** The project will not have a significant impact on cultural resources, therefore no mitigation is required.

**VI. GEOLOGY AND SOILS.**

Prior to the issuance of a grading permit, a design-level geotechnical analysis shall be prepared by a qualified geologist and submitted to the Director of Planning for review and approval for all new structures. The project shall be designed and constructed in accordance with the specific recommendations of the design-level geotechnical investigation.

**VII. GREENHOUSE GAS EMISSIONS.** The project will not have a significant impact due to greenhouse gas emissions, therefore no mitigation is required.

**VIII. HAZARDS AND HAZARDOUS MATERIALS.**

Prior to initiation of earthwork activities, the project proponent shall perform soil testing on the project site and analytically test for pesticide residuals and pesticide-related metals arsenic, lead, and mercury. Sampling activities shall be coordinated with the San Jose Environmental Services Department. If contamination is identified in the soil samples above applicable levels, the project proponent shall prepare a Site Management Plan (SMP) to establish protocols/guidelines for the contractor including: identification of appropriate health and safety measures while working in contaminated areas; soil reuse; handling, and disposal of any contaminated soils; and agency notification requirements. The SMP shall be subject to the review and approval of the appropriate regulatory agency.

- IX. HYDROLOGY AND WATER QUALITY.** The project will not have a significant hydrology and water quality impact, therefore no mitigation is required.
- X. LAND USE AND PLANNING.** The project will not have a significant land use impact, therefore no mitigation is required.
- XI. MINERAL RESOURCES.** The project will not have a significant impact on mineral resources, therefore no mitigation is required.
- XII. NOISE.** The project will not have a significant noise impact, therefore no mitigation is required.
- XIII. POPULATION AND HOUSING.** The project will not have a significant population and housing impact, therefore no mitigation is required.
- XIV. PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.
- XV. RECREATION.** The project will not have a significant impact on recreation, therefore no mitigation is required.
- XVI. TRANSPORTATION / TRAFFIC.**

The project proponent shall implement a comprehensive shuttle bus program as part of its Transportation Demand Management (TDM) program to limit AM peak hour vehicle trips to 350 trips or fewer. The project proponent shall provide buses as necessary to serve the Evergreen/Silver Creek areas in San Jose, Palo Alto, Los Altos, Mountain View, Cupertino, Saratoga and Sunnyvale. The TDM Program shall be monitored by conducting driveway traffic counts on an annual basis to ensure TDM program effectiveness. The driveway counts shall be collected by an independent vendor for the AM peak period between 7 AM - 9 AM with inbound and outbound volumes reported in 15-minute intervals. Driveway counts shall be collected for three days (Tuesday - Thursday) during the period from four to eight weeks after the start of the school's fall session. The data shall be collected on days when there are no special events or school holidays (that could bias the traffic volumes).

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- 2) reduce enrollment in the next academic year; or

- 3) Mitigate all traffic impacts in conformance with the City's Transportation Policies.

The TDM program, the associated monitoring program, and any modifications to the program shall be subject to review by the City of San José Department of Public Works and Department of Transportation. The annual monitoring can be suspended after five years of compliance with the school at its projected 600 students.

**XVII. UTILITIES AND SERVICE SYSTEMS.** The project will not have a significant impact on utilities and service systems, therefore no mitigation is required.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.** The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

#### **PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **September 24, 2012**, any person may:

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

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

  
Deputy

Circulation period: from **August 24, 2012** to **September 24, 2012**.

Revised 5-6-11 jam

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- C. Phase I Assessment
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# Chapter 1. Background Information

## PROJECT DATA

1. **Project Title:** The Harker School (File No. PD12-027)
2. **Lead Agency Name and Address:** City of San Jose Planning, Building and Code Enforcement, 200 E. Santa Clara Street, San Jose, CA 95113 Contact: John Davidson (408) 535-7895
3. **Project Proponent:** The Harker School, 3800 Blackford Avenue, San Jose, CA 95117 Contact: Mike Bassoni
4. **Project Location:** Project site is located at 4525 Union Avenue, on the west side of Union north of Logic Drive and State Route 85. APN: 421-07-003
5. **Project Description:** Redevelopment of an existing Santa Clara County Children's shelter processing facility with an elementary school for Pre K – 5<sup>th</sup> grade.
6. **General Plan:** Public/Quasi-Public
7. **Zoning:** A(PD) Planned Development (File No. PDC91-077)

## Chapter 2. Project Description

### PROJECT LOCATION

The project site is located on approximately 7.7 acres at 4525 Union Avenue in the City of San Jose, in Santa Clara County (refer to Figure 1). The property lies on the west side of Union Avenue, north of Logic Drive and State Route 85. The project site is currently occupied by the Children's Foster Care Relocation Intake and Assessment Center, operated by the County of Santa Clara, and contains several buildings, parking, and landscaping. The property is located on Assessor's Parcel (APN) 421-07-003 (refer to Figure 2). An aerial of the project site and surrounding area is presented in Figure 3.

The subject property has historically been used as a school site. Following its use as Lewis Parker Elementary School by the Union School District, the property was converted into the County of Santa Clara Children's Shelter in the early 1990's. The campus was developed with classrooms, cafeteria, living quarters, and play areas, used 24 hours daily. Today, it remains in use as an intake center for children in need of shelter within the community (formally, the Santa Clara County Children's Foster Care Relocation Intake & Assessment Center).

### PROJECT DESCRIPTION

The existing campus has 11 buildings comprising 76,065 square feet. In final design, two existing buildings will be removed, a new two-story 17,500 square foot multi-purpose building will be built in the center of the campus surrounded by existing buildings, and a 40 foot by 75 foot swimming pool will be added with a 2,515 square foot equipment and changing facility. The project will result the net addition of 10,258 square feet to the campus.

The project is redevelopment of an existing facility with an elementary school for pre-K - 5<sup>th</sup> grade, with a maximum enrollment of 600 students.<sup>1</sup> A maximum staff of 100 employees is anticipated at buildout. The site plan for the project is presented in Figure 4. Photos of the existing site are provided in Figure 5. The proposed school includes the following components:

- demolish two existing 4,877 square foot classroom buildings
- construct a new 17,500 square foot, two-story multipurpose building
- install a 45 foot by 75 foot swimming pool with 2,512 square foot equipment/changing room
- construct a new driveway and cul-de-sac for student drop-off and queuing
- add a new athletic field (natural grass)
- develop three basketball courts
- provide related landscape and hardscape improvements throughout the site
- retain nine existing buildings as part of the proposed school

Initially, the proposed campus would operate as a pre-school, serving up to 120 pre-kindergarten students. At campus buildout, the preschool use would be replaced with a K-5<sup>th</sup> grade student body.

**Operations.** The school would operate on a year-round basis, including summer programs. During the usual school year, normal hours of operation will be 7 AM to 6PM, Monday through Friday. Occasional off hour events may occur on the property, ending no later than 10 PM. The campus may also be used on

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<sup>1</sup> The Harker School is moving from its current location at 4300 Bucknall Road in Campbell to the Union Avenue site in San Jose.

weekends; events may include performing arts presentations, parent-teacher conferences, Saturday swim lessons, youth sports competitions, open house, back to school night, other parent group gatherings, and community-requested uses.

**Demolition/Grading.** Improvements to the project site would require the demolition/removal of two buildings and an existing basketball/sport court. Demolition debris would be handled and removed in accordance with all applicable regulatory requirements. No substantial grading is anticipated for the project; however, the project will require the import of approximately 150 cubic yards of fill.

**Lighting.** The project proposes standard outdoor lighting for site access and security. No outdoor lighting of the playfields or pool is proposed.

**Access/Parking.** Access to the project would be from Union Avenue via two existing driveways. The project proposes a new internal roadway extending from the south driveway and ending in a turn-around cul-de-sac. Emergency vehicle access is provided through an access easement to the adjacent Xilinx site. During peak school periods, vehicles would be restricted to only enter the site at the northern driveway and exit the site at the southern driveway for the ease of internal circulation. Children in kindergarten and 1<sup>st</sup> grade would be dropped off at the main building entrance. Children in 2<sup>nd</sup> through 5<sup>th</sup> grades would be dropped off at the driveway extension proposed on the south side of the school. Parking is proposed to accommodate staff vehicles and visitors, including field spaces for special events.

**Transportation Demand Management (TDM) Program.** In order to minimize traffic impacts, the project will implement a comprehensive Transportation Demand Management (TDM) to reduce the effects of new traffic. The two primary components of the TDM program are 1) staggered school start times, and 2) a shuttle bus program.

## PROJECT SCHEDULE

The preschool is scheduled to open in the fall of 2013, with associated tenant and site circulation improvements. Final design and construction of new buildings and other redevelopment of the site is anticipated in the next phase of the project prior to replacement of the preschool with the K thru 5th grade student body.

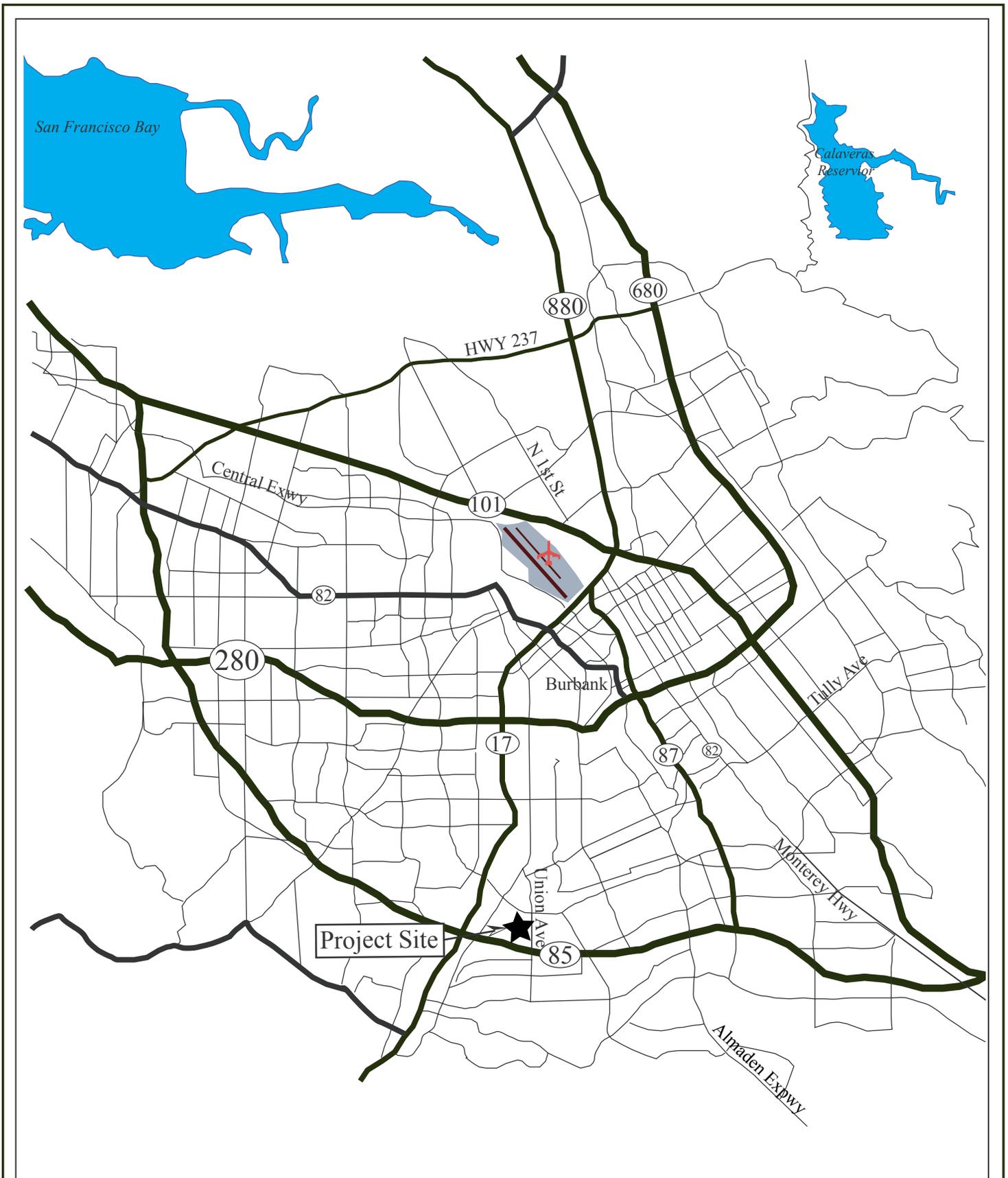
## PROJECT OBJECTIVES

The project objective is to operate a private elementary school to continue providing an outstanding private education experience to greater San Jose area families. This site has a fully developed campus from its former uses, and meets the needs of an elementary school with little redevelopment. The short term objective is to provide a quality preschool on the property to meet a growing demand for such uses.

## PROJECT APPROVALS

The project will require the following approvals:

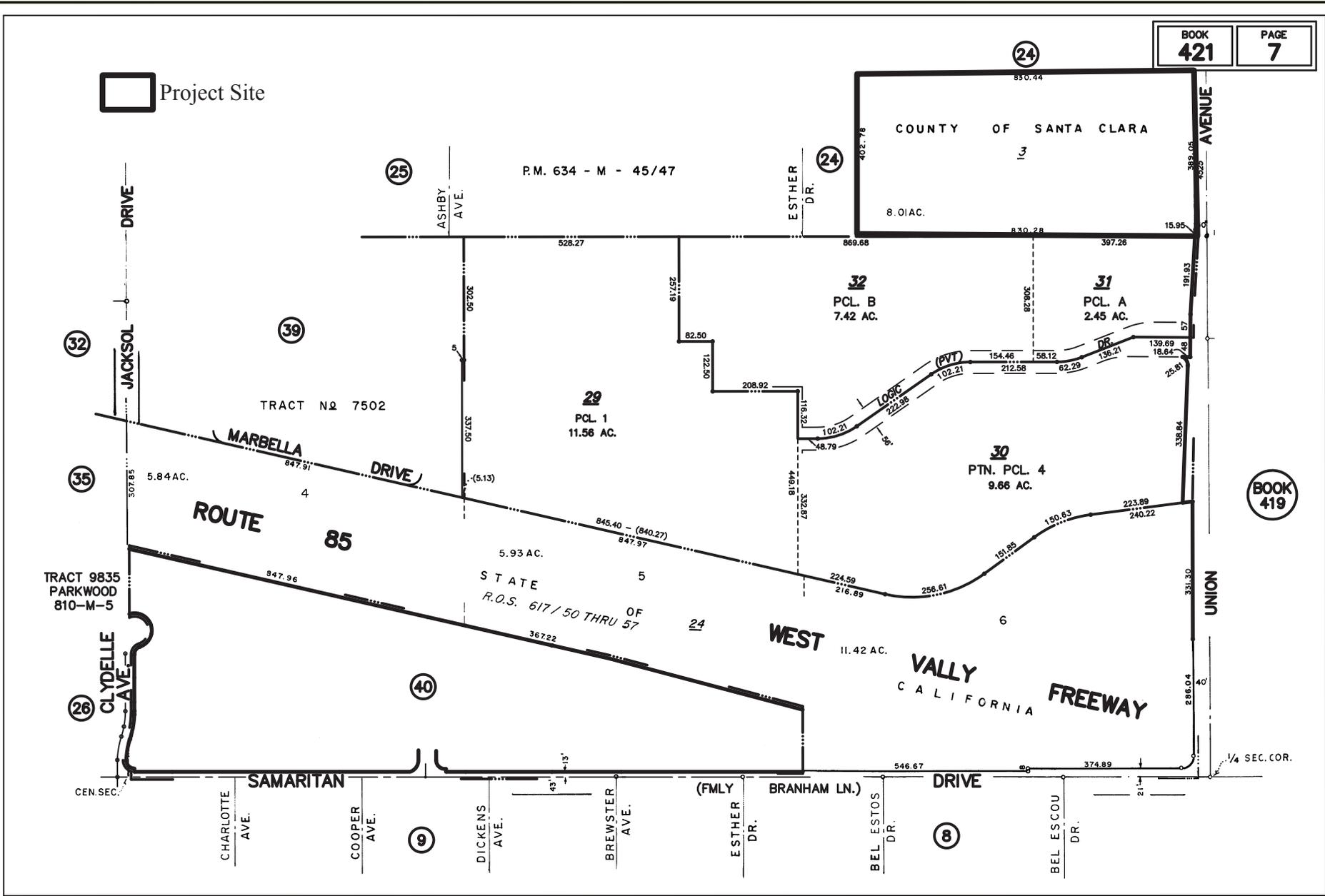
- City of San Jose – environmental clearance, Planned Development permit, grading permit, building permit



Regional Map

Figure  
1

 Project Site

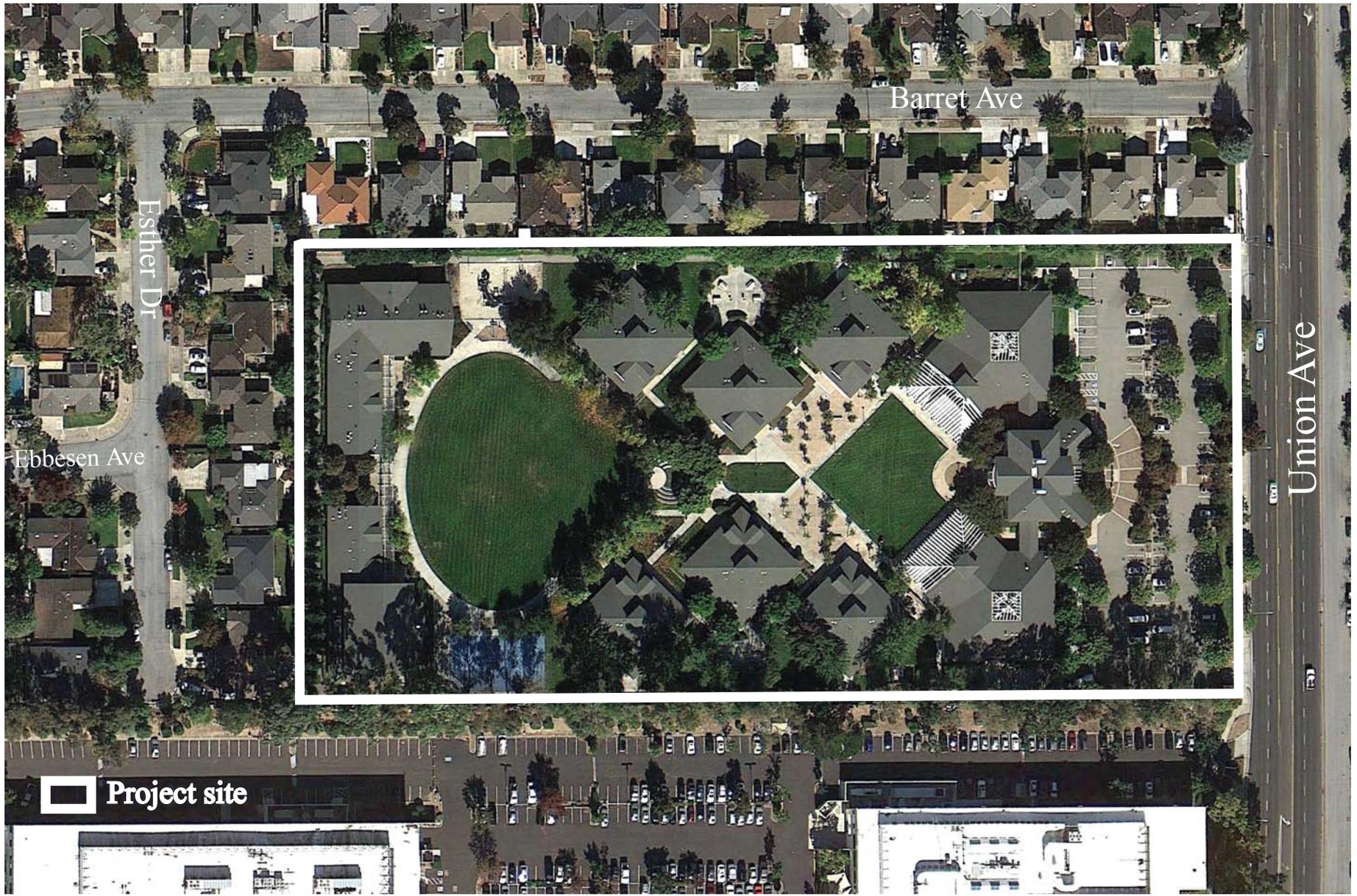


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# APN Map

Figure  
2



Aerial Map

Figure  
3

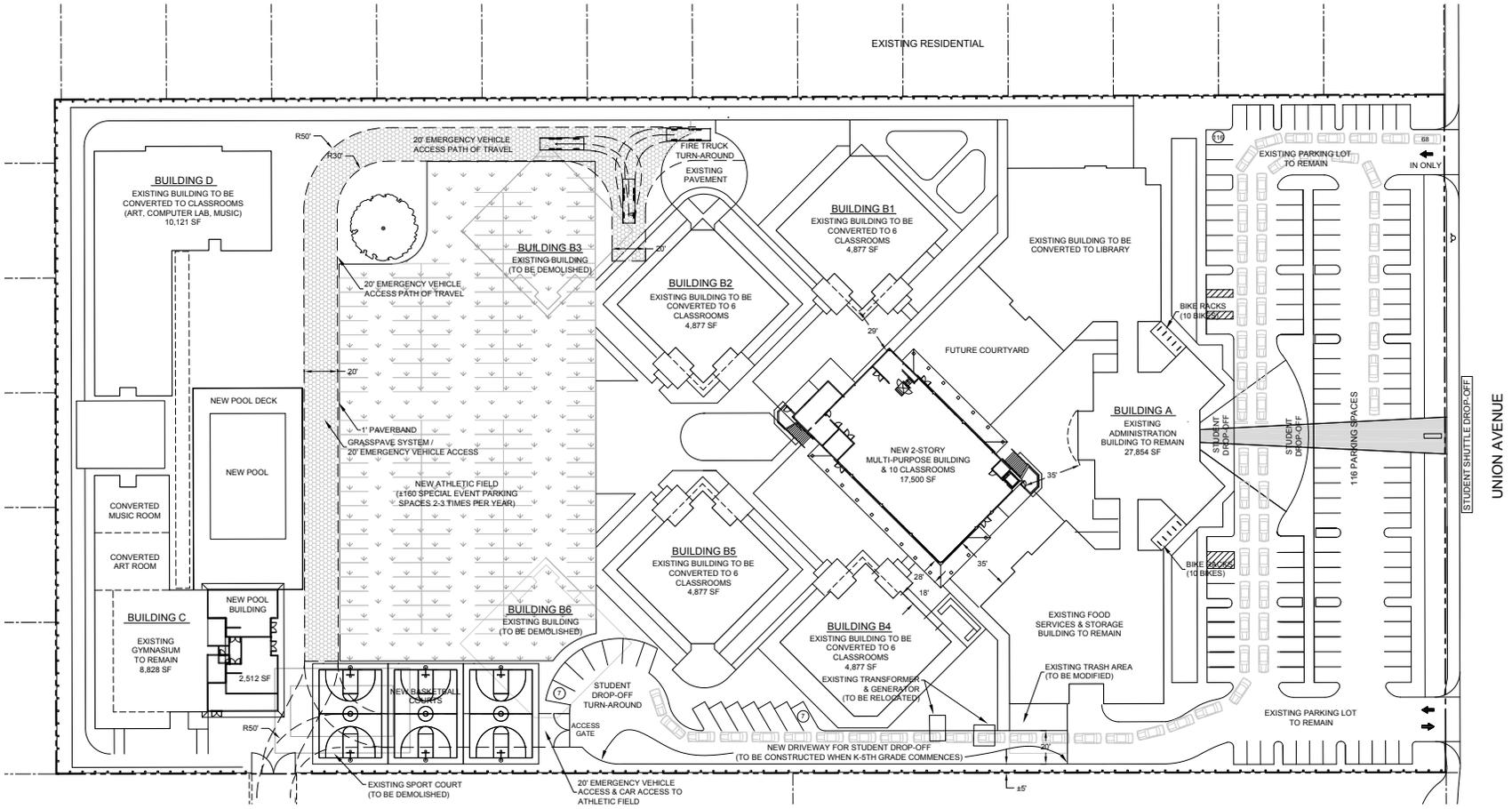
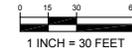
**LEGEND**

PROJECT BOUNDARY	-----
PROPERTY LINE (EXISTING)	-----
EXISTING PRECAST WALL	-----

**BUILDING AREA TABLE**

EXISTING		PROPOSED*	
BUILDING	AREA (SF)	BUILDING	AREA (SF)
A	27,854	A	27,854
B1	4,877	B1	4,877
B2	4,877	B2	4,877
B3	4,877	B3	4,877
B4	4,877	B4	4,877
B5	4,877	C	8,828
B6	4,877	D	10,121
C	8,828	MULTI-PURPOSE	17,500
D	10,121	POOL BUILDING	2,512
TOTAL	76,065	TOTAL	86,523

\*INCLUDES NEW BUILDINGS AND EXISTING BUILDINGS TO REMAIN. BUILDINGS B3 & B6 ARE PROPOSED FOR DEMOLITION.



Source: HMH Engineers, August 2012



**Site Plan**

**Figure  
4**



Photo 1. View of the entrance to the existing County facility.



Photo 2. View of the buildings and landscaping within the interior portion of the existing County facility.



Photo 3. View of the rear portion of the existing County facility.



Photo 4. View of the existing parking lot.



## Site Photos

## Chapter 3. Environmental Evaluation

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors identified below are discussed within Chapter 3. Environmental Setting and Impacts. The sources used for analysis of environmental effects are cited in the checklist and listed in Chapter 4. References.

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

### DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Jeranni Humble  
Signature

8/23/12  
date

Leianne Humble  
Printed Name

Denise Duffy & Associates, Inc.  
for

## EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

2. All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) Earlier Analysis Used. Identify and state where they are available for review.
- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

- a) The significance criteria or threshold, if any, used to evaluate each question; and
- b) The mitigation measure identified, if any, to reduce the impact to less than significance.

## ENVIRONMENTAL SETTING AND IMPACTS

The following section describes the environmental setting and identifies the environmental impacts anticipated from implementation of the proposed project. The criteria provided in the CEQA environmental checklist was used to identify potentially significant environmental impacts associated with the project. Sources used for the environmental analysis are cited in the checklist and listed in Chapter 4 of this Initial Study.

### A. AESTHETICS

#### Setting

The project site is located within an urbanized area of San Jose, consisting of a mix of residential and commercial office uses. The site is bordered by Union Avenue to the east, Xilinx and Dell Computer office buildings to the south, and single family residential development to the north and west. The visual character of the site is that of a relatively modern school/office campus, with several existing buildings, courtyards, turf play areas, mature landscaping, and a parking lot fronting Union Avenue. Photographs of the property are presented in Figure 5. An aerial of the project area is provided in Figure 3.

#### Impacts and Mitigation

##### *Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. AESTHETICS. Would the project:					
a) Have a substantial adverse effect on a scenic vista?				X	1, 2
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1, 2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X		1, 2
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X		1, 2
e) Increase the amount of shade in public or private open space on adjacent sites?			X		1, 2

#### Explanation

- a) **No Impact.** The project is proposed on a developed site in an urban area of San Jose and will not impact any scenic vistas.
- b) **No Impact.** The project site is not located within any City or state-designated scenic routes. The project may remove some landscaping on the site, which would be replaced as part of the overall landscape plan for the project.

- c) **Less-than-Significant Impact.** The project is redevelopment of an existing County facility with an elementary school. Most of the existing buildings on the site would be retained and retrofitted. The new multi-purpose building would be two-stories and located near the center of the site surrounded by existing onsite buildings. Neither this building nor any of the other proposed structures would be located adjacent to, or visible from, existing residential development. The proposed uses are consistent with the surrounding neighborhood and would not significantly alter the existing visual character of the site and its surroundings.
- d) **Less-than-Significant Impact.** Exterior lighting is proposed for security and access. Outdoor lighting would utilize low-pressure sodium fixtures in accordance with the City’s requirements. The project does not propose any new sources of glare. The project would not result in significant lighting/glare impacts. As a part of the development permit approval, the project will conform to the following standards:
  - Lighting on the site shall conform to the City’s Outdoor Lighting Policy (4-3).
- e) **Less-than-Significant Impact.** The c) above. The proposed project would not increase the amount of shade or result in any shade impacts on adjacent public or private open space area.

**B. AGRICULTURAL AND FOREST RESOURCES**

**Setting**

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, “agricultural land” is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The project area is identified as “urban/built-up land” on the Santa Clara County Important Farmlands Map (2006). CEQA requires the evaluation of forest and timber resources where they are present. The project site is located in an urban area that has most recently been used for urban uses. The site does not contain any forest land as defined in Public Resources Code section 12220(g)), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

**Impacts and Mitigation**

***Thresholds per CEQA Checklist***

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
2.	AGRICULTURAL AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	3
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	2
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X	2
d) Result in the loss of forest land or conversion of forest land to non-forest uses?				X	2
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X	2

### Explanation

- a) **No Impact.** The project site is designated as urban land on the Important Farmlands Map for Santa Clara County and does not contain any prime farmland, unique farmland, or farmland of statewide importance.
- b) **No Impact.** The project site is not zoned for agricultural use and does not contain lands under Williamson Act contract; therefore, no conflicts with agricultural uses would occur.
- c) **No Impact.** No other changes to the environment would occur from the project that would result in conversion of farmland to non-agricultural uses.
- d) **No Impact.** The project would not impact forest resources since the site does not contain any forest or timber land.
- e) **No Impact.** As per the discussion above, the proposed project would not involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland or agricultural land, since none are present on this developed property.

### C. AIR QUALITY

#### Setting

The project is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>), particulate matter (PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), and lead (Pb). Secondary criteria pollutants include ozone (O<sub>3</sub>), and fine particulate matter.

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. The project is located in a residential area; the nearest sensitive receptors (existing homes) are located adjacent to the north and west boundaries of the project site. The proposed school use is also a sensitive receptor.

The potential air quality impacts of the project were evaluated in a technical air quality assessment prepared by Illingworth & Rodkin, Inc., contained in Appendix A. This analysis relied on the significance criteria and thresholds established in the BAAQMD's CEQA Guidelines (updated May 2011). The significance thresholds identified by BAAQMD and used in the evaluation of the project are summarized in Table 1 below.

<b>Table 1</b>			
<b>Air Quality Significance Thresholds</b>			
<b>Pollutant</b>	<b>Construction Thresholds</b>	<b>Operational Thresholds</b>	
	<b>Average Daily Emissions (lbs./day)</b>	<b>Average Daily Emissions (lbs./day)</b>	<b>Annual Average Emissions (tons/year)</b>
<b>Criteria Air Pollutants</b>			
<i>Project Screening Size (in dwelling units):</i>	240	451	451
ROG	54	54	10
NO <sub>x</sub>	54	54	10
PM <sub>10</sub>	82	82	15
PM <sub>2.5</sub>	54	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
<b>Health Risks and Hazards for New Sources</b>			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or Acute Hazard Index	1.0	1.0	
Incremental annual average PM <sub>2.5</sub>	0.3 µg/m <sup>3</sup>	0.3 µg/m <sup>3</sup>	
<b>Health Risks and Hazards for Sensitive Receptors (Cumulative from all sources within 1,000 foot zone of influence) and Cumulative Thresholds for New Sources</b>			
Excess Cancer Risk	100 per one million		
Chronic Hazard Index	10.0		
Annual Average PM <sub>2.5</sub>	0.8 µg/m <sup>3</sup>		
Note: ROG = reactive organic gases, NO <sub>x</sub> = nitrogen oxides, PM <sub>10</sub> = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, and PM <sub>2.5</sub> = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less.			

BAAQMD's adoption of the thresholds was called into question by an order issued March 5, 2012, in *California Building Industry Association v. BAAQMD* (Alameda Superior Court Case No. RGI0548693). The order requires BAAQMD to set aside its approval of the thresholds until it has conducted

environmental review under CEQA. The claims made in the case concerned the environmental impacts of adopting the thresholds and how the thresholds would indirectly affect land use development patterns. Those issues are not relevant to the scientific basis of BAAQMD’s analysis of what levels of pollutants should be deemed significant. Scientific information supporting the thresholds was documented in BAAQMD’s proposed thresholds of significance analysis, thus providing substantial evidence to support the use of these thresholds.

## Impacts and Mitigation

### *Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?				X	1, 2, 4
b) Violate any air quality standard or contribute to an existing or projected air quality violation?			X		1, 2, 4
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X		1, 2, 4
d) Expose sensitive receptors to substantial pollutant concentrations?			X		1, 2, 4
e) Create objectionable odors affecting a substantial number of people?			X		1, 2

### Explanation

- a) **No Impact.** The most recent applicable clean air plan is the Bay Area 2010 Clean Air Plan adopted by BAAQMD in September 2010. The project would not conflict with the latest clean air planning efforts since 1) it would generate emissions well below the BAAQMD thresholds (see below), 2) the project is considered urban infill, and 3) the proposed school use would serve the needs of the existing population and not affect regional population or vehicle travel growth.
- b) **Less-than-Significant Impact.** See discussion c) below. The project would not generate emissions that exceed the significance thresholds adopted by BAAQMD for evaluating impacts related to ozone and particulate matter. Therefore, the project would not contribute substantially to existing or projected violations of those standards. Carbon monoxide emissions from traffic generated by the project are the pollutant of greatest concern at the local level. Congested intersections with high traffic volumes have the greatest potential to cause high localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below State and federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the standard. There is an ambient air quality monitoring station in San Jose that measures carbon monoxide concentrations. The highest measured level over any 8-hour averaging period during the last three years is less than 2.0 parts per million (ppm), compared to the ambient air quality standard of 9.0

ppm. The project would generate a relatively small amount of traffic and intersections affected by the project currently have traffic volumes less than the BAAQMD screening criteria of 44,000 vehicles per hour. The project would not cause a violation of an ambient air quality standard or have a considerable contribution to cumulative violations of these standards.

- c) **Less-than-Significant Impact.** The Bay Area is considered a non-attainment area for ground-level ozone and fine particulate matter (PM<sub>2.5</sub>) under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM<sub>10</sub> under the California Clean Air Act. The area has attained both State and Federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM<sub>10</sub>, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NOx), PM<sub>10</sub> and PM<sub>2.5</sub> and apply to both construction period and operational period impacts.

In their 2011 update to the *CEQA Air Quality Guidelines*, BAAQMD identified the size of land use projects that could result in significant air pollutant emissions. For construction impacts, the elementary school project screening size was identified in the Guidelines at 3,904 students or 277,000 square feet in size. For operational impacts, the project screening size was identified in the Guidelines at 2,747 students or 271,000 square feet. Since the project proposes to renovate the site and accommodate 600 students, it is concluded that emissions would be below the BAAQMD 2011 significance thresholds for both construction exhaust and operational emissions. In addition, the project would replace existing on-site uses that produce operational emissions. In summary, the project would not result in project-specific impacts for any criteria pollutant nor would it considerably contribute to any cumulative impacts. See additional discussion in d) below.

- d) **Less-than-Significant Impact.** Results of the air quality analysis concluded that operation of the project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels. Construction activity would generate dust and equipment exhausts on a temporary basis that can be mitigated with standard abatement measures. Nearby sources of air pollutant emissions are not anticipated to adversely affect new students/faculty, which are considered sensitive receptors. A summary of these findings is provided below.

#### *Construction Impacts*

Construction activity is anticipated to involve only partial construction on the project site. Most existing buildings would be remodeled and retained. Demolition of existing buildings and other construction activities would generate localized emissions of dust and/or equipment exhaust that could affect nearby sensitive land uses. Because the site is currently developed, major grading activity that requires extensive use of heavy equipment is not anticipated. Most dust would occur during demolition activities. Nearby receptors (residents) could be adversely affected by dust generated during construction activities; however, the BAAQMD considers these impacts to be less-than-significant if best management practices are employed to reduce these emissions, as described below.

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known Toxic Air Contaminant (TAC) due primarily to emission of diesel particulate matter (DPM). The BAAQMD has not developed any procedures or guidelines for identifying these impacts from temporary construction activities where DPM emissions are transient. They are typically evaluated for stationary sources (e.g., large compression ignition engines such as generators) in health risk assessments over the course of lifetime exposures (i.e., 24 hours per day

over 70 years). Since construction activities are not expected to involve use of heavy, diesel-powered and construction equipment that would operate for extended periods, the potential for significant health risks impacts associated with the project is very low. For TAC impacts due to construction, BAAQMD recommends that these impacts be considered on a case-by-case basis that takes into consideration of the amount of activity that could emit DPM and the proximity of sensitive receptors. Although sensitive receptors are located in close proximity, the amount of construction activity involving emissions of DPM would not be substantial or last for an extended period of time.

Although demolition and construction activities would be temporary, they would have the potential to cause both nuisance and health air quality impacts.  $PM_{10}$  is the pollutant of greatest concern associated with dust. If uncontrolled,  $PM_{10}$  levels downwind of actively disturbed areas could possibly exceed State air quality standards. In addition, dustfall on adjacent properties could be a nuisance. The project would implement the measures recommended by BAAQMD listed below to reduce the air quality impacts associated with proposed demolition, renovation, and new construction to a less-than-significant level:

1. Any exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

### *Operational Effects*

Operation of the project is not considered a source of TAC or  $PM_{2.5}$  emissions. As a result, the project operation would not cause emissions that expose sensitive receptors to unhealthy air pollutant levels. Because the project would not be a source of TACs, it would not contribute cumulatively to unhealthy exposure to TACs.

The project would introduce sensitive receptors (i.e., an elementary school) onto the site. Substantial sources of air pollution due to TAC exposure can adversely affect sensitive receptors. Highway (SR) 85 is located about 900 feet south of the site and diesel-powered generators are also located on and near the site. DPM is the primary source of TACs and PM<sub>2.5</sub> emitted from these sources.

Single Source Impacts. For sources of TAC emissions, the BAAQMD has identified significance thresholds in their CEQA Guidelines, as follows:

- 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.

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

- An excess cancer risk levels 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>.

For highways, BAAQMD developed an on-line highway screening analysis tool with modeled cancer risk and PM<sub>2.5</sub> annual concentrations for each highway link. This tool was used to predict impacts from SR 85, which is 900 feet or further from the site. This tool provides predictions for 750 feet and 1,000 feet. Health risks at 750 feet were evaluated to provide a conservative estimate of health risks from this source.

Union Avenue is a local roadway with over 10,000 average daily traffic trips (ADT). For major local roadways not designated state highways, BAAQMD has developed county-specific screening tables that provide estimates of cancer risk and annual PM<sub>2.5</sub> concentrations. Health risks for a north-south roadway with 30,000 ADT or less at 50 feet in Santa Clara County were used to evaluate potential impacts from Union Avenue traffic.

Two permitted stationary sources of air pollution are also located on or near the project site. One is a standby diesel generator operated by the County of Santa Clara at 4525 Union Avenue (on the project site). If the generator remains, the school would be prohibited from operating it during school hours or school sponsored events under California Air Resources Board regulations. This source, therefore, would not impact the proposed school. The other stationary source consists of two standby diesel-powered generators operated by XILINX, Inc. at 2101 Logic Drive adjacent to the project site. These generators are located at least 450 feet from the nearest portion of the project site. Screening modeling of the emissions from these generators was performed to quantify impacts in the air quality analysis. Using the modeled annual DPM concentrations, the individual cancer risks were computed using the most recent methods recommended by BAAQMD<sup>2</sup> and the California Office of Environmental Health Hazard

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<sup>2</sup> BAAQMD, *Air Toxics NSR Program Health Risk Screening Analysis (HSRA) Guidelines*, January 2010.

Assessment (OEHHA).<sup>3</sup> This assessment assumed the nearly continuous exposures of 70 years for residences described by OEHHA and used by BAAQMD. The cancer risk calculations for 70-year residential exposures reflect use of BAAQMD's most recent cancer risk calculation method, adopted in January 2010. Students and faculty of the proposed school would be exposed for significantly shorter periods of time on a daily and yearly basis. Modeling of these two generators confirmed that the cancer risk associated with their emissions would be less than the 10 in one million cancer risk threshold (see Appendix A).

Health risks from both single and cumulative sources were evaluated in the risk assessment. There would be no single source of TAC emissions that would result in cancer risks of 10.0 or greater or an annual PM<sub>2.5</sub> concentration above 0.3 µg/m<sup>3</sup>. Additionally, the cumulative health risks from these sources would have a excess cancer risk of less than 100 chances per million and annual PM<sub>2.5</sub> concentrations of less than 0.8 µg/m<sup>3</sup>. Acute and chronic hazards (i.e., non-cancer health risks) would be well below the thresholds that are based on Hazard Indexes of 1.0 for single sources and 10.0 for cumulative sources. Therefore, the impacts on the proposed school from TACs and PM<sub>2.5</sub> emissions from the existing stationary sources would be less-than-significant.

- e) **Less-than-Significant Impact.** The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors. However, they would be localized and are not likely to adversely affect people off site by resulting in confirmed odor complaints. The project would not include any sources of significant odors that would cause complaints from surrounding uses. This would be a less-than-significant impact.

## D. BIOLOGICAL RESOURCES

### Setting

The project site is located within an urbanized area of San Jose. The project site contains existing development. The property is completely developed and does not contain any sensitive biological resources. The only biological resources on the site consist of landscape trees. The project site may provide habitat (i.e., trees) for urban-adapted wildlife species, including raptors (birds of prey).

The City of San Jose's Tree Ordinance (Chapter 13.32 of the Municipal Code) regulates the removal of trees. An ordinance-size tree is defined as any native or non-native tree with a circumference of 56 inches (diameter of 18 inches) at 24 inches above the natural grade of slope. For multi-trunk trees, the circumference is measured as the sum of the circumferences of all trunks at 24 inches above the natural grade of slope. A tree removal permit is required from the City prior to the removal of any trees covered under the ordinance. Prior to the issuance of a removal permit, the City requires that a formal tree survey be conducted that indicates the number, species, trunk circumference, and location of all trees that would be removed or impacted by the project.

The project site contains 180 trees at the locations of proposed improvements (i.e., new driveway/drop off, new basketball courts, new athletic field, new multi-purpose building, and new pool). In addition, there are 27 offsite trees that could be affected by the project. An arborist report was prepared by HMH for the potentially affected areas of the site (August, 2012). A list of the surveyed trees by size, type, and

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<sup>3</sup> OEHHA 2003. *Air Toxics Hot Spots Program Risk Assessment Guidelines, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. Office of Environmental Health Hazard Assessment. August 2003.

condition is presented in the Arborist Report in Appendix B. The site contains a mix of mature and young trees, native and non-native species. In general, the health of the trees inspected is reasonably good, although many are lacking maintenance that would improve structure and appearance. A total of 14 species of trees were observed on the project site during the tree survey, as follows: Australian Willow, Bradford Pear, Brazilian Pepper, Chinese Pistache, Coast Live Oak, Crape Myrtle, Evergreen Pear, Goldenrain Tree, Jacaranda, Japanese Flowering Crabapple, London Plane Tree, Mayten Tree, Southern Magnolia, and Tulip Tree. Offsite, five tree species were observed: Cherry, Eucalyptus, Loquat, Oak, and Plum. Of all 207 of the tree species observed, only one, Coast Live Oak, is native to California.<sup>4</sup> According to the City’s tree mitigation guidelines, “Native means San Jose Native, including but not limited to Oaks, Willow, Maple, Ash, Cottonwood, Buckeye, and Sycamore.”

Only two of the trees surveyed on the project site are ordinance-size trees per the City of San Jose, one Coast Live Oak and one London Plane Tree. Offsite, 22 of the surveyed trees are ordinance-size. These consist of White Gum Trees and one Purple Leaf Plum.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
<b>4. BIOLOGICAL RESOURCES. Would the project:</b>					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			1, 2
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	1, 2
c) 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?				X	1
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	1, 2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 10
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X	1

<sup>4</sup> Note that the City also gives special consideration to the London Plane tree.

**Explanation**

- a) **Less-than-Significant Impact with Mitigation.** Mature trees on the project site may provide nesting habitat for raptors. Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Department of Fish and Game (CDFG) Code Sections 3503 and 3503.5. Although no raptors or nests were observed on the site, mature trees suitable for raptor nesting occur on the site. Mitigation is identified below to reduce avoid potential impacts to nesting raptors to a less-than-significant level.

**Mitigation**

BIO1 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.

- b) **No Impact.** The project site does not contain any riparian habitat or other sensitive natural community.
- c) **No Impact.** The project site does not contain any wetland resources.
- d) **No Impact.** The project would not interfere with the movement of any native wildlife species, affect native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e) **Less-than-Significant Impact.** The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The project would remove existing trees on the site as per the recommendations of the Arborist Report (see Appendix B). The project would replace all trees to be removed in accordance with the City’s requirements. As part of the development permit approval, the project will conform to the following standards:

- All trees that are to be removed shall be replaced at the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - <18 inches	3:1	2:1	none	24-inch box

less than 12 inches	1:1	1:1	none	15-gallon container
<p>x:x = tree replacement to tree loss ratio</p> <p><b>Note:</b> 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.</p>				

- In the event that the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will 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 may be increased to 24-inch box and count as two replacement trees.
  - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department 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 will be used for tree planting and maintenance of planted trees for approximately three years. Contact 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.
- The following tree protection measures will also be included in the project in order to protect trees to be retained during construction:

Pre-Construction Treatments

1. 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.
2. Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
3. 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.

During Construction Treatments

1. No grading, construction, demolition or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
3. Supplemental irrigation shall be applied as determined by the consulting arborist.
4. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
6. Any additional tree pruning needed for clearance during construction must be performed or

supervised by an Arborist and not by construction personnel.

7. 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.

- f) **No Impact.** The project site is located within the boundaries of the draft Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP), which primarily covers southern Santa Clara County and most of the City of San Jose with the exception of the bayland areas. Since the project site is developed and would not affect any listed species, it would not conflict with the provisions of the HCP/NCCP.

## E. CULTURAL RESOURCES

### Setting

The project site is located on a developed site that has been highly disturbed by grading and fill placement. The County facility was constructed in early 1990's. No evidence of archaeological resources is present, since the site is occupied by buildings, pavement, fill materials, and median landscaping.

### Impacts and Mitigation

#### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
5. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA 15064.5?				X	1, 2
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA 15064.5?			X		1, 2
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	1, 2
d) Disturb any human remains, including those interred outside of formal cemeteries?			X		1, 2

### Explanation

- a) **No Impact.** The existing County facility was developed in the 1990's and does not contain any historical resources (i.e., structures  $\geq 50$  years in age).
- b) **Less-than-Significant Impact.** The site has been highly disturbed by development. Although unlikely, it is possible that cultural resources may be encountered during construction activities. Standard measures are identified below to avoid impacts associated with disturbance to buried archaeological resources during construction.
- c) **No Impact.** The project site is disturbed and not known to contain any paleontological resources.

- d) **Less-than-Significant Impact.** Though unlikely, human remains may be encountered during construction activities. Standard measures are identified below to avoid impacts associated with disturbance to human remains.

As a part of the development permit approval, the project will conform to the following standards:

- Should evidence of prehistoric cultural resources be discovered during construction, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility shall be developed and implemented under the direction of the City’s Environmental Principal Planner.
- As required by County ordinance, this project will incorporate the following guidelines. 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.

**F. GEOLOGY AND SOILS**

**Setting**

The project site lies on a developed parcel. The areas of new development have been previously graded. The project is located in a region that contains active earthquake faults. However, the site is not located within a State of California Earthquake Fault Hazard Zone (1982) for active faulting, a City of San Jose Fault Hazard Zone (1983), or a Santa Clara County Geologic Hazard Zone for potential fault rupture hazard (2002).

**Impacts and Mitigation**

***Thresholds per CEQA Checklist***

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
6. GEOLOGY AND SOILS. Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a know earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?				X	1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
ii) Strong seismic ground shaking?			X		1, 2
iii) Seismic-related ground failure, including liquefaction?			X		1, 2
iv) Landslides?				X	1, 2
b) Result in substantial soil erosion or the loss of topsoil?			X		1, 2
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		1, 2
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?		X			1, 2
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X	1, 2

### Explanation

- ai) **No Impact.** The site is not located within a State of California Earthquake Fault Hazard Zone and no known active faults cross the site. The risk of ground rupture within the subject site is considered low. The project is not mapped within an Alquist-Priolo Earthquake Fault Zone.
- a ii) **Less-than-Significant Impact.** Due to its location in a seismically active region, the proposed project may be subject to strong seismic ground shaking during its design life in the event of a major earthquake on any of the region's active faults. This could pose a risk to proposed buildings and infrastructure. Seismic impacts would be minimized by using standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4.
- a iii) **Less-than-Significant Impact.** As described above, the project site may be subject to strong ground shaking in the event of a major earthquake. Based on the State of California Seismic Hazard Zones Map and the Santa Clara County Geologic Hazard Zone Map, the site is not located within a liquefaction hazard area.
- a iv) **No Impact.** The project site has no appreciable vertical relief and is not be subject to landsliding.
- b) **Less-than-Significant Impact.** Development of the project would require pavement removal and grading that could result in a temporary increase in erosion. This increase in erosion is expected to be relatively minor, due to the flatness of the site. The project will implement the standard measures identified in Section I. Hydrology and Water Quality of this Initial Study to minimize erosion impacts.
- c) **Less-than-Significant Impact.** The project site is not subject to significant landslide, lateral spreading, subsidence, or collapse.
- d) **Less-than-Significant Impact with Mitigation.** The project may be subject to soil hazards such

as weak soils, expansive soils, and/or settlement that are not documented for the site. The proposed school facilities would be designed and constructed in accordance with a design-level geotechnical investigation as set forth below. This would reduce the potentially significant geotechnical impacts to a less-than-significant level.

**Mitigation**

GEO1 Prior to the issuance of a grading permit, a design-level geotechnical analysis shall be prepared by a qualified geologist and submitted to the Director of Planning for review and approval for all new structures. The project shall be designed and constructed in accordance with the specific recommendations of the design-level geotechnical investigation.

- e) **No Impact.** The project does not include any septic systems. The project would tie into the City’s existing sanitary sewer system.

**G. GREENHOUSE GAS EMISSIONS**

**Setting**

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

The City of San Jose recently adopted the Envision San Jose 2040 General Plan (November 2011). As part of the General Plan update, the City adopted a Greenhouse Gas Reduction Strategy in accordance with the BAAQMD CEQA Guidelines and CEQA Guidelines Section 15183.5. The GHG Strategy identifies policies and measures to reduce greenhouse gas generation within the City.

**Impacts and Mitigation**

*Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
7. GREENHOUSE GAS EMISSIONS. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 2, 4, 5
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 2, 5

## Explanation

- a) **Less-than-Significant Impact.** The City of San Jose recently adopted the Envision San Jose 2040 General Plan, which focuses on creating urban centers that provide mixed-use settings for new housing and job growth that are pedestrian, bicycle, and transit-oriented. The mixed-use land use concept reduces GHG emissions by placing land uses closer together and, as a result, decreasing vehicle miles traveled. The City has also adopted a GHG Strategy that includes policies and measures to reduce GHG emissions. Adoption of a GHG Strategy provides environmental clearance for GHG impacts of proposed development as per the BAAQMD CEQA Guidelines and CEQA Guidelines Section 15183.5. The project is consistent with the 2040 General Plan and GHG Strategy; therefore, it would have a less-than-significant impact for GHG emissions.
- b) **Less-than-Significant Impact.** The project will not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, since the proposed project is consistent with the City's 2040 General Plan that includes implementation of a GHG Reduction Strategy.

## H. HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment prepared by The Cornerstone Earth Group. This report is contained in Appendix C. The Phase I Assessment included the following tasks: 1) review of local agency files, 2) examination of historic aerials and maps of the area, 3) a regulatory database search, and 4) survey of the site and immediate project area.

The project site is currently occupied by the Santa Clara County Children's Foster Care Relocation Intake & Assessment Center. The project site is surrounded by the following uses:

North: Single family residential  
South: Commercial office (Xilinx, Dell Computers)  
East: Single family residential  
West: Single family residential

Information reviewed during the Phase I evaluation shows that the site was undeveloped or used for agricultural purposes until the early 1950's, when the Lewis Parker Elementary School was constructed. The Lewis Parker School operated on the site until the early 1990's, when the County purchased the property and converted it to a children's shelter.

Results of the Phase I reconnaissance identified an emergency standby generator on the project site in a secure fenced enclosure. An associated 55-gallon above ground diesel tank was observed beneath the generator in a secondarily contained steel tank atop a concrete pad. Monthly inspection records dating back to October 2008 did not indicate any leaks or spills. Three PG&E transformers are also found on the site in secure fenced enclosures. No signs of oil staining have been observed on or near the transformer or concrete floor. An elevator is located near the main entrance to the existing administration building. No soil staining was observed in or near the transformers or hydraulic reservoir tank for the elevator. These materials are not likely to have significantly impacted soil or groundwater beneath the project site. With the exception of small quantities of typically household cleaning products and detergents, no hazardous materials were observed at the project site.

A review of regulatory databases maintained by county, state, and federal agencies found no documentation of hazardous materials violations or discharge on the project site. In addition, no documented soil or groundwater contamination associated with abutting properties was found from the records research. The Xilinx property is located adjacent to the project site to the south and is listed on the local database as a hazardous materials storage facility (HAZMAT). This is likely associated with the diesel-powered emergency standby generators and above ground 2,000-gallon diesel fuel storage tank.

## Impacts and Mitigation

### *Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 2, 6
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			1, 2, 6
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?			X		1, 2, 6
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 2, 6
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	1, 2
f) 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?				X	1, 2
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 2
h) 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?				X	1, 2

### Explanation

- a) **Less-than-Significant Impact.** The proposed school would not involve the routine transport, use, or disposal of hazardous materials. The school would use small quantities of miscellaneous household cleaning supplies and other chemicals (e.g., to maintain the swimming pool). These materials would be stored and used in accordance with the manufacturer's specifications.

Continued use of the small (55-gallon) diesel tank associated with the emergency generator does not represent a significant risk to site occupants.

- b) **Less-than-Significant Impact with Mitigation.** The proposed school would not create a significant hazard to the public or the environment through the release of hazardous materials into the environment. The commercial property to the south (Xilinx) contains an above ground 2,000-gallon diesel storage tank associated with a standby emergency generator. Leaks or spills from this tank could impact the project site and its occupants. However, U.S. EPA requires that a Spill Prevention, Control and Countermeasure plan be prepared for facilities with fuel storage in excess of 1,320 gallons. Adherence to federal, state, and local regulations related to the tank would assure that any impacts associated with a fuel release at the adjacent property do not significantly impact the proposed school use.

Pesticides may have been used on the project site during former onsite agricultural activities. Pesticides may also have been used for termite control near former wood-frame structures on the property. Residual pesticides may, therefore, remain in onsite soils. In addition, lead may be present in soil near former structures painted with lead-containing paint.

### **Mitigation**

HAZ1 Prior to initiation of earthwork activities, the project proponent shall perform soil testing on the project site and analytically test for pesticide residuals and pesticide-related metals arsenic, lead, and mercury. Sampling activities shall be coordinated with the San Jose Environmental Services Department. If contamination is identified in the soil samples above applicable levels, the project proponent shall prepare a Site Management Plan (SMP) to establish protocols/guidelines for the contractor including: identification of appropriate health and safety measures while working in contaminated areas; soil reuse; handling, and disposal of any contaminated soils; and agency notification requirements. The SMP shall be subject to the review and approval of the appropriate regulatory agency.

- c) **Less-than-Significant Impact.** See response a) and b) above. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste with implementation of identified mitigation.
- d) **No Impact.** The project site is not located on a site that is included on a list of hazardous materials sites as per Government Code Section 65962.5.
- e) **No Impact.** The project site is not located within two miles of the San Jose International Airport.
- f) **No Impact.** The project is not located within the vicinity of a private airstrip.
- g) **No Impact.** The project would not interfere with any evacuation plans.
- h) **No Impact.** The project would not expose people or structures to risk from wildland fires as it is located in an urban area that is not prone to such events.

## **I. HYDROLOGY AND WATER QUALITY**

### **Setting**

Based on the effective FEMA Flood Insurance Rate Maps for the City of San Jose, the project site is not located within a 100-year floodplain or any other flood hazard zones.

The City of San Jose is required to operate under a Municipal Stormwater NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. On October 14, 2009, the San Francisco Bay Regional Water Quality Control Board adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San Jose. The Municipal Regional Permit (NPDES Permit No. CAS612008) mandates the City of San Jose use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

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

The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP requires that stormwater treatment measures are properly installed, operated and maintained.

The MRP also calls for regulated projects to include measures to control hydromodification impacts where the project would cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace 1 acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65% impervious, must manage increases in runoff flow and volume so that post-project runoff does not exceed estimated pre-project rates and durations.

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

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

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
8. HYDROLOGY AND WATER QUALITY. Would the project:					
a) Violate any water quality standards or waste discharge requirements?				X	1, 2
b) 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 ground water table level (for example, 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)?				X	1, 2
c) 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.			X		1, 2
d) 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 that would result in flooding on- or off-site?			X		1, 2
e) 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?			X		1, 2
f) Otherwise substantially degrade water quality?			X		1, 2
g) 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?				X	1, 2, 7
h) Place within a 100-year flood-hazard area structures which would impede or redirect flood flows?				X	1, 2, 7
i) 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?				X	1, 2
j) Inundation by seiche, tsunami, or mudflow?				X	1, 2

### Explanation

- a) **No Impact.** The project would not violate any water quality standards or waste discharge requirements as described in the responses below.
- b) **No Impact.** The project would not deplete or otherwise affect groundwater supplies or recharge, since the project is not located within a groundwater recharge area.
- c) **Less-than-Significant Impact.** Construction of the project would require pavement removal and site disturbance activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the flatness of the site. Surface runoff from proposed development may generate urban pollutants that could

impact water quality. These pollutants include oil, grease, trace metals, pesticides, and debris from paved areas.

The project is expected to require Construction General Permit (CGP) coverage based on the area of land disturbed (> one acre). Prior to the commencement of construction or demolition, the project must file a Notice of Intent (NOI) with the SWRCB and develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants associated with construction activities. All development projects, whether subject to the CGP or not, must comply with the City of San Jose's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 15 to April 15), the project would be required to submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

- d) **Less-than-Significant Impact.** Upon completion, the project would reduce the impervious surfaces on the site. This would decrease runoff flows from the site. A storm water control plan for the school will be prepared for the project that includes biofiltration cells, flow-through planters, and grass pave systems to improve water quality of stormwater runoff. Based on size and land use, the project may be required to comply with the LID stormwater management requirements of Provision C.3 of the Municipal Regional Permit. However, it would not be required to comply with the hydromodification requirements of Provision C.3 of the Municipal Regional Permit due to its location.

The project would not result in an increase in flood potential, since it would not increase peak runoff flows.

- e) **Less-than-Significant Impact.** The project proposes to connect to the City's existing storm drainage system and is not expected to contribute runoff that will exceed the capacity of existing or planned storm water drainage systems or result in substantial additional sources of polluted runoff. The proposed SWCPs include measures to collect and treat site runoff from the site prior to discharge into the City's existing drainage system.
- f) **Less-than-Significant Impact.** The project will not substantially degrade water quality, as described above in c) and d).
- g) **No Impact.** The project does not propose the development of any housing or habitable structures.
- h) **No Impact.** The project site is not located within the 100-year flood-hazard area.
- i) **No Impact.** The project will not expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam.
- j) **No Impact.** The project site is not located in an area subject to significant seiche, tsunami, or mudflow risk.

As a part of the development permit approval, the project will conform to the following standards, consistent with NPDES Permit and City Policy requirements, to reduce potential construction and post-construction impacts to surface water quality to less-than-significant levels.

### Construction Measures

- 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) Construction General Permit, as follows:
  1. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
  2. 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. The SWPPP shall identify current construction-period Best Management Practices, as described in the CASQA Construction Handbook (August 2011).
- The project applicant shall comply with the City of San Jose Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.
- Typical measures that will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction include but are not limited to:
  1. Utilize on-site sediment control BMPs to retain sediment on the project site;
  2. Utilize stabilized construction entrances and/or wash racks;
  3. Implement damp street sweeping;
  4. Provide temporary cover of disturbed surfaces to help control erosion during construction;
  5. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

### Post-Construction Measures

- The project shall comply with applicable provisions of the following City Policies: City Council Policy 6-29 Post-Construction Urban Runoff Management and City Council Policy 8-14 Post-Construction Hydromodification Management.
- Details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), shall be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

## **J. LAND USE**

### **Setting**

The project site is located within the City of San Jose. The site is designated in the Envision San Jose 2040 General Plan Land Use/Transportation Diagram as *Public Quasi-Public*. The project site is zoned A(PD) Agriculture - Planned Unit Development. The project site is currently occupied by the Santa Clara County Children's Foster Care Relocation Intake & Assessment Center.

The project site is located in an urban area of San Jose that is bounded by Union Avenue to the east, commercial office uses to the south, and residential uses to the north and west. Specifically, the site is surrounded by the following uses:

North: Single family residential  
 South: Commercial office (Xilinx, Dell Computers)  
 East: Union Avenue, Single family residential  
 West: Single family residential

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
9. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?				X	1, 2
b) 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?			X		1, 5
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?				X	1, 2

### Explanation

- a) **No Impact.** The project is proposed on a developed site. Surrounding uses include residential and commercial/industrial development. Redevelopment of the project site with an elementary school would not divide an established community.
- b) **Less-than-Significant Impact.** The project is consistent with applicable land use policies as described below.

*Envision San Jose 2040 General Plan.* The project site is designated in the San Jose 2040 General Plan Land Use/Transportation Diagram as *Public Quasi-Public*. According to the 2040 General Plan, this category is used to designate public land uses as well as lands used by some private entities, including private schools and daycare centers. The proposed private school is consistent with the General Plan designation for the site.

- c) **No Impact.** The project is located within the boundaries of the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan; however, the site does not contain resources protected by the Plan and will not conflict with any of the Plan requirements (refer to D. Biological Resources).

## K. MINERAL RESOURCES

### Setting

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated only the Communications Hill Area of San Jose as containing mineral deposits of regional significance for aggregate (Sector EE). There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San Jose as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San Jose does not have mineral deposits subject to SMARA. The project site lies outside of the Communications Hill area.

### Impacts and Mitigation

#### *Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
10. MINERAL RESOURCES. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	1, 2
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X	1, 2

### Explanation

a-b) **No Impact.** The project site is located outside the Communications Hill area, the only area in San Jose containing mineral deposits subject to SMARA; therefore, the project will not result in a significant impact from the loss of availability of a known mineral resource.

## L. NOISE AND VIBRATION

### Setting

The following discussion is based on a noise assessment for the project prepared by Illingworth & Rodkin, Inc. This report is contained in Appendix D.

The Environmental Leadership Chapter in The Envision San Jose 2040 General Plan sets forth policies related to noise and vibration control in the City of San Jose. The following policies would apply to the proposed school project:

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

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL<sup>5</sup> or more where the noise levels would remain below “Normally Acceptable”; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the “Normally Acceptable” level.

EC-1.2 Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

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

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or buildings framing) continuing for more than 12 months.

The project site is surrounded by office buildings to the immediate south and existing residential neighborhoods to the north and west. Vehicular traffic is the primary noise source in the area. A noise monitoring survey was conducted for the noise assessment to quantify ambient noise levels at locations representative of the site and surrounding uses.<sup>6</sup> Long-term noise measurement (LT-1) was located along the westernmost property line of the project site to represent the noise environment of adjacent residential uses along Esther Drive. The day-night average noise level at this location was 55 dBA DNL. The second long-term noise measurement (LT-2) was taken at the northern property line. The day-night average noise level at this location was 54 dBA DNL.

## Impacts and Mitigation

### *Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
11. NOISE. Would the project result in					
a) 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?			X		8
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X		1, 2
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		8

<sup>5</sup> dbA = A-weighted decibel. DNL = Day-Night Average Sound Level or the average noise level over a 24 hour period, with a 10 decibel penalty added for noise occurring between 10 PM and 7 AM.

<sup>6</sup> Measurements were taken from Wednesday, June 6, 2012 to Friday June 8, 2012.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 8
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	1, 2
f) 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?				X	1, 2

### Explanation

a) **Less-than-Significant Impact.** Both the school and the nearby residential uses are considered noise-sensitive receptors. Therefore, the noise assessment for the project considered the effects of noise both on the proposed school and from the proposed school use on the adjacent residential receptors. The following criteria were used in the noise study to determine the significance of noise impacts:

1. **Substantial Permanent Noise Increase:** The impact would be considered significant if the project would increase noise levels at noise sensitive receptors by 3 dBA DNL or greater where exterior noise levels would exceed the normally acceptable noise level standard. Where noise levels would remain at or below the normally acceptable noise level standard with the project, noise level increases of 5 dBA DNL or greater would be considered significant.
2. **Noise in Excess of General Plan Standards:** A significant impact would occur if the project would expose persons to and/or generate noise levels that would exceed applicable noise standards in San Jose’s General Plan.
3. **Construction Noise:** Construction noise impacts would be considered significant if hourly average noise levels at noise sensitive residential land uses are 60 dBA Leq and at least 5 dBA Leq above the ambient noise environment when the duration of the noise-generating activities last is greater than one year.
4. **Construction Vibration:** A significant impact would be identified if the construction of the project would expose persons to excessive vibration levels. Groundborne vibration levels exceeding 0.2 in/sec PPV (peak particle velocity) would have the potential to result in architectural damage to normal buildings.

#### *Noise Impact on Proposed School*

The City of San Jose’s “normally acceptable” exterior noise level limit for school uses is 60 dBA DNL. Future noise levels at the project site would continue to be dominated by traffic along local roadways (i.e., Union Avenue and Highway 85). Based on the project traffic data, future traffic noise levels on Union Avenue adjacent to the project site are expected to increase by 1 dBA. Thus, the worst-case future noise levels at the proposed school site would be 60 dBA DNL at a distance of 200 feet from the centerline of Union Avenue, the setback of the nearest administrative buildings to the roadway. In addition, all of the proposed outdoor use areas for the school would be shielded from traffic noise by the school buildings. Exterior noise levels at the outdoor use areas are calculated to be approximately 55 dBA DNL. Due to the increased distance

from area roadways and shielding provided by school buildings, exterior noise levels all common outdoor use areas would meet the City's "normally acceptable" exterior noise level limit of 60 dBA DNL.

Interior noise levels for educational facilities are required by the City of San Jose to be at or below 45 dBA DNL. Portions of the Harker school buildings along Union Avenue would be exposed to future noise levels of 60 dB. Standard construction techniques (i.e., fixed windows and mechanical ventilation) would reduce noise levels by approximately 25 to 30 dB, bringing the interior noise levels at administrative buildings adjacent to Union Avenue to 30 to 35 dBA DNL. The existing interior noise levels at all administrative and classroom buildings would, therefore, achieve the interior noise standard (45 dBA DNL or less) throughout the project site upon redevelopment.

#### *Noise Impact on Neighborhood*

The City of San Jose 2040 General Plan indicates that a substantial permanent noise increase would occur at residential land uses if noise levels increase by 5 dBA DNL or more where noise levels would remain at or below the "normally acceptable" noise standard of 60 dBA DNL.

Project-generated traffic noise level increases were calculated by comparing existing plus project volumes to existing volumes to determine the noise level increase attributable to the project. Based on this comparison, traffic noise levels along roadways serving the project site are anticipated to increase by 1 dBA DNL or less as a result of the project, representing a less-than-significant impact.

The project proposes to convert the west portion of the project site to an athletic field, basketball courts, play area, and swimming pool (see Figure 4). General operational hours for the school would be 7:30 AM - 5:30 PM, Monday through Friday. Operational hours for the pool facility are proposed from August through October and March through May, 9:30 AM-11:30 AM, 1 PM - 3 PM, and 3:30 PM - 4:45 PM. Athletic fields and basketball courts would be used almost continuously throughout the school day.

The noise consultant has measured noise from outdoor field sport and basketball activities as well as sports activities within gymnasiums at similar schools in the Bay Area. Past noise measurements of outdoor field sport and basketball school activities indicate average noise levels typically ranging from 66 - 68 dBA at a distance of 50 feet. Maximum noise levels from these activities typically result from whistles and voices, and can reach 75 dBA at a distance of 50 feet. Measurements of sporting activities occurring within gymnasiums have also shown that average exterior noise levels at five feet from an open gym door can range from 67 - 69 dBA, while maximum instantaneous noise levels from these sources can reach 73 - 77 at this distance. Measurements by the noise consultant at various swim centers and community pools indicate that noise levels at a distance of 75 feet from the near edge of a pool where recreation swimming and lap swimming/swim lessons were occurring generate average noise levels of 58 - 62 dBA from swim lessons/ lap swimming. Recreational swimming, where the children playing is the dominant noise, generates average noise levels of about 66 - 67 dBA. Maximum noise levels can range from 72 - 79 dBA during recreation swimming and from 70 - 75 dBA during lap swimming/swim lessons.

The results of the noise calculations for outdoor activities at the proposed school are presented in Table 2 below. The results indicate that while maximum noise levels from the use of the athletic playfields, basketball courts, and pool may at times exceed ambient noise levels at the adjacent

residential uses, the DNL levels under worst-case full operational conditions from these uses would be below the existing DNL in these residential areas and, therefore, would not meet the significance criteria for a substantial permanent noise increase. This is considered a less-than-significant noise impact.

<b>Activity</b>	<b>L<sub>max</sub></b>	<b>L<sub>eq</sub></b>	<b>DNL</b>
Gymnasium w/doors open	52 to 56 dBA	47 to 49 dBA	41 dBA
Athletic Playfields	70 dBA	48 to 50 dBA	45 dBA
Basketball Court	59 dBA	45 to 47 dBA	43 dBA
Recreational Swimming	63 to 70 dBA	56 to 57 dBA	50 dBA
Swim lessons/lap swimming	61 to 66 dBA	48 to 52 dBA	43 dBA

### *Construction Noise Impacts*

Significant noise impacts do not typically occur when standard construction noise control measures are enforced at the project site and when the duration of the construction period is limited to one construction season (typically one year) or less. Anticipated project construction activities include the demolition of two existing classrooms, light grading for an athletic field, construction of a new two story multi-purpose buildings, new play areas, and excavation/construction of a new pool and small pool building. The remaining construction activities will take place indoors. The entire construction period is expected to occur for a period of less than 12 months. Noise generated by major construction activities would not result in noise levels exceeding 60 dBA and the ambient noise environment by 5 dBA for a period greater than one year. The following standard controls would be included in the project:

- Construction activities shall be limited to the hours between 7 AM and 8 PM, Monday through Friday, and between the hours of 9 AM and 6 PM on Saturdays. No construction activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the San José Municipal Code).
- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment (e.g., compressors) as far as possible from adjacent residential receivers.
- Acoustically shield stationary equipment located near residential receivers with temporary noise barriers.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

Implementation of the standard controls above would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With the implementation of these controls, and the limited duration of the noise generating construction period, the substantial temporary increase in ambient noise levels would be less-than-significant.

- b) **Less-than-Significant Impact.** Operation of the proposed school would not introduce any new sources of ground borne vibration. Ground borne vibration would be generated during certain construction activities, such as demolition and use of jackhammers and other high power tools. Based on the results of the noise assessment, vibration generated by construction activities near common property lines would at times be perceptible, however, it would not be expected to result in architectural damage to these buildings. Vibration levels may be perceptible at some locations. This vibration would not be considered significant given the intermittent and short duration of the phases that have the highest potential of producing vibration (demolition, use of jackhammers). With application of administrative controls, such as notifying adjacent uses of scheduled construction activities and appropriate scheduling, perceptible vibration can be minimized and does not represent a significant impact.
- c) **Less-than-Significant Impact.** Refer to discussion a) above.
- d) **Less-than-Significant Impact.** Refer to discussion a) above.
- e) **No Impact.** The project is not located within an airport land use plan.
- f) **No Impact.** The project is not located near any private airstrips.

**M. POPULATION AND HOUSING**

**Setting**

The population of the City of San Jose is approximately 989,000. The project is development of a private elementary school and is not expected to affect population growth or housing. The proposed school could help serve the future student population in the San Jose area.

**Impacts and Mitigation**

*Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
12. POPULATION AND HOUSING. Would the project:					
a) 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)?				X	1
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1

**Explanation**

- a) **No Impact.** The proposed school is intended to serve the future private school student population and would not induce substantial population growth in an area, either directly or indirectly.
- d) **No Impact.** The project would not displace any existing housing, necessitating the construction of replacement housing.
- e) **No Impact.** See b) above.

**N. PUBLIC SERVICES**

**Setting**

**Fire Protection:** Fire protection services are provided to the project site by the San Jose Fire Department (SJFD). The closest fire station to the project site is Station 9, located at 3410 Ross Avenue about one mile from the project.

**Police Protection:** Police protection services are provided to the project site by the San Jose Police Department (SJPD).

**Schools:** The project is a private school, and will not adversely affect the public school system.

**Parks:** The nearest park in the project vicinity is Houge Park located on Jacksol Drive, less than half a mile west of the project site.

**Libraries:** The San Jose Public Library System consists of one main library and 18 branch libraries. The nearest branch to the project site is the Cambrian Branch, located at 1780 Hillsdale Avenue about a mile from the project site.

**Impacts and Mitigation**

*Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:					
a) Fire protection?			X		1
b) Police protection?			X		1
c) Schools?				X	1
d) Parks?				X	1
e) Other public facilities?				X	1

**Explanation**

- a) **Less-than-Significant Impact.** The project may result in an incremental increase in the demand for fire protection services from the development of the project. The applicant will consult with the San Jose Fire Department during final project design to assure appropriate fire safety measures are incorporated. The project would not significantly impact fire protection services or require the construction of new or remodeled facilities.
- b) **Less-than-Significant Impact.** The project may result in an incremental increase in the demand for police protection services from the development of the project. The applicant will consult with the San Jose Police Department during final project design to assure appropriate security measures are incorporated. The project would not significantly impact police protection services or require the construction of new or remodeled facilities.
- c) **No Impact.** The project would not be subject to the state-mandated school district impact fee.
- d) **No Impact.** The project would not affect park services and would not be subject to the City’s Parkland Dedication Ordinance or Park Impact Ordinance.
- e) **No Impact.** The project would not impact other public services, including library services.

**O. RECREATION**

**Setting**

The project is development of a private elementary school and will not affect recreational facilities. The proposed school provides onsite recreational facilities to serve its student population.

**Impacts and Mitigation**

*Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
14. RECREATION. Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	1
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X	1

**Explanation**

a)–b) **No Impact.** The project is development of a private elementary school and would not affect recreational facilities. Impacts to recreational facilities are typically associated with new residential uses.

## **P. TRANSPORTATION**

### **Setting**

The following section is based on the results of a Traffic Impact Analysis (TIA) prepared by Fehr & Peers (July 2012). This study is provided in Appendix E of this Initial Study. The TIA was prepared according to guidelines of the City of San Jose and the Santa Clara Valley Transportation Authority (VTA).

As mitigation for impacts to State Route 85, the project will be implementing a comprehensive Transportation Demand Management (TDM) program, designed to reduce the amount of traffic generated by the school and its effects on the surrounding roadway system, as described below under “Impacts.” The two main components of the TDM program are 1) staggered start times, which will reduce the intensity of the traffic approaching and departing during the morning peak hour, and 2) a shuttle bus program, which will take traffic off of both regional and local roadway facilities.

The TIA for the project evaluated the level of service at seven intersections in the area consistent with the City’s TIA Guidelines and the City’s Transportation Policy (Council Policy 5-3), as follows:

1. Union Avenue and Camden Avenue<sup>7</sup>
2. Union Avenue and Woodard Street
3. Union Avenue and Charmeran Avenue
4. Union Avenue and Logic Drive/Cole Drive
5. Union Avenue and SR 85 westbound ramps
6. Union Avenue and Samaritan Drive/SR 85 eastbound on-ramp
7. Samaritan Drive and SR 85 eastbound off-ramp

Segments of SR 85 northbound and southbound of Union Avenue were also evaluated in the TIA as well as the SR 85 northbound and southbound on-ramps and off-ramps from Union Avenue. The specific freeway segments on SR 85 included in the study are as follows:

1. South De Anza Boulevard to Saratoga Avenue
2. Saratoga Avenue to Winchester Boulevard
3. Winchester Boulevard to SR 17
4. SR 17 to Bascom Avenue
5. Bascom Avenue to Union Avenue
6. Union Avenue to Camden Avenue
7. Camden Avenue to Almaden Expressway

The operations of the study intersections were evaluated during the AM and PM peak hours for five scenarios: 1) Existing Conditions, 2) Existing Plus Project Conditions, 3) Background Conditions, 4) Background Plus Project Conditions, and 5) Cumulative (Expected Growth) Conditions.

The operations of roadway facilities are described based on level of service. Level of service (LOS) is a qualitative description of traffic flow, from LOS A to LOS F, with LOS F indicating the worst operating conditions. LOS E represents “at-capacity” operations.

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<sup>7</sup> Designated Congestion Management Program (CMP) intersection by the Santa Clara Valley Transportation Authority (VTA)

The Harker elementary school is moving from its current location on 4300 Bucknall Road in Campbell to the Union Avenue site in San Jose. The number of students will be unchanged. The school start times for the project at the Union Avenue site will be more staggered and a shuttle bus program will be implemented. The TIA used traffic counts conducted at the Bucknall site as a starting point to determine vehicle trips generated by the project, measuring all of the vehicles entering and exiting the school including parents, students, faculty, and staff. Trip generation rates from Harker’s Saratoga campus (grades 9 - 12) and other sources were reviewed to ensure that the rates were reasonable; trip generation rates at the Saratoga campus are slightly lower than the Bucknall site since some students can drive to school. Trip rates for “Elementary School (K-5th)” and “Private School (K-8th)” published by the Institute of Transportation Engineers (ITE) are also somewhat lower than the Bucknall counts. A Challenger school in San Jose generates 1.17 trips per student in the AM peak hour, very similar to the rates of 1.23 trips per student for Harker, thus reinforcing that the Bucknall site trip generation rates are reasonable.

Currently the upper elementary grades at the Bucknall school site begin at 8:15 AM and the lower elementary grades begin at 8:20 and 8:25 AM. At the Union Avenue site, the school start times will be at 8:00 AM and 8:40 AM. By spreading the school start times over a time span of 40 minutes will increase the amount of traffic entering and exiting the site before and after the school’s traffic peak hour. This will therefore reduce the amount of traffic generated by the school during the AM peak hour by approximately 20 percent. Traffic generated the existing uses at the children’s shelter site (18 AM peak hour trips and 16 PM peak hour trips) was subtracted to determine the net new trips generated by the school. Please refer to the TIA in Appendix E for additional breakdown of trip generation estimates.

Based on the findings in the TIA, the proposed school would add 572 AM peak hour trips (314 in and 258 out) and 404 PM peak hour trips (198 in and 206 out) to the surrounding roadway system. The school site will initially be used as a pre-school with up to 120 students. The amount of traffic generated by the pre-school was estimated by applying ITE trip generation rates for day care facilities since no rates are available for pre-schools. The trip generation estimates for 120 students are 93 AM peak hour trips (49 inbound and 44 outbound) and 89 PM peak hour trips (42 inbound and 47 outbound). These estimates do not account for any trip credits associated with the children’s shelter. The pre-school will generate fewer vehicle trips than the elementary school.

## Impacts and Mitigation

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
16. TRANSPORTATION/TRAFFIC. Would the project:					
a) 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?		X			9
b) 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?		X			9

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
c) 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?				X	1, 2
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				X	1, 2
e) Result in inadequate emergency access?				X	1, 2
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X		1, 2, 9

## Explanation

- a), b) **Less-than-Significant Impact with Mitigation.** The TIA for the project considered the potential impacts of the project on the transportation system, based on the relevant impact criteria outlined below. The results of the traffic study indicate that the project would have a less-than-significant impact on intersections; however, the project would significantly impact freeway segments along SR 85, as summarized below. See also response f) below regarding transit, bicycle, and pedestrian facilities.

### *Intersections*

The City of San Jose has established LOS D as their LOS standard. Traffic impacts at intersections would occur when the addition of traffic associated with implementation of a project causes:

- Intersection operations to deteriorate from an acceptable level (LOS D or better, with LOS exceptions described above) to an unacceptable level (LOS E or LOS F); or,
- Exacerbation of unacceptable operations by increasing the average critical delay by more than 4 seconds and increasing the critical volume-to-capacity (V/C) ratio by 0.010 or more at an intersection operating at LOS E or F (LOS F for regionally significant roads).
- The V/C ratio to increase by 0.01 or more at an intersection with unacceptable operations (LOS F) when the change in critical delay is negative (i.e., decreases). This can occur if the critical movements change.

Results of the TIA for all analyzed traffic scenarios indicate that all study intersections are projected to operate at acceptable levels of service, with the exception of the intersection of Union Avenue/Camden Avenue. This intersection is projected to operate at an unacceptable LOS E under Existing and Background (No Project) Conditions. For the school to have a significant impact, it would have to degrade conditions at this intersection such that the critical delay would be increased by 4 or more seconds. However, under Existing plus Project and Background plus Project Conditions, the increases in delays are projected to be less than 4 seconds. The project, therefore, would have a less-than-significant impact at the intersection of Camden Avenue/Union Avenue based on the applicable significance criteria. All other studied intersections would operate at acceptable (LOS D or better) conditions with the addition of project traffic.

### *Freeway Segments*

The LOS standard for CMP freeway segments is LOS E. Traffic impacts on a CMP freeway segment occurs when the addition of project traffic causes:

- Freeway segment operations to deteriorate from an acceptable level (LOS E or better) under Existing Conditions to an unacceptable level (LOS F); or
- An increase in traffic of more than one percent of the capacity of a segment that operates at LOS F under Existing Conditions.

As shown in the TIA in Appendix E, the project would add more than 1 percent of the freeway's capacity to five study freeway segments currently operating at LOS F, creating a freeway impact along SR 85. These five segments are as follows: 1) NB SR 85 between Union and Bascom; 2) NB SR 85 between Bascom and SR 17, 3) NB SR 85 between SR 17 and Winchester, 4) NB SR 85 between Winchester and Saratoga, and 5) SB SR 85 between Bascom and Union. These represent significant traffic impacts.

Harker will be required to decrease the amount of traffic it adds to the freeway segments in order to reduce the freeway segment impacts to a less-than-significant level. This can be accomplished through a comprehensive shuttle bus program. In addition to the current Fremont residents that are receiving shuttle services, the Harker will provide additional buses to serve the Evergreen/Silver Creek area of San Jose, Palo Alto, Los Altos, Mountain View, Cupertino, Saratoga and Sunnyvale. These areas are home to 300 to 310 students that will attend the new school. Based on the existing Fremont shuttle ridership (25 riders in an area with 35 students) and current subscription to the Palo Alto/Los Altos shuttle being added this fall (35 riders in an area with 60 students), approximately 60 to 70 percent of the students in areas served by shuttle buses could reasonably be assumed to use the shuttle buses at the Union Avenue school site. This would equate to approximately 180 new riders. The trip reductions associated with the 180 added riders are estimated to be 240 AM peak hour vehicle trips (120 inbound and 120 outbound) and 160 PM peak hour trips (80 inbound and 80 outbound). Based on the residence locations (zip codes) of existing Harker Elementary School students, 75 percent of this reduction will affect freeway segments north of the SR 85/Union Avenue interchange and 25 percent will affect freeway segments to the south.

The added shuttle services are expected to reduce freeway traffic generated by the project to below the 1 percent capacity as presented the TIA in Appendix E. With the successful implementation of the program, the project will have a less-than-significant impact on freeway mainline operations. The specific requirements of the TCM program are set forth in the mitigation below.

### **Mitigation**

TRF 1 The project proponent shall implement a comprehensive shuttle bus program as part of its Transportation Demand Management (TDM) program to limit AM peak hour vehicle trips to 350 trips or fewer. The project proponent shall provide buses as necessary to serve the Evergreen/Silver Creek areas in San Jose, Palo Alto, Los Altos, Mountain View, Cupertino, Saratoga and Sunnyvale. The TDM Program shall be monitored by conducting driveway traffic counts on an annual basis to ensure TDM program effectiveness. The driveway counts shall be collected by an independent vendor for the AM peak period between 7 AM - 9 AM with inbound and outbound volumes reported in 15-minute intervals. Driveway counts shall be collected for three days (Tuesday -

Thursday) during the period from four to eight weeks after the start of the school's fall session. The data shall be collected on days when there are no special events or school holidays (that could bias the traffic volumes).

A memorandum shall be submitted to the City of San Jose Department of Planning Division Environmental Review Section to document the effectiveness of the TDM Program to meet the trip goal cited above. This memorandum shall include the following: 1) descriptions of the TDM Program elements currently in place, and 2) trip generation for the school based on the driveway counts. The project proponent would be considered non-compliant if the trip generation goal is not achieved. If found to be out of compliance, the project proponent must implement one of the three options below:

- 1) increase the TDM activities (such as modifying existing shuttle routes to serve areas with higher concentrations of students, adding new shuttle routes or stops making the use of the shuttle bus mandatory for the required number of students, and increasing the proportion of three and four-person carpools) and attain compliance within four months, which would be demonstrated by new monitoring efforts, or
- 2) reduce enrollment in the next academic year, or
- 3) Mitigate all traffic impacts in conformance with the City's Transportation Policies.

This TDM program, associated monitoring program, and any modifications to the program shall be subject to review by the City of San Jose Department of Public Works and Department of Transportation. The annual monitoring can be suspended after five years of compliance with the school at its projected 600 students.

#### *Cumulative Conditions*

Cumulative traffic projections include existing volumes, traffic generated by approved developments, and traffic generated by pending developments. Pending developments in the project area were evaluated based on consultation with City staff. It was determined that there are few potential pending developments and these developments are too early in their planning stages to make reasonable assumptions regarding trip generation and effects on intersection operations. However, general conclusions regarding cumulative traffic conditions can be made as per below.

- 1) Traffic volume increases due to future development will exacerbate unacceptable operations on segments of SR 85, at the Union Avenue on-ramps, and the intersection of Union Avenue and Camden Avenue, and
  - 2) The VTA has developed a regional transportation plan, VTP 20351, to identify future transportation projects to accommodate project future travel demand, including Express Lanes on SR 85.
- c) **No Impact.** The proposed school would not result in any changes to air traffic patterns.
- d) **No Impact.** The proposed school would not substantially increase hazards due to a design feature (e.g., dangerous intersections) or incompatible uses.
- e) **No Impact.** The proposed school would provide adequate emergency access on the site.

- f) **Less-than-Significant Impact.** The TIA evaluated potential impacts of the project on pedestrian, bicycle, and transit facilities. The results are summarized below.

#### *Pedestrian Facilities*

Significant impacts to pedestrian facilities are considered to occur when a project or an element of the project:

- Creates a substantial increase in demand for pedestrian facilities where none currently exist or creates conditions that would lead to overcrowding on existing facilities; or
- Conflicts with an existing or planned pedestrian facility; or
- Conflicts with policies related to pedestrian activity adopted by the City of San Jose.

The proposed school would not adversely affect existing or planned pedestrian facilities. The school may implement pedestrian and bicycle safety programs to support walking and biking to school. These programs would include educational workshops that inform both parents and students about safe walking and biking behavior. Specific strategies of the program could include developing safe biking and walking route maps for students, adult-led bicycle trains (similar to the walking school bus), adult “corner captains” who add an extra set of eyes to key walking routes, and crossing guards at key walking route intersections.

#### *Bicycle Facilities*

The City of San Jose General Plan identifies existing and planned bicycle networks and identifies improvements and/or related policies necessary to ensure that these facilities are safe and effective for City residents. Using the General Plan as a guide, significant impacts to bicycle facilities would occur if a project or an element of a project:

- Creates a substantial increase in demand for bicycle facilities where none currently exist or creates conditions that would lead to overcrowding on existing facilities; or
- Conflicts with an existing or planned bicycle facility; or
- Conflicts with policies related to bicycle activity adopted by the City of San Jose.

There are no existing or planned bicycle facilities in the vicinity of the school; therefore, the school would not adversely affect existing or planned facilities. The school may implement pedestrian and bicycle safety programs to support walking and biking to school, as discussed above.

#### *Transit Facilities*

Significant impacts to transit service would occur if the project or any part of the project:

- Creates a substantial increase in transit demand that could not be accommodated by existing or planned transit capacity, measured by comparing the expected transit capacity with the expected demand for transit service; or
- Causes a substantial increase in delay or operating cost to a transit provider; or
- Reduces transit availability or interferes with existing transit users on a permanent basis, or
- Conflicts with transit policies adopted by the City of San Jose or VTA.

The school would not affect transit services or facilities nor generate demand for transit services that cannot be accommodated by the existing bus route serving the site. In summary, the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

**Q. UTILITIES AND SERVICE SYSTEMS**

**Setting**

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San Jose/Santa Clara Water Pollution Control Plant (WPCP); sanitary sewer lines maintained by the City of San Jose
- Water Service: San Jose Water Company
- Storm Drainage: City of San Jose
- Solid Waste: Various
- Natural Gas & Electricity: PG&E

**Impacts and Mitigation**

*Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	1, 2
b) 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?			X		1, 2
c) 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?			X		1, 2
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		1
e) 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?			X		1
f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?			X		1
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X	1

**Explanation**

- a) **No Impact.** The proposed school would not exceed or impact wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- b) **Less-than-Significant Impact.** The new school would incrementally increase water demands and wastewater generation compared to the existing use, which is essentially office/administration. However, this minor increase would not require or result in the construction of new water or wastewater treatment facilities or any expansion of existing facilities.
- c) **Less-than-Significant Impact.** The project proposes to connect to the City’s existing storm drainage system and is not expected to contribute runoff that would exceed the capacity of existing or planned storm water drainage systems. The project would implement a stormwater control plan for the site.
- d) **Less-than-Significant Impact.** See b) above.
- e) **Less-than-Significant Impact.** See items a) and b) above.
- f) **Less-than-Significant Impact.** The proposed school would incrementally increase solid waste generation compared to the existing use. This incremental increase would not exceed the permitted capacity of any landfills.
- g) **No Impact.** The project will not generate substantial solid waste compared to existing conditions that would adversely affect any landfills.

**R. MANDATORY FINDINGS OF SIGNIFICANCE**

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:					
a) 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?			X		1, 2
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.			X		1, 2, 9
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			X		1

## Explanation

- a) **Less-than-Significant Impact.** Based on the analysis provided in this Initial Study, the proposed school will not 1) degrade the quality of the environment, 2) substantially reduce the habitat of a fish or wildlife species, 3) cause a fish or wildlife population to drop below self-sustaining levels, 4) threaten to eliminate a plant or animal community, 5) reduce the number or restrict the range of a rare or endangered plant or animal, or 6) eliminate important examples of the major periods of California history or prehistory with incorporation of the standard and mitigation measures identified herein.
- b)-c) **Less-than-Significant Impact.** Based on the analysis provided in this Initial Study, the proposed school will not have significant cumulative impacts, nor will it cause substantial direct or indirect adverse effects on humans.

## Chapter 4. References

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## **CHECKLIST SOURCES**

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2. Project Plan and Site Review
3. Santa Clara County Important Farmlands Map
4. BAAQMD CEQA Guidelines, 2011
5. Envision San Jose 2040 General Plan
6. Phase I Environmental Assessment, 2012
7. FEMA Flood Insurance Rate Maps
8. Noise Assessment, 2012
9. Traffic Analysis, 2012
10. Arborist Report, 2012