



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

File No. and Project Name/Description:

File No. PDC08-067. A Planned Development Rezoning from the R-M(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow for the development of up to 103 multi-family attached residences at an existing multi-family residential complex on a 3.35 gross acre portion of a 12.93 gross acre site located on the south side of Summerside Drive between McLaughlin and Lucretia Avenues . (Council District 7)

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 **July 20, 2012**, and ends on **August 8, 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 the project manager, Lesley Xavier, by e-mail at lesley.xavier@sanjoseca.gov, or at (408) 535-7852.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Deputy

Circulated on:

7/20/2012

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: Summerwind Apartments Expansion

PROJECT FILE NUMBER: PDC08-067

PROJECT DESCRIPTION: A Planned Development Rezoning from the R-M(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow for the development of up to 103 multi-family attached residences at an existing multi-family residential complex on a 3.35 gross acre portion of a 12.93 gross acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: South side of Summerside Drive between McLaughlin and Lucretia Avenues (2055 Summerside Drive, San Jose CA 95122); Assessor's Parcel Numbers: 477-19-037, 477-19-060, 477-19-046

COUNCIL DISTRICT: 7

APPLICANT CONTACT INFORMATION: Richard Gregersen, Peninsula West LLC, 200, S. Santa Cruz Avenue, Los Gatos CA 95125 Tel: (408) 395-8899

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 have a less than significant impact on aesthetics or visual resources, therefore no mitigation is required.
- II. **AGRICULTURE AND FOREST RESOURCES.** The project will have a less than significant impact on agriculture or forest resources, therefore no mitigation is required.
- III. **AIR QUALITY.** The project will have a less than significant impact on cultural resources, therefore no mitigation is required.
- IV. **BIOLOGICAL RESOURCES.**
 - a. **Raptors.** 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 have a less than significant impact on cultural resources, therefore no mitigation is required.
- VI. **GEOLOGY AND SOILS.** The project will have a less than significant impact due to geology and soils, therefore no mitigation is required.
- VII. **GREENHOUSE GAS EMISSIONS.** The project will have a less than significant impact due to greenhouse gas emissions, therefore no mitigation is required.
- VIII. **HAZARDS AND HAZARDOUS MATERIALS.** The project will have a less than significant hazards and hazardous materials impact, therefore no mitigation is required.
- IX. **HYDROLOGY AND WATER QUALITY.** The project will have a less than significant hydrology and water quality impact, therefore no mitigation is required.
- X. **LAND USE AND PLANNING.** The project will have a less than significant land use impact, therefore no mitigation is required.

XI. MINERAL RESOURCES. The project will not have an impact on mineral resources, therefore no mitigation is required.

XII. NOISE:

- a. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- b. The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
- c. Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- d. Weekend construction hours, including staging of vehicles, equipment and construction materials, shall be limited to Saturdays between the hours of 9 a.m. to 5 p.m. Permitted work activities shall be conducted exclusively within the interior of enclosed building structures provided that such activities are inaudible to existing adjacent residential uses. Exterior generators, water pumps, compressors and idling trucks are not permitted. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions. Rules and regulation pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of a developer appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site. The Director of Planning, at his discretion, may rescind provisions to allow extended hours of construction activities on weekends upon written notice to the developer.

XIII. POPULATION AND HOUSING. The project will have a less than significant population and housing impact, therefore no mitigation is required.

XIV. PUBLIC SERVICES. The project will have a less than significant impact on public services, therefore no mitigation is required.

XV. RECREATION. The project will not have an impact on recreation, therefore no mitigation is required.

XVI. TRANSPORTATION / TRAFFIC. The project will have a less than significant traffic impact, therefore no mitigation is required.

XVII. UTILITIES AND SERVICE SYSTEMS. The project will have a less than 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 **August 8, 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 **July 20, 2012** to **August 8, 2012.**

Initial Study

SUMMERWIND APARTMENTS EXPANSION

File No. PDC08-067

City of San Jose

June 2012

Initial Study

**SUMMERWIND APARTMENTS
EXPANSION**

2055 Summerside Drive, San Jose CA 95122

File No. PDC08-067

Submitted to:

City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara St.
San Jose, CA 95113

Prepared By:

ArcSynesis
335 Titleist Ct.
San Jose, CA 95127

June 2012

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1. PROJECT DESCRIPTION

Project File Number:	PDC-08-067 Summerwind Apartments Expansion
Project Description:	A Planned Development Rezoning is proposed for a 12.93 acre site, from R-M(PD) 25.8 DU/AC to R-M(PD). The subsequent Planned Development Permit would allow for the construction of up to 103 residential units within a four-story building built around a central courtyard and parking structure. It would include a private street to access the proposed residential development from Summerside Drive.
Project Location and Assessor's Parcel Numbers:	The project site is situated west of Highway 101 in East San Jose within the extents of County of Santa Clara. Located north of Tully Road, it is bounded by Summerside Drive on the south, Lucretia Avenue on the east and McLaughlin Avenue on the west. (Assessor's Parcel Numbers: 477-19-037, 477-19-060, 477-19-046)
Existing General Plan Designation:	Urban Residential (30-95 DU/AC) for Parcels 1, 2 and 3 within the project site. Mixed Use Neighborhood (up to 30 DU/AC) for northern portion of Parcel 3 within the project site.
Existing Zoning:	R-M (PD) 25.8 DU/AC
Existing Land Use:	Residential Condominium Complex
Surrounding LandUses/ General Plan/ Zoning:	

	Land Use	General Plan Designation	Zoning
North	Multi-Family Residential Development, Single Family Attached	Mixed Use Neighborhood (up to 30 DU/AC), Residential Neighborhood	R-M(PD), R-1-8(PD), A(PD)
South	Multi-Family Residential Development	Urban Residential (30-95 DU/AC)	R-M
East	Single Family Residential Development, Community Center, Single Family Attached	Mixed Use Neighborhood (up to 30 DU/AC), Residential Neighborhood	A(PD), R-1-8
West	Multi-Family Residential Development	Mixed Use Neighborhood, Residential Neighborhood	A, R-M, A(PD)

**Project Applicant's
Name and Address:**

Richard Gregersen, Peninsula West LLC
200, S. Santa Cruz Avenue,
Los Gatos CA 95125 Tel: (408) 395-8899

**Lead Agency
Contact Information:**

Lesley Xavier, Planner II
Project Manager, City of San Jose
200, E. Santa Clara St. City of San Jose CA 95122
Tel: (408)-535-7852

Determination

On the basis of this initial study:

<input type="checkbox"/>	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	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 the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.
<input type="checkbox"/>	I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated impact" on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached sheets/initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are included in the project, and further analysis is not required.

Date

Signature

Name of Preparer

2. PROJECT CHARACTERISTICS

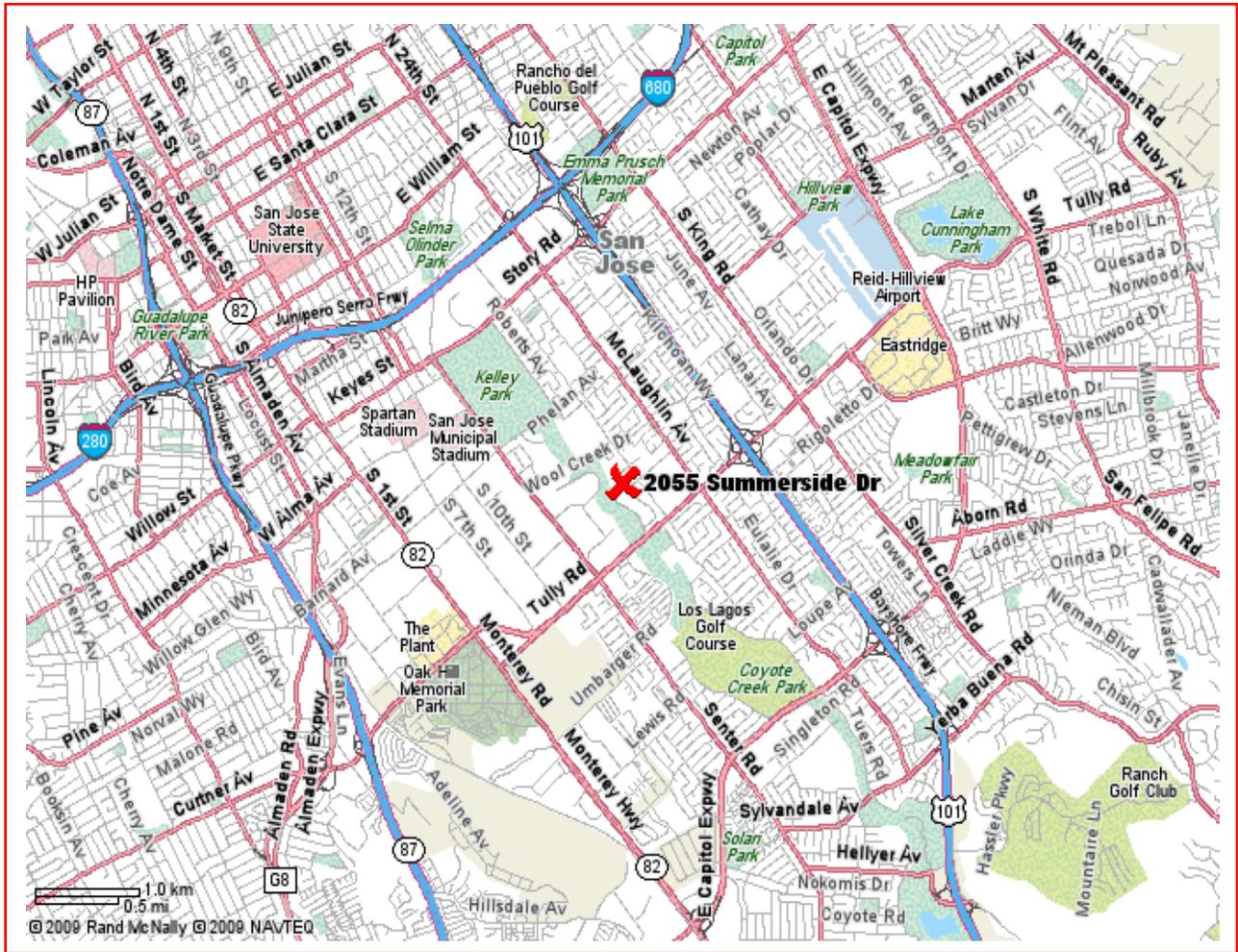
The project site with a total area of 12.93 acres consists of three developed parcels (*See Exhibit I-Page 4, Exhibit II, Page 5*). The Parcel 1 to the east has an area of 4.98 acres with 144 apartment units and Parcel 2 to the west has an area of 4.02 acres with 144 apartment units. The subject property Parcel 3 to the north has an area of 3.90 acres and is currently occupied by a recreation and fitness center with an area of approximately 23,000 sft, two large and small swimming pool facilities, one spa and storage facility. It also accommodates one basketball court and four tennis court facilities.

The site was originally developed in 1971 and consists of a total of 288 apartment units within the two sets of four building quads of apartment units over parking garages. It includes a recreation center with an office building constructed at the northern end of the site between the two quads. The primary access to the site is towards the center of the project site on Summerside Drive between Lucretia Avenue and McLaughlin Avenue.

A Planned Development Rezoning of the subject property is proposed to allow redevelopment of Parcel 3. The proposal includes removal of all existing structures on this parcel and construction of 103 new residential units within a four storey building. This new building will surround a central courtyard and parking structure with two tiers of above grade parking and one tier below grade. It will include an indoor recreational area and gym, storage space and parking for bikes on the second and third tier. In addition, a new private street from Summerside Drive is proposed to access the new residential development.

Parcels 1 and 2 were subject to a separate site development permit amendment (File Number: HA71-019-01) with a proposal for provision of restructured and improved parking facilities, new landscape and recreation facilities with an added swimming pool in the existing courtyards. It also includes the conversion of a three bedroom unit into a one bedroom unit to incorporate a Managerial office within.

Development of the subject site for the proposed project would also require the removal of some of the existing trees and alteration of the land contours to accommodate the new residential structures. Exhibit III includes the Conceptual Site Plan, Grading and Drainage Plan, Tree Survey Map and other project related information.



Summerwind Apartments	VICINITY MAP	IS-10
2055 Summerside Drive, San Jose 95122		



Summerwind Apartment Expansion Project is bounded by Summerside Drive on the south, Lucretia Avenue on the east and McLaughlin Avenue on the west.

(Assessor's Parcel Numbers: Parcel 1: 477-19-37, Parcel 2: 477-19-46, Parcel 3: 477-19-60)



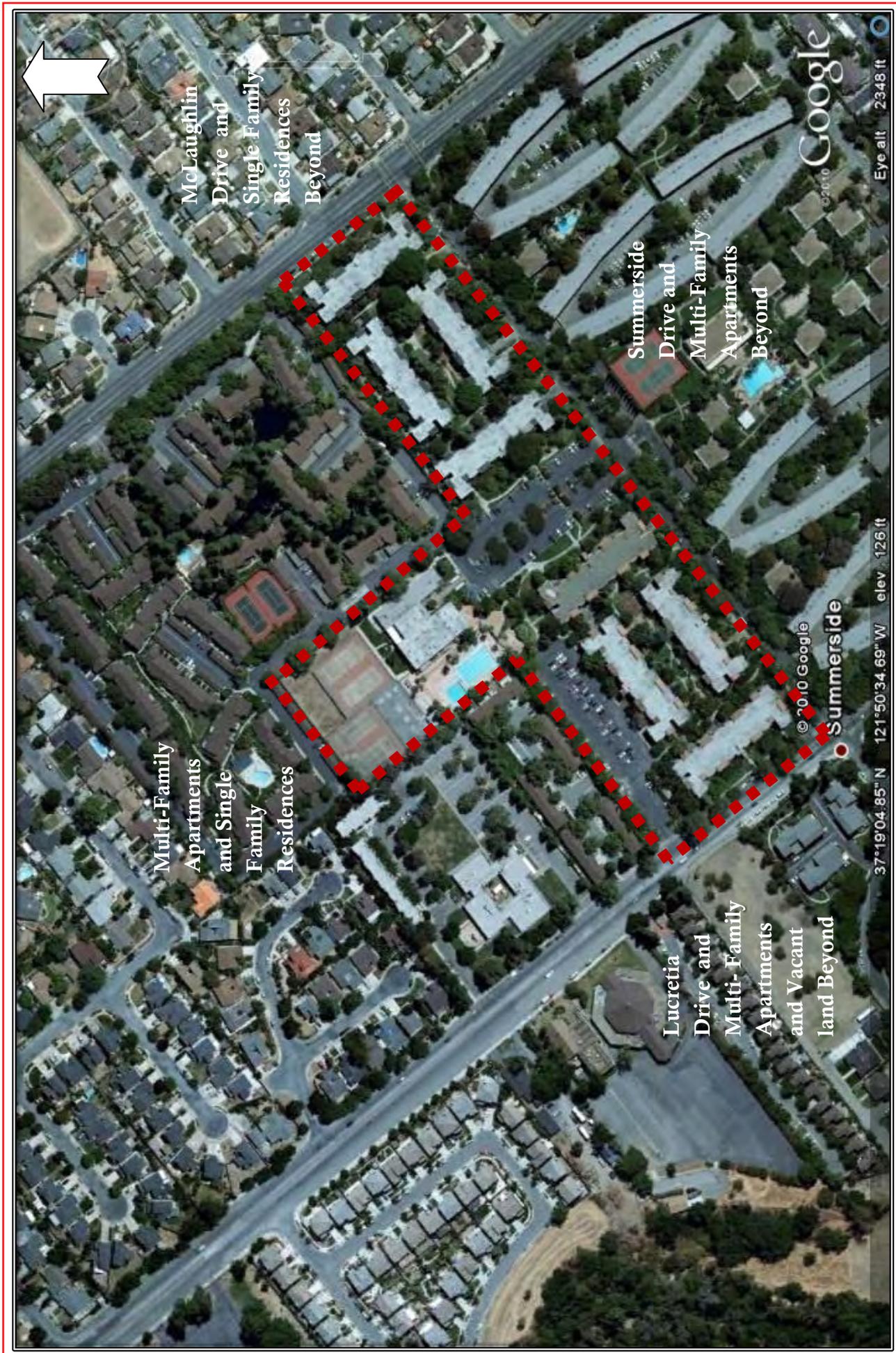
Summerwind Apartments

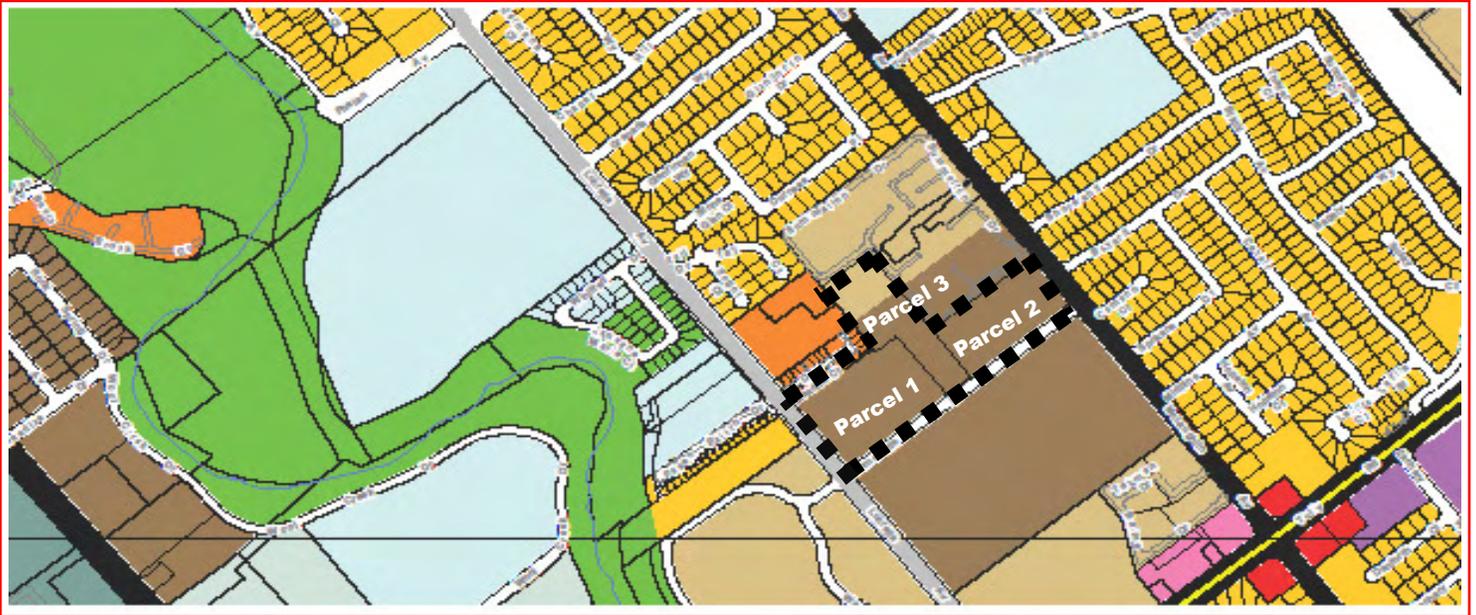
2055 Summerside Drive, San Jose 95122

LOCATION MAP

IS-10







General Plan Designation:
Urban Residential (30-95 DU/AC) for Parcels 1, 2 and 3 within the project site.
Mixed Use Neighborhood (up to 30 DU/AC) for northern portion of Parcel 3
within the project site.

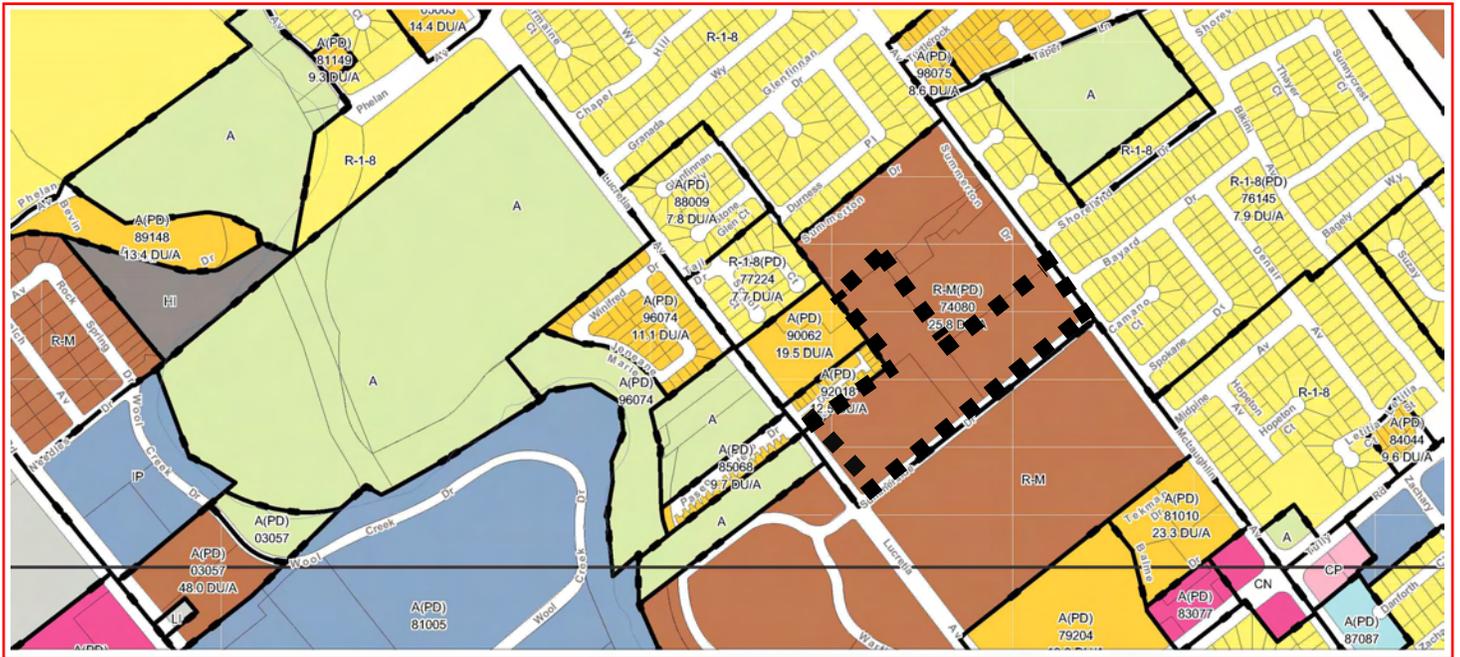
Summerwind Apartments

2055 Summerside Drive, San Jose 95122

GENERAL PLAN MAP

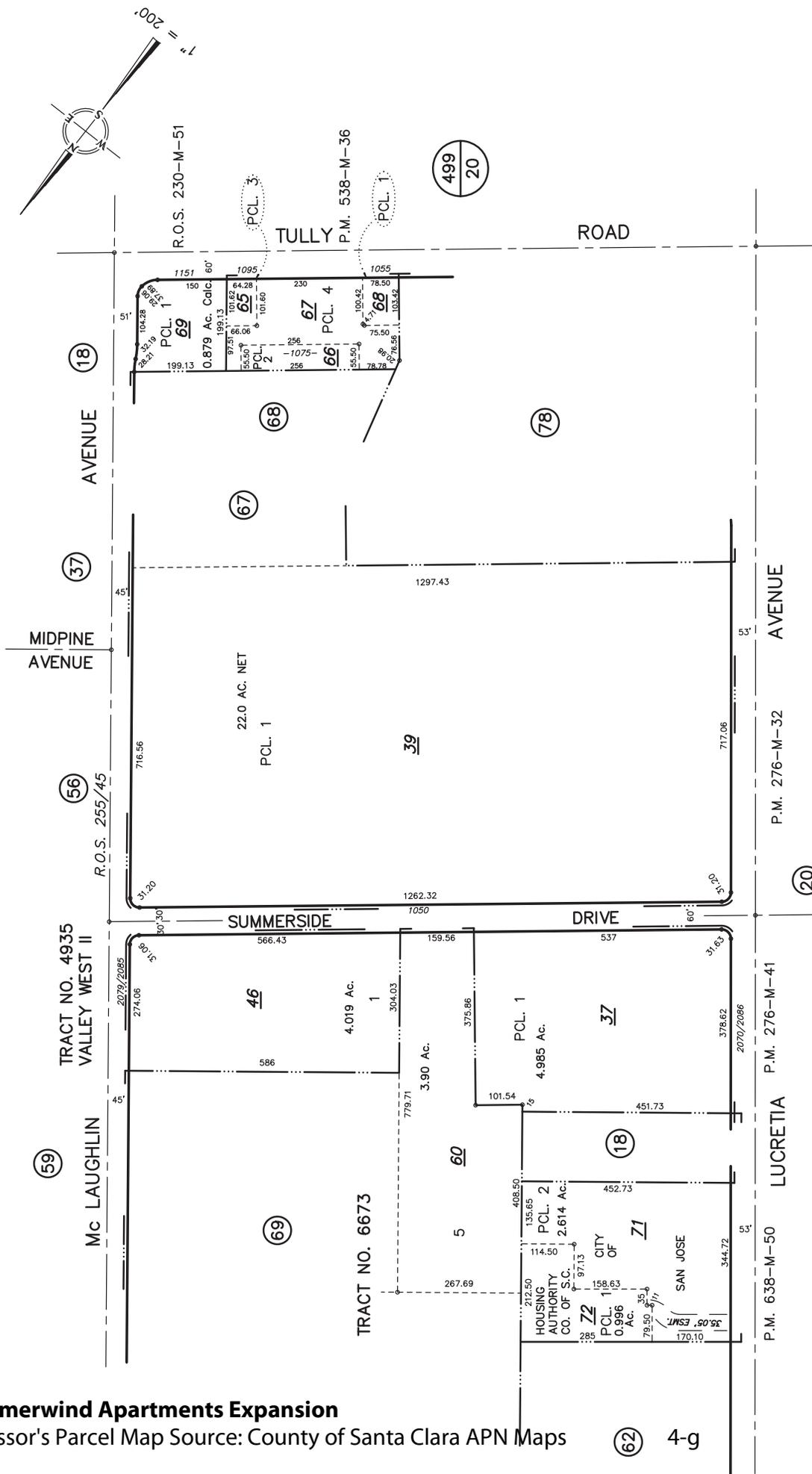
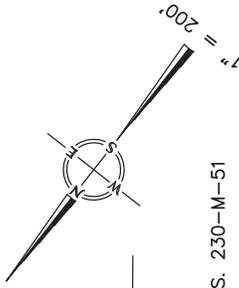
IS-10





Zoning Designation:
R-M(PD) 25.8 DU/AC

<p>Summerwind Apartments</p> <p>2055 Summerside Drive, San Jose 95122</p>	<p>ZONING MAP</p>	<p>IS-10</p>
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Summerwind Apartments Expansion

Assessor's Parcel Map Source: County of Santa Clara APN Maps

TRA. DET. MAP 125, 126
LAWRENCE E. STONE — ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2010-2011

4-g

JOB No.	0137.2
DATE	
DESCRIPTION	
REV.	
DATE	
REV.	
DATE	
REV.	
DATE	
REV.	

GENERAL DEVELOPMENT PLAN
EXHIBIT C

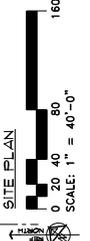
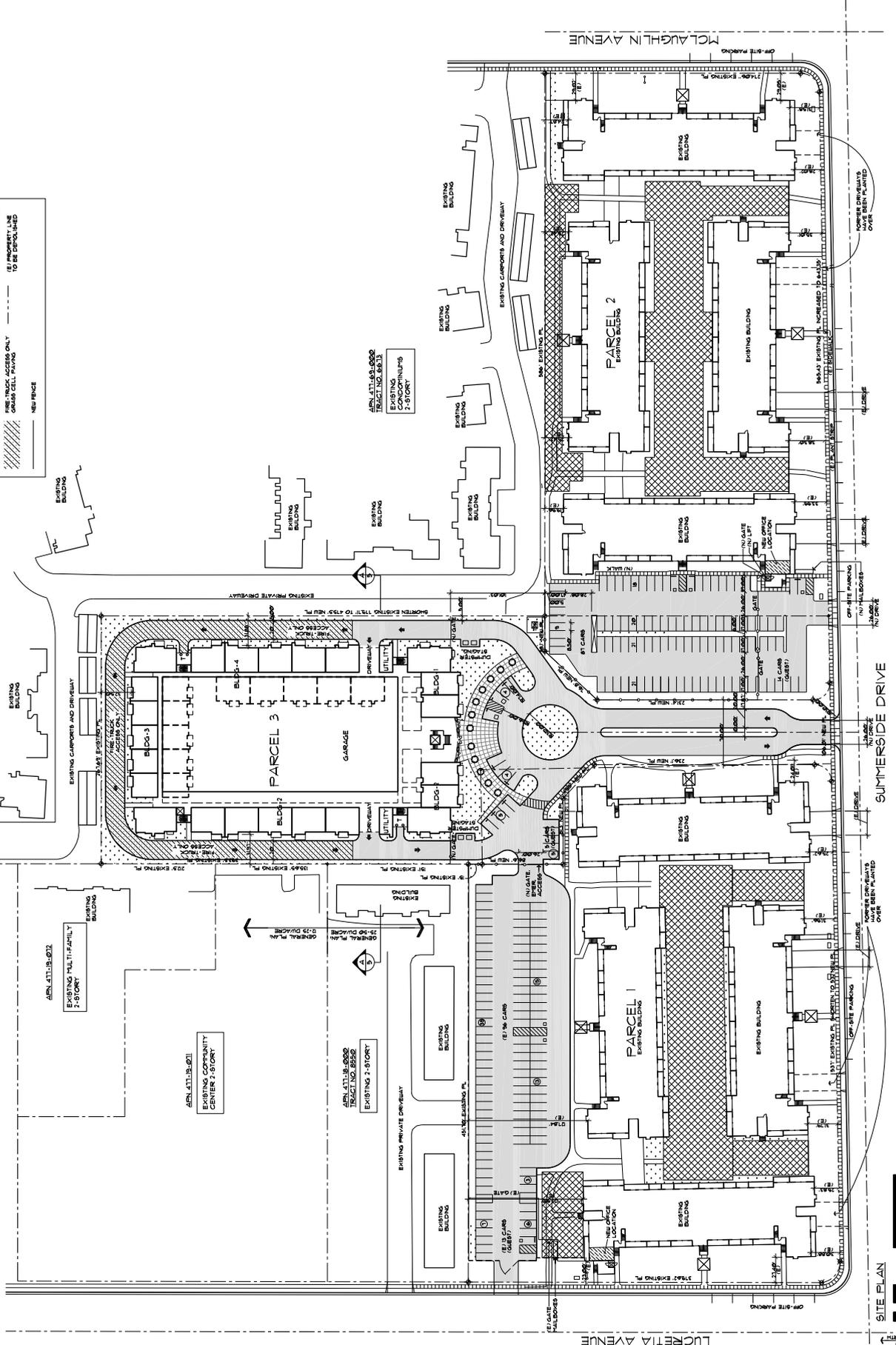
SUMMERWIND APARTMENT EXPANSION
2055 SUMMERSIDE DRIVE
San Jose, California



DATE: 05/17/2016
DRAWN BY: [Name]
SHEET: 3
3 OF 3 SHEETS

SITE PLAN LEGEND

	DECORATIVE PAVEMENT
	SIDEWALK
	PROPERTY LINE
	PROPOSED BUILDINGS
	AS PAVED
	COTTON OPEN SPACE (RECREATION)
	FIRE TRUCK ACCESS ONLY
	NEW FENCE
	LANDSCAPE PLANTING
	EXISTING BUILDING
	GARAGE
	UTILITY
	DRIVEWAY
	GARAGE
	UTILITY
	DRIVEWAY
	GARAGE
	UTILITY
	DRIVEWAY



DATE: 01/17/20
 DATE: APR 22 2003

NO.	DATE	BY

GENERAL DEVELOPMENT PLAN
 EXHIBIT C

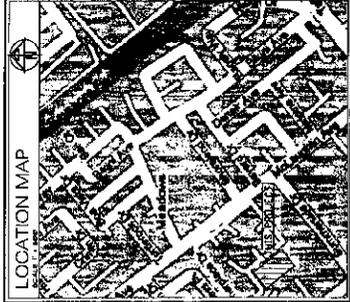
SUMMITRUID APARTMENT EXPANSION
 2055 Summerside Drive
 San Jose, California



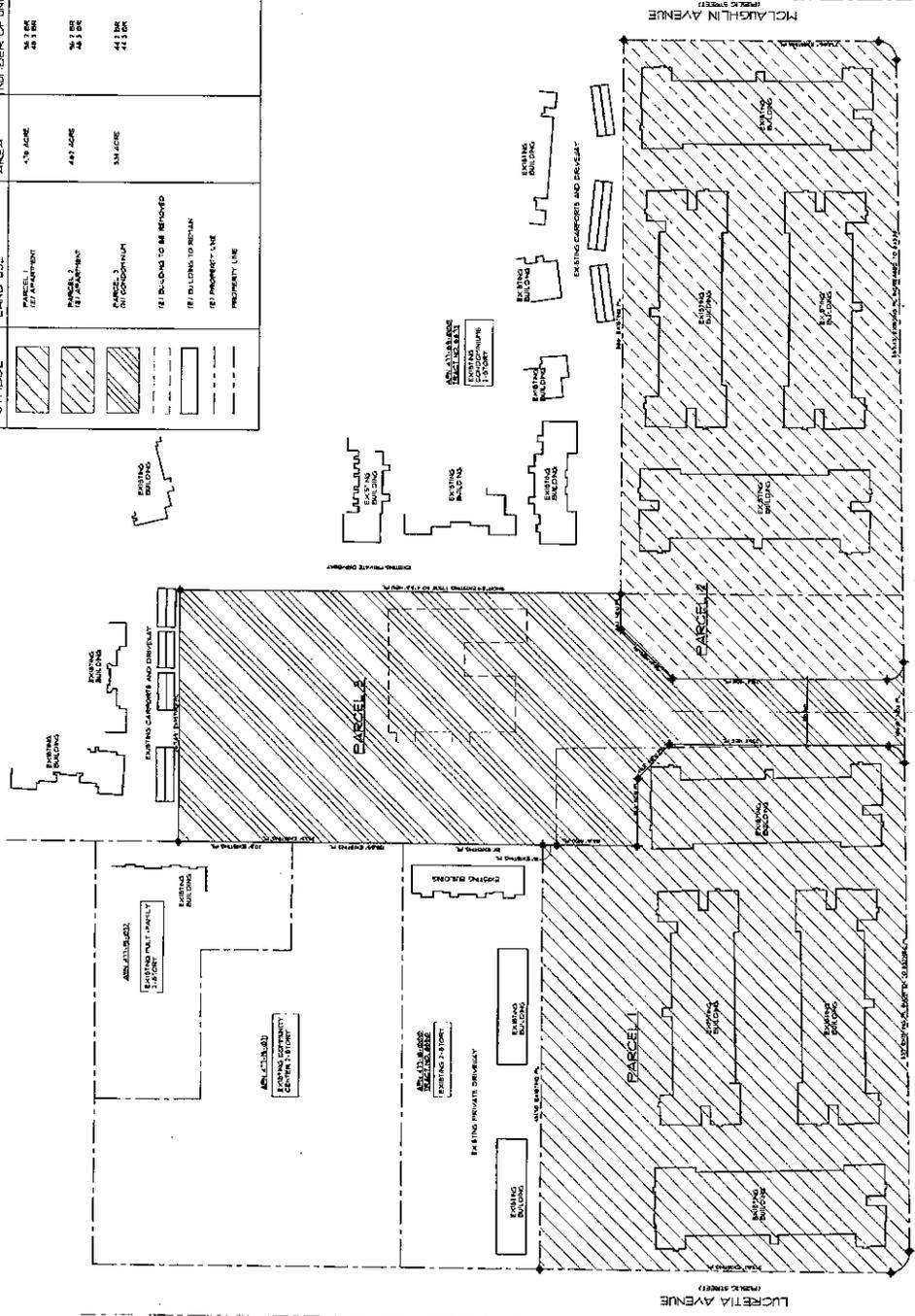
PROJECT NO. 03020
 DATE: 01/17/2003
 SHEET NO. 2

LAND USE PLAN

DATE: 01/17/2003
 SHEET NO. 2



SYMBOL	LAND USE	AREA	NUMBER OF UNITS
	PANEL 1 (27 APARTMENT)	478 ACRES	26 2 BR 26 3 BR
	PANEL 2 (27 APARTMENT)	441 ACRES	26 2 BR 26 3 BR
	PANEL 3 (27 CONDOMINIUM)	331 ACRES	44 2 BR 44 3 BR
	(2) BUILDINGS TO BE REMOVED		
	(2) BUILDINGS TO REMAIN		
	(2) PROPERTY LINE		



For the Date, reference only
 Initial Plans Set



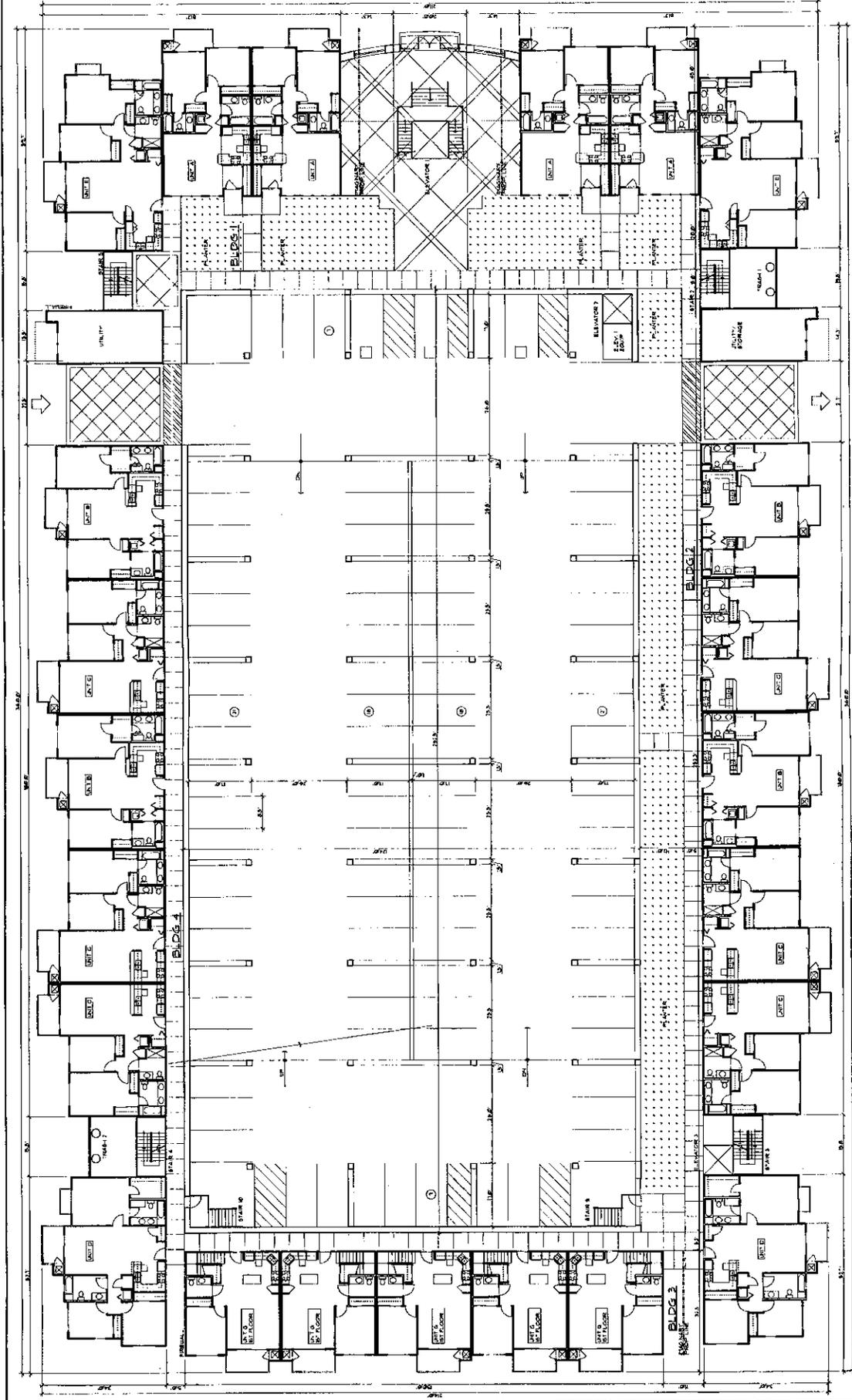
PR No. 0137.2
 UNIT APR 28 2006
 SECTION 1 DATE REV.
 GENERAL DEVELOPMENT PLAN
 EXHIBIT C
 SUMMERLAND APARTMENT EXPANSION
 San Jose, California
 ARCHITECT
 1055 GALLERIA STREET
 SAN JOSE, CALIFORNIA 95128



COMMENT & NOTES
 SHEET TITLE
 SHEET NO.

FLOOR LEVEL I
 SCALE: 1" = 10'-0"
 DATE: 11/11/05
 DRAWN BY: J.A.A.
 CHECKED BY: J.A.A.

5.3
 30' x 42' SHEETS



For Fine Detail, reference only
 Initial Plan Set

0137.2
 APR 28 2014
 EXHIBIT C
 GENERAL DEVELOPMENT PLAN

EXHIBIT C
 GENERAL DEVELOPMENT PLAN

SUPERFUND APARTMENT EXPANSION
 2055 SummerSide Drive
 San Jose, California

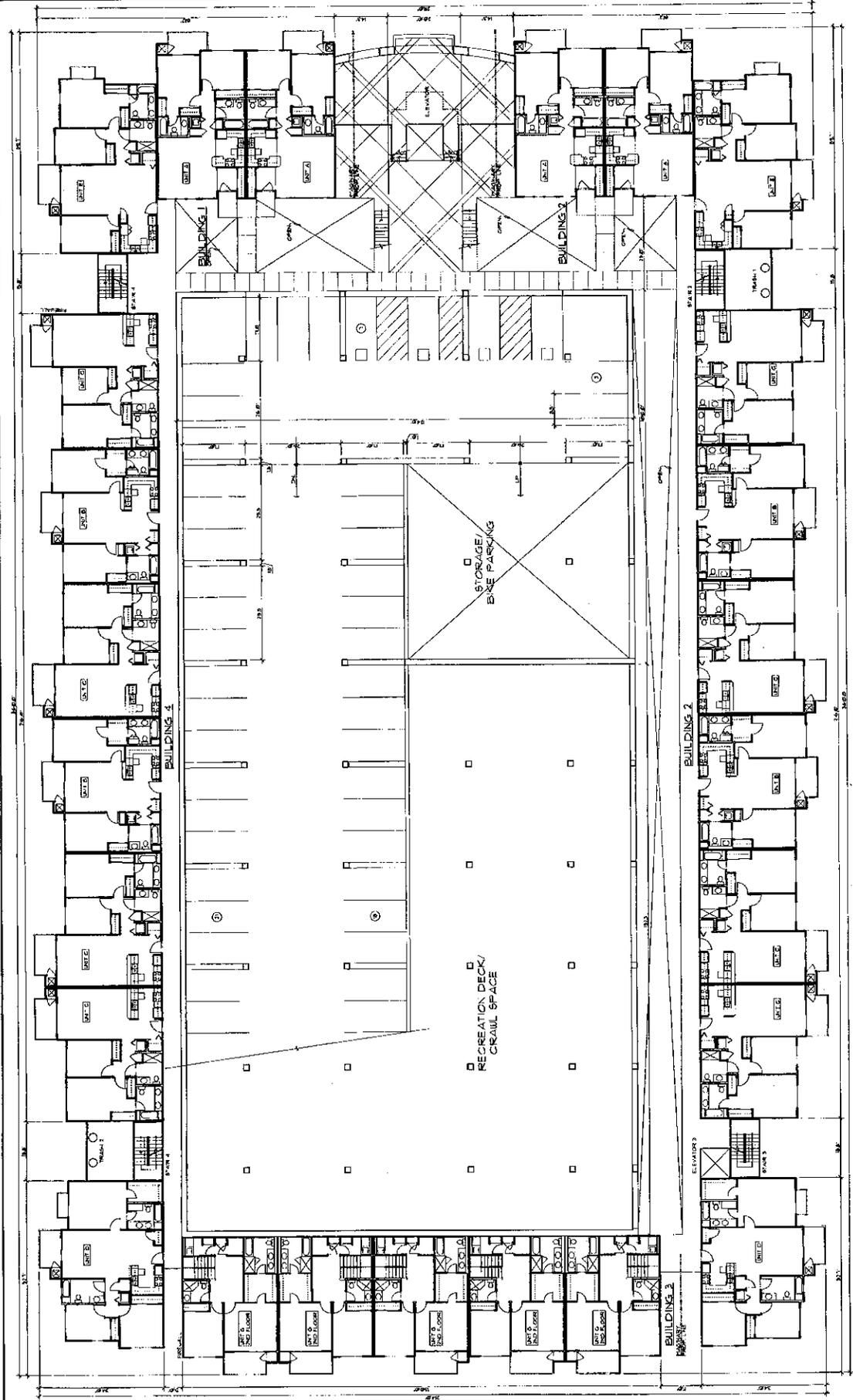


THE ARCHITECTS
 1000 W. CALLE
 SAN JOSE, CA 95128
 (408) 281-1000

SHEET TITLE
FLOOR LEVEL 2

SCALE
 AS SHOWN
 DATE
 04/28/14

5.4
 OF 5.4 SHEETS



For the Best Reference only
 Initial Plan 01

FLOOR LEVEL 2
 BUILDING 1
 BUILDING 2
 BUILDING 3
 BUILDING 4

DATE: 01/31/22
 DRAWN BY: APR 24/22
 PROJECT: SUMMITLAND APARTMENT EXPANSION
 SHEET: 5-B

GENERAL DEVELOPMENT PLAN
 EXHIBIT C

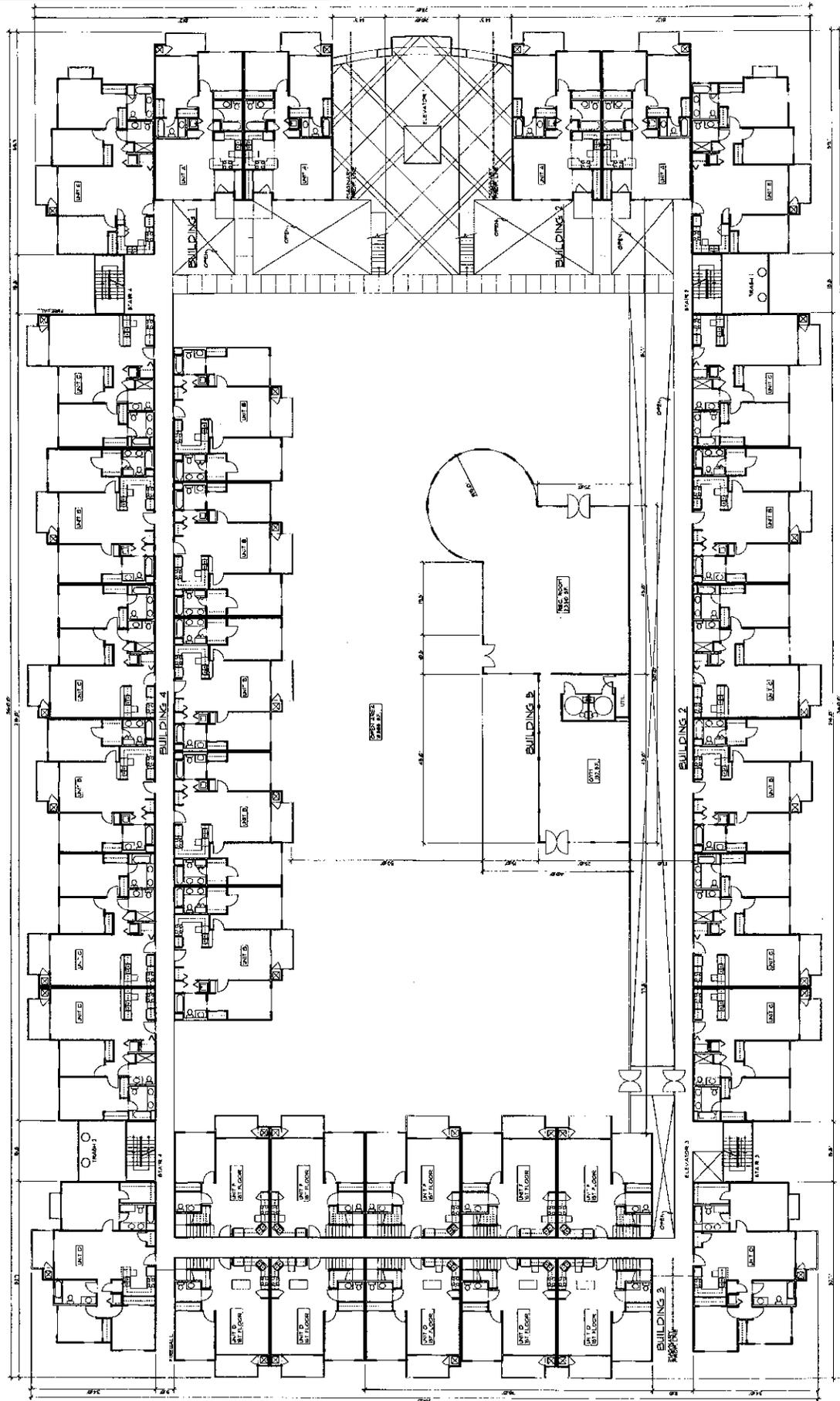
SUMMITLAND APARTMENT EXPANSION
 2055 Summerville Drive
 San Jose, California



CONTRACT NO. 2020-01
 M.J. ARCHITECTS

SHEET TITLE:
FLOOR LEVEL 3

SHEET NO.: 5-B
 TOTAL SHEETS: 5-B



FLOOR LEVEL 3

For Fire Dept. reference only
 Initial Plan Set

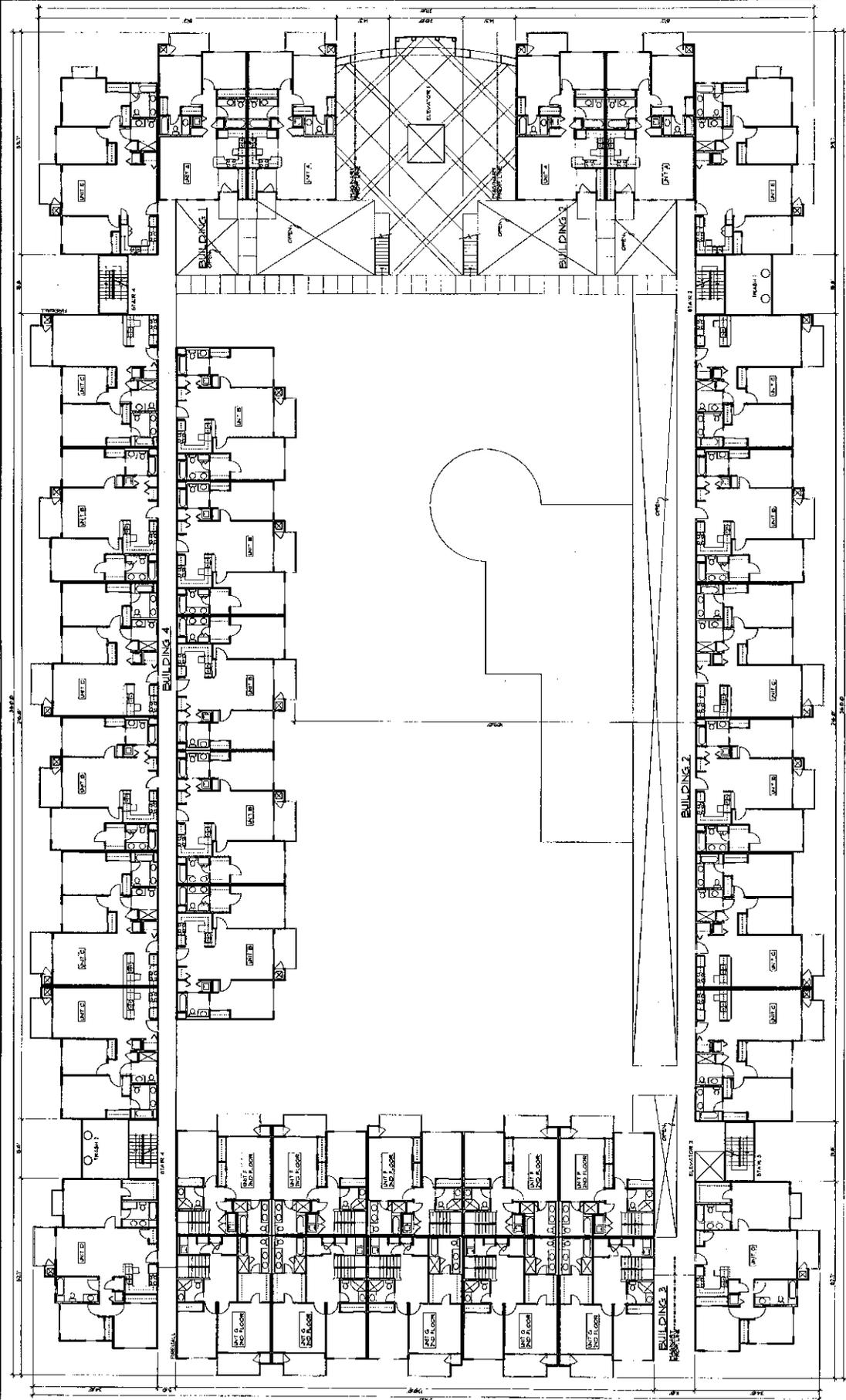
DWG NO. D137.2
 DATE APR 22 2010
 SHEET NO. 1
 TOTAL SHEETS 1

GENERAL DEVELOPMENT PLAN
 EXHIBIT C
 SUBTERRANEAN APARTMENT EXPANSION
 2055 Sumner Drive
 San Jose, California

ARCHITECTS
 1000 California Street
 San Francisco, CA 94109
 TEL: 415.774.1000
 FAX: 415.774.1001
 WWW: www.1000california.com

REGISTERED PROFESSIONAL ARCHITECT
 STATE OF CALIFORNIA
 No. 13722
 EXPIRES 12/31/11

SHEET TITLE
FLOOR LEVEL 4
 SCALE
 AS SHOWN
 DRAWN BY
 DATE
5.6
 P.L.C.



For Fire Dept. reference only
 Initial Plan Set

FLOOR LEVEL 4
 4-h-ix

DATE	NO 197.2
BY	APR 2 2008
REVISION	
DATE	
BY	
REVISION	
DATE	
BY	
REVISION	
DATE	
BY	
REVISION	

GENERAL DEVELOPMENT PLAN
EXHIBIT C

SUMNER APT. EXPANSION
2055 Summerdale Drive
San Jose, California

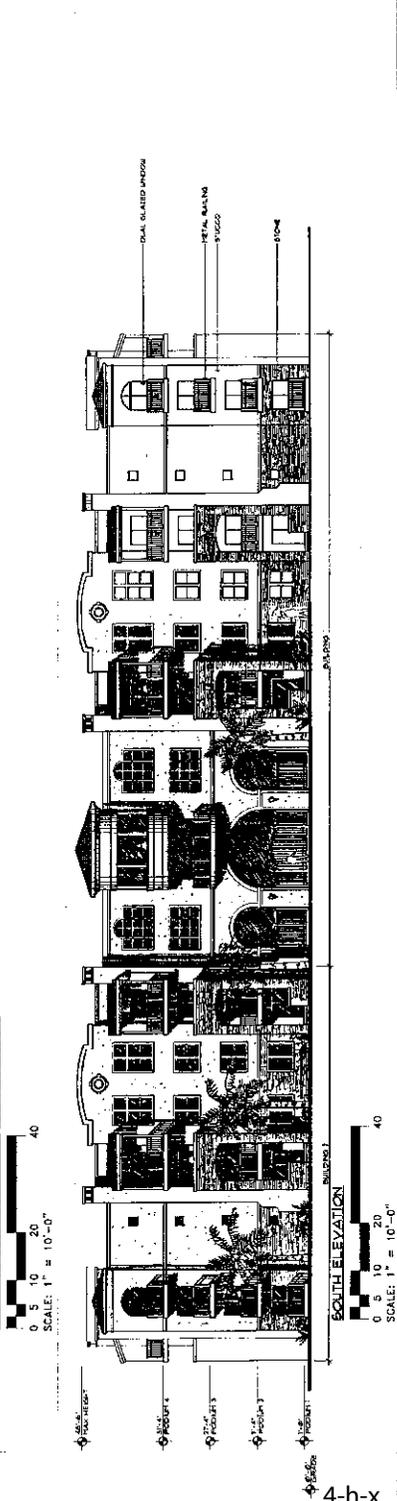
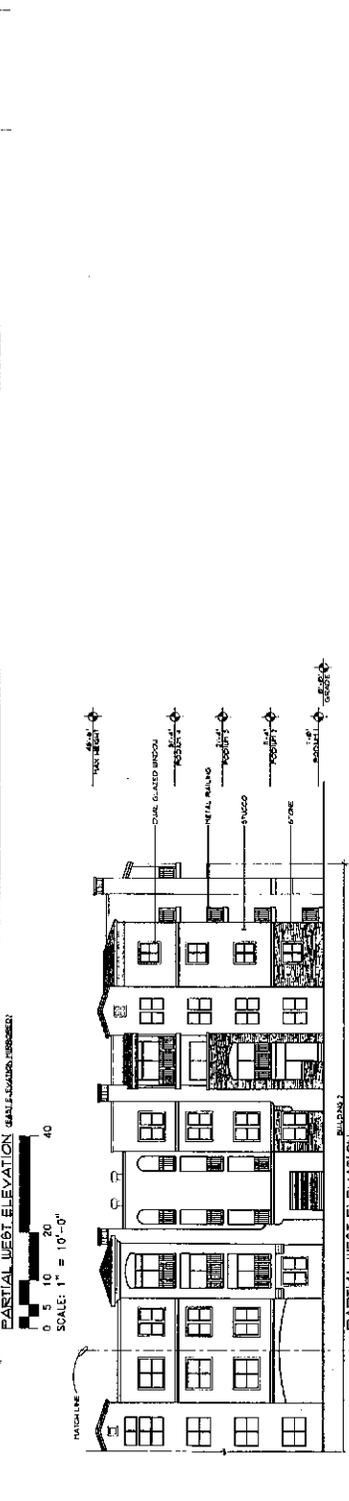
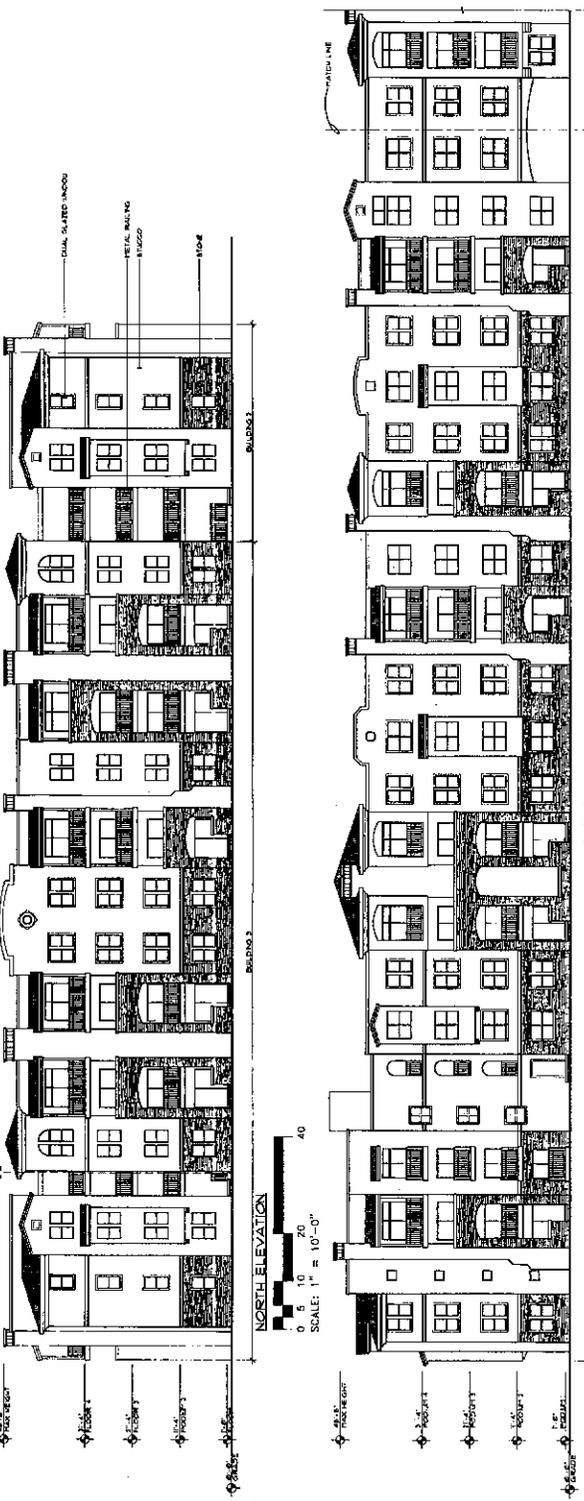
ARCHITECTS



M.A. ARCHITECTS
CORPORATION
10000
10000

BUILDING ELEVATIONS

50
SHEET



For File Only - addresses only
SUMNER APT.

4-h-x



IS-10

.....(!!!)

Summerwind Apartments

2055 Summerside Drive, San Jose

Figure 1:

Existing walkway towards Clubhouse on Parcel 3



Figure 2:

Existing Clubhouse Extends to the East on Parcel 3



Figure 3:

Existing Apartments on Parcel 2 towards McLaughlin Avenue

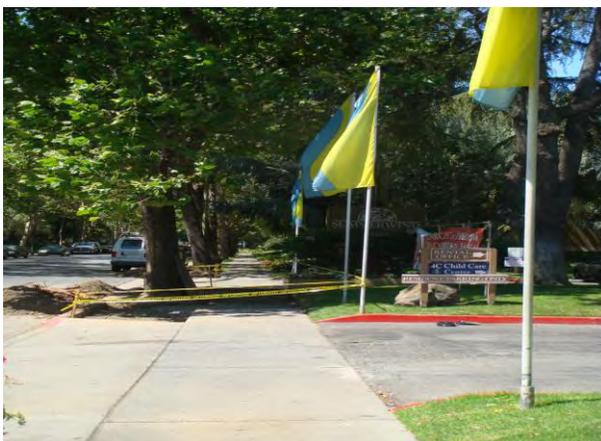


Figure 4:

Existing Entrance on Summerside Drive



IS-10

(!//)

Summerwind Apartments

2055 Summerside Drive, San Jose

Figure 5:

Existing Apartments on Parcel 1 towards
Lucretia Avenue



Figure 6:

Existing Parking Lot on Parcel 1 towards
Lucretia Avenue



Figure 7:

Existing Site Extents on Parcel 1 towards
Lucretia Avenue



Figure 8:

Existing Walkway facing the ClubHouse
and leading to Apartments on Parcel 1
towards Lucretia Avenue

Summerwind Apartments

2055 Summerside Drive, San Jose



Figure 9:

South View from the project site towards Summerside Drive and beyond



Figure 10:

West View from the project site towards Lucretia Avenue and beyond



Figure 11:

East View from the project site towards McLaughlin Avenue and beyond



Figure 12:

View from McLaughlin Avenue towards the proposed project beyond neighboring development.

3. ENVIRONMENTAL CHECKLIST AND DISCUSSION OF ENVIRONMENTAL CHECKLIST

The following Environmental Checklist Form is from Appendix G of the State CEQA Guidelines. It delineates environmental impacts that may occur due to the construction of the proposed project followed by discussions supporting the impact conclusions.

I. AESTHETICS - Would the project:

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

FINDINGS:

a. The project area is located in a developed residential area with existing Multi-Family Apartment Units and Single-Family Residences surrounding the project site. Although new residential units are proposed, there are no designated scenic vistas on or near the project site that can get impacted due to the proposed development. The project would therefore result in a less than significant impact to scenic vistas.

b. The project site does not contain any designated scenic resources consistent with the Scenic Routes Goal and Policies contained in the Envision San Jose 2040 General Plan, nor is it located near a state scenic highway. None of the trees on the project site are included on the City's list of Heritage Trees or designated scenic resources by the General Plan. The project site does not contain any historic buildings or structures. Therefore, no impacts on the project site would occur as a result of the proposed project.

c. The proposed project would develop 3.90 acre portion of the 12.93 acre site to accommodate the new residential project and would alter the existing visual character of the site through various means, including the demolition of all existing recreation center facilities and the new construction. However, the proposed project would not significantly degrade the existing visual character of the site as it is subject to architectural and site design review by Planning Staff to ensure compatibility with existing residential uses on neighboring properties, in addition to conformance with the City’s Residential Design Guidelines. No significant impacts to the visual character or quality of the site and surroundings would result from implementation of the project.

d. Although the exterior building and street lighting associated with the new development would create a minor increase in the amount of nighttime lighting than the existing land use on the site, however it would not adversely affect views in the area. The project would be required to conform to the City’s Residential Design Guidelines and to the standards of the City’s Outdoor Lighting Policy. Therefore, less than significant impact would occur as a result of the project.

e. The proposed residential development would result in a marginal increase in the shaded areas but it would be required to conform to the City’s Residential Design Guidelines Therefore, less than significant impact would occur as a result of the project.

The following standard conditions will be incorporated into the project:

- Design of the project shall be consistent with the City’s *Residential Design Guidelines*
- Lighting on the site shall conform to the City’s *Outdoor Lighting Policy* (4-3)

MITIGATION MEASURES: None required.

II. AGRICULTURE RESOURCES - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4
c) Conflict with existing zoning for, or cause rezoning of, forest land [as defined in PRC Section 12220(g)], timberland, (as defined by PRC Section 4526), or timberland zoned Timberland Production [as defined by GC Section 51104(g)]	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4

FINDINGS:

a) The project site is classified as “Urban and Built-up Land” by the 2000 Farmland Mapping and Monitoring Map for the County of Santa Clara. The site is surrounded by urban lands and is not located near major agricultural resources. Therefore, no impacts would occur as a result of the project.

b) The existing zoning designation on the site is RM (PD) 25.8 DU/AC and (PD) rezoning is proposed for the subject property to allow the new development. Subsequently, a Planned Development Permit would be required to implement the residential project. However, as the zoning is not in conflict with agricultural use, less than significant impact would occur as a result of the project.

c) The City of San Jose does not contain any forest lands or timberlands suitable for timber production nor are there any areas of the zoned Timberland protection. The project site is outside of any timberland areas, and therefore will not result in a significant impact from the loss of forest.

d) The proposed project does not include any changes in the existing environment that could result in the conversion of substantial Farmland to non-agricultural uses. Therefore, no impacts would occur as result of the project.

Implementation of the proposed project will not result in an impact on City’s farmland resources. The project site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use.

MITIGATION MEASURES: None required.

III. AIR QUALITY - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 14
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 14
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 14
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 14
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 14

FINDINGS:

a) This proposed residential development would generate fewer than the 2,000 vehicle trips which is the current threshold mandated by the BAAQMD to not be an air pollutant contributor and hence do not require a technical air quality study. As this project will generate approximately 683 vehicle trips per day, no air quality study was prepared for this project.

b) The project site is located in the Bay Area Air Basin, classified as a “non-attainment” area for the state ozone standard. The *BAAQMD CEQA Guidelines* contain thresholds of significance for criteria pollutants that would result in mobile source emissions that exceed BAAQMD’s threshold of significance for NO_x. The proposed 103 residential units fall well below the limit of 320 single-family or 510 apartment units indicated in the table, therefore the project would not be expected to exceed the thresholds of significance, and no further analysis would be required.

Temporary Air Quality impacts would result from demolition of the existing recreation center, excavation of soil, and other construction activities on the subject property. Implementation of the following Best Management Practices listed below will be incorporated into the project during all construction phases of the project to prevent visible dust emissions from leaving the site.

1. All 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 into adjacent public roads shall be removed using wet power vacuum street sweepers at least twice a day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15mph.
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 the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The number 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.

c) According to the *BAAQMD CEQA Guidelines*, a project would not result in a cumulative air quality impact if, it does not individually result in a significant air quality impact, is located in a jurisdiction with a general plan that is consistent with the Clean Air Plan, and is consistent with the general plan. The project would not individually result in a significant air quality impact (see response to Checklist Item III.b, above).

Major Strategies. The project is consistent with the Envision San Jose 2040 General Plan's Growth Management Major Strategy, which seeks to promote new growth within the Greenline/Urban Growth Boundary so that new development will be able to effectively utilize urban facilities and services thus encouraging compact infill development within urbanized areas where urban facilities and services are already available. The project site's location within an existing residential neighborhood which has adequate public utility capacities and close proximity to mass transit, demonstrates the project's consistency with this Major Strategy. The Sustainable City Major Strategy promotes the importance of conserving natural resources in the City in order to improve the quality of air and water and to conserve land, soil, water, energy and ecosystems such as the Bay, forests, riparian corridors, fisheries, grasslands, etc. It points out that the General Plan's continued emphasis on land use related issues such as achieving a relative job/housing balance and orienting development around transit facilities contributes to sustainability by shortening trip lengths and helping to increase the availability and convenience of transit, biking and walking, which conserves energy and improves water and air quality. The project site's location in an established residential area, within close proximity to public transit, makes the project consistent with this Major Strategy.

Goals and Policies. The project would be consistent with the Policies supporting maximization of the City's housing supply goals, including Residential Land Use Policies 1 and 24. Policy 1 encourages new residential development at urban densities (one dwelling unit per acre or greater) only where adequate services and facilities can be feasibly provided. Policy 24 states that new residential development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development and the adjoining

neighborhood, transit access points, and nearby commercial areas. This project proposes new street access to the proposed development on Parcel 3 within the project site. It is in conformance with the Envision San Jose 2040 General Plan’s Growth Management and Sustainable City Major Strategies, and with the Residential Land Use Goals and Policies, and is therefore consistent with the Clean Air Plan. Less than significant cumulative air quality impacts would result from implementation of the project.

d) The proposed project would not be expected to expose sensitive receptors to substantial pollutant concentrations, as the project would not generate substantial amounts of pollutants. Mitigation measures outlined in the response to Checklist Item IIIb, above, would reduce potential construction impacts to less than significant levels. Therefore, less than significant impacts would occur as a result of the project.

e) The proposed project would not generate any objectionable odors during construction or operation. Therefore, no impacts would occur as a result of the project.

The proposed development project is in conformance with the General Plan’s Growth Management and Sustainable City Major Strategies, and with the Residential Land Use Goals and Policies. Conformance with the dust control measures contained in Mitigation Measure III.b above, would further reduce potential air quality impacts to less than significant levels.

IV. BIOLOGICAL RESOURCES - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 10
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 6, 10

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 6
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 11
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

FINDINGS:

a) The project site consists of developed land located in an urban area of the City of San Jose, and is surrounded by single and multi-family residential development. The project site contains only biological resources that are typical of an urban and developed setting. Due to the developed nature of the project area, the potential for wildlife diversity is relatively low. No species identified as a candidate, sensitive, or special status species are expected to occur on the site. No rare, threatened, endangered or special status species of flora or fauna are known to inhabit the site. The project site includes mature trees that could be habitat for nesting raptors, and buildings to be demolished that could be roosting locations for bats. Mitigation measures for pre-constructions surveys have been included in the project.

b) The project site consists of developed land located in an urban area of the City of San Jose, and is surrounded by single and multi-family residential development. The project site contains only biological resources that are typical of an urban and developed setting.

c) The project site does not contain any federally protected wetlands, therefore development of the project would not have any direct effect on federally protected wetlands. The California Regional Water Quality Control Board (RWQCB) has regulatory authority over wetlands and waterways under both the federal Clean Water Act (CWA) and the State of California's Porter-Cologne Water

Quality Control Act (California Water Code, Division 7). Under the CWA, the Water Board has regulatory authority over actions in waters of the United States, through the issuance of water quality certifications (certifications). Under Section 401 of the CWA, which are issued in combination with permits issued by the Army Corps of Engineers (ACOE), under Section 404 of the CWA. When the Water Board issues Section 401 certifications, it simultaneously issues general Water Discharge Requirements for the project, under the Porter-Cologne Water Quality Control Act. Activities in areas that are outside of the jurisdiction of the ACOE (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark) are regulated by the Water Board, under the authority of the Porter-Cologne Water Quality Control Act. Activities that lie outside of ACOE jurisdiction may require the issuance of either individual or general waste discharge requirements (WDRs) from the Water Board.

d) See response to Checklist Item IV.a, above.

e) A tree survey was conducted by Hill Associates identified a total of 54 trees that have to be removed on account of this project within the currently proposed rezoning boundary, 18 of which are ordinance sized trees. Removal of 20 or more non-native tree species is considered to be a significant impact. The proposed development of the subject property would result in the removal of 18 ordinance sized trees but appropriate mitigation measures would lower the impact to less than significant. Also, the project would be required to obtain a permit for the removal of ordinance-sized trees as required by the City's Tree Preservation Ordinance, and would have to provide replacement trees in conformance with City. The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

Existing Ordinance Sized Trees (Diameter 18" and above) Proposed for Removal on Subject Property Parcel 3. (See Exhibit III for Tree Survey Map)

No.	Common Name	Diameter in Inches	Native
1	Evergreen Species	24	No
2	Leaning Tree?	18	No
3	Palm Species	18	No
4	Palm Species	18	No
5	European Olive	36	No
6	European Olive	30	No
7	Coast Redwood	24	No
8	Chinese Elm	54	No
9	Broadleaf Evergreen Species	18	No
10	Eucalyptus Evergreen Species	36	No
11	Evergreen Species	30	No
12	American Sweetgum	18	No
13	European Olive	36	No
14	Evergreen Species	20	No
15	European Olive	48	No
16	Evergreen Species	24	No
17	Broadleaf Evergreen Species	30	No
18	Deodar Cedar	24	No

f) The subject site is not located in an area that is protected by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Conservation Plan. To promote the recovery of endangered species while accommodating planned development, infrastructure and maintenance activities, the Local Partners, consisting of the City of San Jose, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, Santa Clara County and the cities of Gilroy and Morgan Hill, are preparing a joint Habitat Conservation Plan/Natural Community Conservation Plan (Habitat Plan). The Santa Clara Valley Habitat Plan (Plan) is being developed in association with the U.S. Fish & Wildlife Service (USFWS), California Department of Fish & Game (CDFG), and the National Marine Fisheries Service (NMFS) and in consultation with stakeholder groups and the general public to protect and enhance ecological diversity and function within more than 500,000 acres of southern Santa Clara County.

The Santa Clara Habitat Plan Planning Agreement outlines the Interim Project Process to ensure coordination of projects approved or initiated in the Planning Area before completion of the Habitat Plan to help achieve the preliminary conservation objectives of the plan, and not preclude important conservation planning options or connectivity between areas of high habitat values. The Interim Project Process requires the local participating agencies to notify the wildlife agencies (DFG and USFWS) of projects that have the potential to adversely impact Covered Species, natural communities, or conflict with the preliminary conservation objectives of the Habitat Plan. The Wildlife Agencies comments on Interim Projects should recommend mitigation measures or project alternatives that would help achieve the preliminary conservation objectives of the Habitat Plan.

- The project site consists of partially developed parcels located in an urban area of the City of San Jose, and is surrounded by medium density residential development. The project site contains only biological resources that are typical of an urban and developed setting. Due to the developed nature of the project area, the potential for wildlife diversity is relatively low. No species identified as sensitive, or special status species are expected to occur on the site. The project site may provide habitat for wildlife species associated with urban areas. Trees in urban areas provide food and cover for wildlife adapted to this environment, including birds such as house finch, mourning dove, house sparrow, and Brewer’s blackbird. In addition, mature trees on the project site may provide nesting habitat for raptors (birds of prey). 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. Despite the disturbed nature of the site, there remains the potential for raptors to nest in these trees. No other rare, threatened, or endangered animal species were observed on the project site, nor are any expected to occur since the area is generally developed.

STANDARD TREE REPLACEMENT RATIOS: 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
<p>x:x = tree replacement to tree loss ratio Note: 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 the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the development permit stage, to the satisfaction of the Director of Planning, Building and Code Enforcement,:

- 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 with in consultation with City Staff. 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 in consultation with City Staff for in-lieu off-site tree planting in the community.

STANDARD TREE PROTECTION CONDITIONS:

The following tree protection conditions 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**
 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 draw 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.

MITIGATION MEASURES FOR RAPTORS: 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 - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 7
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 8
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 8
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 8

FINDINGS:

a) According to the City's Archaeological Sensitivity Map, the project site has a low potential for the discovery of archaeological resources and is not considered archaeologically sensitive. The project

is not anticipated to impact archaeological resources. However, in the event any resources are found during grading, their disturbance would be a significant impact.

The cultural resources study does not show any recorded archaeological evidence. The cultural resource report contains recommendations to conduct archaeological monitoring. The Phase I Environmental Site Assessment report prepared by Partners Engineering, Inc. indicates that no significant listing regarding the subject property is found in the Sanborn Fire Maps or the Historic Resources Inventory. See *Appendix 1*.

The remnant buildings on the site including the recreation center can be dated to early 1970's. However, the existing structure does not exhibit architectural features or fine construction materials or methods that are considered important to the architectural heritage of San Jose nor are identified as having significant role in the history of San Jose or associated with significant events.

The following summary is based on the results of the prehistoric and historic records search and historic USGS maps of the project site. No prehistoric or historic era sites, or local, state, or federal historically or architecturally significant structures, landmarks or points of interest were listed within or adjacent to the proposed project area. No known prehistoric, ethnographic or contemporary Native American resources that include villages, sacred places, traditional or contemporary use areas, have been listed in or adjacent to the project area. No Hispanic Period archaeological resources have been listed in or adjacent to the project site and no evidence of significant historic era archaeological resources was observed during the field observations.

b) See response to Checklist Item V.a, above.

c) No paleontological resources or unique geologic features have been identified on the site. See response to Checklist Item V.a, above

d) See response to Checklist Item V.a, above.

The following standard conditions will be incorporated into the project:

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 has incorporated 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.

VI. GEOLOGY AND SOILS - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 5, 24
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 24
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 24
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 5, 24
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 24
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 24
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 5, 24
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 5, 24

FINDINGS:

a) The San Francisco Bay Area is one of the most seismically active regions in the United States. The significant earthquakes that occur in the Bay Area are generally associated with earth movement

along the well defined, active fault zones of the San Andreas Fault system, which regionally trends in a northwesterly direction. The subject site is not located in a designated Alquist-Priolo Earthquake Fault Zone, or a City of San Jose Geological Hazard Zone. The nearest active Fault zones are the Monte Vista–Shannon Fault, the Calaveras Fault and the San Andreas Fault. The potential for surface rupture or fault offset at the subject site would therefore be considered remote. No impacts would occur as a result of the new project.

1. The site is not located within a Geologic Hazard Zone. However, the project site is located in close proximity to the seismically active San Francisco region, which requires that the building be designed and built in conformance with the requirements of the 2010 Uniform Building Code for Seismic Zone 4. The potential for geologic and soils impacts resulting from conditions on the site can be mitigated by utilizing standard engineering and construction techniques. As the project includes these required measures, the potential for seismic impacts will be less than significant. Due to its location within a seismically active region, the project site would likely be subject to at least one moderate to major earthquake that could affect the project after construction. The site would be subject to strong ground shaking in the event of a major earthquake on one of the region's active faults. Because the potential for liquefaction on the site is considered high, liquefaction and differential settlement could occur on the site during an earthquake. The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site. Conformance with standard Uniform Building Code Guidelines would minimize potential impacts from seismic shaking on the site. Therefore, this impact is considered less than significant. The site is not subject to landslides because it is generally flat.

2. The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The project site and its surroundings may experience intense seismic ground shaking during the next major earthquake on the San Andreas, Calaveras or other regional fault systems. The severity of seismic shaking at any given location depends on various factors, including earthquake magnitude, distance to the causative fault, depth to bedrock, physical characteristics of underlying soil and bedrock, and local topography. The Monte Vista–Shannon Fault, San Andreas Fault and the Calaveras fault would be the three faults most likely to produce intense seismic ground shaking in the project area. Given the geologic conditions of the region, the new project would not expose people or structures to any greater risks involving seismic ground shaking than would other projects located in a geologically similar setting. While the potential for strong seismic ground shaking cannot be eliminated, adherence to the Uniform Building Code would mitigate such risk to the extent feasible. As required by the City of San Jose building permit process, the proposed new development would be required to be designed and constructed in accordance with the current Uniform Building Code and other applicable standards and practices of earthquake-resistant construction. The California Building Code requires that a qualified professional classify and evaluate soil conditions for design of building foundations at proposed building sites. This would reduce potential impacts from strong ground shaking to a level that is not considered substantial or adverse.

3. Seismic-related ground failure such as liquefaction, and accompanying ground effects such as lurch cracking and lateral spreading can occur when loose, cohesionless materials are saturated with groundwater and undergo a temporary loss of strength during an earthquake or other intense ground shaking. For a new development, liquefaction can result in cracking, buckling, and other

forms of building damage. The project site is subject to the effects of liquefaction. The Soil Assessment Report is included in Appendix II of this Initial Study.

4. The project site is not located in a State Landslide Zone. The project would not therefore be required to obtain Geologic Hazard Clearance from the Public Works Department prior to the issuance of grading permits. No impacts would therefore result from implementation of the project.

b) The project will result in demolition and construction activities on the site. The construction could involve the removal of trees and ornamental vegetation, in addition to grading and earth moving activities. These activities would expose underlying soils, which would increase the potential for soil erosion from wind or storm-water runoff for the short period of time until the new planting is installed. As part of the permitting process, any future developer of the site would be required to prepare an Erosion Control Plan and Storm Water Pollution Prevention Plan (SWPPP). These plans would identify applicable “best management practices” to eliminate erosion potential on the site and would be subject to the review and approval of the Public Works Department.

c) See response to Checklist Item VIa. 2, above. According to the City of San Jose Geologic Hazard Maps, the project site is located in a State Liquefaction Zone. Conformance with Building Code Standards, as described in the response to Checklist Item VIa. and VIb., above, would reduce potential impacts to a less than significant level.

d) Per the Geological Investigation prepared by United Soil Engineering Inc., the soils underlying the project site is silt loam and has low expansion potential. But conformance with the Geological Investigation Report listed in Appendix 3 and Building Code Standards, would reduce potential impacts to a less than significant level.

e) City sanitary sewer service would be provided to the project site for the project. No septic tanks or alternative wastewater disposal systems would be used. Therefore, no impacts would occur as a result of the project.

The following standard conditions will be incorporated into the project:

- The project shall incorporate all recommendations set forth in the geotechnical investigation prepared for the proposed residential development by United Soil Engineering Inc. dated August 4, 2009. Implementation of the proposed project, in conformance with existing Building Code requirements would not result in significant geological and soil impacts and the following standard measures apply.
- The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.
- A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report).

VII. GREENHOUSE GAS EMISSIONS - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
(Note: Greenhouse gas(es) include, but are not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulphur hexafluoride)					

FINDINGS: The BAAQMD CEQA Guidelines state that if a project is located in a community with an adopted qualified GHG Reduction Strategy, the project may be considered less than significant if it is consistent with the GHG Reduction Strategy. The Envision San Jose 2040 General Plan includes a GHG Reduction Strategy. The project will conform to the policies and strategies contained in the GHG Reduction Strategy and are consistent with the Land Use / Transportation Diagram. Therefore it will not create a significant GHG Impact.

MITIGATION MEASURES: None required.

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,12
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS:

- a) The proposed residential project would not generate significant quantities of hazardous wastes. The City of San Jose sponsored household hazardous waste disposal program would be available to future homeowners on the site.
- b) Refer to the response to Checklist Item VIIIa.
- c) There are no existing or proposed schools within one-quarter mile of the project site.

d) The project is not listed on the State DTSC's Hazardous Waste and Substances Site List (Cortese List).

e) The project site is not located within an airport land use plan area and is not within two miles of a public airport or public use airport.

f) The project site is not located in the vicinity of a private airstrip.

g) The proposed project would not impair or physically interfere with the implementation of an adopted emergency response or emergency evacuation plan.

h) The project site is surrounded by residential and commercial land uses and is not located in or near an open space area that would be subject to wildland fires.

The following standard conditions will be incorporated into the project:

Implementation of the proposed project would not result in significant hazards or hazardous materials impacts. Development of the proposed project will require the demolition of existing clubhouse on the site to be undertaken in conformance with Federal, State and Local laws and regulations. A Phase I Report was prepared for this site by Partners Engineering, Inc. A copy of the report, entitled Phase I Environmental Site Assessment Report, dated April 5, 2008, is included in *Appendix I* of the Initial Study.

MITIGATION MEASURES: None required.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 15
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 groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 17
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 9
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 9
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS:

a) The proposed project would be subject to the City's requirements for erosion and sediment control and stormwater quality controls for both construction and post-construction phases. New construction in San Jose is subject to conformance with the State Water Resources Control Board's (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, which requires dischargers of stormwater to develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants, including sediments, associated with construction activities.

To obtain coverage under this permit, project applicants must file a Notice of Intent (NOI) with the State Water Resources Control Board SWRCB in addition to development of a SWPPP. The City has developed a policy that implements the post-construction provisions of the City's NPDES Permit for new construction and development.

The Post-Construction Urban Runoff management Policy requires new development projects to incorporate site design, source control and treatment measures for improving the water quality of urban runoff. The project proposes to utilize site design techniques to reduce the overall amount of directly connected impervious surface area on the site. Such techniques include roof downspouts that will be disconnected from the storm drain system to allow runoff from the rooftops to discharge to landscaping or other pervious surfaces.

In addition, landscaping will be maximized and pervious paving materials will be used wherever feasible to further reduce the impervious surface area of the site. Post-construction treatment measures proposed by the project include vegetative swales designed to treat runoff from paved surfaces. Building and landscape details illustrating these features will be provided at the PD Permit stage. Implementation of these measures would reduce potential impacts related to water quality standards or waste discharge requirements to less than significant levels.

b) The proposed project would not directly withdraw groundwater from the site. Rather, the San Jose Water Company would provide domestic water service to the site. Water demand associated with the proposed residential development on the site would be considered minor and would not require a substantial increase in groundwater pumping. The site is not in a designated recharge zone, and would therefore not interfere with the recharge of groundwater. No impacts would occur as a result of the project.

c) There are no waterways on-site that would be altered as a result of the project. However, new construction on the site would temporarily alter existing drainage patterns, and could potentially result in erosion on the site and siltation in downstream receiving waters. Any future development of the site would be subject to a General Construction Permit issued by the State Water Resources Control Board for storm water discharges associated with construction activity. Compliance with the General Construction Permit, preparation of the SWPPP, and implementation of the City's BMPs for storm water pollution prevention would reduce potential erosion and siltation impacts to a less than significant level. Therefore, impacts related to erosion and siltation would be considered less than significant.

d) As previously stated, construction of the proposed residential development would alter existing drainage patterns on the site. The project would create more impervious surface area than currently exists on the site, resulting in an increase in runoff from the site. The proposed drainage plan includes the construction of an adequately sized on-site storm drainage collection system designed to control on-site and off-site flooding. In addition, the project would be required to conform to the City's Post-Construction Urban Runoff Management Policy, which requires incorporation of site design, source control and treatment measures for improving the water quality of urban runoff.

e) As discussed above, construction can cause erosion and sedimentation. In addition, post-construction residential development on the site could potentially create sources of polluted runoff from vehicle traffic and parking, roofing materials, landscape maintenance, pet waste, and other activities associated with residential use. Conformance to the NPDES Permit requirements through the City's grading permit process would reduce potential erosion and sedimentation impacts to less than significant levels. Consistent with the City's Post Construction Urban Runoff Management Policy, the project proposes source control measures to reduce the amount of potentially polluted runoff generated by the project. Less than significant impacts will result.

f) There are no other identified potential impacts to water quality from the run-off caused by proposed development. See response to Checklist Item IX.a above. The construction and post-construction impacts can be mitigated with the measures listed in Conclusion below.

g) The project site is not within the designated Federal Emergency Management Agency (FEMA) Flood Hazard Area. Based on the FEMA flood insurance area for the City of San Jose, the project site is not located within a 100-year floodplain and would therefore have no impact on 100-year flows. The project would not expose people to flood hazards associated with the 100-year flood. The site is not subject to seiche or tsunami.

h) Refer to the response to Checklist Item IX.g.

i) There are no levees or dams in the vicinity of the site that would impact the project.

j) The project site is not located in an area subject to seiche, tsunami or mudflow.

The following standard conditions will be incorporated into the project:

Implementation of the proposed project, in conformance with NPDES Permit and Post-Construction Urban Runoff Management Policy requirements, and in conformance with Public Works Department requirements for flood-prone areas would not result in significant hydrology and water quality impacts.

The proposed subject property is 12.93 acres in size, of which 3.9 acres will include new construction. The site is currently covered with 436,015 sq. ft. of impervious surface. The proposed development of 3.9 acres of the site will add 23,886 sq. ft. of impervious surface for a total impervious surface of 459,901 sq. ft.

The project shall comply with the City of San Jose's Grading Ordinance, including erosion and dust controls during site preparation, and with the City of San Jose's Zoning Ordinance requirement of keeping adjacent streets free of dirt and mud during construction.

Pre-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) General Construction Activities Permit, to the satisfaction of the Director of Public Works, as follows:
 1. The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of storm-water pollutants including sediments associated with construction activities;
 2. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
- The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San Jose,

California 95113. The Erosion Control Plan may include BMPs as specified in ABAG’s *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City’s storm drainage system from construction activities.

- The project applicant shall comply with the City of San Jose Grading Ordinance, including 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. The following specific BMPs will be implemented to prevent storm-water pollution and minimize potential sedimentation during construction:
 1. Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season.
 2. Utilize on-site sediment control BMPs to retain sediment on the project site;
 3. Utilize stabilized construction entrances and/or wash racks;
 4. Implement damp street sweeping;
 5. Provide temporary cover of disturbed surfaces to help control erosion during construction;
 6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Post-Construction Measures

- Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific Best Management Practices (BMPs).
- The project shall comply with Provision C.3 of NPDES Permit Number CAS612008, which provides enhanced performance standards for the management of stormwater of new development and redevelopment.

The project shall comply with applicable provisions of the following City Policies 1) Post-Construction Urban Runoff Management Policy (6-29) which establishes guidelines and minimum BMPs for all projects and provides for numerically-sized (or hydraulically-sized) TCMs for projects that create and/or replace 10,000 sq. ft. or more of impervious surface or are considered a “Land Use of Concern” and 2) Post-Construction Hydro-modification Management Policy (8-14) which requires the incorporation of measures to control hydro-modification impacts resulting from new development and redevelopment projects where such hydro-modification is likely to cause increased erosion, silt pollutant generation or other adverse impacts to local rivers and creeks.

MITIGATION MEASURES: None required.

X. LAND USE AND PLANNING - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2

FINDINGS:

a) Projects that have the potential to physically divide an established community include new railroad lines, freeways and highways, major arterial streets, and the proposed development is within an existing residential neighborhood, and would therefore not physically divide an established community but rather integrate with that community. Subsequent to rezoning approval, the proposed project will be subject to architectural and site review by the City of San Jose at the Planned Development Permit stage. Conformance with the City's adopted Residential Design Guidelines would ensure that the new development is compatible with existing neighborhood character and does not adversely impact neighboring residential uses. No impacts would occur as a result of the project.

b) The Envision San Jose 2040 General Plan Land Use/Transportation Diagram land use designation for the residential project is *Mixed Use Neighborhood* on approximately 1.47 acres and *Urban Residential* on approximately 11.46 acres.

Per the Envision 2040 General Plan, the *Mixed Use Neighborhood* (Density upto 30 DU/AC; FAR 0.25 to 2.0; 1 to 3.5 stories) designation supports commercial or mixed-use development integrated within the Mixed Use Neighborhood area. It is applied to areas intended for development primarily with either town-house or small lot single-family residences and existing neighborhoods that that would include a mix of residential densities and forms..

The *Urban Residential* (Density: 30-95 DU/AC; FAR 1.0 to 4.0; 3 to 12 stories) allows for medium density residential development and commercial uses in Growth Areas or as infill development within areas with characteristics similar to the Urban Village areas.

The proposed rezoning has an overall density of 30.2 dwelling units per acre and is consistent with the land use designations. The project is consistent with the Residential Land Use and Community Design Policies of the Envision General Plan.

c) As noted in the response to Checklist Item IV.f, the project site is not located within the boundaries of an adopted Habitat Conservation Plan or Natural Community Conservation Plan. Therefore, no impacts would occur as a result of the proposed residential development.

The following standard conditions will be incorporated into the project:

Implementation of the proposed project, which is consistent with the General Plan policies, goals and objectives, would not result in significant land use impacts.

XI. MINERAL RESOURCES - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 23
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 23

FINDINGS:

Implementation of the proposed project would not result in significant mineral resource impacts of construction aggregate materials.

a) The State Mining and Geology Board has designated the Communications Hill Area of San Jose as containing mineral deposits of regional significance based on the mandate of the Surface Mining and Reclamation Act of 1975. 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 either of statewide significance, or the significance of which requires further evaluation. The subject project site is not located in the Communications Hill Area. Therefore, the project would not result in significant mineral resource impacts.

b) Other than the Communications Hill Area, the City of San Jose 2020 General Plan does not identify any locally important mineral resources within the City of San Jose. Therefore, the project would not result in impacts related to locally important mineral resources.

MITIGATION MEASURES. No mitigation measures are required.

XII. NOISE

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 13, 18
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS:

a-c) According to Noise Policy 1 of the General Plan, the City's acceptable noise level objectives are 55 dB DNL as the long-range exterior noise quality level, 60 dB DNL as the short-range exterior noise quality level, 45 dB DNL as the interior noise quality level, and 76 dB DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. According to the Noise Assessment Study for the proposed development on the subject property prepared by Edward L. Pack Associates for the subject site in December 2008, the noise exposure will increase to 55dB DNL under future traffic conditions which is within the standard limits.

As the primary noise source in the project area is traffic on Summerside Drive, McLaughlin Avenue and Lucretia Avenue, the distance between the proposed residential units to included in the subject

rezoning and the centerline of Summerside Drive is approximately 60 feet, which is within the predicted future 60 dB Noise contour. The project would not, therefore, be expected to expose future residents of the proposed development to noise levels in excess of the City's standard for exterior noise. Because the proposed units would have exterior levels at 51-55 dB (less than 60 dB), and the interior levels at 36-40 dB (less than 45 dB), would correspondingly be less than the stipulated City Standards. As described in the Transportation section, the proposed project would generate approximately 77 AM and 77 PM peak hour daily trips. As traffic would normally have to double to create a significant impact, traffic generated by this project is not expected to substantially increase noise levels in the project area.

d) Although construction of the project could increase noise levels, this impact would be considered temporary. The proposed residential development is not expected to substantially or permanently increase the existing noise levels. Noise from the construction of the proposed project could potentially pose a significant impact to the surrounding residential properties. Mitigation measures will be incorporated into the proposal for temporary concrete crushing during construction.

Noise impacts resulting from construction depend on: 1) the noise generated by various pieces of construction equipment; 2) the timing and duration of noise generating activities; 3) the distance between construction noise sources and noise sensitive receptors; and 4) existing ambient noise levels. The demolition of the existing building and concrete crushing activities on-site and the construction of the proposed building would generate noise and would temporarily increase noise levels at nearby sensitive land uses. No pile driving would be required for construction of the proposed project.

Typical hourly average construction noise levels are 75 to 80 dBA measured at a distance of 100 feet from the site during busy construction periods. Concrete crushing equipment would generate noise levels of approximately 80 to 85 dBA at 50 feet. Such noise levels would be intermittently audible to residences within 1,000 feet of the construction site.

Construction activities may also result in annoyances to existing commercial development adjacent to the project site. However, because the duration of construction would be approximately months, the project would not result in significant short-term construction related noise impacts. Further, mitigation measures, as described below, are included in the project to avoid or further reduce noise impacts.

MITIGATION MEASURES:

- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.

- Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- Weekend construction hours, including staging of vehicles, equipment and construction materials, shall be limited to Saturdays between the hours of 9 a.m. to 5 p.m. Permitted work activities shall be conducted exclusively within the interior of enclosed building structures provided that such activities are inaudible to existing adjacent residential uses. Exterior generators, water pumps, compressors and idling trucks are not permitted. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions. Rules and regulation pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of a developer appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site. The Director of Planning, at his discretion, may rescind provisions to allow extended hours of construction activities on weekends upon written notice to the developer.

e) The project site is not located within an airport land use plan area and is not within two miles of a public airport or public use airport. Therefore, no impacts would occur as a result of the future project.

f) The project site is not located within the vicinity of a private airstrip. Therefore, no impacts would occur as a result of the project.

Implementation of the proposed project would not result in significant noise impacts. Edward L. Pack Associates has prepared a Noise Assessment Study for the subject site in December 2008. According to the study levels, the exterior noise level at the site varies from 51-55DB. All new multi-family housing is subject to the requirements of Title 24, Part 2, of the State Building Code.

XIII. POPULATION AND HOUSING - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

FINDINGS:

This project would not result in significant population and housing impacts.

- a) The construction of 103 multi-family units in an existing developed residential neighborhood, and would therefore not result in substantial population growth.
- b) The proposed project would not displace any single-or multi-family dwelling unit on the existing site. No impacts would occur.
- c) Refer to the response to Checklist Item XIII.b.

MITIGATION MEASURES. No mitigation is required.

XIV. PUBLIC SERVICES - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 42
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2

FINDINGS: Development of the proposed project would not result in an increased demand for public services. The project site is located in an urbanized area of San Jose, and well served by existing Fire, Police, School, Park and other Public Facilities. The site is served by 3 fire stations within 2 minutes response time. No additional Fire or Police personnel or equipment are necessary to serve the proposed project. Therefore, the project will have a less than significant impact.

a) The project site would be served by the City of San Jose Fire Department. The Department has a performance standard to maintain a four minute average response time to all emergency calls in the City. Fire Station 26, which is located at 528, Tully Road, is approximately 1.07 miles of the site and would provide initial response to the site. Fire Station Response time for the station is within the City standard of four minutes. The project would create new residential use on the property, resulting in a unsubstantial increase in the demand for fire services. The project site is located within an existing residential neighborhood that is currently served by Fire Stations 3, 16, 26 within a response time of two minutes. The proposed residential development would not result in any significant impact.

b) The project would create new residential uses on the site, resulting in a minor increase in the demand for police services. The project site is located within an existing residential neighborhood currently served by the City Police Department.

c) The project would result in a minor increase in the City's population which would, in turn, result in an increase in demand for educational facilities. This increase is not expected to result in any significant environmental impact. The project site is located within the Franklin-Mckinley School District and East Side Union High School District. The proposed residential development is within a mile's distance from Meadows Elementary, Shirakawa Elementary, Stonegate Elementary, Fischer Middle School, Fair Junior High and Yerba Buena High School. The project developer would be required by law to pay school fees in the amount of \$1.93 per square foot as mitigation for school facilities impacts.

d) The City of San Jose manages approximately 3,500 acres of regional and neighborhood parkland. The City's Departments of Parks, Recreation and Neighborhood Services, Public Works, and General Services are responsible for the design, construction, maintenance and operation of all City park and recreation facilities. The City has adopted a Parkland Dedication Ordinance (PDO) and a Park Impact Ordinance (PIO), which require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing development projects. The existing parks that currently serve the neighborhood include Franklin Kelly Park located approximately 1.2 miles northwest of the site, Emma Prusch Park located 1.6 miles north west of the site and Selma Olinder Park located 1 mile north of the site.

e) The subject project site is located within an existing developed residential community with access to existing public services and utilities, including gas, electrical, telephone, and cable. Development of the proposed project would result in a minor increase in the demand for these services and utilities. However, the minor increase would not result in significant impacts, since the existing services and utilities are currently located at or near the site. Therefore, less than significant impacts would occur as a result of the project.

The following standard conditions will be incorporated into the project:

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

MITIGATION MEASURES: No mitigation measures are required.

XV. RECREATION - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2

FINDINGS:

a) See response to Checklist Item XIV.d. (Parks), above

b) See response to Checklist Item XIV.d. (Parks), above

Development of the proposed project would not result in significant recreation impact because, per Municipal Code Chapter 19.38, each new residential project shall be required to conform to the City of San Jose's *Park Impact Ordinance (PIO)* and *Parkland Dedication Ordinance (PDO)*. The City of San José has adopted the *Parkland Dedication Ordinance (PDO)* (Chapter 19.38) and *Park Impact Ordinance (PIO)* requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing Developments. The proposed project would increase the number of residents on the site. Although the project includes recreational space for new residents, the project would add to the residential population using nearby recreational facilities. However, the project is not expected to increase the use of existing parks such that substantial deterioration would occur or be accelerated.

MITIGATION MEASURES: None required.

XVI. TRANSPORTATION/TRAFFIC - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 19
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 19
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 20
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18

FINDINGS:

a) The project would generate a relatively small volume of trips during the AM and PM peak hour periods. The Santa Clara County Congestion Management Program Guidelines require the preparation of a traffic study when a project generates 100 or more new weekday AM or PM peak hour trips. Based on ITE trip generation rates, the proposed project would generate a total of about 77 AM and 77 PM Peak hour trips. The amount of traffic generated by the project would not be expected to be substantial or exceed the City's Level of Service Policy standards. Less than significant impacts would result. *See Appendix V.*

b) See response to Checklist Item XVIa., above.

c) The project would not have any impact on air traffic.

d) The street improvements at all intersections of the Summerside Avenue, Lucretia Avenue and McLaughlin Avenue are constructed in accordance with the City of San Jose standards to minimize any potential hazards.

e) The project will be required to be designed in accordance with City of San Jose emergency access standard minimum dimensions of all accessible streets. Therefore, no impacts would occur as a result of the project.

f) The project site is currently served by the existing Santa Clara Valley Transportation Authority (VTA) transit system. Major VTA bus lines and light rail service are within walking distance from the site Lucretia Avenue and McLaughlin Avenue. Therefore, the location of the project would provide an opportunity for future residents of the project to use alternative modes of transportation. No impacts would occur as a result of the project.

Implementation of the proposed project would not result in significant transportation impacts. The proposed development provides a total of 193 parking spots on site, 175 resident parking at the garage and 18 guest spots on site, which fulfills the City requirement. No impacts would result.

MITIGATION MEASURES: No mitigation measures are required.

XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 15
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 22

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 21

FINDINGS:

Implementation of the proposed residential development would not result in utilities and service system impacts. This would not require construction of new facilities for water, wastewater treatment, storm drainage, or waste disposal because the proposed residential development is located within the City of San Jose Urban Service Area and has access to those facilities.

a) The future project would be subject to all wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board. The project is not expected to exceed any such requirements. Therefore, no impacts would occur as a result of the project.

b) The San Jose Water Company (SJWC) provides water services to the project site and an increase in the demand for treated drinking water would result from the proposed residential development. The SJWC water supply is treated at two SJWC water treatment plants and several Santa Clara Valley Water District (SCVWD) water treatment plants. It is anticipated that the existing water treatment facilities of the SJWC and the SCVWD would have adequate capacity to serve the project. Therefore, the proposed project would not require or result in the construction of new water treatment facilities or the expansion of existing facilities. Therefore, no impacts would occur as a result of the project. There are existing City of San Jose sanitary sewers in the project vicinity that are available to serve the project. The project would result in a minor increase in the demand for sewer treatment services. The San Jose/Santa Clara Water Pollution Control Plant would provide wastewater treatment services for the project.

c) The project site is located in a developed area containing existing City of San Jose storm drain lines. There is an existing storm drain easement located along Summerside Drive to the southern end of the project site extending into the subject property. The project developer will be responsible for providing the necessary infrastructure improvements to accommodate storm-water drainage from the site, in conformance with City policy.

d) Refer to the Response to above Checklist Item XVII b. The project would receive domestic water service from the City of San Jose Water Company. The drinking water demand associated with the

project is marginal and would not require San Jose Water Company to obtain any additional water sources.

e) As noted in the response to Checklist Item XVI. b, the San Jose/Santa Clara Water Pollution Control Plant would provide wastewater treatment services to the project. The facility currently operates at approximately 80 percent capacity and has a treatment capacity of 167 million gallons per day. The existing wastewater treatment facility would have the capacity to adequately serve the proposed residential development; therefore no impacts would occur as a result of the project.

f) According to the Source Reduction and Recycling Element prepared for the City of San Jose and the County-wide Integrated Management Plan, there is sufficient landfill capacity to meet the solid waste disposal demands of Santa Clara County for at three decades. Therefore, the amount of waste generated by the proposed residential development would not be considered substantial and less than significant impacts would occur as a result.

g) No hazardous waste generating uses are anticipated with the proposed residential development. The proposed project will comply with the applicable City Recycling Program requirements.

MITIGATION MEASURES: No mitigation measures required.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE - Would the project:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a) Does the project have the potential to (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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 10
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 16

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

a) The proposed rezoning to allow multi-family residential use on the site would result in a significant change in the on-site environment. However, there are no known historic or prehistoric resources on the site. Implementation of Mitigation Measures described in this document would reduce potential impacts to less than significant levels. No special status species or habitat is present on the project site, therefore the project would not reduce the habitat of fish or wildlife species, cause their populations to drop below self-sustaining levels, or restrict their range.

b) When considered in combination with the effects of past projects, current projects, and probable future projects, the incremental impacts of the project would not be substantial. As discussed in the response to Checklist Item IX.b., above, the project would be consistent with the Residential Land Use Goal and Policies, and the Growth Management and Sustainable City Major Strategies of the City's General Plan. Therefore, the cumulative impacts due the future project would be less than significant.

c) No substantial adverse effects on human beings caused by physical environmental issue were identified, either directly or indirectly.

MITIGATION MEASURES: No mitigation measures required.

As discussed in the previous sections, the proposed project will not have potentially significant environmental effects. With the above noted mitigation, however, the impacts of the proposed project would be reduced to a less than significant level.

4. REPORT CONSULTANTS

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