

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

File No. PDC11-003 (Sabercat Dove Hill Road). The proposed project is a rezoning of the subject 7.24 gross acre site, located on the south side of Yerba Buena Road adjacent to the east side of Highway 101, to the A(PD) Planned Development Zoning District to allow for the development of up to sixteen (16) single-family detached residential units on approximately 3.8 acres of the site, the potential for a small, 200 seat church on approximately 1.6 acres of the site, and approximately 1.8 acres of hillside open space. (Council District: 8)

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 **June 20, 2012**, and ends on **July 10, 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 by phone at (408) 535-7852.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on:

June 20, 2012

John Parkinson
Deputy

MITIGATED NEGATIVE DECLARATION

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

NAME OF PROJECT: Sabercat Dove Hill Road

PROJECT FILE NUMBER: PDC11-003

PROJECT DESCRIPTION: The proposed project is a rezoning of the subject 7.24 gross acre site, located on the south side of Yerba Buena Road adjacent to the east side of Highway 101, to the A(PD) Planned Development Zoning District to allow for the development of up to sixteen (16) single-family detached residential units on approximately 3.8 acres of the site, the potential for a small, 200 seat church on approximately 1.6 acres of the site, and approximately 1.8 acres of hillside open space.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Southeast corner of Yerba Buena Road and Dove Hill Road (3800 Dove Hill Road) (APN 679-11-001, 679-10-006 and 007)

COUNCIL DISTRICT: 8

APPLICANT CONTACT INFORMATION:

Joey Lo, 3300 Ralston Avenue Hillsborough, CA 94010

FINDING:

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

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

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

III. AIR QUALITY. The project will not have a significant impact on air quality, and therefore no project-specific mitigation is required. The project will implement standard construction-related BMPs, per the BAAQMD CEQA Guidelines.

IV. BIOLOGICAL RESOURCES.

- **Burrowing Owls.** The developer shall have a qualified biologist conduct a survey and prepare a report not more than one month prior to construction activities to determine the presence of burrowing owls on the site. If owls are present on the site, a mitigation program shall be developed in conformance with the requirements of the California Department of Fish and Game and the U.S. Wildlife Service. If mitigation includes relocation, owls shall not be relocated during the nesting season (March through August). Prior to the issuance of any grading or building permits, the developer shall submit a biologist's report to the City's Environmental Principal Planner to the satisfaction of the Director of Planning indicating that no owls were found on the site or that owls were present and that mitigation has been implemented in conformance with the requirements of the above regulatory agencies.
- **Special-Status Plants.** The developer shall have a qualified biologist conduct updated surveys prior to construction activities, and in the spring months when special-studies plants are flowering and readily identifiable. The first survey should be conducted in March, continuing once a month through June (for a total of four surveys). During the 2001 special-status plant surveys one special-status plant was identified on the project site: fragrant fritillary (*Fritillaria liliacea*). Two fragrant fritillary plants were observed onsite during these surveys. Fragrant fritillary is a California Native Plant Society (CNPS) List 1B.2 species. It has no State or federal status. While not protected under either the State or Federal Endangered Species Acts, plants on CNPS List 1B.2 must be considered in any CEQA document prepared by a Lead Agency (for example, a City, a County). Under the current development proposal, the two fragrant fritillary plants would be impacted. These impacts could be avoided by relocating these plants (which grow from bulbs) to a suitable protected location on another portion of the site not proposed for development.

V. CULTURAL RESOURCES.

- **Historic Resources.** The historic evaluation report recommends that in order to mitigate impacts to this recorded cultural resource, the project should retain the Sandstone rock wall, and incorporate new and/or rebuilt portions of the Serpentine and Metamorphic rock wall into the landscaping on the property. The report also recommends that future development on the project site should take into consideration placing a historical plaque/sign on the project site describing the Cottle Stone Fence site and its significance to the local area. The plaque/sign should contain a written description prepared by a qualified historian or cultural resource specialist. Photo documentation and an historic interpretation of the Cottle Stone Fences, written by a qualified historian or cultural resource specialist, site is recommended. The impacts to the historic resources will be less than significant with this documentation for the Serpentine and Metamorphic rock wall feature and preservation of the Sandstone rock wall.

VI. GEOLOGY AND SOILS. The project will not have a significant impact due to geology and soil conditions, and therefore no mitigation is required.

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

VIII. HAZARDS AND HAZARDOUS MATERIALS.

- Grading operations should be performed in accordance with 17CCR Sections 93105 and 93106. If grading operations encounter areas of suspected serpentinite where NOA is more likely to occur, dust mitigation measures as outlined in 17 CCR 93105 should be implemented and samples of the material to be disturbed should be analyzed for NOA minerals.
- If NOA materials are found during grading operations, then:
 - As a part of project grading, the top 18 inches to 2 feet of soil shall be replaced with clean soil, so as to avoid impacts from naturally occurring asbestos (NOA).
 - Future homeowners should be notified that they may encounter asbestos in any subsurface excavations greater than two feet in depth and that special precautions will be required to comply with adopted standards to reduce risks to an acceptable level. Future homeowners will also be advised of the excavation precautions necessary if they plan to install a spa or pool.

IX. HYDROLOGY AND WATER QUALITY. The project will not have a significant impact on hydrology or water quality, and therefore no mitigation is required. Implementation of standard measures, consistent with NPDES Permit and City Policy requirements, will ensure that potential construction impacts to surface water quality are less than significant.

X. LAND USE AND PLANNING. The project will not have a significant land use impact, therefore no mitigation is required.

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

XII. NOISE.

Construction Related Noise.

- 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.

- 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.

Exterior / Interior Noise. The project will incorporate mitigation measures to reduce indoor and outdoor noise to the meet the City's goals.

- Sound-rated walls, windows and exterior doors will be needed to reduce environmental noise to the City's goal of DNL 45 dBA or lower indoors. Specific details and sound insulation ratings must be determined during the design phase, when floor plans and elevations have been developed. For the comfort or residents, consider providing a ventilation system to provide outside air to homes with windows closed.
- To provide an estimate of the extent of mitigation that may be needed, preliminary estimates assume a 12- by 14-foot room with approximately one-third of one or two exterior facades consisting of windows. Based on this, window and door sound insulation ratings up to approximately STC 35 may be needed at the homes in the western portion of the site. Ratings will decrease towards the northeast corner, where typical dual-pane windows are expected to suffice. Exterior walls are assumed to be similar to 3-coat stucco over wood sheathing with batt insulation in stud cavities and at least one-layer of gypsum board on the interior.
- Outdoor noise levels will vary, depending on the location and orientation to US 101 and Yerba Buena Road. This assessment assumes that houses will include fenced side or rear yards. Initial estimates suggest that 7- to 10-foot tall noise barriers (with respect to yard elevation) will reduce estimated future traffic noise to the City's goal of DNL 60 dBA or lower in yards. For reference, 6-foot tall noise barriers would reduce traffic noise to approximately DNL 65 dBA or lower in yards. Specific details must be determined during the design phase as the location, orientation, and elevation of houses and yards is developed.
- Effective noise barriers should be solid from bottom to top with no cracks or gaps, and should have a minimum surface density of three pounds per square foot. Common constructions include CMU block or framed plaster walls.

XIII. POPULATION AND HOUSING. The project will not have a significant population and housing impact, and therefore no mitigation is required.

XIV. PUBLIC SERVICES. The project will not have a significant impact on public services, and therefore no mitigation is required.

XV. RECREATION. The project will not have a significant impact on recreational facilities, and therefore no mitigation is required.

XVI. TRANSPORTATION / TRAFFIC.

- The project, in conformance with the Evergreen East Hill Development Policy, will be required to pay a Traffic Impact Fee (TIF) in the amount of \$13, 214 per residential unit.

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

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

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **July 10, 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

Circulation period: from June 20, 2012 to July 10, 2012 .



Deputy

INITIAL STUDY

June 8, 2012

PROJECT FILE NO.: PDC11-003

PROJECT DESCRIPTION: The proposed project is a rezoning of the subject 7.24 gross acre site, located on the south side of Yerba Buena Road adjacent to the east side of Highway 101, to the A(PD) Planned Development Zoning District to allow for the development of up to sixteen (16) single-family detached residential units on approximately 3.8 acres of the site, the potential for a small, 200 seat church on approximately 1.6 acres of the site, and approximately 1.8 acres of hillside open space.

The site is a moderately sloping, vacant grassland parcel that overlooks Highway 101 to the northwest. (See also the Location Map, Parcel Map, General Plan Map, Zoning Map, Aerial site photo, and photos of the site.)

PROJECT LOCATION AND ASSESSOR'S PARCEL NUMBER(s): Southeast corner of Yerba Buena Road and Dove Hill Road (3800 Dove Hill Road) (APN 679-11-001, 679-10-006 and 007)

EXISTING GENERAL PLAN DESIGNATION: Residential Neighborhood

EXISTING ZONING: A (PD)

EXISTING LAND USE: Vacant

SURROUNDING LAND USES / GENERAL PLAN / ZONING:

North: Single-family detached across Yerba Buena Road/Low Density Residential (8 DU/AC)/R-1-8(CL)

East: Single-Family detached/Low Density Residential (8 DU/AC)/A(PD) Planned Development

South: Single-family detached and hillside/Non Urban Hillside/A Agriculture

West: Highway 101/ Low Density Residential (8 DU/AC)

PROJECT APPLICANT'S NAME AND ADDRESS: Joey Lo
3300 Ralston Avenue Hillsborough, CA 94010

LEAD AGENCY CONTACT INFORMATION: Lesley Xavier
City of San Jose Planning Department
408-353-7852

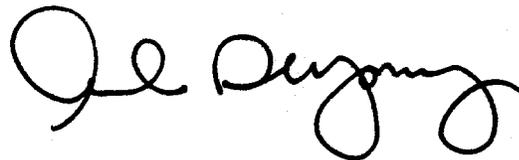
OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED: None

<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>
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DETERMINATION

On the basis of this initial study:

	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	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.
	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required.
	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.
	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.



May 30, 2012

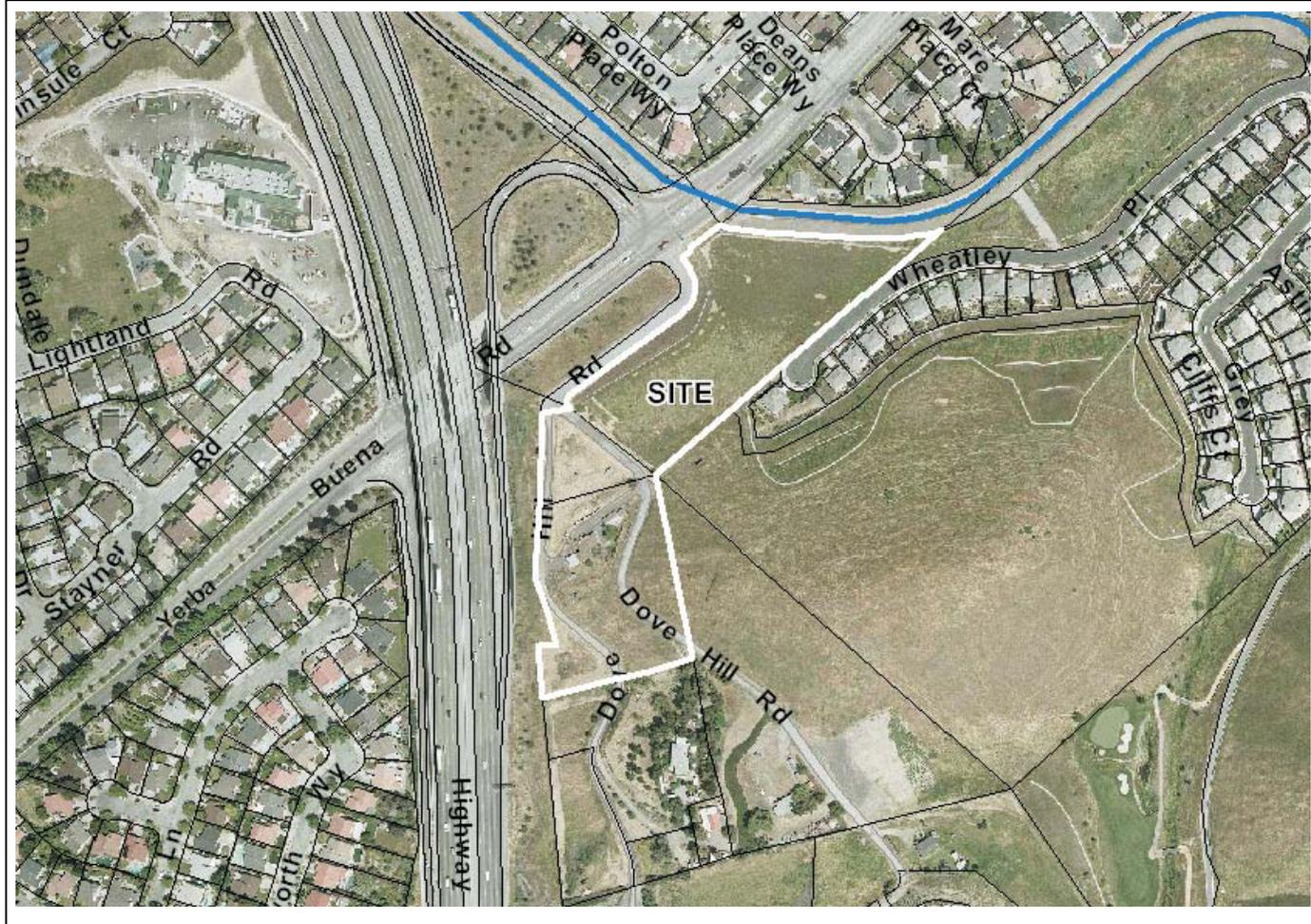
 Date

 Signature

Name of Preparer: Gerry De Young

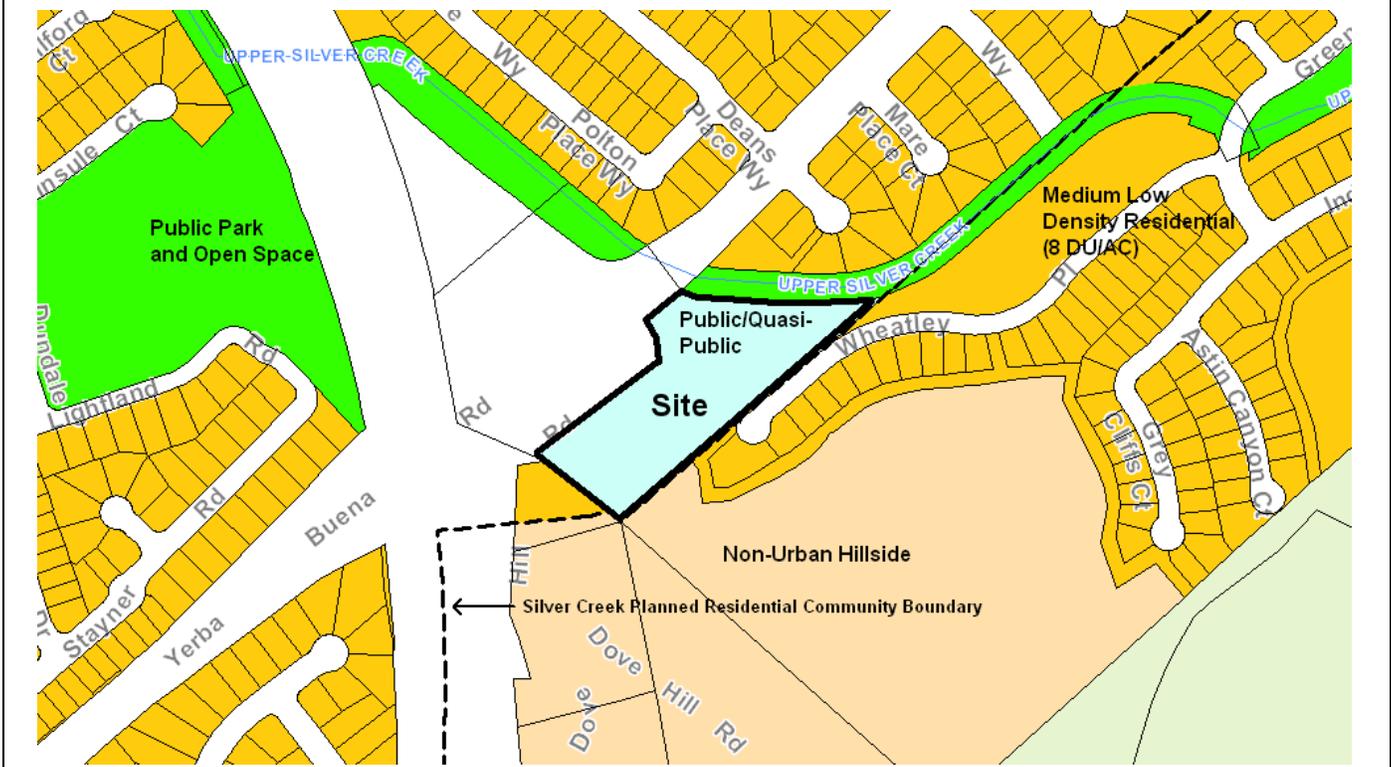
<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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Aerial Map

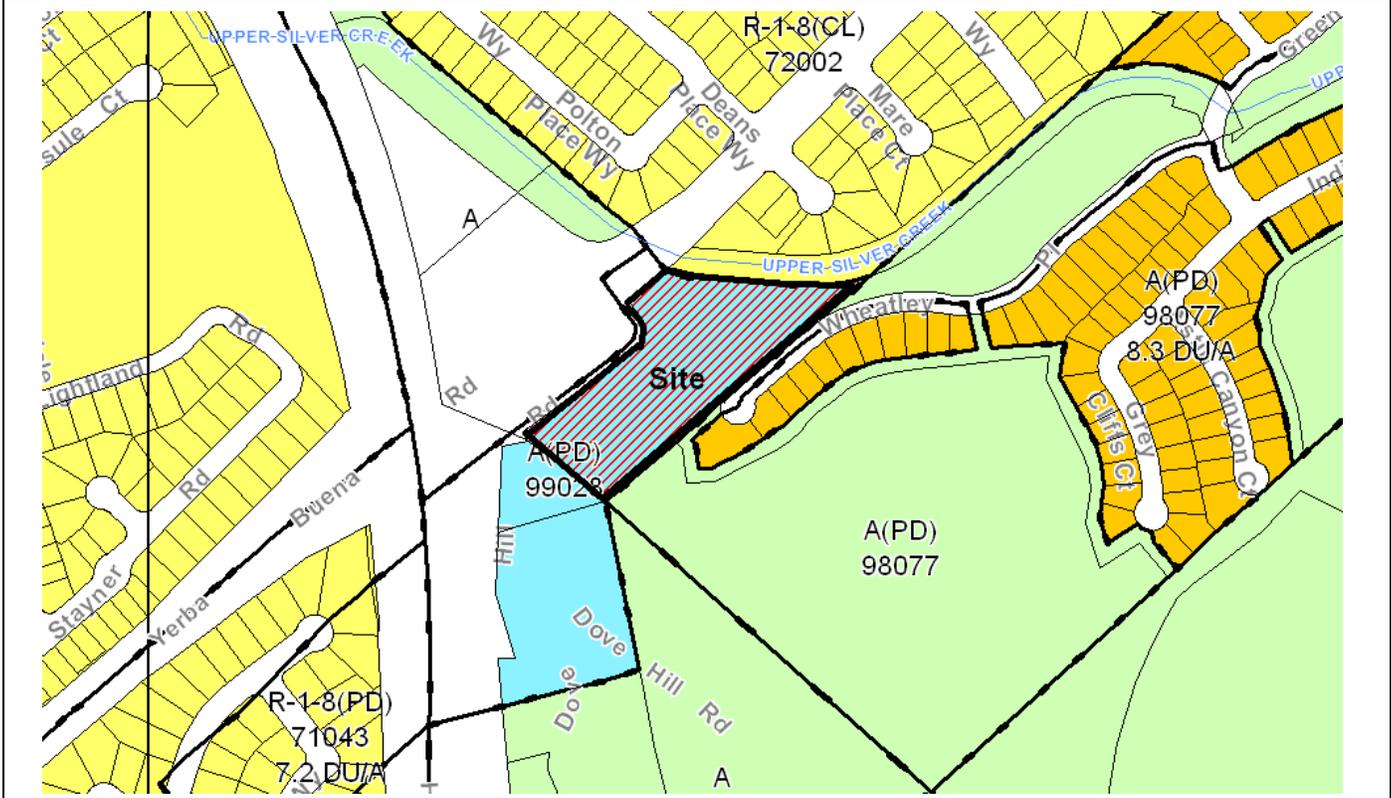


Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
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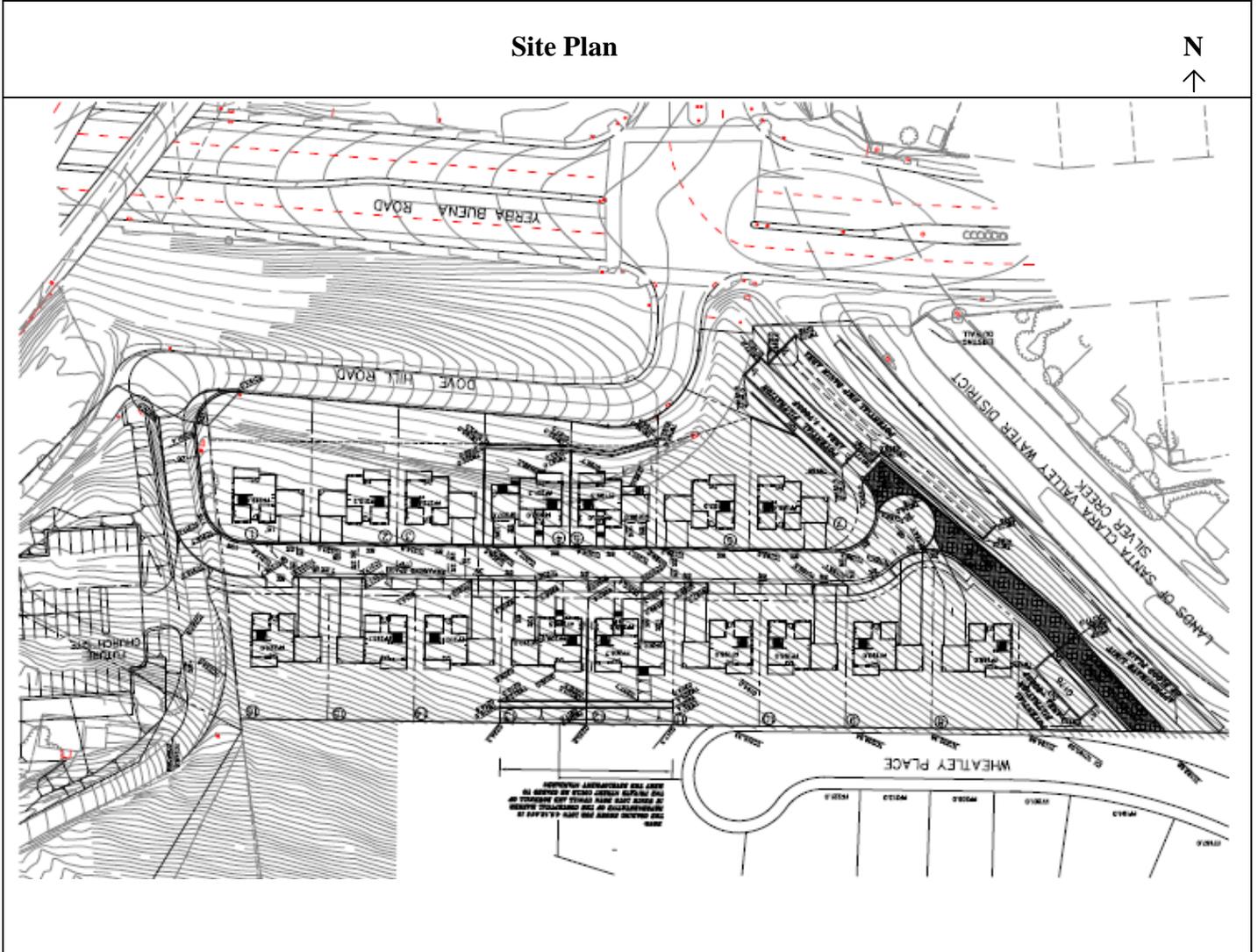
San Jose 2020 General Plan Land Use Map



Zoning Map



<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>
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<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>
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Site Pictures

Images courtesy of Google Maps. April 2011



Looking at the site towards the southeast.



Looking at the site towards the south.

<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>
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I. AESTHETICS - Would the project:

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 out-croppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

FINDINGS:

The development of the vacant site consistent with the existing land use designation would alter the existing visual character of the site and its surroundings as it would allow the construction of up to 16 single-family detached residential units. However, the proposed project would not significantly degrade the existing visual character of the site or create a significant new source of substantial light or glare in that the project would be required to undergo architectural and site design review (PD Permit) by Planning Staff to ensure compatibility with the surrounding neighborhood.

Exterior building lighting associated with the new development would likely 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 shall implement the following standard project conditions:

- Design of the project shall conform to the City’s *Residential Design Guidelines* (or other Design Guidelines; please specify).
- Lighting on the site shall conform to the City’s *Outdoor Lighting Policy* (4-3).

II. AGRICULTURE AND FOREST RESOURCES - Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	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 type="checkbox"/>	X	1,3,4
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"/>	X	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>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,3,4

FINDINGS:

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. Therefore, the proposed project will not result in a significant impact on the City’s or Region’s agricultural resources.

MITIGATION MEASURES:

None Required.

III. AIR QUALITY - Would the project:

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 type="checkbox"/>	<input checked="" 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:

The City of San Jose uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. Based on the BAAQMD threshold of significance, projects that generate fewer than 2,000 vehicle trips per day are not considered major air pollutant contributors and do not require a technical air quality study. As this project will generate approximately 160 vehicle trips per day, no air quality study was prepared for this project.

Temporary Air Quality impacts may result from demolition of the existing structure(s), excavation of soil, and other construction activities on the subject site. Implementation of the mitigation measures listed below will reduce the temporary construction impacts to a less than significant level.

The following construction practices shall be implemented during all phases of construction for the proposed 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.

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

IV. BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	1,10, 25
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 type="checkbox"/>	X	1,6,10, 25
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"/>	X	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 type="checkbox"/>	<input type="checkbox"/>	X	1,10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	1,11, 25

<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>
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"/>	X	1,2

FINDINGS:

A biological assessment was completed for the property between the years 1999 and 2001, and updated in June of 2010. These assessments covered the entire 7.2 acre site. The portion of the subject site proposed for residential development is a smaller 3.8 acres within that larger area. During the time of the initial assessment, the subject site was within the U.S. Fish and Wildlife Service Critical Habitat Map for the Bay Checkerspot Butterfly. However, since 2001 the Critical Habitat Map has been updated and the subject site no longer falls within the butterfly’s critical habitat. The subject site is also now outside of Critical Habitat Unit 5 map. The Santa Clara Valley Dudleya (a federally listed endangered species) and populations of Dwarf Plantain, a known host plant for the larvae of the Bay Checkerspot Butterfly, were identified on the larger site, but are located outside of the 3.2 acre development site, which avoids any impact to the Santa Clara Valley Dudleya and avoids approximately 95 percent of the Dwarf Plantain.

During the 1999 to 2001 assessment time, the California Tiger Salamander was no a federally listed species. Since 2001, the California Tiger Salamander has been federally listed as a “species of concern”. At the time of the 2010 assessment, the subject site as well as the adjacent property to the southeast did not provide any breeding habitat for the California Tiger Salamander.

In addition, there are currently no trees on the site and the request for a change in land use designation on the site will not result in the removal of any ordinance-sized trees.

Burrowing Owls

The burrowing owl is a small, terrestrial owl that occurs in annual and perennial grasslands, deserts and scrublands with low growing vegetation. Suitable owl habitat may also include trees and shrubs if the canopy does not cover more than 30 percent of the ground surface. Burrows, which provide protection, shelter and nests for burrowing owls, represent an essential component of this species’ habitat. Burrowing owls typically use burrows made by fossorial (burrowing) animals, such as ground squirrels or badgers, but they will also use man made structures such as culverts, or openings beneath cement, asphalt paving or debris piles. Burrowing owls use such sites for breeding, wintering, foraging and migration stopovers. Occupancy of suitable habitat may be verified by observations of one or more burrowing owls on the site or by the presence of owl feathers, cast pellets (or prey remains), eggshell fragments or excrement in or near a burrow entrance. Burrowing owls are protected under a variety of state and federal laws including the Migratory Bird Treaty Act and the State Fish and Game Code as a “Species of Special Concern”. At the time of the 2001 and 2010 biological assessment no suitable burrows were present on the subject site.

Habitat Conservation Plan (HCP)

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

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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 is within the Habitat Conservation Plan (HCP) study area and was referred to the California Department of Fish and Game and U.S. Fish and Wildlife Service for comments. No concerns were raised by CDF and USFWS and the project will be consistent with the preliminary conservation objectives of the Habitat Plan.

MITIGATION MEASURES:

Burrowing Owls. The developer shall have a qualified biologist conduct a survey and prepare a report not more than one month prior to construction activities to determine the presence of burrowing owls on the site. If owls are present on the site, a mitigation program shall be developed in conformance with the requirements of the California Department of Fish and Game and the U.S. Wildlife Service. If mitigation includes relocation, owls shall not be relocated during the nesting season (March through August). Prior to the issuance of any grading or building permits, the developer shall submit a biologist’s report to the City’s Environmental Principal Planner to the satisfaction of the Director of Planning indicating that no owls were found on the site or that owls were present and that mitigation has been implemented in conformance with the requirements of the above regulatory agencies.

Special-Status Plants. The developer shall have a qualified biologist conduct updated surveys prior to construction activities, and in the spring months when special-studies plants are flowering and readily identifiable. The first survey should be conducted in March, continuing once a month through June (for a total of four surveys). During the 2001 special-status plant surveys one special-status plant was identified on the project site: fragrant fritillary (*Fritillaria liliacea*). Two fragrant fritillary plants were observed onsite during these surveys. Fragrant fritillary is a California Native Plant Society (CNPS) List 1B.2 species. It has no State or federal status. While not protected under either the State or Federal Endangered Species Acts, plants on CNPS List 1B.2 must be considered in any CEQA document prepared by a Lead Agency (for example, a City, a County). Under the current development proposal, the two fragrant fritillary plants would be impacted. These impacts could be avoided by relocating these plants (which grow from bulbs) to a suitable protected location on another portion of the site not proposed for development.

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V. CULTURAL RESOURCES - Would the project:

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 type="checkbox"/>	X	1,7,29
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 type="checkbox"/>	X	1,8,29
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,8
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,8

FINDINGS:

The project site does not contain any building structures and is not located within an archaeologically sensitive area.

The subject site does contain two rock features: a Sandstone rock wall and a Serpentine and Metamorphic rock wall, circa 1850s-1870. These features are not currently listed on the City’s Historic Resources Inventory. Although the Sandstone rock wall feature appears incomplete and unfinished, it is in fair condition and has the capacity to convey important information about the local historical patterns. The Serpentine and Metamorphic rock wall completely lacks integrity due to damage or removal of parts of the wall, and does not by itself qualify for listing on the California Register of Historic Resources. However, this rock feature is a part of the larger complex of Cottle Stone Fences, which appears to qualify for inclusion in the California Register of Historic Resources. However, the two rock features on the project site do not appear to be eligible for the California Register of Historic Resources or the National Register of Historic Places due to lack of integrity. The rock features do qualify for listing on the City’s Historic Resources Inventory as a ‘Contributing Structure’, according to the City of San Jose Historic Evaluation Criteria, as part of the Cottle Stone Complex.

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, and standard conditions regarding the treatment of resources found during excavation will be included.

MITIGATION MEASURES:

Historic Resources

- The historic evaluation report recommends that in order to mitigate impacts to this recorded cultural resource, the project should retain the Sandstone rock wall, and incorporate new and/or rebuilt portions of the Serpentine and Metamorphic rock wall into the landscaping on the property. The report also recommends that future development on the project site should take into consideration placing a historical plaque/sign on the project site describing the Cottle Stone Fence site and its significance to the local area. The plaque/sign should contain a written description prepared by a qualified historian or cultural resource specialist. Photo documentation and an historic interpretation of the Cottle Stone Fences, written by a qualified historian or cultural resource specialist, site is recommended. The impacts to the historic resources will be less than significant with this

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documentation for the Serpentine and Metamorphic rock wall feature and preservation of the Sandstone rock wall.

VI. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
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"/>	X	1,5,24,26
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,5,24,26
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,5,24,26
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,5,24,26
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,5,24,26
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 type="checkbox"/>	X	1,5,24,26
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"/>	X	<input type="checkbox"/>	1,5,24,26
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"/>	X	1,5,24,26

FINDINGS: The project site is located within the seismically active San Francisco region, which requires that any building be designed and built in conformance with the requirements of the applicable Uniform Building Code for Seismic Zone 4. Due to the sites 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.

A geotechnical investigation was completed on the site in 1999, and an update as to the conditions of the site today was competed in January 2010. The update found that the condition of the site has not changed since 1999.

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The potential for liquefaction on the site is considered low as the geotechnical investigation encountered stiff to very stiff clays overlying bedrock in their exploratory test pits. However, any 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. Therefore, this impact is considered less than significant.

A Geologic Hazards Evaluation and Geotechnical Engineering Evaluation was undertaken in January of 2012. This investigation concluded that based on the data collected the site may be developed provided that the recommendations are incorporated in to the design and construction. The recommendations include measures for excavation, slope stability, foundation bearing materials, presence of expansive soils, potential for asbestos in serpentine bedrock, and existing on-site fills.

The project will be required to include standard and special engineering techniques as specified in the geologic and geotechnical investigation report dated January 21, 2012, and as conditioned in the approved Geologic Hazards Clearance, to the satisfaction of the City Project Engineer and City Geologist.

CONCLUSION: Conformance with the approved Geologic Hazards Clearance (dated March 1, 2012 will ensure that geology and soils impacts would be reduced to a less than significant level at the time of future development of the site.

VII. GREENHOUSE GAS EMISSIONS - Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,14
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"/>	X	<input type="checkbox"/>	1,14
(Note: Greenhouse gas(es) include, but are not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulphur hexafluoride)					

FINDINGS:

The City of San Jose recently adopted the Envision San Jose 2040 General Plan (November 2011), which focuses on creating urban centers that provide mixed-use settings for new housing and job growth that are pedestrian, bicycle, and transit-oriented. The mixed-use land use concept reduces GHG emissions by putting land uses closer to each other and, as a result, decreasing vehicle miles traveled. The City has also adopted a GHG Strategy that includes policies and measures to reduce GHG emissions. Adoption of a GHG Strategy provides clearance for GHG impacts of proposed development as per the BAAQMD CEQA Guidelines and CEQA Guidelines Section 15183.5. The project is consistent with the 2040 General Plan and GHG Strategy; therefore, it would have a less-than-significant impact for GHG emissions.

MITIGATION MEASURES:

None required.

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VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	X	<input 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 type="checkbox"/>	X	1
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"/>	X	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"/>	X	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"/>	X	1,2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	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"/>	X	1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1

FINDINGS:

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

Due to the fact that these substances have properties that are toxic to humans and/or the ecosystem, there are multiple regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposures to occur. Table 3 summarizes many of these regulations.

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Table 3 Regulation of Hazardous Materials	
Agency	Responsibilities
U.S. Environmental Protection Agency (EPA)	Oversees Superfund sites; evaluates remediation technologies; develops standards for hazmat disposal & cleanup of contamination; implements Clean Air & Clean Water Acts.
U.S. Department of Transportation (DOT)	Regulates and oversees the transportation of hazardous materials.
U.S. Occupational Safety & Health Administration (OSHA)	Implements federal regulations and develops protocol regarding the handling of hazmat for the protection of workers.
CA Department of Toxic Substances Control (DTSC)	Authorized by EPA to implement & enforce various federal hazmat laws & regulations; implements state hazmat regulations; oversees remediation of contamination at various sites.
CA Occupational Safety & Health (Cal-OSHA)	Implements state regulations and develops protocol regarding the handling of hazmat for the protection of workers.
CA Air Resources Board/Bay Area Air Quality Management District (BAAQMD)	Regulates emissions of toxic air contaminants & requires public dissemination information regarding the risk of such emissions.
CA Water Resources Control Board/Regional Water Quality Control Board (RWQCB)	Regulates the discharge of hazmat to surface and ground waters; oversees remediation of contamination at various sites.
Santa Clara County Department of Environmental Health (SCCDEH)	Oversees & enforces state/local regulations pertaining to hazardous waste generators and risk management programs, including the California Accidental Release Program.
City of San José Fire Department (SJFD)	Implements City’s Toxic Gas and Hazardous Material Storage Ordinances; requires businesses that use or store hazmat to prepare a management plan; regulates installation & removal of above- and below-ground storage tanks; reviews plans for compliance with the Uniform Fire and the Flammable & Combustible Liquids Codes.

The project site is not listed on the State of California toxic sites listing. However, the Geotechnical Investigation determined that the site is underlain with serpentine bedrock and that other projects in the area have been found to contain asbestos fibers, which are considered a health hazard.

The Geologic Hazards Evaluation and Geotechnical Engineering Investigation found the only 3 of the 10 samples of soil and bedrock from the site were found to contain NOA. Of those 3 samples, each had NOA below 0.25%, which indicates that based on the analyses the materials at the site do not constitute regulated asbestos-containing material (RACM). As such, the hazard posed by NOA minerals at the site is low.

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MITIGATION MEASURES:

Grading operations should be performed in accordance with 17CCR Sections 93105 and 93106. If grading operations encounter areas of suspected serpentinite where NOA is more likely to occur, dust mitigation measures as outlined in 17 CCR 93105 should be implemented and samples of the material to be disturbed should be analyzed for NOA minerals.

If NOA materials are found during grading operations, then:

- As a part of project grading, the top 18 inches to 2 feet of soil shall be replaced with clean soil, so as to avoid impacts from naturally occurring asbestos (NOA).
- Future homeowners should be notified that they may encounter asbestos in any subsurface excavations greater than two feet in depth and that special precautions will be required to comply with adopted standards to reduce risks to an acceptable level. Future homeowners will also be advised of the excavation precautions necessary if they plan to install a spa or pool.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,15,28
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"/>	X	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"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	1
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"/>	X	<input 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"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	1,17
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	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"/>	X	1,9

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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"/>	X	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"/>	X	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1

INTRODUCTION:

The discharge of stormwater from the City’s municipal storm sewer system is regulated primarily under the federal Clean Water Act (CWA) and California’s Porter-Cologne Water Quality Control Act. The San Francisco Bay Regional Water Quality Control Board (RWQCB) implements these regulations at the regional level. Under the CWA, the RWQCB has regulatory authority over actions in waters of the United States, through the issuance of water quality certifications. Under Section 401 of the CWA, permits 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. New construction in San Jose is subject to the conditions of the City’s National Pollutant Discharge Elimination System (NPDES) Permit, which was reissued by the RWQCB in February 2001. Additional water quality control measures were approved in October 2001 (revised in 2005), when the RWQCB adopted an amendment to the NPDES permit for Santa Clara County. This amendment, which is commonly referred to as “C3” requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling 10,000 sq ft or more to 1) include storm water treatment measures; 2) ensure that the treatment measures be designed to treat an optimal volume or flow of storm water runoff from the project site; and 3) ensure that storm water treatment measures are properly installed, operated and maintained.

The City has developed a policy that implements Provision C.3 of the NPDES Permit, requiring new development projects to include specific construction and post-construction measures for improving the water quality of urban runoff to the maximum extent feasible. The City’s Post-Construction Urban Runoff Management Policy (6-29) established general guidelines and minimum Best Management Practices (BMPs) for specified land uses, and includes the requirement of regular maintenance to ensure their effectiveness. The City has also adopted the Post-Construction Hydromodification Management Policy (8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to local rivers, streams and creeks. Implementation of these Policies will reduce potential water quality impacts to less than significant levels.

Implementation of the following measures, consistent with NPDES Permit and City Policy requirements, will reduce potential construction impacts to surface water quality to less than significant levels:

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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 stormwater 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. 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. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-8300.
- 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 stormwater 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

- Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific Best Management Practices (BMPs), including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled “No Dumping – Flows to Bay” to the satisfaction of the Director of Planning, Building and Code Enforcement.
- The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater of new development.
- The project shall comply with applicable provisions of the following City Policies – 1) Post-Construction Urban Runoff Management Policy (6-29) which establishes guidelines and minimum BMPs for all

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projects and 2) Post-Construction Hydromodification Management Policy (8-14) which provides for numerically sized (or hydraulically sized) TCMs.

CONCLUSION:

The proposed project is 7.24 acres in size. The site is currently covered with 309,240 sq. ft. of impervious surface. The proposed project will add 93,173 sq ft of impervious surface to a total impervious surface of 97.307 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.

X. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2

FINDINGS:

Projects that have the potential to physically divide an established community include new freeways and highways, major arterials streets, and railroad lines. The proposed project will not physically divide an established community, and the project is consistent with the site’s General Plan Land Use designation. Projects that have the potential to physically divide an established community include new freeways and highways, major arterials streets, and railroad lines. The proposed 16 lot project would provide infill housing within an existing residential neighborhood, and would therefore not physically divide an established community but rather provide a completion of that community. The proposed project will be subject to architectural and site design review by the City at the Planned Development Permit stage. Such review will include conformance with the City’s adopted Residential Design Guidelines. The Guidelines are intended to ensure that new development is compatible with existing neighborhood character and does not adversely impact neighboring residential uses. A less than significant impact would occur as a result of the project.

As discussed in the preceding Biological Resources section, 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. The Habitat Plan is being developed in association with the USFWS, CDFG and 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 Interim Project Referral Process requires the local participating agencies to notify the wildlife agencies (CDFG and USFWS) of projects that have the potential to adversely impact covered species or natural communities, or conflict with the preliminary

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conservation objectives of the Habitat Plan. The project site does not meet the threshold that requires an interim Habitat Conservation Plan project referral.

MITIGATION MEASURES: None Required.

XI. MINERAL RESOURCES - Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	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"/>	X	1,2,23

FINDINGS:

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated: the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials.

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

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

MITIGATION MEASURES: None Required.

XII. NOISE - Would the project result in:

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	1,2,13, 18,30
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,30
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 type="checkbox"/>	X	1,30
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	1,30

<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) 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"/>	X	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"/>	X	1

FINDINGS:

The San Jose 2040 General Plan states that the City's acceptable exterior noise level is 60 DNL. The acceptable interior noise level is 45 DNL. The plan recognizes that the noise levels may not be achieved in the Downtown, and in the vicinity of major roadways and the Mineta San Jose International Airport.

Charles Salter Associates, Inc prepared an Environmental Noise Assessment for the subject site on May 14, 2012. The noise study is contained in the technical appendices. Based on measurements of existing noise levels, the exterior noise level at the site varies from 62 to 71 dBA.

Noise Impacts from the Project

Noise from the construction of the proposed project could potentially pose a significant impact to the surrounding residential properties. To limit the construction noise impacts on nearby properties, various mitigation measures have been incorporated into the proposal.

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 grading of the site and rock crushing activities on-site and the construction of the proposed improvements /buildings would generate noise and would temporarily increase noise levels at nearby residential land uses.

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. Rock 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 6 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.

Noise Impacts to the Project

a. *Exterior Noise Levels*

The primary source of environmental noise at the site is vehicle traffic along nearby roadways, including US 101. To quantify the existing noise environment, a long-term monitor continuously measured noise levels at the site between 18 and 20 April 2012. In addition, two short-term "spot" measurements were conducted and compared with corresponding time periods of the long-term monitor to determine how noise levels vary across the site and at different elevations. Table 2 summarizes existing noise levels at the site.

<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>
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Table 2. Existing Noise Environment

Site	Location	Date / Time	DNL
LT-1	Dove Hill Road Monitor Approx. 290' east of US 101 centerline	18 to 20 Apr 2012	71 dBA
ST-1	Dove Hill Road Spot Approx. 370' east of US 101 centerline, 6', 18', and 28' above ground	16:20 — 16:35 20 Apr 12	67 / 69 / 70 dBA
ST-2	Wheatley Place Spot Approx. 830' east of US 101 centerline, 6' above	17:05 — 17:20 20 Apr 12	62 dBA

The San Jose Department of Transportation forecasts that peak hour traffic volumes will increase from 2,500 vehicles in the year 2010 to 4,300 vehicles in the year 2035 along Yerba Buena Road. This corresponds with approximately a 2-decibel increase in traffic noise. In the absence of projected future traffic volumes for the other roadways in the project vicinity, this assessment assumes a similar increase in traffic noise across the site. The estimated future environmental noise levels range from approximately DNL 64 dBA in the northeast portion of the site to 72 dBA in the western corner nearest US 101. This falls into the conditionally acceptable category for land use compatibility. The project should incorporate mitigation measures to reduce indoor and outdoor noise to the City's goals.

MITIGATION MEASURES:

Construction Related Noise:

- 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.
- 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.

<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>
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Exterior / Interior Noise:

The project will incorporate mitigation measures to reduce indoor and outdoor noise to the meet the City's goals.

1) Sound-rated walls, windows and exterior doors will be needed to reduce environmental noise to the City's goal of DNL 45 dBA or lower indoors. Specific details and sound insulation ratings must be determined during the design phase, when floor plans and elevations have been developed. For the comfort or residents, consider providing a ventilation system to provide outside air to homes with windows closed.

To provide an estimate of the extent of mitigation that may be needed, preliminary estimates assume a 12- by 14-foot room with approximately one-third of one or two exterior facades consisting of windows. Based on this, window and door sound insulation ratings up to approximately STC 35 may be needed at the homes in the western portion of the site. Ratings will decrease towards the northeast corner, where typical dual-pane windows are expected to suffice. Exterior walls are assumed to be similar to 3-coat stucco over wood sheathing with batt insulation in stud cavities and at least one-layer of gypsum board on the interior.

2) Outdoor noise levels will vary, depending on the location and orientation to US 101 and Yerba Buena Road. This assessment assumes that houses will include fenced side or rear yards. Initial estimates suggest that 7- to 10-foot tall noise barriers (with respect to yard elevation) will reduce estimated future traffic noise to the City's goal of DNL 60 dBA or lower in yards. For reference, 6-foot tall noise barriers would reduce traffic noise to approximately DNL 65 dBA or lower in yards. Specific details must be determined during the design phase as the location, orientation, and elevation of houses and yards is developed.

Effective noise barriers should be solid from bottom to top with no cracks or gaps, and should have a minimum surface density of three pounds per square foot. Common constructions include CMU block or framed plaster walls.

XIII. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1

FINDINGS:

The proposed project would not induce substantial population growth because it has a net density of 5 DU/AC which is consistent with the approved General Plan Land Use/Transportation Diagram designation, and because the site is located within an already urbanized area.

<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>
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MITIGATION MEASURES:

None required.

XIV. PUBLIC SERVICES

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 type="checkbox"/>	X	1,2
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,2
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2

FINDINGS:

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 Fire Station No. 24 located at 2525 Aborn Road, which is within 3.8 miles of the subject site. No additional Fire or Police personnel or equipment are necessary to serve the proposed project.

As required by California Government Code Section 53080, the project will be required to pay a school impact fee for residential development to offset the increased demands on school facilities caused by the project. Therefore, the project will have a less than significant impact on school facilities.

There is one developed park within walking distance (0.7 miles) of the project site. Dove Hill Park is located at Carick Way and Ravens Place Way and contains a playground and three BBQ pits.

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

XIV. RECREATION

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"/>	X	<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"/>	X	<input 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>
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FINDINGS:

There is one developed park within walking distance (0.7 miles) of the project site. Dove Hill Park is located at Carick Way and Ravens Place Way and contains a playground and three BBQ pits.

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. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the Parkland Dedication Ordinance.

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.

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

XV. TRANSPORTATION / TRAFFIC - Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,2,19, 27
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	1,2,19, 27
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"/>	X	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"/>	X	1,19, 27
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,20
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2,18, 27

<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>
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FINDINGS:

The proposed project is a land use that was previously analyzed in the City of San José Evergreen - East Hills Vision Strategy (EEHVS) Project EIR. The proposed project would result in the maximum increase of 16 dwelling units, which is well within the amount of residential units already covered in the EIR. Therefore, the long-term traffic impacts associated with the proposed development have already been analyzed at a program-level. (Refer to the EEHVS EIR for a detailed discussion on the program-level traffic analysis.)

The City’s Department of Public Works has analyzed the proposed project and determined that it would be in conformance with the City’s Transportation Level of Service Policy (Council Policy 5-3) and would not create a significant traffic impact.

MITIGATION MEASURES:

The project, in conformance with the Evergreen East Hill Development Policy, will be required to pay a Traffic Impact Fee (TIF) in the amount of \$13, 214 per residential unit.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	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 type="checkbox"/>	X	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"/>	X	<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 type="checkbox"/>	X	1,22
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"/>	X	<input 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 type="checkbox"/>	X	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"/>	X	1,21

FINDINGS:

The proposed project would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal because the subject site is located within the City of San Jose Urban Service Area where such facilities exist, and have the capacity to serve the proposed 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>
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MITIGATION MEASURES:

None required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

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"/>	X	<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"/>	X	<input type="checkbox"/>	1,16
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 type="checkbox"/>	X	1

FINDINGS:

As discussed in the previous sections, the proposed project could potentially have significant environmental effects with respect to Biology, Cultural Resources, Hazardous Material, Noise, and Transportation. With the above noted mitigation, however, the impacts of the proposed project would be reduced to a less than significant level.

MITIGATION MEASURES:

None required.

<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>
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CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. PDC11-003 and GP09-08-01
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California’s Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
25. Update on Biological Resources, Dove Hill Road Site (File No. GP09-08-01), January 12, 2010, Monk & Associates
26. Geotechnical Engineering Review, Church of the Crossroads Property, Dove Hill Road and Yerba Buena Road, San Jose, California, January 21, 2010, Earth Systems Pacific.
27. Memorandum, April 10, 2012, City of San Jose Public Works Department
28. Santa Clara Valley Water District Letter, June 23, 2009

<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>
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- 29. Dr. Robert R Cartier, Archaeological Resource Management, Historic Evaluation of The Rock Features near Dove Hill and Yerba Buena Roads in the City of San Jose for the Church of Crossroads, November 9, 1999
- 30. Sabercat Dove Hill Road – San Jose, California, Environmental Noise Assessment, Charles M. Salter Associates, Inc., May 14, 2012

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Environmental Clearance Application – File No. GP09-08-01

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