

**STAFF REPORT**  
**PLANNING COMMISSION**

P.C. Agenda: 01-09-13  
Item No: 3.c.

**FILE NO.:** PP12-091

**Submitted:** October 20, 2012

**PROJECT DESCRIPTION:**

Planning Commission consideration of the suitability of a proposed school site in terms of pupil safety and conformance with the City's General Plan and Zoning Code per Section 21151.2 of the California Public Resources Code. The proposed acquisition site is 0.6 acres in size.

Zoning	LI Light Industrial
General Plan 2040	Open Space, Parklands, and Habitat
Council District	3
Annexation Date	Original city
Specific/Neighborhood Plan	Tamien Station Specific Plan

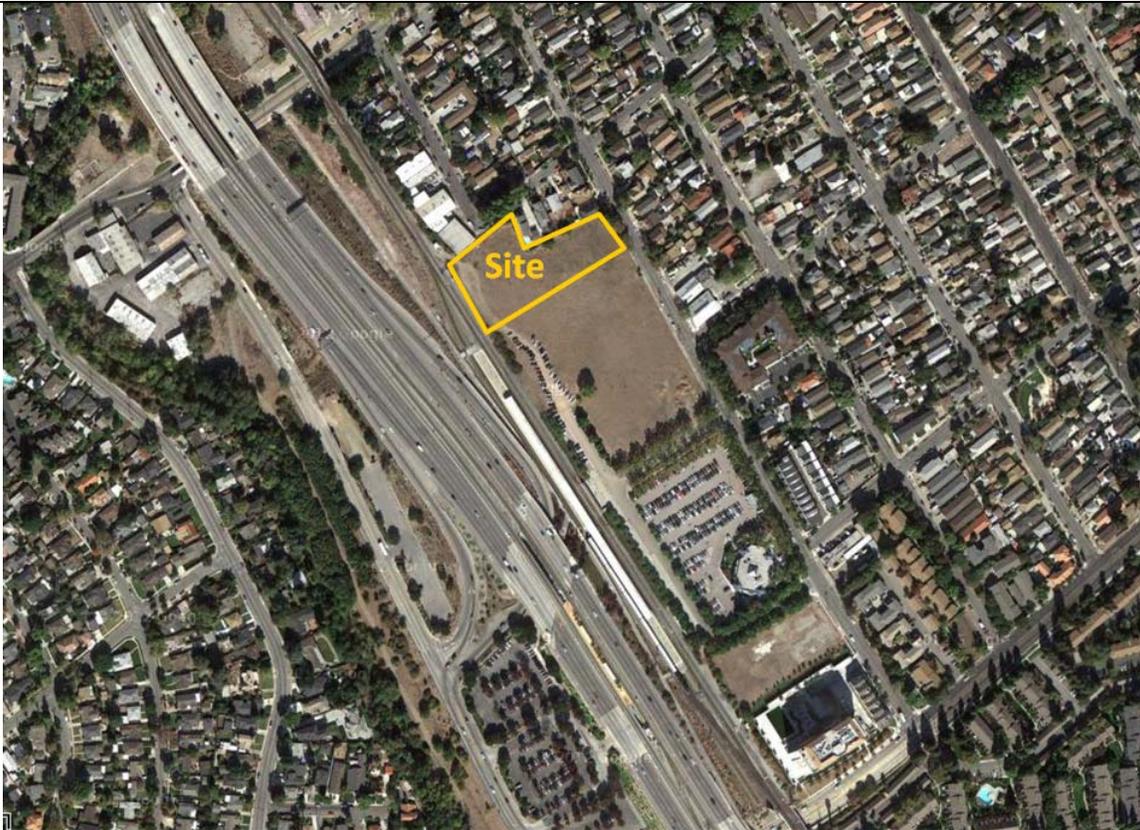
**LOCATION:**

West of Lick Avenue, south of Goodyear Street and north of the Tamien Caltrain/VTA Light Rail Station.

**Aerial Map**

(courtesy Google Maps)

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## **RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend to the Santa Clara Unified School District that:

The Commission has read and considered the Tamien Rocketship (Rocketship #8) Mitigated Negative Declaration; and

Pursuant to Public Resources Code Section 21151.2, the proposed 0.6-acre school site located to the west of Lick Avenue, south of Goodyear Street, and north of the Tamien Caltrain/VTA Light Rail station is not consistent with the following city policies and guidelines: the City of San Jose Envision San Jose 2040 General Plan; the Zoning Code; and the Tamien Station Specific Plan.

## **BACKGROUND & DESCRIPTION**

On October 12, 2012, per Section 21151.2 of the Public Resources Code, the Santa Clara County Office of Education requested that the City of San Jose comment on acquisition of the 0.6-acre site by Rocketship Education for the construction of a K-5 public charter elementary school.

### **Project Description**

Rocketship Education is proposing to acquire the project site, located on undeveloped land to the north of the Tamien Caltrain/VTA Light Rail station park and ride lot, for the purposes of constructing and operating a K-5 public charter elementary school for up to 600 students. The project includes development of a two-story school building of approximately 22,000 square feet, a parking lot with 42 parking spaces (three accessible), two shade structures, and two outdoor play areas that will also form part of a Joint Use Area to be available for scheduled use by either the Rocketship school or as a City park.

### **Existing Conditions**

The site is a vacant lot which was historically developed and used as a cannery until the early 1980's. The site is bordered by single-family homes and small light industrial buildings to the north, single-family homes to the east, the Tamien Caltrain/VTA Light Rail station park and ride lot to the south, and the Caltrain/VTA railroad right-of-way and Highway 87 to the west.

## **ANALYSIS**

This report addresses, in accordance with State law, the proposed acquisition of the 0.6-acre site by Rocketship Education from the City of San Jose. The proposed acquisition was referred to the City of San Jose for review as required by the California Government Code Section 21151.2. This Code section states that the Planning Commission is to review the proposed acquisition in order to promote the safety of pupils and comprehensive community planning. The following analysis considers the Planning Commission's responsibilities under the State Code, the safety of pupils based upon data presented in an Initial Study prepared by the project proponent, and the consistency of the project with comprehensive community planning as established through San Jose's General Plan, Tamien Station Area Specific Plan, and Zoning Code documents.

### **State Law and the Planning Commission's Responsibilities**

Under Section 21151.2 of the State Public Resources Code, when a school district intends to acquire a property for a new school, the local jurisdiction's Planning Commission is required to investigate the

proposed site's suitability for primary and secondary school uses. Specifically, the Government Code states:

**§ 21151.2. SCHOOL SITE PROPOSED ACQUISITION OR ADDITION; NOTICE TO PLANNING COMMISSION; INVESTIGATION; REPORT**

To promote the safety of pupils and comprehensive community planning the governing board of each school district before acquiring title to property for a new school site or for an addition to a present school site, shall give the planning commission having jurisdiction notice in writing of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site.

The governing board shall not acquire title to the property until the report of the planning commission has been received. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the governing board of the school district shall not acquire title to the property until 30 days after the commission's report is received.

The Planning Commission's recommendations on the suitability of the site are advisory, and the School Board is not bound to a course of action by the Planning Commission's recommendation.

**California Environmental Quality Act (CEQA)**

An Initial Study and Mitigated Negative Declaration were prepared by the City of San Jose, acting as the lead agency as defined under CEQA, for the proposed public charter elementary school and Joint Use Area. The documents were circulated for public review between November 20, 2012 and December 20, 2012. The Initial Study and Mitigated Negative Declaration identified the following environmental impacts and mitigation measures to reduce these impacts to a less than significant level, if needed:

1) Biological resources: Habitat for burrowing owls, raptors, and other protected migratory birds may be disturbed by construction of the project.

*Mitigation Measures*: Pre-construction surveys for burrowing owls and raptors will be required, with limits on construction around nesting sites.

2) Cultural resources: Grading could disturb archaeological or paleontological resources, particularly Native American remains.

*Mitigation Measures*: A Native American monitor will be required to be on site during all earthwork activities, and all work must stop within 100 feet of any discovered archeological resources or human remains until the find is evaluated.

3) Hazardous materials: Construction of the project will require the uncovering, removal, and transport of hazardous materials from past uses on the site.

*Mitigation Measures*: A construction management plan with best management practices for the uncovering, storage, and transport of hazardous materials discovered during earthwork shall be followed.

4) Hydrology: Stormwater runoff from the site may be contaminated by construction and site operations.

*Mitigation Measures:* The applicant shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) incorporating Best Management Practices.

5) Noise: The project may expose people, particularly sensitive receptors (including children), to noise levels in excess of limits set in the City's General Plan.

*Mitigation Measures:* Noise control measures will be implemented in the construction of the school building, including special window glazing and ventilation systems. A 6' tall soundwall will be constructed along the shared property line of 452 Goodyear Street to reduce noise impacts to the adjacent residence.

6) Traffic: Construction and operation of the school may result in an increase in hazards resulting from traffic patterns during pick-up and drop-off periods.

*Mitigation Measures:* Traffic control measures will be required to minimize traffic hazards during pick-up and drop-off times, including a no-parking zone on Goodyear Street along the school frontage, an on-site traffic attendant to prohibit left-turns into the site from Goodyear Street, and campaigns to educate parents and children on traffic safety and appropriate drop-off and pick-up procedures.

7) Air Quality: The project will place children (considered sensitive receptors) in close proximity to existing sources of hazardous emissions, including Highway 87 and the railroad to the west of the project site. A Health Risk Assessment (HRA) was prepared for the project to evaluate the risks these emissions pose to students and staff at the school. This assessment concluded that the level of hazardous emissions at the project site would not pose a significant health hazard to students and staff, as the concentration of hazardous contaminants is significantly less than the thresholds of significance recommended by the Bay Area Air Quality Management District (BAAQMD).

*Mitigation Measures:* None needed.

### **Exemption from City Zoning and General Plan Regulations**

The applicant, Rocketship Education, requested the Santa Clara County Office of Education (SCCOE) to waive requirements for compliance with local zoning and general plan regulations per California Government Code Sections 53094 and 53097.3. Section 53094 permits a School District to render city or county zoning ordinances inapplicable to the use of a property for classroom facilities, and Section 53097.3 extends this authority to include charter schools. The SCCOE submitted a notice to the City of their intent to grant an exemption to Rocketship Education for the construction of Rocketship #8 at the Tamien Station site on October 12, 2012 (Attachment 1).

### **Conformance with the Envision San Jose 2040 General Plan**

#### Consistency with the General Plan Land Use/Transportation Diagram designation

The proposed school site is designated Open Space, Parklands, and Habitat on the Envision San Jose 2040 General Plan Land Use/Transportation Diagram. This land use designation does not support schools. According to the General Plan, this designation is intended for low intensity uses, including "open space, parks, recreation areas, trails, habitat buffers, nature preserves, and permanent open space areas." Public facilities, including restrooms, playgrounds, educational/visitors centers, and parking areas are allowed uses within this designation, as are low intensity uses like cemeteries. The proposed recreational facilities in the Joint Use Area and the future soccer field to the south of the project site are consistent with this land use designation. The General Plan considers the Public/Quasi-Public land use designation to be

appropriate for schools. Therefore, the proposed school use is not consistent with the General Plan land use designation for the subject site.

#### Conformance with General Plan policies to reduce air quality and noise impacts

The City of San José General Plan also establishes Goals, Policies and Implementation Actions that are intended to avoid or mitigate potential environmental impacts. The following General Plan Policies concerning air quality and noise apply to the project:

**MS-11.1** Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

**MS-11.4** Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.

**MS-11.5** Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

**ES-1.4** Encourage and enable new schools, public or private, to avoid locations that could pose health and safety risks to children (e.g., locations near industrial uses, hazardous material storage, and excessive noise).

Based on the air quality analysis conducted for the preparation of the Initial Study, the project is consistent with General Plan Policies MS-11.1, MS-11.4, and MS-11.5. Air quality modeling determined that mitigation measures, such as the installation of air filtration systems and planting of trees, are not necessary to reduce air quality impacts.

However, the project is inconsistent with General Plan Policy ES-1.4, due to the proximity of the school site to a heavy rail line and freeway (Highway 87) that generate noise levels in excess of General Plan limits. As noted above, however, the Santa Clara County Office of Education has the ability to override the City's General Plan.

#### **Consistency with the Tamien Station Area Plan**

The proposed school and Joint Use Area is located within the Transit Core Subarea of the Tamien Station Area Specific Plan (Tamien Plan) adopted in 1995, and the project site is designated as "Transit Corridor Residential" (25-55 dwelling units/acre). The Tamien Plan also identified the goal of developing a park on a specific site in the vicinity of the project site, but provides that the park location may change as the Plan is implemented. As noted above, the site is designated as Open Space, Parklands, and Habitat in the Envision San Jose 2040 General Plan. While the General Plan designation supersedes the Specific Plan designation, the Specific Plan designation also did not support development of a school at this site. The play areas and covered seating areas proposed in the Joint Use Area conforms with goals in the Tamien Plan for a community park in the Transit Core Subarea.

#### **Zoning Consistency**

The site is currently zoned as LI, Light Industrial. The LI designation is generally intended for a wide variety of industrial uses, excluding uses with unmitigated hazardous or nuisance effects. Elementary and secondary schools and public park facilities are not allowed uses in the LI zoning designation. However, land owned and developed for City purposes, such as a public park, is not subject to the Zoning

Ordinance, and the Santa Clara County Office of Education has the ability to override local zoning for public charter schools.

**Conclusion**

As discussed above, adequate evidence has been made available through an Initial Study and Mitigated Negative Declaration prepared for the project to conclude that the development of a K-5 public charter school and Joint Use Area at the Tamien site would not result in unsafe conditions for future pupils. However, the proposed school is inconsistent with the City's General Plan land use designation of Open Space, Parklands, and Habitat; the Tamien Station Specific Plan; and the current LI zoning of the property.

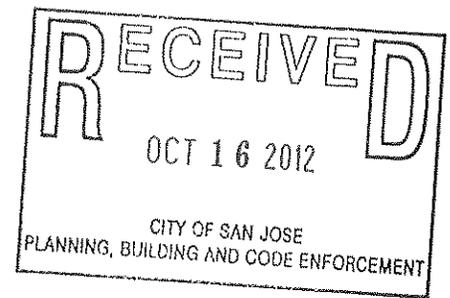
**Project Manager:** David Keyon    **Approved by:** Janet Prevett    **Date:** 12-18-12

Applicant:	Attachments:
Rocketship Education  Attn: Launchpad Development Nine LLC 350 Twin Dolphin Drive, Suite 109 Redwood City, CA 94065	<ul style="list-style-type: none"><li>• Planning Commission referral letter from the Santa Clara County Office of Education, dated October 12, 2012</li><li>• Mitigated Negative Declaration</li><li>• Mitigation Monitoring and Reporting Program</li><li>• Initial Study</li></ul>



Santa Clara County Office of Education

Xavier De La Torre, Ed.D.  
County Superintendent of Schools



October 12, 2012

VIA FIRST CLASS MAIL

Mr. Joseph Horwedel, Director  
Planning, Building and Code Enforcement  
City of San Jose  
200 East Santa Clara Street  
Tower, 3rd Floor  
San José, CA 95113-1905

Ms. Edesa Bitbadal, Chair  
Planning Commission  
City of San Jose  
200 East Santa Clara Street  
Tower, 3rd Floor  
San José, CA 95113-1905

Re: Request for School Zoning Exemption; Proposed Rocketship Education School at  
1197 Lick Avenue, San Jose, California (APN 434-13-041)  
Request for Formal Consultation With City of San Jose

Dear Mr. Horwedel and Ms. Bitbadal:

On or about June 7, 2011, the Santa Clara County Office of Education ("SCCOE") granted a charter to Rocketship Education ("Rocketship") authorizing Rocketship to open a number of new public elementary schools in Santa Clara County. Following the approval of that charter, Rocketship asked SCCOE to exempt a proposed school site (located at 1197 Lick Avenue, but often referred to as "Rocketship Eight") from City of San Jose zoning ordinances. A copy of the Rocketship exemption request and supporting materials is enclosed with this letter.

The proposed exemption would be granted pursuant to the provisions of Government Code section 53094, which permits a school district to render city or county zoning ordinances inapplicable to a proposed use of a property for classroom facilities, and Government Code section 53097.3, which broadens the authority such that a city or county ordinance may also be made "inapplicable to a charter school facility."

Government Code Section 53094 requires that prior to granting an exemption of this kind, the SCCOE must comply with the requirements of Government Code Section 65352.2 (outlining certain notice and consultation procedures affecting school districts and planning agencies) and Public Resources Code Section 21151.2, which provides in pertinent part as follows:

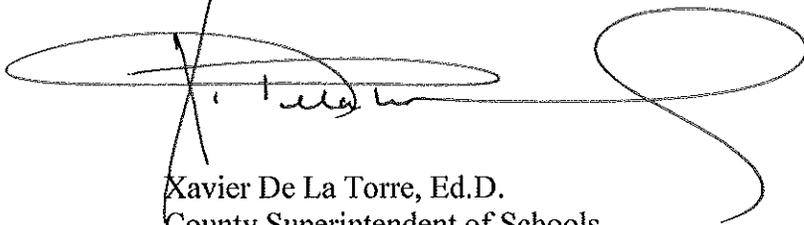
Mr. Joseph Horwedel  
Ms. Edesa Bitbadal

To promote the safety of pupils and comprehensive community planning the governing board of each school district before acquiring title to property for a new school site or for an addition to a present school site, shall give the planning commission having jurisdiction notice in writing of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site.

By this letter, the SCCOE is giving notice of the Rocketship exemption request to the Planning Department and the Planning Commission pursuant to both Government Code Section 65352.2 and Public Resources Code Section 21151.2. The SCCOE will not be acquiring title to the subject property, however, which is currently owned by the City of San Jose. Rocketship itself is currently negotiating to acquire that property.

Please let me know if you have any questions or comments. If you wish to have your City Attorney contact the SCCOE Counsel, Andrew Faber or Thomas Morell of Berliner Cohen, to discuss any of the legal issues in more detail, please feel free to do so.

Respectfully,

A handwritten signature in black ink, appearing to read 'Xavier De La Torre', is written over a horizontal line. The signature is stylized with a large loop on the right side.

Xavier De La Torre, Ed.D.  
County Superintendent of Schools

cc: Hon. Chuck Reed, Mayor of the City of San Jose  
Mr. Joseph Di Salvo, SCCOE Board President



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

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

File No. PP12-091, a proposal to build a public charter elementary school for up to 600 pupils and develop a Joint Use Area that would include a parking lot, a paved play area (half-court basketball and four-square courts), a shade structure area, and a playground. The Joint Use Area would be constructed and maintained by Rocketship Education but owned by the City of San José as a city park dedicated for use by the school during school hours and available for public use outside of school hours. The Joint Use Area would be located on approximately 0.84 acres and the school on .6 acres of the 1.4 acre site.

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 **November 20, 2012**, and ends on **December 20, 2012**.

The draft Mitigated Negative Declaration, initial study, and reference documents are available online at: <http://www.sanjoseca.gov/index.aspx?nid=2165>.

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

For additional information, please contact John Davidson at (408) 535-7895, or by e-mail at [john.davidson@sanjoseca.gov](mailto:john.davidson@sanjoseca.gov).

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

  
Deputy

Circulated on: November 20, 2012

## MITIGATED NEGATIVE DECLARATION

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

**NAME OF PROJECT:** Rocketship Tamien Public School #8 and Joint Use Area

**PROJECT FILE NUMBER:** PP12-091

**PROJECT DESCRIPTION:** A proposal to build a public charter elementary school for up to 600 pupils and develop a Joint Use Area that would include a parking lot, a paved play area (half-court basketball and four-square courts), two shade structures, and a playground. The Joint Use Area would be constructed and maintained by Rocketship Education but owned by the City of San José as a city park dedicated for use by the school during school hours and available for public use outside of school hours. The Joint Use Area would be located on approximately 0.79 acres and the school on 0.6 acres of the 1.4 acre site. In addition to the school site and Joint Use Area, a 2.1 acre park site for a youth soccer field is anticipated to be built at a later date as part of a separate project.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** The project site is on an "L" shaped property bounded by Goodyear Street to the north, Lick Avenue to the east, the Tamien Station parking lot to the south, and the Caltrain railroad right-of-way to the west (APN 434-13-041).

**COUNCIL DISTRICT:** 3

**APPLICANT CONTACT INFORMATION:** Laura Kozel, Vice President, Facilities, Rocketship Education, 350 Twin Dolphin Drive, Suite 109; Redwood City, CA 94065.

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

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

- I. **AESTHETICS.** The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.

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

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

**IV. BIOLOGICAL RESOURCES.**

**Impact BIO-1: The site may include burrows that are used as habitat for burrowing owls.**

Mitigation BIO-1: A pre-construction survey for burrowing owls shall be conducted by a qualified biologist within thirty (30) days prior to any ground disturbance activities.

During breeding season (February to August): A buffer zone of a minimum of 250 feet shall be established around active burrowing owl nesting sites if nesting burrowing owls are discovered during pre-construction surveys conducted between February 1st and August 31st, and no disturbance shall occur within the buffer zone until a qualified biologist has determined that the young birds have fledged.

Outside of breeding season (September to January): No disturbance shall occur within 160 feet of occupied burrows if over-wintering burrowing owls are discovered using the site during the non-breeding season (September 1st through January 31st).

If any burrowing owls are discovered using the site during the pre-construction surveys during the non-breeding season, a burrowing owl relocation plan to be approved by the California Department of Fish and Game shall be developed and implemented, including passive measures such as installation of one-way doors in active burrows for up to four days, careful excavation of all active burrows after four days to ensure no owls remain underground, and filling all burrows in the construction area to prevent owls from using them. This plan must provide for the owls' relocation to nearby lands possessing available nesting and foraging habitat. A biologist report outlining the results of the pre-construction burrowing owl surveys and any recommended buffer zones or other mitigation shall first be submitted to the satisfaction of the Director of Planning, Building and Code enforcement prior to the issuance of a grading or building permit.

**Impact BIO-2: The project site provides potentially suitable habitat for tree-nesting raptors and other migratory birds.**

Mitigation BIO-2 Raptors and migratory birds: Construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities.

## V. CULTURAL RESOURCES.

### **Impact CUL-1: Grading and ground disturbance may uncover cultural resources.**

Mitigation Measure CUL-1: The applicant shall retain a Native American monitor to be present during all earthwork activities at the project site. If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth-disturbance associated with the proposed project, the onsite contractor shall immediately notify the City of San José and the project applicant. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code Section 7050.5 and Public Resources Code Sections 5097.94, 5097.98 and 5097.99.

Should any evidence of paleontological resources (e.g. fossils) be encountered during grading or excavation either onsite or offsite as a result of project construction, work shall be suspended within 100 feet of the find, and the City of San José and applicant shall be immediately notified. At that time, the applicant shall coordinate any necessary investigation of the site with a qualified paleontologist as needed to assess the resource and provide property management recommendations, such as avoiding the resource and/or excavating and recording data on the resource. The contractor shall implement any measures deemed necessary by the paleontologist and the City of San José for the protection of the paleontological resource.

## VI. GEOLOGY AND SOILS.

### **Impact GEO-1: The project site is located within a State-designated Liquefaction Hazard Zone and within a Santa Clara County Geologic Hazard Zone for Liquefaction.**

Mitigation Measure GEO-1: The design recommendations included in Sections 7 through 10 of the *Geotechnical Investigation and Geologic Hazards Evaluation* report (Cornerstone Earth Group 2012a) shall be implemented throughout project construction. This shall include recommendations for site preparation (earthwork), building foundations, concrete slabs and pedestrian pavements, and vehicular pavements.

**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.

### **Impact HAZ-1: Construction of the proposed project would require the storage, use, and handling of hazardous materials.**

Mitigation Measure HAZ-1: The following Best Management Practices shall be implemented during all site preparation and construction activity within the project site to control pollutant sources associated with the handling, storage, and disposal of hazardous materials used during construction:

- A. Store construction raw materials (e.g., dry materials such as plaster and cement, pesticides and herbicides, paints, petroleum products, treated lumber) in designated areas that are located away from storm drain inlets, drainageways, and canals and are surrounded by earthen berms. Train the construction employees working on the site in proper materials handling practices to ensure that, to the maximum extent practicable, those materials that are spread throughout the site are covered with impervious tarps or stored inside buildings.
- B. If concrete trucks are washed onsite, contain the wash water in a temporary pit adjacent to the construction activity where waste concrete can harden for later removal. Avoid washing fresh concrete from the trucks, unless the runoff is drained to a berm or level area, away from storm drain inlets.
- C. Collect non-hazardous waste construction materials (e.g., wood, paper, plastic, cleared trees and shrubs, building rubble, scrap metal, rubber, glass) and deposit in covered dumpsters at a designated waste storage area on the site. Store recyclable construction materials separately for recycling. Transport all solid waste and recyclable material to the landfill.
- D. Store hazardous materials in portable metal sheds with secondary containment. The quantities of these materials stored on site shall reflect the quantities needed for site construction. Avoid over-application of fertilizers, herbicides, and pesticides. Do not mix hazardous waste with other waste produced onsite. Contract with a Certified Waste Collection contractor to collect hazardous wastes for disposal at an approved hazardous waste facility.
- E. Dispose of waste oil and other equipment maintenance waste in compliance with federal, State and local laws, regulations and ordinances.

**Impact HAZ-2: Some hazardous materials would be removed from the site during demolition and construction, which could create a hazard to the public.**

Mitigation Measure HAZ-2: The applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health for soil remediation activities at the project site and shall prepare a Work Plan subject to approval by the Department of Environmental Health. The Work Plan shall identify proposed additional soil sampling and remediation measures, such as capping or excavation and removal, for all soils within the project site that contain concentrations of pollutants in excess of the applicable screening level or cleanup goals approved by the Department of Environmental Health. Any soil excavation work shall be performed by a licensed hazardous materials contractor and personnel with training in hazardous waste operations (40-hour OSHA Training). Further, soil excavation work shall be conducted in a manner such that workers are protected from airborne hazards in accordance with OSHA guidelines. For any soil removal, the applicant shall retain a qualified contractor to remove contaminated soils and transport them to an approved landfill site. Transport shall be undertaken in accordance with state and federal standards.

**Impact HAZ-3: Some soils onsite exceed thresholds for naturally occurring asbestos (NOA).**

Mitigation Measure HAZ-3: The applicant shall manage NOA soils onsite in accordance with the Department of Toxic Substances Control guidance document *Interim Guidance, Naturally Occurring Asbestos (NOA) at School Sites, Revised September 24, 2004*. The applicant shall obtain environmental regulatory oversight from the Santa Clara Department of Environmental Health to address NOA issues,

shall prepare a Removal Action Plan for the project site, and shall submit it to the County for their review and approval.

## **IX. HYDROLOGY AND WATER QUALITY.**

**Impact HYD-1: Construction and operation of the proposed project could introduce pollutants and sediment into water runoff from the site. This runoff would flow to nearby water bodies and eventually into the San Francisco Bay, which provides important fish and wildlife habitat.**

Mitigation Measure HYD-1: Launchpad Development Nine LLC shall prepare and implement a SWPPP for the Rocketship Education elementary school and joint use facilities project. The SWPPP shall be approved by the RWQCB prior to initiation of project site preparation, grading, and/or construction. The SWPPP shall include the following:

- A. Site maps that show the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project site.
- B. A description of BMPs that would prevent construction pollutants from contacting storm water with the intent of keeping all products of erosion from moving offsite into receiving waters. BMP placement/locations shall be identified in figures and text. BMPs shall include an erosion and sediment control plan, non-storm water and materials management, and post-construction stormwater management measures.
- C. Unless demonstrated to be inapplicable to the project site, specific BMPs that shall be part of the erosion and sediment control plan shall include fiber rolls, silt fence, drain inlet protection, velocity check dams, slope protection (hydro-seeding and hydraulic mulch application), wind erosion control, and street sweeping; or other equally effective measures.
- D. Non-storm water and materials management BMPs shall be designed to minimize or eliminate discharge of pollutants from vehicles, reduce litter, address leakage or spilling from sanitary facilities, reduce concrete waste from entering stormwater, and prevent spills of hazardous and non-hazardous materials.
- E. Post-construction measures, which shall focus on the first winter after construction, before vegetation has had time to be established. Erosion control BMPs shall remain in place during this time period.
- F. A schedule for maintaining BMPs. Most erosion control BMPs shall be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events. Other maintenance shall be described in the SWPPP. BMPs shall be modified or replaced when necessary.

Mitigation Measure HYD-2: The applicant shall prepare a drainage plan and Stormwater Management Plan (SMP) for the Rocketship Education elementary school and joint use facilities. The drainage plan and Stormwater Management Plan shall be designed to ensure that stormwater flows generated by the project are controlled by implementation of appropriate drainage and stormwater management/treatment measures and that drainage contributed to the City's storm drain system by the

proposed project does not exceed the capacity of the storm drain system. Drainage and associated landscape improvements shall be constructed in accordance with the approved drainage plan. The drainage plan shall provide approved stormwater management/treatment measures.

- 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.**

**Impact NOISE-1: The location of the project may expose persons to noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.**

Mitigation Measure NOISE-1: To achieve compliance with the 35 dBA Leq(h) limit of ANSI for the classroom interiors, the following noise control measures shall be required to:

- A. Maintain closed at all times all classroom windows.
- B. Install windows rated minimum Sound Transmission Class (STC) 38 at all classrooms. Minimum glazing requirements are 3/16" over 1/8" glass.
- C. Provide some type of mechanical ventilation for all classrooms. (When windows are maintained closed for noise control, some sort of mechanical ventilation to assure a habitable environment shall be provided. The ventilation system shall not compromise the acoustical integrity of the building shell. The ventilation system noise levels in the classroom shall not exceed the background noise level requirement of Room Criteria (RC) 25(N) – 30(N) of the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE).

**Impact NOISE-2: The project has the potential to create a substantial permanent and temporary increase in ambient noise levels in the project vicinity above levels existing without the project.**

Mitigation Measure NOISE-2: Construct a 6-foot high acoustically-effective barrier along a portion of the rear property line and along the west property line of the home at 452 Goodyear Street contiguous with the project site, as shown in figure 3 of the Noise Assessment Study. The barrier height is in reference to the residential property ground elevations, whichever is higher.

This barrier shall be acoustically-effective, meaning it must be made air-tight and must provide for long-term durability. It can be constructed of wood, stucco, masonry, earth berm or a combination thereof and must have a minimum surface weight of 2.5 pounds per square foot. If wood fencing is used, homogenous sheet materials are preferable to conventional wood fencing as the latter has a tendency to warp and form openings with age. However, high quality, air-tight, tongue-and-groove, shiplap, or board and batten construction is air-tight. The noise control barriers must be constructed so that all joints, including connections with posts or pilasters are sealed air-tight and no openings are permitted between the upper barrier components and the ground.

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

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

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

**XVI. TRANSPORTATION / TRAFFIC.**

**Impact TRA-1: The project may substantially increase hazards due to traffic patterns during school drop-off and pick-up times.**

Mitigation Measure TRA-1: The applicant shall implement the following measures to control drop-off/pick-up vehicle and pedestrian operations:

- A. Submit fees to provide for the City of San José to install school zone signs per State standards along Lick Avenue, Goodyear Street, and Pepitone Avenue. The fees shall be paid in advance providing the City sufficient time to install signage before school opens.
- B. Restrict entrance to the driveway at Goodyear/Pepitone to allow traffic to enter the site only from Pepitone Avenue during peak periods of school traffic, typically occurring during student drop-off and pick-up times. Place a traffic attendant at the school driveway to prohibit inbound left turns from Goodyear Street during peak periods.
- C. Install a marked crosswalk and concrete islands (if appropriate) at Lick Avenue and Goodyear Street to facilitate pedestrian crossing.
- D. Provide staff or parent volunteers at the following locations during pick-up and dropping-off time:
  - 1) On-site parking area to assist parents with loading and unloading children.
  - 2) At Pepitone Avenue & Goodyear Street, direct traffic and minimize back-up on Pepitone Avenue.
  - 3) At Lick Avenue & Goodyear Street, assist children crossing Lick Avenue and monitor traffic to deter vehicles from turning onto Goodyear Street.
  - 4) On Lick Avenue along project frontage, monitor traffic and deter parents from making unsafe u-turns, drop-off in the street, and crossing mid-block.
- E. Provide education to parents and children and send out periodic reminders to parents on traffic circulation pattern, do not block crosswalks and driveways, make unsafe u-turns, drop-offs in the street or crossing midblock.

**Impact TRA-2: Parked cars on Goodyear Street impede sight distance for vehicles exiting the school driveway.**

Mitigation Measure TRA-2: Launchpad Development Nine LLC and the City of San José shall provide for appropriate signage and pavement markings to prohibit on-street parking on for a distance of 60 feet along Goodyear Street east of the school driveway.

**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.** With implementation of the mitigation measures above (BIO-1.1, HAZ-1.1, HAZ-1.2, and HAZ-1.3), 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.

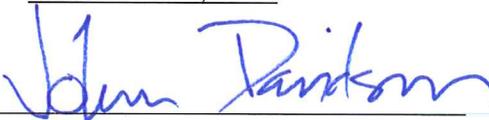
**PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **December 20, 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 November 20, 2012 to December 20, 2012

  
Deputy

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<b>Biological Resources</b>				
<p><u>Impact BIO-1:</u> As a vacant site, the site could contain animal burrows that might be used by burrowing owls, which are listed as threatened under the California Endangered Species Act.</p>	<p><u>Mitigation BIO-1:</u> A pre-construction survey for burrowing owls shall be conducted by a qualified biologist within thirty (30) days prior to any ground disturbance activities.</p> <p>During breeding season (February to August): A buffer zone of a minimum of 250 feet shall be established around active burrowing owl nesting sites if nesting burrowing owls are discovered during pre-construction surveys conducted between February 1st and August 31st, and no disturbance shall occur within the buffer zone until a qualified biologist has determined that the young birds have fledged.</p> <p>Outside of breeding season (September to January): No disturbance shall occur within 160 feet of occupied burrows if over-wintering burrowing owls are discovered using the site during the non-breeding season (September 1st through January 31st).</p> <p>If any burrowing owls are discovered using the site during the pre-construction surveys during the non-breeding season, a burrowing owl relocation plan to be approved by the California Department of Fish and Game shall be developed and implemented, including passive measures such as installation of one-way doors in active burrows for up to four days, careful excavation of all active burrows after four days to ensure no owls remain underground, and filling all burrows in the construction area to prevent owls from using them. This plan must provide for the owls' relocation to nearby lands possessing available nesting and foraging habitat.</p>	<p>Director of Planning, Building, and Code Enforcement</p>	<p>A biologist report outlining the results of the pre-construction burrowing owl surveys and any recommended buffer zones or other mitigation shall first be submitted to the satisfaction of the Director of Planning, Building and Code Enforcement.</p>	<p>Report shall be submitted prior to the issuance of the Improvement Plan Permit by the City of San Jose Department of Public Works</p>

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<b>Biological Resources (continued)</b>				
<p><u>Impact BIO-2:</u> The project site provides potentially suitable habitat for tree-nesting raptors and other migratory birds.</p>	<p><u>Mitigation BIO-2:</u> Construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities.</p>	<p>Director of Planning, Building, and Code Enforcement</p>	<p>The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish &amp; Game (CDFG), designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest.</p>	<p>Report with survey results shall be submitted to the Environmental Division Manager prior to the issuance of the Improvement Plan Permit by the City of San Jose Dept. of Public Works.</p>

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<b>Cultural Resources</b>				
<p><u>Impact CUL-1:</u> Grading to support project construction is expected to require cuts and fills ranging from one to three feet in depth, which may unearth cultural resources. Native American remains were discovered south of the project site during the construction of Tamien Station.</p>	<p><u>Mitigation CUL-1:</u> The applicant shall retain a Native American monitor to be present during all earthwork activities at the project site.</p> <p>If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth-disturbance associated with the proposed project, the onsite contractor shall immediately notify the City of San José and the project applicant. All soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code Section 7050.5 and Public Resources Code Sections 5097.94, 5097.98 and 5097.99.</p> <p>Should any evidence of paleontological resources (e.g. fossils) be encountered during grading or excavation either onsite or offsite as a result of project construction, work shall be suspended within 100 feet of the find, and the City of San José and applicant shall be immediately notified. At that time, the applicant shall coordinate any necessary investigation of the site with a qualified paleontologist as needed to assess the resource and provide property management recommendations, such as avoiding the resource and/or excavating and recording data on the resource. The contractor shall implement any measures deemed necessary by the paleontologist and the City of San José for the protection of the paleontological resource.</p>	<p>Director of Planning, Building, and Code Enforcement</p>	<p>Provide evidence of a contract with a qualified Native American monitor to the Environmental Division Manager of the Department of Planning, Building, and Code Enforcement.</p>	<p>Contract shall be submitted to the Environmental Division Manager prior to the issuance of the Improvement Plan Permit by the City of San Jose Dept. of Public Works.</p>

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<b>Geology and Soils</b>				
<p><u>Impact GEO-1:</u> Cornerstone (2012a) reports that “soil subgrade and fill materials, especially soils with high fines contents such as clays and silty soils, can become unstable due to high moisture content or repetitive rubber-tire loading.” The moisture content of site soils “are close to or slightly below the estimated laboratory optimum in the upper several feet of the soil profile.</p>	<p><u>Mitigation GEO-1:</u> The design recommendations included in Sections 7 through 10 of the <i>Geotechnical Investigation and Geologic Hazards Evaluation</i> report (Cornerstone Earth Group 2012a) shall be implemented throughout project construction. This shall include recommendations for site preparation (earthwork), building foundations, concrete slabs and pedestrian pavements, and vehicular pavements.</p>	<p>Office of the State Architect</p>	<p>Provide construction permit plans consistent with recommendations in the geotechnical report.</p>	<p>Prior to issuance of the construction permit from the Office of the State Architect.</p>

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<b>Hazards and Hazardous Materials</b>				
<p><u>Impact HAZ-1:</u> Construction of the proposed project would require the storage, use, and handling of hazardous materials.</p>	<p><u>Mitigation HAZ-1:</u> The following Best Management Practices shall be implemented during all site preparation and construction activity within the project site to control pollutant sources associated with the handling, storage, and disposal of hazardous materials used during construction:</p> <p>A. Store construction raw materials (e.g., dry materials such as plaster and cement, pesticides and herbicides, paints, petroleum products, treated lumber) in designated areas that are located away from storm drain inlets, drainageways, and canals and are surrounded by earthen berms. Train the construction employees working on the site in proper materials handling practices to ensure that, to the maximum extent practicable, those materials that are spread throughout the site are covered with impervious tarps or stored inside buildings.</p> <p>B. If concrete trucks are washed onsite, contain the wash water in a temporary pit adjacent to the construction activity where waste concrete can harden for later removal. Avoid washing fresh concrete from the trucks, unless the runoff is drained to a berm or level area, away from storm drain inlets.</p> <p>C. Collect non-hazardous waste construction materials (e.g., wood, paper, plastic, cleared trees and shrubs, building rubble, scrap metal, rubber, glass) and deposit in covered dumpsters at a designated waste storage area on the site. Store recyclable construction materials separately for recycling. Transport all solid waste and recyclable material to the landfill.</p>	<p>Director of Planning, Building, and Code Enforcement</p>	<p>The applicant shall include a construction management plan detailing actions to comply with the Best Management Practices outlined in Mitigation HAZ-1 A-E with the plans submitted for the Improvement Plan Permit.</p>	<p>The construction management plan shall be submitted with the plans for the Improvement Plan Permit from the Department of Public Works. A copy of the construction management plan shall be provided to the Environmental Division Manager of the Department of Planning, Building, and Code Enforcement.</p>

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<b>Hazards and Hazardous Materials</b>				
<p><u>Impact HAZ-1:</u> Construction of the proposed project would require the storage, use, and handling of hazardous materials (continued).</p>	<p>D. Store hazardous materials in portable metal sheds with secondary containment. The quantities of these materials stored on site shall reflect the quantities needed for site construction. Avoid over-application of fertilizers, herbicides, and pesticides. Do not mix hazardous waste with other waste produced onsite. Contract with a Certified Waste Collection contractor to collect hazardous wastes for disposal at an approved hazardous waste facility.</p> <p>E. Dispose of waste oil and other equipment maintenance waste in compliance with federal, State and local laws, regulations and ordinances.</p>			
<p><u>Impact HAZ-2:</u> Some hazardous materials would be removed from the site during demolition and construction, which could create a hazard to the public.</p>	<p><u>Mitigation HAZ-2:</u> Applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health for soil remediation activities at the project site and shall prepare a Work Plan subject to approval by the Department of Environmental Health. The Work Plan shall identify proposed additional soil sampling and remediation measures, such as capping or excavation and removal, for all soils within the project site that contain concentrations of pollutants in excess of the applicable screening level or cleanup goals approved by the Department of Environmental Health. Any soil excavation work shall be performed by a licensed hazardous materials contractor and personnel with training in hazardous waste operations (40-hour OSHA Training). Further, soil excavation work shall be conducted in a manner such that workers are protected from airborne hazards in accordance with OSHA guidelines. For any soil removal, the applicant shall retain a qualified contractor to remove contaminated soils and transport them to an approved landfill site. Transport shall be undertaken in accordance with state and federal standards.</p>	<p>Director of Planning, Building, and Code Enforcement</p>	<p>Submit a copy of a work plan approved by the Santa Clara County Department of Environmental Health (SCCDEH) to the City of San Jose Department of Planning, Building, and Code Enforcement, Environmental Division.</p>	<p>A copy of the SCCDEH approved work plan shall be submitted with plans for the Improvement Plan Permit from the City of San Jose Department of Public Works and shall be directed to the Environmental Division Manager of the Department of Planning, Building, and Code Enforcement.</p>

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<b>Hazards and Hazardous Materials (continued)</b>				
<p><u>Impact HAZ-3:</u> Some soils onsite exceed thresholds for naturally occurring asbestos (NOA)</p>	<p><u>Mitigation HAZ-3:</u> The applicant shall manage NOA soils onsite in accordance with the Department of Toxic Substances Control guidance document <i>Interim Guidance, Naturally Occurring Asbestos (NOA) at School Sites, Revised September 24, 2004</i>. The applicant shall obtain environmental regulatory oversight from the Santa Clara Department of Environmental Health to address NOA issues, shall prepare a Removal Action Plan for the project site, and shall submit it to the County for their review and approval.</p>	<p>Director of Planning, Building, and Code Enforcement</p>	<p>Submit a copy of a Removal Action Plan approved by the Santa Clara County Department of Environmental Health (SCCDEH) to the City of San Jose Department of Planning, Building, and Code Enforcement, Environmental Division.</p>	<p>An SCCDEH approved Removal Action Plan shall be submitted with plans submitted for an Improvement Plan Permit from the City of San Jose Department of Public Works and shall be directed to the Environmental Division Manager of the Department of Planning, Building, and Code Enforcement.</p>

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<b>Hydrology and Water Quality</b>				
<p><u>Impact HYD-1:</u> Construction and operation of the proposed project could introduce pollutants and sediment into water runoff from the site. This runoff would flow to nearby water bodies and eventually into the San Francisco Bay, which provides important fish and wildlife habitat.</p>	<p><u>Mitigation HYD-1:</u> Launchpad Development Nine LLC shall prepare and implement a SWPPP for the Rocketship Education elementary school and joint use facilities project. The SWPPP shall be approved by the RWQCB prior to initiation of project site preparation, grading, and/or construction. The SWPPP shall include the following:</p> <p>A. Site maps that show the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project site.</p> <p>B. A description of BMPs that would prevent construction pollutants from contacting storm water with the intent of keeping all products of erosion from moving offsite into receiving waters. BMP placement/locations shall be identified in figures and text. BMPs shall include an erosion and sediment control plan, non-storm water and materials management, and post-construction stormwater management measures.</p> <p>C. Unless demonstrated to be inapplicable to the project site, specific BMPs that shall be part of the erosion and sediment control plan shall include fiber rolls, silt fence, drain inlet protection, velocity check dams, slope protection (hydro-seeding and hydraulic mulch application), wind erosion control, and street sweeping; or other equally effective measures.</p> <p>D. Non-storm water and materials management BMPs shall be designed to minimize or eliminate discharge of pollutants from vehicles, reduce litter, address leakage or spilling from sanitary facilities, reduce concrete waste from entering stormwater, and prevent spills of hazardous and non-hazardous materials.</p>	<p>Director of Planning, Building, and Code Enforcement</p>	<p>Submit a copy of a SWPPP approved by the RWQCB to the City of San Jose Department of Planning, Building, and Code Enforcement, Environmental Division.</p>	<p>A copy of a RWQCB approved SWPPP shall be submitted with plans for an Improvement Plan Permit from the City of San Jose Department of Public Works and shall be directed to the Environmental Division Manager of the Department of Planning, Building, and Code Enforcement.</p>

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<b>Hydrology and Water Quality</b>				
<p><u>Impact HYD-1:</u> Construction and operation of the proposed project could introduce pollutants and sediment into water runoff from the site. This runoff would flow to nearby water bodies and eventually into the San Francisco Bay, which provides important fish and wildlife habitat (continued).</p>	<p>E. Post-construction measures, which shall focus on the first winter after construction, before vegetation has had time to be established. Erosion control BMPs shall remain in place during this time period.</p> <p>F. A schedule for maintaining BMPs. Most erosion control BMPs shall be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events. Other maintenance shall be described in the SWPPP. BMPs shall be modified or replaced when necessary.</p>	(see above)	(see above)	(see above)
	<p><u>Mitigation HYD-2:</u> The applicant shall prepare a drainage plan and Stormwater Management Plan (SMP) for the Rocketship Education elementary school and joint use facilities. The drainage plan and Stormwater Management Plan shall be designed to ensure that stormwater flows generated by the project are controlled by implementation of appropriate drainage and stormwater management/treatment measures and that drainage contributed to the City's storm drain system by the proposed project does not exceed the capacity of the storm drain system. Drainage and associated landscape improvements shall be constructed in accordance with the approved drainage plan. The drainage plan shall provide approved stormwater management/treatment measures.</p>	Director of Planning, Building, and Code Enforcement	An SMP shall be included with plans submitted for an Improvement Plan Permit from the Department of Public Works.	An SMP shall be submitted with plans for an Improvement Plan Permit from the City of San Jose Department of Public Works and shall be directed to the Environmental Division Manager of the Department of Planning, Building, and Code Enforcement.

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<b>Noise</b>				
<p><u>Impact NOISE-1:</u> The location of the project may expose persons to noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p>	<p><u>Mitigation NOISE-1:</u> To achieve compliance with the 35 dBA Leq(h) limit of ANSI for the classroom interiors, the following noise control measures shall be required to:</p> <p>A. Maintain closed at all times all classroom windows.</p> <p>B. Install windows rated minimum Sound Transmission Class (STC) 38 at all classrooms. Minimum glazing requirements are 3/16” over 1/8” glass.</p> <p>C. Provide some type of mechanical ventilation for all classrooms. (When windows are maintained closed for noise control, some sort of mechanical ventilation to assure a habitable environment shall be provided. The ventilation system shall not compromise the acoustical integrity of the building shell. The ventilation system noise levels in the classroom shall not exceed the background noise level requirement of Room Criteria (RC) 25(N) – 30(N) of the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE).</p>	<p>Office of the State Architect</p>	<p>Window and mechanical ventilation specifications shall be included on plans submitted to the Office of the State Architect for the construction permit.</p>	<p>Prior to issuance of construction permit by the State Architect.</p>

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<b>Noise (continued)</b>				
<p><u>Impact NOISE-2:</u> The project has the potential to create a substantial permanent and temporary increase in ambient noise levels in the project vicinity above levels existing without the project.</p>	<p><u>Mitigation NOISE-2:</u> Construct a 6-foot high acoustically-effective barrier along a portion of the rear property line and along the west property line of the home at 452 Goodyear Street contiguous with the project site, as shown in figure 3 of the Noise Assessment Study. The barrier height is in reference to the residential property ground elevations, whichever is higher.</p> <p>This barrier shall be acoustically-effective, meaning it must be made air-tight and must provide for long-term durability. It can be constructed of wood, stucco, masonry, earth berm or a combination thereof and must have a minimum surface weight of 2.5 pounds per square foot. If wood fencing is used, homogenous sheet materials are preferable to conventional wood fencing as the latter has a tendency to warp and form openings with age. However, high quality, air-tight, tongue-and-grove, shiplap, or board and batten construction is air-tight. The noise control barriers must be constructed so that all joints, including connections with posts or pilasters are sealed air-tight and no openings are permitted between the upper barrier components and the ground.</p>	<p>Director of Planning, Building, and Code Enforcement</p>	<p>Submit photographs to the Environmental Division Manager of the Department of Planning, Building, and Code Enforcement confirming the sound barrier was constructed at the designated location.</p>	<p>Prior to occupancy of the school building.</p>

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<b>Transportation and Traffic</b>				
<p><u>Impact TRA-1:</u> The project may substantially increase hazards due to traffic patterns during school drop-off and pick-up times.</p>	<p><u>Mitigation TRA-1:</u> The applicant shall implement the following measures to control drop-off/pick-up vehicle and pedestrian operations:</p> <p>A. Submit fees to provide for the City of San José to install school zone signs per State standards along Lick Avenue, Goodyear Street, and Pepitone Avenue. The fees shall be paid in advance providing the City sufficient time to install signage before school opens.</p> <p>B. Restrict entrance to the driveway at Goodyear/Pepitone to allow traffic to enter the site only from Pepitone Avenue during peak periods of school traffic, typically occurring during student drop-off and pick-up times. Place a traffic attendant at the school driveway to prohibit inbound left turns from Goodyear Street during peak periods.</p> <p>C. Install a marked crosswalk and concrete islands (if appropriate) at Lick Avenue and Goodyear Street to facilitate pedestrian crossing.</p> <p>D. Provide staff or parent volunteers at the following locations during pick-up and dropping-off time:</p> <ol style="list-style-type: none"> <li>1) On-site parking area to assist parents with loading and unloading children.</li> <li>2) At Pepitone Avenue &amp; Goodyear Street, direct traffic and minimize back-up on Pepitone Avenue.</li> <li>3) At Lick Avenue &amp; Goodyear Street, assist children crossing Lick Avenue and monitor traffic to deter vehicles from turning onto Goodyear Street.</li> <li>4) On Lick Avenue along project frontage, monitor traffic and deter parents from making unsafe u-turns, drop-off in the street, and crossing mid-block.</li> </ol> <p>E. Provide education to parents and children and send out periodic reminders to parents on traffic circulation pattern, do not block crosswalks and driveways, make unsafe u-turns, drop-offs in the street or crossing midblock.</p>	<p>Director of Planning, Building, and Code Enforcement</p>	<p>Plans showing all on and off-site improvements plus all fees for the installation of signs and painting in the public right-of-way shall be submitted to the Department of Public Works.</p> <p>Submit documentation to the Environmental Division Manager of the Department of Planning, Building, and Code Enforcement confirming the implementation of staff and parent educational programs.</p>	<p>Plans and fees shall be submitted with plans submitted for the Improvement Plan Permit from the Department of Public Works.</p> <p>Provide documentation of full implementation of measures within one year of commencement of school operations.</p>

Environmental Impacts	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
<b>Transportation and Traffic</b>				
<p><u>Impact TRA-2:</u> Parked cars on Goodyear Street impede sight distance for vehicles exiting the school driveway.</p>	<p><u>Mitigation TRA-2:</u> Launchpad Development Nine LLC and the City of San José shall provide for appropriate signage and pavement markings to prohibit on-street parking on for a distance of 60 feet along Goodyear Street east of the school driveway.</p>		<p>Plans showing the no-parking area and fees for the installation of signs and painting in the public right-of-way shall be submitted to the Department of Public Works.</p>	<p>Plans and fees shall be submitted with plans submitted for the Improvement Plan Permit from the Department of Public Works.</p>

**ROCKETSHIP TAMIEN PUBLIC SCHOOL #8 AND JOINT USE AREA**  
**INITIAL STUDY**  
**November 2012**

PROJECT TITLE: Rocketship Tamien Public School #8 and Joint Use Area

LEAD AGENCY: City of San José  
200 E Santa Clara Street, San José, CA 95113

CONTACT PERSON: David Keyon  
Planner II  
(408) 535-7898

PROJECT LOCATION: 1193 Lick Avenue  
San José, CA 95110  
APN: 434-13-041

PROJECT SPONSOR: Launchpad Development Nine LLC  
350 Twin Dolphin Drive, Suite 109  
Redwood City, CA 94065

GENERAL PLAN: Open Space, Parklands and Habitat

ZONING: Light Industrial

EXISTING LAND USE: Vacant land

PROJECT SUMMARY

Launchpad Development and Rocketship Education propose to develop a public elementary school that would be part of the Rocketship Education Public Charter School system. The school would have capacity for 600 students and would be located on approximately 0.61 acres.

Launchpad Development and Rocketship Education also propose to develop a Joint Use Area that would include a parking lot, a paved play area (half-court basketball and four-square courts), two shade structures, and a playground. The Joint Use Area would be constructed and maintained by Rocketship Education but owned by the City of San José. The Joint Use Area would be a city park that is dedicated for use by the school during school hours and would be available for public use outside of school hours. These facilities would be located on approximately 0.79 acres. The entire project site comprises 1.4 acres.

As a separate project, the City of San José anticipates developing a neighborhood park on approximately 2.1 acres adjacent to and south of the proposed Rocketship Elementary School site. Preliminary plans for this park are described below and the anticipated impacts from development and operation of the park are described qualitatively throughout this Initial Study. Funds received by the City from the sale of proposed school site to Rocketship Education may be used to facilitate planning and construction of the neighborhood park. However, approval of the proposed Rocketship Education project would not commit the City of San José to specific actions related to construction of the neighborhood park and is not a necessary precedent for action on the park project.

Additionally, development of the park site would be subject to a master planning process and site-specific environmental review. At the time that the City of San José has developed a Master Plan or other specific development plans for this future project, the City would serve as the Lead Agency for the necessary CEQA review of this project prior to taking any discretionary actions that would commit the City to development of the project.

The neighborhood park is considered a future project that is related to the proposed Rocketship Education school project, but is not a project that is subject to the requirements for environmental review under the California Environmental Quality Act at this time other than consideration of the park as part of the cumulative impacts scenario for the project area. The future adjacent neighborhood park project is not subject to CEQA review at this time because the details of the project are not known sufficiently to allow for a reasonable assessment of project impacts. CEQA Guidelines Section 15165 allows that where a public agency may be pursuing completion of “several similar projects” that are not considered “part of a larger undertaking or a larger project” the Lead Agency may prepare separate environmental documents for each project, but must consider cumulative effects in each document. The City is not currently contemplating taking any actions on the future adjacent neighborhood park project. As noted above, the City’s consideration of the purchase agreement and joint use agreement for the currently proposed Rocketship Education project would not commit the City to any specific action related to construction of the neighborhood park. This Initial Study for the Rocketship Education project considers the likely cumulative effects in the project area, including consideration of impacts associated with the future adjacent neighborhood park project.

## **PROJECT LOCATION**

The project site is within the Washington Neighborhood of the City of San José; the immediate vicinity of the project site is known as the Tamien neighborhood. The site is south of the downtown area and east of the Willow Glen neighborhood, as shown in Figure 1. The site is located at 1193 Lick Avenue, San José, California, at the southwest corner of the intersection of Lick Avenue and Goodyear Street, as shown in Figure 2. Primary vehicular access to the proposed onsite parking lot would be provided from Goodyear Street. Emergency access would also be provided from Goodyear Street, and an additional emergency access point would be provided along Lick Avenue.

The site is northeast of Tamien Station, which serves Caltrain and Santa Clara Valley Transportation Authority (VTA) Light Rail. Nine Caltrain and one Amtrak passenger trains pass the project site during school hours daily. The railroad tracks are also used by freight trains, but not usually during school hours. The nearest train tracks are approximately 30 feet from the eastern site boundary. State Route (SR) 87 is located further west of the site. The project site boundary is approximately 150 feet from the edge of pavement associated with the on-ramp in this location, and approximately 210 feet from the edge of the nearest travel lane. The Guadalupe River is located on the west side of SR 87, approximately 725 feet west of the project site.



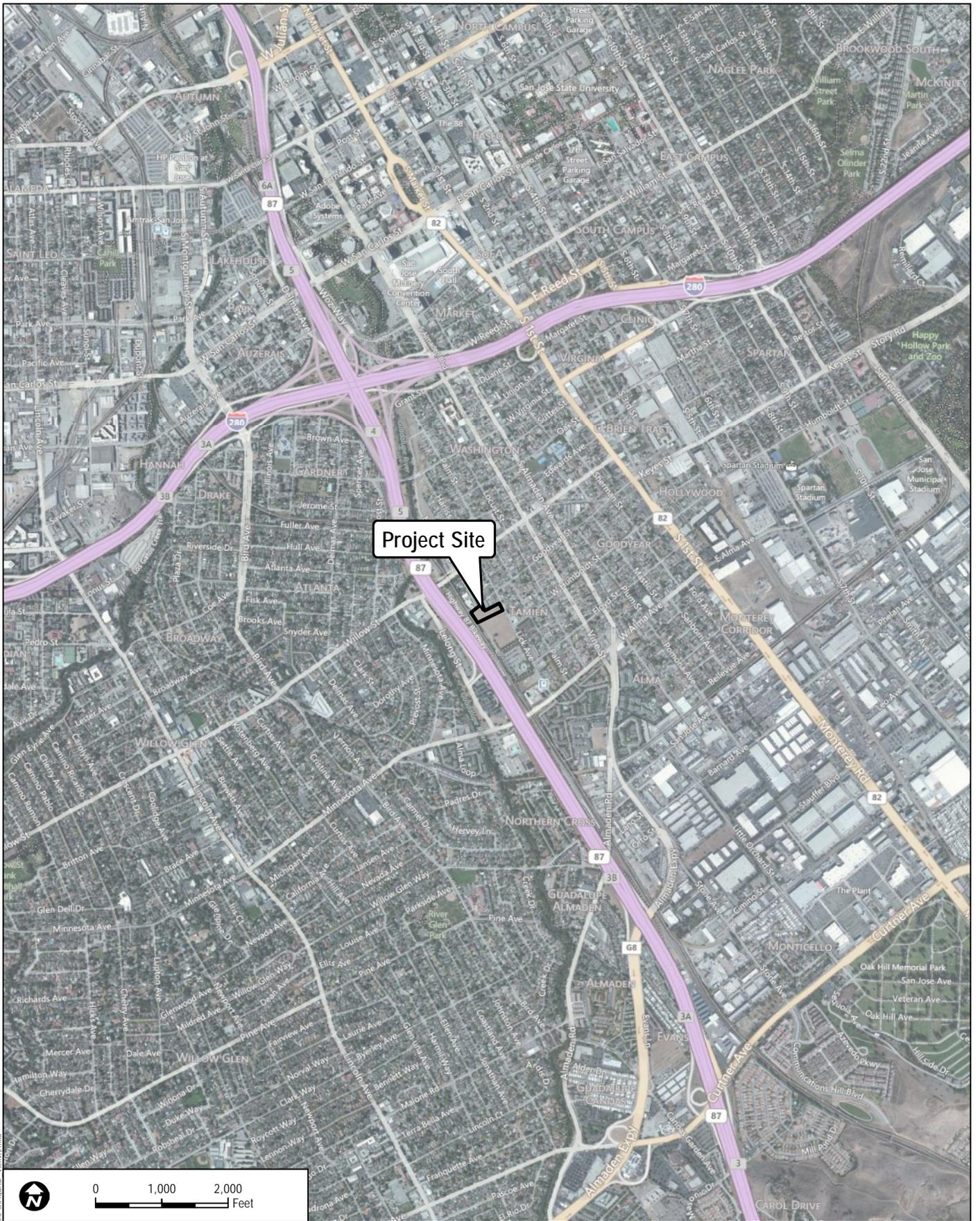
**DUDEK**

7407-04

ROCKETSHIP PUBLIC SCHOOL - TAMIEN - INITIAL STUDY

**FIGURE 1**  
**Regional Map**

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0 1,000 2,000 Feet

**DUDEK**

SOURCE: Bing 2012

7407-04

ROCKETSHIP PUBLIC SCHOOL - TAMIEN

**FIGURE 2**  
**Vicinity Map**

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## **PROJECT SITE CHARACTERISTICS**

The Rocketship Tamien Public School and Joint Use Area project site comprises approximately 1.4 acres. The site is relatively flat with a gentle slope up to the north. As shown in the aerial photograph in Figure 2 and the site photographs in Figure 3, this vacant site supports a few trees at its eastern boundary and shrubby vegetation along the site's northern frontage on Goodyear Street.

## **SURROUNDING LAND USES AND SETTING**

The vacant 2.1 acre site of the potential City of San José neighborhood park is located immediately south of the school and Joint Use Area site. Additional vacant land is south of the park site.

A mix of single-family, multi-family, and industrial land uses exist in the project vicinity. Tamien Station, which as noted above serves both Caltrain and the Santa Clara VTA Light Rail, is located south of the site. A child care center is located east of Tamien Station. Industrial land uses, such as automotive repair shops, are located east and north of the project site.

The project site is subject to overflights from commercial aircraft using the San José International Airport, but is outside of the Airport Influence Area and is not subject to any noise, height, or safety restrictions associated with the airport.

## **PROPOSED SCHOOL AND JOINT USE AREA LAYOUT**

The proposed K-5 public elementary school would be constructed in 2013 and operational beginning in the fall of 2013. The school is proposed to have a capacity of 600 students attending kindergarten through fifth grade and 24 staff. The proposed site plan is provided in Figure 4. The school building would be two stories and about 25 feet in height to the top of the elevator equipment. The building would contain approximately 22,112 square feet and would include 14 full-sized classrooms and one smaller special classroom, multi-purpose room, cafeteria, administration space, four girls and four boys restrooms, and two staff restrooms. The building would be steel frame construction with a concrete foundation, and wood joists and beams. The building's exterior walls would be finished with cement board siding and painted beige with forest green and purple accents. Light fixtures mounted on the building would be used to illuminate the pedestrian pathways and door entries. Additional pole mounted lights would be located on the campus to safely illuminate the campus.

An approximately 1,200 square-foot shade structure and an approximately 1,800 square-foot play structure would be located northeast of the school building, along Lick Avenue. The school site would also include a parking lot containing approximately 42 parking spaces (39 standard spaces and 3 handicapped spaces) and a 1,500 square-foot paved play area. The shade structures, play structure, parking lot, and paved play area would be joint use facilities shared with the City of San José and available for public use outside of school hours.



Photo 1: View to south/southwest across the site.  
Residential tower and train station visible in background.



Photo 2: View to west along the northern site boundary



Photo 3: View to west across the site towards the train and highway



Photo 4: View to north/northeast across the site.  
Residences on Goodyear Street visible in background



0 50 100  
Feet

**DUDEK**

SOURCE: Bing 2012, Artik 2012

7407-04

ROCKETSHIP PUBLIC SCHOOL - TAMIEN - INITIAL STUDY

**FIGURE 4**  
**Site Plan**

A single access point on Goodyear Street would serve the parking lot. Student drop-off and pick-up would occur within the parking lot. Cars would enter from Goodyear Street, turn right to circle through the parking lot, and drop-off or pick-up students in the corner of the parking lot closest to the school building. During drop-off and pick-up times, the driveway would be restricted to movement in a counter-clockwise direction.

The school campus would be secured with eight-foot-high chain link perimeter fencing. The school building site would be fenced separately from the Joint Use Facilities to provide for safety and security of the campus and play areas during school hours while allowing public access to the shade and play structures and maintaining building security outside of school hours.

Site landscaping will be planned in accordance with City approved guidelines. Launchpad Development would plant street trees along the school campus frontage on Goodyear Street and Lick Avenue consistent with City of San José requirements. A bioretention area would be created at the western edge of the parking lot.

Green building concepts incorporated into the proposed project include low-flow urinals; low-emitting VOC materials/products; recycled fly ash in concrete foundation; recycled aggregate base product; recycled landscape mulch; recycled steel and sub-flooring material; electricity usage ten percent better than Title 24 requirements; C-3 compliance with onsite mitigation of all stormwater runoff using a vegetated swale (bioretention area); programming incentives for “walk/ride to school” and carpooling.

### **Rocketship Elementary School Operations**

School activities and operations would occur onsite generally between 7:15 a.m. and 6:00 p.m. throughout the week. School hours would be from 8:00 a.m. to 4:00 p.m. Monday through Friday. Student drop-off would be from 7:15 a.m. to 8:00 a.m. Afternoon pick-up would be from 3:30 p.m. to 3:45 p.m. (for grades K through 2) and from 4:00 p.m. to 4:15 p.m. (for grades 3 through 5). Pick-up for students in after-school programs would be between 5:50 p.m. and 6:05 p.m. (during which time the general public would also have access to the parking area to use the play areas). At capacity, approximately 225 students would be picked up at 3:30 p.m., another approximately 225 students would be picked up at 4:00 p.m.; and approximately 150 students would be picked up at 6:00 p.m. Play periods would occur throughout the day with a maximum of 120 students at play at any one time.

The school would conduct monthly community meetings in the evening. Professional development, testing preparation, and enrichment workshops would be held at the school twice per month on Saturdays from 8:00 a.m. to 4:00 p.m.

### **Rocketship Elementary Construction Activities**

Project construction would begin in February 2013 and would be completed in August 2013. Construction hours would be from 8:00 a.m. to 5:00 p.m. Monday through Friday. Construction Activities are presented in Table 1.

**Table 1: School Construction Activities**

<b>Activity</b>	<b>Duration</b>	<b>Equipment</b>
Demolition	0	N/A
Earthwork	15 days	One each: scraper, loader, motor grader, skip loader, roller, water truck, end dump truck
Underground Utilities	15 days	Excavator (1), back hoe (2), end dump truck (2)
Site Concrete Work	10 days	One each: concrete pump, Read Mix concrete truck
Paving Work	3 days	One each: paver, roller, end dump truck
Miscellaneous, Site Construction (site furnishings, fencing, etc.)	10 days	One each: back hoe, flat bed truck, skip loader
Building Foundation	15 days	One each: concrete pump, Read Mix concrete truck
Modular Building Installation	5 days	Crane (1), flat bed truck (6)
Modular Building Interior Finishes	45 days	Miscellaneous tools and equipment

The site contains a layer of undocumented fill to depths of approximately 2 ½ feet. Grading cuts are expected at a depth of five feet to remove the undocumented fill and reach native soil. Grading for the proposed project is expected to require only minimal soil import or export. Construction trucks would be utilized primarily to deliver building materials and remove demolition debris. Because the school building is factory built, scrap building materials and other waste would be minimal. To the extent feasible, surplus construction materials would be recycled.

Proposed construction activities would require an estimated total of 60 construction workers over the entire construction period, with a peak of 22 construction workers on a daily basis. Construction workers would park onsite with minimal construction workers parking on nearby streets.

The project would prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the requirements of the State Construction General Permit that will specify the use of appropriate best management practices (BMPs) for erosion control and spill prevention during construction and permanent post-construction stormwater management measures following construction. BMPs would include perimeter straw wattles at all disturbed grading areas, inlet protection at all new and existing inlets subject to potential sediment flow, rock construction entrances and designated protected concrete washout areas.

No off-site improvements have been identified at this time.

## **ENTITLEMENTS AND REQUIRED APPROVALS**

The City of San José is the Lead Agency for CEQA compliance for the Rocketship School #8 and Joint Use Area project. The Santa Clara County Office of Education is a responsible agency under CEQA. In addition to CEQA compliance, the following entitlements and approvals are necessary to allow for construction and operation of the proposed project:

- City of San José Site Purchase Agreement
- City of San José Joint Use Agreement
- Santa Clara County Board of Education zoning exemption (pursuant to California Government Code Section 53094)
- Division of the State Architect (DSA) for the prefabricated buildings, disabled access, fire and life safety systems
- San Francisco Bay Regional Water Quality Control Board for NPDES General Permit and Storm Water Pollution Prevention Plan (SWPPP)
- Santa Clara Valley Water District for potable water hookups
- City of San José Department of Public Works for off-site improvement approvals, road encroachment permit, storm drain and sewer hook-ups
- City of San José Department of Public Works for on-site improvement approvals of facilities and landscaping within the joint use areas.
- San José Fire Department for site access and fire hydrants/water pressure
- Santa Clara County Health Department for food server at the school

## **CITY OF SAN JOSÉ NEIGHBORHOOD PARK PROJECT**

The City of San José has planned for a neighborhood park to be located south of the proposed Rocketship school. The Joint Use Areas developed with the proposed school and maintained by Rocketship Education would function as an extension of the park outside of school hours. Development of the park site would be subject to a master planning process and site-specific environmental review. At the time that the City of San José has developed a Master Plan or other specific development plans for this future project, the City would serve as the Lead Agency for the necessary CEQA review of this project prior to taking any discretionary actions that would commit the City to development of the project. The future adjacent neighborhood park project is not subject to CEQA review at this time because the details of the project are not known sufficiently to allow for a reasonable assessment of project impacts. Because the City's actions on the currently proposed Rocketship Education project would not commit the City to any specific development plan for the neighborhood park site, the two projects are not considered to be individual components of a larger project. CEQA Guidelines Section 15165 allows a Lead Agency to prepare separate environmental documents for similar projects that are not part of a larger undertaking.

While approval of the Rocketship project does not commit the City of San José to any specific development activities, development of the adjacent park site is a reasonably foreseeable future project. As stated above, preliminary plans for this park are described below and the impacts from development and operation of the park are described qualitatively throughout this Initial

Study to ensure that cumulative impacts from development in the project area are appropriately evaluated.

### **Neighborhood Park Facilities**

At a minimum, the adjacent park is expected to include a single regulation-size youth soccer field surrounded by a perimeter walkway and jogging path, seating, and landscaping. The park may also include other amenities desired by local residents. Through community workshops to date, the City of San José has identified the following potential amenities for this park: tai-chi area, performance space, and restrooms. The Joint Use Areas developed and maintained by Rocketship Education - including the play structure, shade structure, basketball court, and parking lot - would complement the amenities developed at the approximately 2.1-acre adjacent park site.

### **City of San José Neighborhood Park Operations**

The future City of San José Neighborhood Park adjacent to the facilities developed by the school project would be available for public use between sunrise and one hour after sunset each day.

### **City of San José Neighborhood Park Construction Activities**

Timing for construction of the City of San José Neighborhood Park is not known at this time. Construction hours, if consistent with standard City practices, would be from 8:00 a.m. to 5:00 p.m. Monday through Friday. It is expected that grading cuts and fills would be minimal and that there would be only minimal, if any, need for soil export or import. Walkways around the perimeter of the site may be poured concrete, decomposed granite, or another surface considered accessible under the American with Disabilities Act (ADA).

In compliance with the requirements of the State Construction General Permit, the project would prepare and implement a SWPPP that specifies the use of appropriate BMPs for erosion control and spill prevention during construction and permanent post-construction stormwater management measures following construction. BMPs would include perimeter straw wattles at all disturbed grading areas, inlet protection at all new and existing inlets subject to potential sediment flow, rock construction entrances and designated protected concrete washout areas.

## **APPROACH TO IMPACT ANALYSIS**

This Initial Study evaluates the impacts associated with the Rocketship Education Public Charter School and Joint Use Area based on the proposed site plans and site-specific technical studies. The analysis in this Initial Study also provides a preliminary qualitative assessment of impacts likely to result from the future adjacent neighborhood park and considers whether any cumulative impacts would result from these two projects combined. No approvals for development of the neighborhood park are being considered at this time and the details of the project are not known sufficiently to allow for a comprehensive assessment of project impacts, therefore the park development is not subject to this CEQA analysis. However, to ensure that impacts from cumulative development in the project area are evaluated, this Initial Study generally identifies potentially significant impacts that would be likely to result from the future

adjacent neighborhood park project and discusses likely mitigation measures. As discussed above, development of the park site would be subject to the City's master planning process. At the time that the City of San José has developed a Master Plan or other specific development plans for this future project, the City would serve as the Lead Agency for the necessary CEQA review of this project prior to taking any discretionary actions that would commit the City to development of the neighborhood park. CEQA Guidelines Section 15165 allows for preparation of separate environmental documents for these two projects because they are not part of a larger undertaking, provided that cumulative impacts are evaluated in each of the separate documents.

## **TECHNICAL STUDIES COMPLETED FOR THE PROPOSED PROJECT**

Several technical studies were completed to evaluate the potential environmental impacts associated with the proposed project. The reports referenced throughout this Initial Study are attached as appendices as indicated below:

**APPENDIX A:** CalEEMod Modeling Results, Annual Emissions

**APPENDIX B:** Geotechnical Investigation and Geologic Hazards

**APPENDIX C:** Phase I Environmental Site Assessment

**APPENDIX D:** Phase II Site Investigation

**APPENDIX E:** Noise Assessment Study

**APPENDIX F:** Traffic Impacts Analysis

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

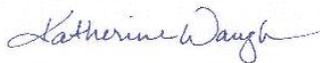
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils                      |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials      | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities / Service Systems        | <input type="checkbox"/> Mandatory Findings of Significance |
|   |   | <input checked="" type="checkbox"/> None with Mitigation    |

**DETERMINATION:**

On the basis of this initial evaluation:

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

Signature:  Date: November 20, 2012

Printed Name/title: Katherine Waugh, Senior Project Manager, Dudek

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

<b>I. AESTHETICS</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a) Have a substantial adverse effect on a scenic vista?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. The project site is not a part of any scenic vistas. A scenic vista is generally defined as an expansive view of highly valued landscape as observable from a publicly accessible vantage point. As discussed below, there are views of the Santa Cruz Mountains foothills to the southwest of the project vicinity, but those views are constrained by distance and intervening urban levels of development. Further, views to the foothills across the project site are not possible from publically accessible vantage points.

The site forms the northern portion of a large vacant area, as shown on Figure 2, and can be viewed from single-family residential, multi-family residential, commercial, and industrial land uses as well as the Tamien Station, which serves both Caltrain and light rail.

Views of the foothills to the southwest of the area are possible in the vicinity of the project site. Where they are visible, the foothills are in the background of views that include urban development, Tamien Station and the train tracks, and SR 87 in the foreground. These foreground features lessen the vividness of the foothill views and limit both the expansiveness of these views and the scenic value of the landscape.

The primary views of the foothills in the vicinity occur when looking west from Lick Avenue across the 2.1-acre site south of the project site and the adjacent vacant land further south. Views of the foothills across the project site are only possible from the existing homes immediately north of the project site. Existing trees along the project site frontage on Lick Avenue and existing vegetation at the project site's frontage on Goodyear Street block views of the foothills from these locations.

While development of the site with the proposed elementary school building and joint use areas would block views to the foothills for existing residents immediately north of the project site, those views are compromised and are not publicly accessible

vantage points, therefore these views do not constitute a scenic vista.

While views of the foothills are more prevalent across the future adjacent neighborhood park site, development of the neighborhood park is not expected to include large structures that would block existing views. Further, as discussed above, views of the foothills are limited in expansiveness and scenic value and are not considered a scenic vista. No significant adverse impacts to scenic vistas are anticipated in the project area as a result of the proposed project and in the cumulative condition.

- b. Scenic resources are physical features that provide scenic value to a project site and its surroundings. These typically include topographic, geologic, hydrologic, and biological resources (for example, hills, rock outcroppings, creeks, woodlands or landmark trees). Photographs of the project site are provided in Figure 3 and photographs of the surrounding area are provided in Figure 5. The project site is undeveloped and supports weedy vegetation. A few trees are located at the site's frontage on Lick Avenue and shrubby vegetation is located at the site's frontage on Goodyear Street. As shown in the site photographs, the site does not provide any substantial scenic resources. The existing trees on the site's Lick Avenue frontage are typical landscape strip specimens constrained in size by their planters and overhead power lines.

The Rocketship school and joint use area project would remove the existing vegetation along the project site's Goodyear Street and Lick Avenue frontages. The project would include planting street trees along Lick Avenue consistent with City of San José requirements. The project would also provide landscaping (including trees, shrubs, and landscape mulch) within the parking lot, at the western edge of the site, and along the site's frontage on Lick Avenue. While development of the proposed elementary school and joint use area would remove the existing vegetation, which is considered a scenic resource, the impact would be less than significant because of the limited scenic value provided by the existing vegetation and because the loss of existing vegetation would be more than compensated for with landscaping included in the project design.

There is one large tree is located near the southwest corner of the adjacent neighborhood park site, but it is located outside the park site boundaries. Development of the future neighborhood park is not expected to affect this tree. In addition, the future park is expected to include additional landscaping around the site perimeter.

In the cumulative condition, a large portion of the currently vacant lot would be developed with community facilities and regularly maintained. While this would change the visual character of the site, it would not adversely affect scenic resources in the cumulative condition because impacts to existing scenic resources would be compensated for with new landscaping.

There are no structures on the site and there are no state-designated or eligible scenic highways or routes in the project vicinity (California Department of Transportation 2012).

- c. As stated above, the site is located in a neighborhood that contains single-family residential, multi-family residential, commercial, and industrial land uses as well as a Caltrain and light rail station. Representative photographs of the neighborhood are provided in Figure 5. Land uses along Lick Avenue and Goodyear Street immediately adjacent and across from the school site are single-family and multi-family residential. Industrial uses are present on Pepitone Avenue north of the proposed parking lot, while other uses along Pepitone Avenue are primarily residential. An old warehouse is located southeast of the park site, at the intersection of Lick Avenue and Floyd Street. Tamien Station and a child care facility are located immediately south of the neighborhood park site, and multi-family residential uses are present further south along Lick Avenue. Other uses in the project vicinity include commercial and industrial uses north along Lick Avenue and along Willow Avenue.

The project site is vacant and supports non-native weedy vegetation. The project site does not appear to be regularly maintained. Development of the site with an elementary school and joint use facilities would include removing the weedy vegetation from the site, removing the existing chain link fence topped with razor wire, constructing a new school building and play area, and installing a new parking lot and new landscaping. New fencing would be installed around the perimeter of the school site and around the perimeters of the joint use areas.

The school building would be similar in scale to the industrial buildings in the vicinity, and would be smaller than the existing child care facility and residential tower south of Tamien Station.

The school building would be finished with cement board siding and painted beige with forest green and purple accents, which would be generally compatible with the diversity of colors on existing buildings in the vicinity. The school building would be setback from Lick Avenue, with play equipment and a shade structure installed between the building and Lick Avenue. The placement of the building on the site, the intervening structures, and perimeter landscaping would decrease the visual prominence of the school building.

The project would remove a few existing trees, plant new smaller trees (and other landscaping), construct a large building, and install playground equipment. Replacing non-native weedy vegetation with the proposed school and joint use facilities would have a generally positive impact on the existing visual character of the project area. The proposed structures would be compatible with the surrounding neighborhood. The project is expected to have a less than significant impact on the visual character of the area.

The City of San José is still conducting planning efforts for the future adjacent neighborhood park site. Features developed in that project, subject to inclusion of specific features in the park master plan, could include a large turf area, a tai-chi area, a performance space, and restrooms. These factors would have a generally positive impact on the existing visual character of the project area by replacing weedy vegetation with maintained landscaping. In addition, the existing razor-wire topped



Photo 1: Goodyear Street



Photo 2: Pepitone Avenue



Photo 3: View to east across future neighborhood park site, residential and industrial structures visible in background



Photo 4: Single-family residential on Lick Avenue across from project site



Photo 5: Multi-family residential on Lick Avenue across from future park site

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chain link fence would be replaced with new fencing that would not include razor-wire. Because development of the project and park would either improve or not adversely affect the visual character of the area, no significant changes to visual character are expected in the cumulative condition.

- d. As noted in the Project Description above, light fixtures at the school would be mounted on the building to illuminate the pedestrian pathways and door entries. Additional pole mounted lights would be located on the campus, including the parking lot and the joint use area, to ensure safety. All fixtures would be shielded to direct light downwards to ensure that lighting does not spill over onto adjacent residential properties. The playground areas would be lit by the wall-packs on the building. The proposed school building would be finished with cement board siding and painted beige with forest green and purple accents. No reflective surfaces, other than windows, would be used.

While the project would create a new source of nighttime lighting around the building perimeter and in the parking lot, this is considered a less than significant impact because the light would not shine onto adjacent residences, adversely affect daytime or nighttime views in the area, or create obtrusive glare.

Further, the City of San José Washington Neighborhood Plan states that several areas within the plan are “inadequately lit creating places conducive to crime and negative activity, discouraging pedestrian activity, and generally creating an uncomfortable environment.” The campus lighting provided for the proposed school would reduce the likelihood that the project site, which is currently vacant, provides a place conducive to crime.

Lighting plans for the future adjacent neighborhood park are unknown. Lighting needs would vary depending on the park amenities selected for construction. However, it is expected that lighting would conform to the City’s Outdoor Lighting Policy, and be shielded to direct light downwards to ensure that lighting does not spill over onto adjacent residential properties, consistent with City standards. With downward shielding and avoidance of spillover onto adjacent properties, lighting associated with the park would not create any significant impacts. With each current and future project implementing lighting plans that avoid light spillover onto adjacent properties, lighting in the project area in the cumulative condition would not adversely affect residents or views in the area and would not create obtrusive glare.

**Mitigation Measures**

No mitigation measures are necessary.

**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

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 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?

a.- b. The proposed project site is not identified as prime farmland, unique farmland or farmland of statewide importance and the project site is not under a Williamson Act contract. The site is zoned Light Industrial designated in the General Plan as Open Space, Parklands and Habitat. The currently vacant site supported a cannery between 1919 and the early 1980s (City of San José Environmental Services Department 2010). The site is an urban infill parcel that supports weedy vegetation, shrubs, and a few trees. The site is not planned for or used for any agricultural purposes and development of the site with an elementary school and joint use facilities would not result in the conversion of any agricultural land, conflict with any agricultural use, or conflict with a Williamson Act contract.

The future adjacent neighborhood park site is also not zoned, planned, or used for any agricultural purposes and development of the park is not expected to result in the conversion of any agricultural land, conflict with any agricultural use, or conflict with a Williamson Act contract. As there are no agricultural resources and no active or planned agricultural uses in the project vicinity, no impacts to agriculture are anticipated to occur in the cumulative condition.

c. - d. The project site is not zoned as forest land, does not contain forest land, and does not support any forest uses. Development of the site with an elementary school and joint use facilities would not result in the conversion of any forest land to a non-forest use.

/www.arb.caadjacent neighborhood park site is also not zoned as forest land and does not contain forest land or support forest uses. Future development of a neighborhood park in this location would not be expected to result in the conversion of any forest land to a non-forest use. As there are no forest resources and no active or planned forestry uses in the project vicinity, no impacts to forestry are anticipated to occur in the cumulative condition.

- e. As discussed above, the project site does not support any farmland, agricultural or forest uses. Development of the site with an elementary school and joint use facilities would not convert any farm, agricultural, or forest land to non-agricultural or non-forest uses.

As discussed above, the future adjacent neighborhood park site also does not support any farmland, agricultural or forest uses. Future development of the park would not convert any farm, agricultural, or forest land to non-agricultural or non-forest uses. There would be no impacts to farm, agricultural, or forest land in the project vicinity in the cumulative condition.

**Mitigation Measures**

No mitigation measures are necessary.

**III. AIR QUALITY**

*Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.*

Would the project:

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

- a. The federal and state Clean Air Acts define allowable concentrations of six air pollutants. When monitoring indicates that a region regularly experiences air pollutant concentrations that exceed those limits, the region is designated as non-attainment and is required to develop an air quality plan that describes air pollution control strategies to be implemented to reduce air pollutant emissions and concentrations. The project site is located within the San Francisco Bay Area, which is designated non-attainment for the federal 8-hour ozone standard. The area is in

attainment or unclassified for all other federal standards. The area is designated non-attainment for state standards for 1-hour and 8-hour ozone, 24-hour small particulate matter (PM<sub>10</sub>), annual PM<sub>10</sub>, and annual respirable particulate matter (PM<sub>2.5</sub>). To address the region's non-attainment status, the Bay Area Air Quality Management District (BAAQMD) adopted the Bay Area 2005 Ozone Strategy (BAAQMD 2006) and the Bay Area 2010 Clean Air Plan (BAAQMD 2010a), which is an update to the 2005 document and provides "an integrated, multi-pollutant strategy to improve air quality, protect public health, and protect the climate." The 2010 plan addresses ozone, PM, air toxics, and greenhouse gases. The 2010 plan identifies a number of control measures to be adopted or implemented in the 2010 to 2012 timeframe to reduce emissions of these pollutants.

Because the proposed project would not violate air quality standards or exceed emissions thresholds as discussed in Section III Response b below, and is generally consistent with current air quality management policies, the project is not anticipated to conflict with the BAAQMD's attainment plan.

- b. The BAAQMD has adopted CEQA Guidelines (the 2010 BAAQMD Guidelines, BAAQMD 2010b) that establish air pollutant emission thresholds that identify whether a project would violate any applicable air quality standards or contribute substantially to an existing or projected air quality violation. The BAAQMD's adoption of the thresholds, compared with the previous set of guidelines adopted in 1999, lower the level of pollutant emissions and health risk impacts that are considered a significant environmental impact. The BAAQMD's adoption of the thresholds has been challenged in court. However, the litigation is procedural in nature and does not assert that the BAAQMD failed to provide substantial evidence to support its adoption of these thresholds. Because the 2010 thresholds are more conservative than the BAAQMD's prior thresholds, the City of San José has opted to apply the 2010 BAAQMD Guidelines to this impact analysis.

The 2010 BAAQMD Guidelines also establish screening criteria based on the size of a project to determine whether detailed modeling to estimate air pollutant emissions is necessary.

**Construction Period Emissions:** The BAAQMD screening criteria described in Section 3.5 of the May 2010 Guidelines indicate that construction projects meeting the following characteristics have a less than significant amount of construction-related air pollutant emissions because they would not result in generation of construction-related criteria air pollutants and/or precursors that exceed the thresholds of significance:

1. The Project is below the applicable construction screening level size (277,000 square feet and 3,904 students for an elementary school);
2. The following Basic Construction Emission Control Measures would be included in the Project design and implemented during construction
  - a. All active construction areas shall be watered at least two times per day.
  - b. All exposed non-paved surfaces (e.g., parking areas, staging areas, soil

piles, graded areas, and access roads) shall be watered at least three times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.

- c. All haul trucks transporting soil, sand, or other loose material offsite shall be covered and/or shall maintain at least two feet of freeboard.
- d. 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.
- e. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- f. 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.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- i. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact at Rocketship Education and/or Launchpad Development Nine LLC and/or the City of San José, 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

3. Construction-related activities would not include any of the following:

- a. Demolition;
- b. Simultaneous occurrence of more than two construction phases;
- c. Simultaneous construction of more than one land use type;
- d. Extensive site preparation; or
- e. Extensive material transport.

The proposed project is below the applicable screening levels, would include all Basic Construction Mitigation Measures, and does not include any demolition. Therefore, the project meets all screening criteria and project-specific modeling of construction emission is not required. With implementation of the Basic Construction Emission control Measures listed above, construction of the proposed elementary school and

joint use areas would have less than significant impacts related to air pollutant emissions and violations of air quality standards.

Development of the future adjacent neighborhood park would also be expected to have less than significant impacts related to air pollutant emissions and violations of air quality standards because that project would be within the BAAQMD screening thresholds for construction projects. Specifically, the park would be less than the construction-related screening size for park projects (the park site is 2.1 acres and the screening size is 67 acres), would be expected to implement Basic Construction Emission Control Measures, and would not require any of the excluded activities.

**Operational Emissions:** The BAAQMD screening criteria indicate that air pollutant emissions associated with operation of the proposed Rocketship school and joint use facilities project would be below the BAAQMD significance thresholds, and operation of the project would not result in emissions that violate any applicable air quality standards or contribute substantially to an existing or projected air quality violation. Specifically, the operational emissions screening criteria for elementary schools are 271,000 square feet or 2,747 students. The proposed Rocketship #8 Public School would consist of 22,112 square feet and 600 students.

Development of the future adjacent neighborhood park would also be expected to have less than significant impacts related to air pollutant emissions and violations of air quality standards because that project would be within the BAAQMD screening thresholds for construction projects. Specifically, the park would be less than the operational-related screening size for park projects (the park site is 2.1 acres and the screening size is 2,613 acres).

**Carbon Monoxide:** Emissions of carbon monoxide (CO) from idling vehicles can create pockets of high CO concentrations, called "hot spots." These pockets can exceed the applicant state standards for CO. Typically, high CO concentrations are associated with roadways or intersections operating at unacceptable levels of service and/or with extremely high traffic volumes. The traffic analysis report prepared for the proposed project found that all of the signalized study intersections would operate at an acceptable LOS under project conditions. The report also found that the project would not cause significant increases in traffic on any of the freeway segments studied, nor would the project result in extremely high traffic volumes on neighborhood streets.

- c. As discussed in Subsection b above, based on the screening criteria identified in the 2010 BAAQMD Guidelines, operation of the proposed school and joint use areas combined with operation of the future adjacent neighborhood park would result in a less than significant cumulative impact to air quality.
- d. Land uses such as schools and hospitals are considered to be more sensitive than the general public to poor air quality because of an increased susceptibility to respiratory distress within the populations associated with these uses. "In general, children are more vulnerable than adults to air pollutants because they have higher inhalation rates, narrower airways, and less mature immune systems. In addition, children with allergies may have an enhanced allergic response when exposed to diesel exhaust" (Southern California Environmental Health Sciences Center 2005 as cited in BAAQMD

2010c).

**Construction Period Hazardous Emissions:** The existing child care center located east of Tamien Station and the Palm Court Senior Homes located at the southeast corner of Lick Avenue and Humboldt Street are existing sensitive receptors in the project vicinity. The senior housing facility is approximately 360 feet from the project site while the child care center is approximately 850 feet away. Existing residents in the area, including residents of the senior housing facility, as well as children at the day care center would be exposed to construction period emissions from the proposed project.

As discussed in the 20101 BAAQMD Guidelines and the *Screening Tables for Air Toxics Evaluation During Construction* (BAAQMD 2010c), construction activity using diesel-powered equipment emits air pollutants that could expose the existing sensitive receptors in the area to health risks. The primary pollutants of concern are toxic air contaminants (TAC), which are substances known to cause serious health effects (including cancer), and PM2.5 (which are particles that are small enough to be inhaled into the respiratory system). Diesel particulate matter (DPM), which is known to be carcinogenic, is a common type of PM2.5 emitted by construction equipment.

The BAAQMD document *Methods for Screening and Modeling Local Risks and Hazards* (BAAQMD 2010d) finds that small construction projects, defined as those that are less than six months and less than one acre, “do not pose a significant health impact even in combination with other nearby sources.” This determination was made through extensive modeling, testing, and evaluation. The project site for the Rocketship Education elementary school comprises approximately 1.4 acres and construction is expected to occur over a 7-month period. Because the project is slightly greater in size and timeline than the screening criteria, modeling of the construction period air pollutant emissions was completed using the CalEEMod modeling program. It is expected that construction emissions from the project would be less than significant in terms of exposing nearby sensitive receptors to substantial pollutant concentrations because:

- The majority of heavy diesel equipment usage would occur early in the construction process (specifically during the earthwork and underground utility placement phases). Since the construction is proposed to begin in February, it is expected that these phases would be completed prior to summer, when elderly and young residents in the area would be more likely to be outdoors during construction hours.
- Air pollutant emission modeling under the CalEEMod modeling program estimates that the total annual PM2.5 emissions from project construction would be 0.07 tons, or 140 pounds. The peak period of PM2.5 emissions during project construction occurs during the earthwork phase, with a total of 40 pounds of emissions over 15 days. This is less than 3 pounds per day. Implementation of the BAAQMD Basic Construction Emission Control measures discussed above would reduce the peak PM2.5 emissions to the extent feasible. The peak PM2.5 emissions during project construction would be less than one percent of the BAAQMD PM2.5 threshold of significance of 54 pounds per day. The low amount of PM2.5 emissions from project

construction is not expected to result in substantial increases in health risks in the project vicinity.

***Existing Sources of Hazardous Emissions*** The proposed project would constitute a “new receptor” that could be significantly affected by existing or future air pollutant emissions. A Health Risk Assessment (HRA) was prepared for the proposed project to evaluate exposure of staff and students at the school to health and safety hazards, including carcinogenic risks, non-carcinogenic hazards, and PM2.5. The HRA, prepared by The Planning Center | DC&E (Planning Center 2012) is included in the Phase II Site Investigation provided in Appendix D. The discussion of existing air pollution sources below summarizes the analysis and conclusions of the HRA. The HRA was completed in compliance with the requirements of the CEQA Guidelines and California Code of Regulations Title 5.

#### *Emission Sources*

The HRA found three pollutant sources in the vicinity of the project site that required evaluation – B&M Auto Body located on Pepitone Avenue north of the site, State Route 87 approximately 150 feet west of the site, and locomotives travelling on the railroad immediately west of the site. The types of chemicals potentially emitted from each source and the modeling assumptions (such as traffic volumes, vehicle fleet mix, and travel speeds) are described in detail in Sections 4 and 5 of the HRA. Modeling was performed using the Industrial Source Complex-Short Term (ISCST3) Model to assess the impact of hazardous emissions on individuals who may work and/or attend classes at the proposed school.

#### *Thresholds of Significance*

For carcinogenic compounds, there is no exposure level for which there are no health risks. However, the Office of Environmental Health Hazard Assessment (OEHHA) and Bay Area Air Quality Management District (BAAQMD) have determined that when the probability of developing cancer as a result of exposure to carcinogenic compounds is less than ten in a million ( $1.0E-05$ ), the health risk is considered to be less than significant risk (Planning Center 2012). In calculating the probability of developing cancer, the HRA considers the concentration of each carcinogenic compound, the “unit risk factor” (which is a measure of the carcinogenic potential of a chemical), the length of time of exposure, and the age of the individuals exposed to these compounds.

The HRA evaluates the potential noncancer effects of chronic chemical exposures by comparing the annual ground level concentration of each chemical compound with the appropriate Reference Exposure Level (REL) and calculating the hazard index for each chemical exposure. The hazard index reflects the dose of exposure and the toxicity of the chemical. When the total hazard index for each organ or organ system is equal to or greater than one, a health hazard is considered to exist.

The HRA evaluates exposure to PM2.5 by comparing the concentration of PM2.5 associated with pollutant sources in the vicinity to the thresholds of significance recommended by the BAAQMD. “Fine particulate matter, defined as particles having a diameter of 2.5 microns or less (PM2.5), is one of the most harmful air pollutants in the San Francisco Bay Area Air Basin (SFBAAB) in terms of its impact on public

health” (Planning Center 2012).

*Project Site Exposures and Impacts*

The health risks for staff and students of the proposed school associated with each of the three identified pollutant sources are summarized in Table 2 below.

**Table 2: Health Risk Assessment Results**

<b>Source</b>	<b>Excess Cancer Risk – Staff</b>	<b>Excess Cancer Risk – Students</b>	<b>Chronic Hazard</b>	<b>PM2.5 Concentration (ug/m<sup>3</sup>)</b>
B&M Auto Body	0.0	0.0	3.9E-05	NA
Locomotives	6.9E-07	1.2E-06	2.8E-03	0.014
SR 87	8.4E-07	1.5E-06	2.8E-03	0.042
Single Source Threshold	1.0E-05	1.0E-05	1.0	0.3
Exceed Single Source Threshold	No	No	No	No
Cumulative Sources	1.5E-06	2.7E-06	0.006	0.056
Cumulative Threshold	1.0E-04	1.0E-04	10	0.8
Exceeds Cumulative Threshold	No	No	No	No

For cancer risk, the total risk for staff was calculated to be 1.5 in a million (1.5E-06) and the total risk for students was calculated to be 2.7 in a million. Both of these risks are well below the significance threshold of 10 in a million.

For chronic hazards, the total hazard index is less than one for both school staff and students. For PM2.5, the emissions generated by both the locomotives and the freeway were within acceptable limits and less than significance thresholds. Therefore, chronic non-carcinogenic hazards and hazards associated with exposure to PM2.5 are also well below the significance thresholds.

As documented in the above analysis of construction period emissions and summary of the HRA analysis and conclusions, the proposed project is not expected to expose sensitive receptors to a significant level of TACs and no mitigation is required.

- e. Operation of the proposed school and joint use areas is not expected to generate odors. Some objectionable odors may be generated by diesel-powered construction equipment used during construction. However, these odors would be short term (heavy equipment for construction activities would be used for less than three months). During site visits and field inspections, no existing sources of objectionable odors in the project vicinity were identified. The proposed project would not result in substantial exposure of existing residents to odors and would not expose students and staff at the proposed school to existing odors. Therefore this impact is considered less

than significant.

The future adjacent neighborhood park would also not be expected to generate odors. No impacts related to odors are expected to occur in the cumulative condition.

**Mitigation Measures**

No mitigation measures are necessary.

**IV. BIOLOGICAL RESOURCES**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. The project site is a vacant 1.4-acre urban infill parcel covered with weedy vegetation and very few trees. No sensitive habitats were identified onsite. The site is part of a larger 3.5-acre vacant site that supported a cannery between 1919 and the early 1980s. The cannery facility consisted of numerous buildings that were demolished in 1989 and the site has remained vacant since that time. The site is generally flat with a gentle slope up to the

north. It is surrounded by residential, commercial, and industrial land uses as well as the Tamien Station.

The site is 30 feet east of the Union Pacific Railroad tracks. Approximately 40 trains use pass the project site daily (with 10 typically occurring during school occurs). SR 87 and a frontage roadway are located further west of the site. The Guadalupe River is located on the west side of SR 87, approximately 725 feet west of the project site.

As a vacant site, the site could contain animal burrows that might be used by burrowing owls, which are listed as threatened under the California Endangered Species Act. As determined by a site visit and review of aerial photography and topographic data, the project site does not contain any habitats or biological resources with the potential to support any other plant or wildlife species that are designated as threatened or endangered. Mitigation Measure BIO.1 identifies burrowing owl survey and protection requirements that must be completed prior to commencement of construction activities onsite. With implementation of Mitigation Measure BIO.1, development of the site with an elementary school and joint use facilities would have less than significant impacts on any species identified as candidate or sensitive species by the California Department of Fish and Game and U.S. Fish and Wildlife Service or local plans, policies and regulations.

In addition, the onsite trees could support nesting by several special-status birds, including white-tailed kite, loggerhead shrike, non-listed raptors, and other migratory breeding birds, which are considered to have special-status under the federal Migratory Bird Treaty Act and the California Fish and Game Code.

The nesting season for raptors is generally between February 1 and August 31 each year. Construction of the public charter school is expected to begin in February 2013. Mitigation Measure BIO.2 identifies requirements for a pre-construction nesting bird survey and creation of a non-disturbance area around any established and active nests should construction start after the nesting season begins. With implementation of Mitigation Measure BIO.2, the project would have a less than significant impact on nesting special-status birds.

The adjacent site of the future neighborhood park is also covered with weedy vegetation. A single large tree is located near the southern boundary of this site. The site could contain animal burrows that may be used by burrowing owl. The single tree on or adjacent to the site could support nesting raptors and other special-status birds. The mitigation requirements identified for the proposed Rocketship Education project would likely also apply to the future neighborhood park project. With each project conducting pre-construction surveys to avoid impacts to special-status species, no significant impacts to special-status species are expected to occur in the cumulative condition.

- b. The project site does not contain riparian habitat or sensitive natural communities. The site is generally flat and contains trees, shrubs, and weedy vegetation, as shown in the site photographs in Figure 3 and site plan in Figure 4. Development of the site with an elementary school and joint use facilities would have no impact on riparian habitat or other sensitive natural communities.

A field inspection of the adjacent future neighborhood park site was not conducted. Based on conditions at the project site and review of aerial photography, the neighborhood park

site also does not appear to contain riparian habitat or sensitive natural communities. Development of the park would not be expected to have an impact on these types of resources, and no cumulative impacts to these resources are expected in the project vicinity.

- c. As discussed above, the project site does not contain federally protected wetlands. Development of the site with an elementary school and joint use facilities would have no impact on federally protected wetlands.

Review of aerial photography does not indicate the presence of federally protected wetlands at the future adjacent neighborhood park site. Development of the park would not be expected to have an impact on these types of resources, and no cumulative impacts to these resources are expected in the project vicinity.

- d. The project site is located in an urban setting and surrounded by residential, commercial, industrial, and public facility land uses. The site does not provide any wildlife movement corridors or habitat that could support fish species. Although the site is within 725 feet of the Guadalupe River and associated riparian habitat, the highway and railroad tracks immediately west of the site and urban development to the north and east of the site form a substantial barrier to wildlife movement. Development of the site with an elementary school and joint use facilities would have no impact on movement of migratory fish or wildlife.

The future adjacent neighborhood park site also does not support any wildlife movement corridors or habitat that could support fish species, and the site is constrained by adjacent development similar to the proposed project site. Future development of the park would not be expected to have an impact on these types of resources, and no cumulative impacts to these resources are expected in the project vicinity.

- e. A few trees grow at the eastern perimeter of the project site. All existing onsite trees would be removed as part of the project development. The existing trees at the site's Lick Avenue frontage range in size from 19 to 23 inches in diameter.

The City of San José Urban Forest policies direct that projects should preserve "ordinance-sized" and other significant trees, or should provide for replacement when preservation is not feasible. The City's tree preservation and replacement requirements are identified in Chapter 13.28 and 13/32 of the San José Municipal Code. The code defines an "ordinance-sized" tree as "any live or dead woody perennial plant...having a main stem or trunk fifty-six inches or more in circumference (18 inches diameter) at a height measured twenty four inches above natural grade slope." The City of San José has determined that removal of 10 native ordinance-sized trees or 20 non-native ordinance sized trees would constitute a significant project impact. The proposed project would remove fewer than 10 ordinance-sized trees, some of which are native (sycamore). This would be a less than significant impact of the proposed project. Additionally, consistent with the City's policies and typical conditions of approval for development projects, the project includes planting and maintenance of street trees as part of the site landscaping. This replanting would compensate for the loss of trees onsite.

One additional tree may be removed as part of future development of the neighborhood park site. Consistent with City policies, the City of San José would be expected to plant additional trees to compensate for the loss of this tree, if it is removed or impacted by park

development activities. In the cumulative condition, the total number of trees removed from both sites would be less than 10, and would therefore be a less than significant impact. Further, all tree loss would be compensated for with planting of new trees. In total, 7 trees will be removed from the project site and replaced by 16 trees as part of the project, conforming to the City's standard tree replacement ratios as shown in Table 3:

*Table 3: Tree Replacement Ratios*

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - <18 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container
<p>x:x = tree replacement to tree loss ratio</p> <p><b>Note:</b> Trees greater than 18 inches diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.</p>				

Therefore impacts to trees would remain less than significant in the cumulative condition.

- f. The project site is not within the boundaries of any conservation plan. Development of the site with an elementary school and joint use facilities would not conflict with any habitat conservation plan or natural community conservation plans.

Future development of the neighborhood park would also have no conflict with habitat conservation or natural community conservation plans. It is not expected that such plans would be adopted for the project area. There would be no cumulative impacts in the project vicinity related to habitat conservation or natural community conservation plans.

**Mitigation Measures**

**Mitigation Measure BIO.1:** A pre-construction survey for burrowing owls shall be conducted by a qualified biologist within thirty (30) days prior to any ground disturbance activities.

A buffer zone of a minimum of 250 feet shall be established around active burrowing owl nesting sites if nesting burrowing owls are discovered during pre-construction surveys conducted between February 1st and August 31st, and no disturbance shall occur within the buffer zone until a qualified biologist has determined that the young birds have fledged.

No disturbance shall occur within 160 feet of occupied burrows if over-wintering burrowing owls are discovered using the site during the non-breeding season (September 1st through January 31st).

If any burrowing owls are discovered using the site during the pre-construction surveys during the non-breeding season, a burrowing owl relocation plan to be approved by the California Department of Fish and Game shall be developed and implemented, including passive measures such as installation of one-way doors in active burrows for up to four days, careful excavation of all active burrows after four days to ensure no owls remain underground, and filling all burrows in the construction area to prevent owls from using them. This plan must provide for the owls' relocation to nearby lands possessing available nesting and foraging habitat.

A biologist report outlining the results of the pre-construction burrowing owl surveys and any recommended buffer zones or other mitigation shall first be submitted to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of a grading or building permit.

**Mitigation Measure BIO.2:** Pre-construction surveys for nesting white-tailed kite, loggerhead shrike, non-listed raptors, and other migratory breeding birds shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation. Between February and April (inclusive) pre-construction surveys shall be conducted no more than fourteen (14) days prior to the initiation of construction activities or tree removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for nests. If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Game, designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged. The applicant shall submit a report to the Director of Planning, Building and Code Enforcement indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any grading or building permit.

<b>V. CULTURAL RESOURCES</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- d) Disturb any human remains, including those interred outside of formal cemeteries?

a. - d. The project site is a vacant 1.4-acre urban infill parcel covered with weedy vegetation. The site supported a cannery operation between 1919 and the early 1980s, and the cannery buildings were demolished in 1989. There are no known historic, archaeological, or paleontological resources or human remains onsite. However, Native American burials were encountered during construction of the Tamien Station south of the project site.

Grading to support project construction is expected to require cuts and fills ranging from one to three feet in depth. It is unlikely that previously unknown cultural resources would be encountered during this grading. However, to ensure that impacts to cultural resources remain less than significant should any such resources be encountered during project grading and construction, Launchpad Development Nine LLC will implement Mitigation Measure CUL.1 which requires that a Native American monitor be present during all earthwork onsite.

The future adjacent neighborhood park site consists of a 2.1-acre urban infill parcel that was also part of the prior cannery operation. It is unlikely that previously unknown cultural resources would be encountered during construction of the neighborhood park. Consistent with the requirements of California and federal law, the City of San José will also implement Mitigation Measure CUL.1 (or a similar measure) during construction of this future project. This would ensure that impacts to cultural resources at the future project site are avoided or minimized; and would ensure that there are no significant impacts to cultural resources in the project vicinity in the cumulative condition.

### **Mitigation Measures**

**Mitigation Measure CUL.1:** The developer shall retain a Native American monitor to be present during all earthwork activities at the project site.

If artifacts or unusual amounts of shell or bone or other items indicative of buried archaeological resources or human remains are encountered during earth-disturbance associated with the proposed project, the onsite contractor shall immediately notify the City of San José and Launchpad Development Nine LLC and all soil-disturbing work shall be halted within 100 feet of the discovery until a qualified archaeologist completes a significance evaluation of the finds pursuant to Section 106 of the National Historic Preservation Act. Any human remains unearthed shall be treated in accordance with California Health and Safety Code Section 7050.5 and Public Resources Code Sections 5097.94, 5097.98 and 5097.99, which include requirements for consultation with Native American representatives determined to be the most likely descendants.

Should any evidence of paleontological resources (e.g. fossils) be encountered during grading or excavation either onsite or offsite as a result of project construction, work shall be suspended within 100 feet of the find, and the City of San José and Launchpad Development Nine LLC shall be immediately notified. At that time,

Launchpad Development Nine LLC shall coordinate any necessary investigation of the site with a qualified paleontologist as needed to assess the resource and provide property management recommendations, such as avoiding the resource and/or excavating and recording data on the resource. The contractor shall implement any measures deemed necessary by the paleontologist and the City of San José for the protection of the paleontological resource.

**VI. GEOLOGY AND SOILS**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. & c. **Surface Fault Rupture**

As reported in the *Geotechnical Investigation and Geologic Hazards Review* for the project site (Cornerstone 2012a; provided in Appendix B to this Initial Study), the site is not located within the limits of an Alquist-Priolo Earthquake Fault Zone or a

Santa Clara County Fault Rupture Hazard Zone. Construction of the Rocketship Tamien Public School project would not expose people to substantial risk of surface rupture.

### **Seismic Shaking**

According to the *Geotechnical Investigation and Geologic Hazards Evaluation* report, the San Francisco Bay area is one of the most seismically active regions in the United States. The study also notes that “the San Andreas Fault is the dominant structure in the system, nearly spanning the length of California, and capable of producing the highest magnitude earthquakes. Many other subparallel or branch faults within the San Andreas system are equally active and nearly as capable of generating large earthquakes.” In the project region, the San Andreas Fault system is approximately 40 miles wide.

Other major active faults near the project site are the Calaveras Fault, approximately 9 miles east of the site, and Hayward-Rodgers Creek Fault approximately 9¾ miles northeast of the site. The Monte Vista-Shannon fault is another active fault located approximately 6 ¼ miles southwest of the site.

The probability of a magnitude 6.7 or greater earthquake occurring between 2002 and 2031 in the San Francisco Bay region has been calculated at 62 percent (Working Group on California Earthquake Probabilities 2007 as cited in Cornerstone 2012a). Therefore, it is likely that the proposed school would be subject to substantial seismic shaking. Implementation of Mitigation Measure GEO.1 would ensure that potentially significant seismic impacts are reduced to less than significant levels.

### **Liquefaction**

Liquefaction is a process in which seismic shaking can result in a loss of strength and coherence in soil layers beneath the project site. This can lead to differential settlement and surface rupture. As reported by Cornerstone (2012a), the site is located within a State-designated Liquefaction Hazard Zone and within a Santa Clara County Geologic Hazard Zone for Liquefaction. The potential for liquefaction within the geologic unit present onsite “is characterized as moderate based on the mapped geology and historic highest ground water level.”

To evaluate risks of liquefaction, the ratio of the estimated cyclic shaking is compared to the soil’s estimated resistance to cyclic shaking. The Cornerstone investigation included sampling potentially liquefiable layers below the design ground water depth of 19 feet and found “that several layers could potentially experience liquefaction triggering that could result in soil softening and post-liquefaction total settlement of less than one-half inch. Implementation of Mitigation Measure GEO.1, which requires that site-specific design and construction recommendations be applied to the proposed project, would ensure foundations will be capable of tolerating the anticipated liquefaction-induced settlement.

### **Soil Stability**

Cornerstone (2012a) reports that “soil subgrade and fill materials, especially soils

with high fines contents such as clays and silty soils, can become unstable due to high moisture content or repetitive rubber-tire loading.” The moisture content of site soils “are close to or slightly below the estimated laboratory optimum in the upper several feet of the soil profile. Since the site is currently undeveloped, the moisture content of the near-surface soils will likely be above optimum following periods of extended rain and may vary significantly depending on the time of year construction begins.” Implementation of Mitigation Measure GEO.1 would ensure that appropriate methods to address potential soil stability are applied during construction. This would ensure that soil at the project site is stabilized sufficiently to avoid any significant impacts to safety.

### **Landslide and Lateral Spreading**

The site is essentially flat and no risk of landslide is present. “Due to the depth of groundwater, the depth of potentially-liquefiable layers [at the project site], and the distance to the Guadalupe River, the potential for lateral spreading to affect the site may be considered low” (Cornerstone 2012a).

### **Cumulative Conditions**

No field investigations were completed for the future adjacent neighborhood park site. However it is assumed that geologic and seismic conditions at the future park site are similar to those at the proposed project site, that risks associated with seismic activity would be similar, and that similar mitigation measures would be applied to the future park site to ensure that seismic risks are reduced to less than significant levels. With appropriate engineering, design, and construction of each project, it is expected that there would be no significant cumulative impacts related to seismic activity and risks in the project area.

- b. Construction activities would cause soil disturbance which could result in soil erosion, and following construction the topsoil in the project area would be covered by site paving and buildings. The project site is underlain by Holocene alluvial fan deposits (Qhf) which is inferred to be overlain by levee deposits (Qhl). Soils at the project site include approximately 44 percent lean clay, 14 percent silt, 13 percent silty sand, and 20 percent other constituents. These soils types are common in the region. The site does not support unique geologic or soil resources, so the soil erosion and loss of topsoil that could result from project construction is considered a less than significant impact with respect to Geology and Soils. The effects of soil erosion on water quality are discussed further under Section IX Hydrology and Water Quality.

Similar soil conditions are assumed to exist at the future neighborhood park site and impacts related to soil erosion and loss of topsoil at the future park site are expected to remain less than significant because the site is not expected to support unique geologic or soil resources. Based on the lack of unique geologic or soil resources in the project vicinity, development in the cumulative condition is not expected to result in any significant impacts to geology and soils as a result of loss of topsoil or soil erosion.

- d. As stated above, soils at the surface of the project site are undocumented fill which has a low plasticity and expansion potential, while subsurface deposits are of the

Holocene alluvial fan soil type and consist of a relatively thick layer of lean clays with varying amounts of sand which are interbedded with thin layers of clayey sand. The soil layer immediately below the undocumented fill is a very stiff to hard lean clay with sand, which has low plasticity and expansion potential. The next soil layer consists of poorly-graded sands, clayey sand, and sandy lean clays representing the bottom of the Qhl layer. The next layer of medium stiff to stiff fat clays is interpreted to be the Qhf layer. Risks associated with soil expansion at the project site are considered to be less than significant based on the low plasticity and expansion potential of the site soils.

Similar conditions related to soil expansion are expected to exist at the future neighborhood park site. Impacts associated with soil expansion are expected to be less than significant at that site. No impacts related to soil expansion and associated risks are expected to occur in the cumulative condition based on the low plasticity and expansion potential of soils in the project vicinity.

- e. No septic tanks or alternative wastewater disposal systems are proposed.

**Mitigation Measures**

**Mitigation Measure GEO.1:** The design recommendations included in Sections 7 through 10 of the *Geotechnical Investigation and Geologic Hazards Evaluation* report (Cornerstone Earth Group 2012a) shall be implemented throughout project construction. This shall include recommendations for site preparation (earthwork), building foundations, concrete slabs and pedestrian pavements, and vehicular pavements.

**VII. GREENHOUSE GAS EMISSIONS**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. & b. **State Regulations - Global Warming Solutions Act and Scoping Plan**

In 2006, the State of California enacted Assembly Bill (AB) 32, the Global Warming Solutions Act. AB 32 requires reducing statewide greenhouse gas (GHG) emissions to 1990 levels by 2020. Implementation of AB 32 has focused on regulating carbon dioxide (CO2), which is the most prevalent GHG gas. Meeting the AB 32 reduction targets will require an approximately 30 percent reduction compared with a “business as usual” scenario. The state’s plan for meeting these reduction targets is outlined in the California Air Resource Board’s (CARB) Climate Change Scoping Plan (CARB 2008).

CARB has prepared a fact sheet the Scoping Plan, which states “This plan calls for an

ambitious but achievable reduction in California's carbon footprint – toward a clean energy future. Reducing greenhouse gas emissions to 1990 levels means cutting approximately 30% from business-as-usual emissions levels projected for 2020, or about 15% from today's levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman and child in California down to about 10 tons per person by 2020."

The strategies in the AB 32 Scoping Plan most applicable to the proposed project are goals to increase the energy efficiency of buildings and appliances and to reduce emissions associated with transportation – both by encouraging use of alternative forms of transportation and by increasing vehicle fuel efficiency.

CARB also released an Emissions Inventory Report that found the total statewide GHG emissions in 2009 were equivalent to 457 million tons of CO<sub>2</sub> (CARB 2012b). Compared with the emissions in 1990, this is a 5.5 percent increase.

### **Regional and Local GHG Plans and Policies**

Locally, the City of San José has enacted the Green Vision program, adopted a GHG Reduction Strategy in conjunction with the recently adopted the Envision San José 2040 General Plan Update, and signed on to the Bay Area Climate Change Compact.

The City's Green Vision program was adopted in October 2007 with the intent to "transform San José into the world center of Clean Technology innovation, promote cutting-edge sustainable practices, and demonstrate that the goals of economic growth, environmental stewardship and fiscal responsibility are inextricably linked." The program is centered on achievement of ten goals related to jobs, energy, water, waste, trees, and transportation, including Goal 4 which seeks to build or retrofit 50 million square feet of green buildings.

The City's GHG Reduction Strategy was designed to be consistent with the implementation requirements of AB32. The GHG Reduction Strategy identifies existing GHG reduction efforts, summarizes General Plan policy direction on GHG control, quantifies the GHG reductions expected to result from implementation of the General Plan, provides a framework for monitoring ongoing implementation of the Reduction Strategy, and supports the environmental impact assessment and compliance efforts associated with adoption of the General Plan.

The City of San José, along with the cities of San Francisco and Oakland, adopted the Bay Area Climate Change Compact in March 2009 with a goal of "advancing ambitious targets for growing the clean energy economy and safeguarding Bay Area resources." This program does not regulate GHG emissions but supports local, state, and federal legislative efforts. In addition, this program seeks to create a collaborative regional approach to reducing GHG emissions by encouraging development of a sustainable built environment, creating economic opportunity that supports green jobs, ensuring people have access to renewable energy options, allowing for transportation and commuting choices that improve quality of life, and diverting more waste from landfills. Several specific goals were adopted with the Compact, including specific targets for increasing building energy-efficiency and decreasing water consumption

### **GHG Thresholds of Significance**

As stated above, the BAAQMD has adopted CEQA Guidelines (the 2010 BAAQMD Guidelines, BAAQMD 2010b) that establish thresholds of significance for GHG emissions. While the BAAQMD's adoption of the thresholds has been challenged, the BAAQMD has provided substantial evidence to support use of those thresholds. Therefore, the 2010 BAAQMD Guidelines are applied to this impact analysis

It is noted that BAAQMD considers GHG impacts to be exclusively cumulative impacts (as does the California Air Pollution Controls Officer Association) and, as such, assessment of significance is based on a determination of whether the GHG emissions from a project represent a cumulatively considerable contribution to the global atmosphere.

The thresholds of significance adopted by BAAQMD are:

For land use development projects (including residential, commercial, industrial, and public land uses and facilities), the threshold is compliance with a qualified GHG Reduction Strategy; **or** annual emissions less than 1,100 metric tons per year of carbon dioxide equivalent (CO<sub>2e</sub>); **or** 4.6 metric tons CO<sub>2e</sub>/service population/year (residents + employees).

The 2010 BAAQMD Guidelines do not identify a significance threshold for construction-related greenhouse gas (GHG) emissions. Based on review of the information available at the BAAQMD website regarding the 2010 BAAQMD Guidelines, the City of San José has determined that application of the BAAQMD operational threshold of annual emissions less than 1,100 metric tons per year of CO<sub>2e</sub> to the analysis of construction impacts would identify whether construction of the proposed project would result in a cumulatively considerable contribution of GHG to the global atmosphere. In this approach, the total annual emissions from both construction and operation of the proposed project in a single year are compared to the operational threshold to determine the significance of the potential impact. The project will use best management practices to limit construction related air pollutant emissions, including GHG emissions. The applicable best management practices include those discussed in the Air Quality section above and the following:

- Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment shall be included in the construction fleet;
- At least 10 percent of building materials shall be locally sourced (within 100 mile) or produced from recycled material; and
- At least 50 percent of construction waste shall be recycled.

Because the project is not consistent with the City of San José General Plan, it is not covered by the City's Greenhouse Gas Reduction Strategy and project specific GHG modeling has been prepared to address operational emissions.

### **Project Impacts**

Consistent with BAAQMD recommendations to use an air pollutant modeling program to calculate CO<sub>2</sub> emissions from the project, the CalEEMod program was used to estimate GHG emissions from construction and operation of the proposed project. As demonstrated below, the total GHG emissions from project construction between

February and August 2013 and operation of the project between August and December 2013 would be less than 1,100 metric tons. Therefore, construction and operation of the project would generate GHG emissions that represent a less than cumulatively considerable contribution of GHG to the global atmosphere.

### ***Construction Emissions***

The CalEEMod modeling program estimates that construction of the proposed project would generate a total of 179.27 metric tons of GHG. It is noted that the CalEEMod program assumes the building would be constructed onsite while the proposed project would use a pre-fabricated building. This would reduce GHG emissions from use of construction equipment and associated with solid waste generation within the project site.

To ensure that construction period GHG emissions are minimized to the extent feasible and that the project complies with BAAQMD recommendations, the project will implement the BMPs identified in Mitigation Measure GHG.1. In addition, implementation of the BAAQMD Basic Construction Emission Control measures discussed in the Air Quality section above, which includes limits on idling time and requirements for proper maintenance of construction equipment, would result in further incremental decreases in GHG emissions.

### ***Operational Emissions***

The CalEEMod modeling program estimates that operation of the proposed project would generate an annual total of 699.27 metric tons of GHG. As discussed in the Project Summary, the project would implement a number of green building concepts and techniques including low-flow urinals; low-emitting VOC materials/products; electricity usage ten percent better than Title 24 requirements; C-3 compliance with onsite mitigation of all stormwater runoff using a vegetated swale (bioretention area); and programming incentives for “walk/ride to school” and carpooling. Many of these features are reflected in the CalEEMod modeling.

### ***Total 2013 Emissions***

The total emissions in 2013 are expected to be approximately 530 metric tons. This includes the full amount of estimated construction emissions and half of the estimated operational emissions (because in the year 2013 the school would be operational from August to December, which is slightly less than half of the academic year). This is substantially below the BAAQMD operational threshold of 1,100 metric tons.

While project construction and operation would increase local GHG emissions, the quantity of total emissions during construction and operation in the year 2013 and for project operation in each subsequent year is less than the BAAQMD threshold of 1,100 metric ton per year. Therefore the project’s GHG emissions are expected to be less than cumulatively considerable.

Further, the project includes green building and low impact development measures that would ensure the project does not adversely affect implementation of the AB 32 Scoping Plan, the San José Green Vision Plan, or the Bay Area Climate Change

Compact. Each of these documents anticipates that development will continue to occur and continue to create new sources of GHG emissions.

**Mitigation Measures**

**Mitigation Measure GHG.1:** The following Best Management Practices shall be implemented during project construction to the extent feasible:

- Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment shall be included in the construction fleet;
- At least 10 percent of building materials shall be locally sourced (within 100 mile) or produced from recycled material; and
- At least 50 percent of construction waste shall be recycled.

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## VIII. HAZARDS AND HAZARDOUS MATERIALS

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

### a. – b. Typical Construction Activities

Construction of the proposed project would require the storage, use, and handling of hazardous materials. These materials could include gasoline and/or diesel fuels, lubricants, dry construction materials (e.g., plaster, cement, etc.), and certain herbicides, fertilizers, and insecticides. The use of these materials may also generate hazardous waste. Potential adverse impacts associated with use of these types of materials involve the exposure of construction workers, nearby residents, and/or the environment to hazardous materials from an accidental release during construction. Mitigation Measure HAZ.1 requires use of safe practices meeting state and local requirements for handling, storage, and disposal of hazardous materials. Implementation of this measure would reduce the potential impact to a less than significant level by minimizing the potential for release of these materials.

### Hazardous Materials Currently Onsite

In addition, construction of the project would require disturbing existing soils at the project site, a portion of which are contaminated with hazardous materials associated with historic uses of the project site. The *Phase I Environmental Site Assessment* prepared for the project site by Cornerstone Earth Group (2012b) found that the site supported a cannery between 1919 and the early 1980s and that prior to 1919 the site appeared as undeveloped or agricultural land. Further, Cornerstone reports “in the early 1980s, the cannery vacated the site and the former cannery buildings were reportedly occupied by various commercial and industrial tenants until 1989.” The buildings were demolished at the end of 1989 and the site has remained vacant since that time. The majority of cannery buildings were located on the vacant site to the south of the project site; the project site appears to have supported Warehouse No. 2, Warehouse No. 3, a truck loading area, a cooling storage, and auto storage. A rail spur was located in the western portion of the project site. Underground storage tanks were located on the property to the south of the project site. The site also supported agricultural activities prior to establishment of the cannery operations onsite.

Based on the ages of the structures previously onsite and prior use of the site for agricultural activities, there is potential for the site soils to contain persistent agricultural chemicals and other hazardous materials. Soil sampling to determine the presence and concentration of contaminants onsite was conducted as part of the *Phase II Site Investigation* completed by Cornerstone (2012c). Based on laboratory analysis of the 40 soil samples collected onsite, Cornerstone concluded that “the most significant concern identified during this Phase II investigation appears to be the occurrence of

TPH-diesel, TPH-oil, PAH compounds, and PCBs sporadically detected in selected soil sampled collected from the upper approximate 4 to 5 feet of soil from borings advanced in the southwest portion of the site.”

Some of these materials would be removed from the site during demolition and construction, which could create a hazard to the public. Other such materials may be capsulated (capped) onsite to minimize the potential for release of the materials to the air or to offsite properties. Mitigation Measure HAZ.2 requires the project to obtain regulatory oversight from the Santa Clara County Department of Environmental Health and prepare and implement a Work Plan subject to approval from Environmental Health. The Work Plan would identify specific provisions for transport and disposal of contaminated soil removed from the project site. Implementation of Mitigation Measure HAZ.2 would ensure that any materials that are removed from the site would be properly transported and disposed of, reducing this potential impact to a less than significant level.

### **Naturally Occurring Hazardous Materials**

A significant impact related to release of hazardous materials could also occur if project construction requires disturbance of soils containing naturally occurring asbestos (NOA). A review of geologic maps conducted for the *Phase I Site Assessment* concluded the project site is approximately 1.5 miles from the nearest ultramafic rock outcrop that may contain naturally occurring asbestos (NOA). A Soil, Soil Vapor, and Groundwater Quality Evaluation was included in the *Phase II Site Investigation* (Cornerstone 2012c). This report is included in Appendix C of this Initial Study. Ten borings were drilled to depths ranging from 5 to 25 feet and soil samples were taken from both the native soil and the undocumented fill present at the site’s surface. Asbestos was presented in each of seven samples tested for NOA. These included three samples of the fill soil and four samples of native soil at the site. The screening criteria recommended by the California Department of Toxic Substances Control (DTSC) is 0.01 percent, and six of the seven samples exceeded that limit. It is noted that the DTSC’s current guidance document uses an NOA screening criteria level of 0.001 percent but that DTSC is in the process of updating their guidance. It is expected that the revised NOA screening criteria level will be 0.01 percent, and that level has been applied to this analysis.

The *Phase II Site Investigation* recommends that the NOA-containing soils be managed in compliance with DTSC guidance documents and that regulatory oversight be obtained from the Santa Clara County Department of Environmental Health. Implementation of Mitigation Measure HAZ.3 would require that soils containing NOA would be managed in compliance with the recommendations in the *Soil Quality Evaluation* report and in compliance with the regulations of the State of California reducing this potential impact to a less than significant level. Management of NOA-containing soils can include excavation and removal or capsulation onsite.

- c. The project would create a public charter elementary school and joint use recreation facilities. These land uses do not create hazardous emissions or hazardous waste and would not handle hazardous materials or substances.

The project would create a public school within one-quarter mile of a facility that

handle hazardous materials (B&M Auto Body). The *Phase II Site Investigation* included a Health Risk Assessment (The Planning Center | DC&E 2012) to evaluate the cancer risk from the nearby facility identified by the BAAQMD as a source of hazardous emissions. The Health Risk Assessment concluded that health risks from that stationary source would be less than significant. Specifically, the cancer risk to students and staff at the proposed school associated with emissions from B&M Auto Body was calculated to be zero and the chronic risk exposure at the project site was calculated to be within acceptable limits. Therefore impacts to students and staff at the proposed school associated with hazardous emissions at B&M Auto Body are expected to be less than significant.

The future adjacent neighborhood park site is located further away from B&M Auto Body than the proposed project site. Health risks at the future park site associated with this existing facility are expected to be similar to or less than the risks calculated for the project site and impacts are expected to remain less than significant in the cumulative condition.

- d. As reported in the *Phase I Environmental Site Assessment*, the project site address is associated with records of two leaking underground storage tanks (USTs). The leaking USTs were located on the property south of the project site, approximately 5 feet and 600 feet south of the project site, respectively. The closer tank was a 500 gallon gasoline storage tank while the other tank was an 18,000 gallon fuel oil tank. The tank leaks were addressed in compliance with regulatory requirements and closure letters for each case were issued (indicating that the leaks were remediated). Further, the tanks were removed from the site in 1989. Based on the closure of these leaking UST cases, no impacts to the proposed project are expected to occur.

The Phase I Environmental Site Assessment also indicates that based on a review of regulatory databases, there are no offsite facilities reported that are likely to impact groundwater beneath the project site. The project is not expected to be affected by prior offsite releases of hazardous materials.

The leaking USTs discussed above were located on the site of the future adjacent neighborhood park site. As above, based on the closure of these leaking UST cases, no impacts to the future park project are expected to occur; and there would be no impacts related to inclusion of the project site or the future park site in databases or lists of hazardous materials sites.

- e. - f. The project site is located just outside the Airport Influence Area for the San José International Airport as documented in the Comprehensive Land Use Plan (Santa Clara County Airport Land Use Commission 2011) and is greater than two miles from the Reid Hillview Airport. The boundary of the Airport Influence Area for the San José International Airport is located along Vine Street between Floyd and Goodyear streets, along Goodyear Street between Vine and Locust streets, and along Locust between Goodyear and Willow Avenue. The boundary then follows Willow Avenue to the west.

The future adjacent neighborhood park site is also located outside of the Airport Influence Area for the San José International Airport and is greater than two miles from the Reid Hillview Airport. No safety impacts related to proximity of the site to airports

would occur for the proposed project, for the future neighborhood park project, or in the cumulative condition.

- g. The project would not interfere with any adopted emergency or evacuation plans. The project would not increase the residential population in the project vicinity or create any barriers to vehicle movement in the area. Rocketship Education maintains a comprehensive set of standard Emergency Response Procedures that address health and safety issues for onsite emergencies and emergency evacuation procedures in the event it is necessary to evacuate the school. Prior to occupancy of Rocketship Eight Public School, Emergency Response Procedures will be developed for the school site and offsite emergency evacuation locations will be identified.

The future adjacent neighborhood park project is not expected to interfere with emergency or evacuation plans. It would not increase the residential population in the vicinity nor create any physical barriers to vehicular movement.

No impacts are expected to result from the project or in the cumulative condition related to implementation of emergency or evacuation plans.

- h. The vacant project site is located adjacent to the 2.1-acre vacant site where the future neighborhood park is anticipated. The project site represents the transition from undeveloped land to developed areas. By developing the currently vacant site, the proposed project would decrease the likelihood for wildland fires to occur. Development of the future neighborhood park would further decrease the likelihood of wildland fires. Because the chance of fires would be decreased under the proposed project and in the cumulative condition, there would be no impacts related to risks of wildfire.

### **Mitigation Measures**

**Mitigation Measure HAZ.1:** The following Best Management Practices shall be implemented during all site preparation and construction activity within the project site to control pollutant sources associated with the handling, storage, and disposal of hazardous materials used during construction.

- A. Store construction raw materials (e.g., dry materials such as plaster and cement, pesticides and herbicides, paints, petroleum products, treated lumber) in designated areas that are located away from storm drain inlets, drainageways, and canals and are surrounded by earthen berms. Train the construction employees working on the site in proper materials handling practices to ensure that, to the maximum extent practicable, those materials that are spread throughout the site are covered with impervious tarps or stored inside buildings.
- B. If concrete trucks are washed onsite, contain the wash water in a temporary pit adjacent to the construction activity where waste concrete can harden for later removal. Avoid washing fresh concrete from the trucks, unless the runoff is drained to a berm or level area, away from storm drain inlets.
- C. Collect non-hazardous waste construction materials (e.g., wood, paper, plastic, cleared trees and shrubs, building rubble, scrap metal, rubber, glass) and deposit in covered dumpsters at a designated waste storage area on the site. Store

recyclable construction materials separately for recycling. Transport all solid waste and recyclable material to the landfill.

- D. Store hazardous materials in portable metal sheds with secondary containment. The quantities of these materials stored on site shall reflect the quantities needed for site construction. Avoid over-application of fertilizers, herbicides, and pesticides. Do not mix hazardous waste with other waste produced onsite. Contract with a Certified Waste Collection contractor to collect hazardous wastes for disposal at an approved hazardous waste facility.
- E. Dispose of waste oil and other equipment maintenance waste in compliance with federal, State and local laws, regulations and ordinances.

**Mitigation Measure HAZ.2:** Launchpad Development Nine LLC shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health for soil remediation activities at the project site and shall prepare a Work Plan subject to approval by the Department of Environmental Health. The Work Plan shall identify proposed additional soil sampling and remediation measures, such as capping or excavation and removal, for all soils within the project site that contain concentrations of pollutants in excess of the applicable screening level or cleanup goals approved by the Department of Environmental Health. Any soil excavation work shall be performed by a licensed hazardous materials contractor and personnel with training in hazardous waste operations (40-hour OSHA Training). Further, soil excavation work shall be conducted in a manner such that workers are protected from airborne hazards in accordance with OSHA guidelines. For any soil removal, Launchpad Development Nine LLC shall retain a qualified contractor to remove contaminated soils and transport them to an approved landfill site. Transport shall be undertaken in accordance with state and federal standards.

**Mitigation Measure HAZ.3:** Launchpad Development Nine LLC shall manage NOA soils onsite in accordance with the Department of Toxic Substances Control guidance document *Interim Guidance, Naturally Occurring Asbestos (NOA) at School Sites, Revised September 24, 2004*. Launchpad Development Nine LLC shall obtain environmental regulatory oversight from the Santa Clara Department of Environmental Health to address NOA issues, shall prepare a Removal Action Plan for the project site, and shall submit it to the County for their review and approval.

**IX. HYDROLOGY AND WATER QUALITY**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**IX. HYDROLOGY AND WATER QUALITY**

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

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)?

- |   |                          |                                     |                          |                                     |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 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 which would result in flooding on- or off-site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a. & f. Construction and operation of the proposed project could introduce pollutants and sediment into water runoff from the site. This runoff would flow to nearby water bodies and eventually into the San Francisco Bay, which provides important fish and wildlife habitat. In addition, buildout of the project in conjunction with future projects in the region would incrementally contribute to a cumulative increase in the total amount of surface runoff erosion and water quality impacts.

These potentially significant impacts would be reduced to less than significant levels with implementation of Mitigation Measures HYD.1 and HYD.2 which require preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the National Pollutant Discharge Elimination System (NPDES) requirements of the Clean Water Act. The SWPPP must include Best Management Practices (BMPs) for erosion control and spill prevention during construction and permanent post-construction stormwater management measures following construction.

The NPDES stormwater program has been established by the U.S. EPA under Section 402 of the Clean Water Act and is administered in California by the State Water Resources Control Board and the Regional Water Quality Control Boards (RWQCBs). The state of California has established a State Construction General Permit which requires development and implementation of a SWPPP and use of both construction-period and permanent BMPs. Because the project site is greater than one acre, the project would be required to obtain coverage under the Construction General Permit for Discharges of Stormwater Associated with Construction Activity.

The proposed project includes grading, paving, landscaping, and site improvements associated with typical school and recreation facility construction activities. The most likely pollutant that would be generated from the site would be sediment created by soil disturbance during or immediately after site grading. This sediment could enter surface water runoff from the site which would add pollution into local waterways.

Accidental release of other pollutants associated with construction could also degrade surface water runoff and contribute pollution to local waterways. Construction activities include the use of gasoline and diesel-powered heavy equipment, such as bulldozers, backhoes, water pumps, and air compressors. Chemicals such as gasoline, diesel fuel, lubricating oil, hydraulic oil, lubricating grease, automatic transmission fluid, paints, solvents, glues, and other substances could be used during construction, and could be released into surface water runoff. Onsite portable toilets could leak or tip over and spill, releasing sanitary waste, bacteria, solids, nutrients, and pathogens into surface water runoff.

Mitigation Measure HYD.1 requires Launchpad Development Nine LLC to prepare a SWPPP for the proposed project. The SWPPP must meet the requirements of the RWQCB and include the appropriate BMPs and other measures to ensure compliance with all requirements of the Clean Water Act, the NPDES program, and the General Permit. Mitigation Measure HYD.2 identifies requirements for preparation of a Stormwater Management Plan for the project, which must include a post-construction project drainage plan and must be approved by the City of San José. With implementation of these measures, the project would comply with the applicable water quality and waste discharge standards and would have a less than significant impact related to water quality.

Future development of the neighborhood park project would be expected to have similar potential impacts and to implement similar mitigation measures. This would ensure that incremental impacts to water quality associated with this future project are reduced to less than significant levels. With compliance with applicable state and federal regulations related to water quality, neither the proposed project nor the future

neighborhood park project is expected to make a considerable contribution to water quality impacts in the cumulative condition.

- b. The proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. The approximately 1.4-acre project site occurs in an area where the principal aquifer exists under confined conditions, and the project site does not contribute substantially to natural groundwater recharge.

The Santa Clara Valley Water District (SCVWD) manages the groundwater basin in Santa Clara County, under the provisions of the District's Groundwater Management Plan, which is also coordinated with the District's Integrated Water Resources Plan. "In 2000, the groundwater basin supplied nearly half of the 390,000 acre-feet used in the County" (SCVWD 2001). The groundwater basin is divided into three interconnected subbasins that transmit, filter, and store water. The project site is located within the "Santa Clara Valley" groundwater subbasin, which is in the northern portion of the overall basin and the County. This subbasin has a surface area of 225 square miles. Soils in the northern portion of the subbasin primarily consist of a series of clay layers that result in a low permeability zone, while natural groundwater recharge is not restricted in the southern portion of the subbasin (SCVWD 2001).

The project site is located in the low permeability zone of the northern portion of the subbasin. As documented in the *Geotechnical Investigation and Geologic Hazards Evaluation* (Cornerstone 2012a) included as Appendix B of this Initial Study, the soils underlying the site are of the Holocene alluvial fan deposits (Qhf) and levee deposits (Qhl). Soils at the project site include approximately 44 percent lean clay, 14 percent silt, 13 percent silty sand, and 20 percent other constituents. These clay soils limit the project site's contribution to natural groundwater recharge. Because soils at the project site do not allow substantial water percolation into the groundwater basin, the increase in impermeable surfaces associated with development of the project site is not expected to substantially alter groundwater recharge for the underlying aquifer.

The project site does not support any public or private groundwater wells.

Conditions at the future adjacent neighborhood park site are assumed to be similar to conditions at the project site. Further, the future park project is expected to leave the majority of the site in an unpaved condition, which would minimize any changes to groundwater recharge that occur at that site. Because neither project would substantially alter the natural process of groundwater recharge, neither project is expected to result in a cumulatively considerable contribution to impacts to groundwater in the cumulative condition.

- c. - d. The potential for erosion or siltation to occur during project construction is discussed above, and implementation of the SWPPP required by Mitigation Measure HYD.1 would ensure that this potential impact remains less than significant. There are no water courses on or adjacent to the site, and project construction would not result in the alteration of the course of a stream or river.

The proposed project would result in an increase in impermeable surfaces onsite that would increase runoff. The majority of the site would be covered with impermeable surfaces (buildings, concrete, asphalt, etc.), while a small portion of the site would be landscaped areas, as shown on Figure 3. As required by Mitigation Measure HYD.2, a

*Storm Water Management Plan* must be prepared by the project's engineering consultants and approved by the City of San José to determine the existing runoff rates and anticipated post-construction runoff rates. Stormwater from the project site would discharge into the City's existing 15-inch storm drain system at a 0.003 - 0.006 percent slope located on Lick Avenue approximately 600 feet south of the project site. The connection to the existing storm line on Lick Avenue and Humboldt Street may require the upsizing of the two segments of the existing down stream storm drain lines on Humboldt Street from 12-inches to 15-inches in diameter. A determination for the need to upsize will be determined at the improvement plan stage.

Most of the runoff from the impermeable surfaces would be accommodated by the proposed onsite storm drainage system. In addition, a portion of the site runoff would be absorbed into the vegetated swale (bioretention area) proposed to be constructed in the western portion of the joint use area project site. Mitigation Measure HYD.2 requires preparation and implementation of a drainage plan that provides for adequate facilities to receive drainage from the project site. This would ensure that the proposed project does not substantially alter the drainage pattern of the site in a manner that would result in substantial erosion, siltation, or flooding.

Future development of the neighborhood park project would be expected to have similar potential impacts and to implement similar mitigation measures. This would ensure that the future project does not substantially alter existing drainage patterns in the vicinity. With compliance with applicable City policies and standards related management of drainage from each project site, neither the proposed project nor the future adjacent neighborhood park project is expected to make a considerable contribution to changes in drainage patterns in the cumulative condition.

- e. While the project site is currently vacant, the site supported a cannery operation between 1919 and the early 1980s (Cornerstone 2012b). Storm drainage facilities have been constructed in the project vicinity to accommodate runoff from this prior development and from the existing residential, commercial, and industrial development in the vicinity. However, development of the proposed project would increase the rate and volume of runoff from the site relative to the existing conditions, and could introduce pollutants to the runoff as discussed above. The site grading has been designed to treat runoff from the onsite parking lot by routing that runoff through a vegetated swale. Additional drainage would enter the City's existing storm drain system located on Lick Avenue. As required by Mitigation Measure HYD.2, the project's engineers must prepare a Stormwater Management Plan, subject to approval by the City of San José Department of Public Works, that identifies the existing stormwater flows from the project site, the increase in stormwater flows that would result from the proposed project, stormwater control measures that would be implemented at the project site, and the existing capacity of the storm drain system to accommodate additional flows. The Stormwater management plan must include sufficient stormwater control measures to ensure that the City's existing storm drain system has adequate capacity to accommodate stormwater runoff from the project site.

The potential for project construction and post-construction operation to affect water quality is discussed above, and implementation Mitigation Measures HYD.1 and HYD.2 would ensure that potential impacts remain less than significant.

Future development of the neighborhood park project would be expected to have similar potential impacts and to implement similar mitigation measures. This would ensure that incremental impacts to the City's storm drain system associated with this future project would be reduced to less than significant levels. With preparation of Stormwater Management Plans that meet the City's requirements, neither the proposed project nor the future adjacent neighborhood park project is expected to make a considerable contribution to impacts to the City's storm drain system in the cumulative condition.

- g. - j. The project site is not located in a 100-year floodplain, would not construct any housing. The project would not expose people or structures to significant loss related to flooding.

The project site is physically removed from any large body of water and is not subject to inundation by seiche, tsunami, or mudflow.

### **Mitigation Measures**

**Mitigation Measure HYD.1:** Launchpad Development Nine LLC shall prepare and implement a SWPPP for the Rocketship Education elementary school and joint use facilities project. The SWPPP shall be approved by the RWQCB prior to initiation of project site preparation, grading, and/or construction. The SWPPP shall include the following:

- Site maps that show the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project site.
- A description of BMPs that would prevent construction pollutants from contacting storm water with the intent of keeping all products of erosion from moving offsite into receiving waters. BMP placement/locations shall be identified in figures and text. BMPs shall include an erosion and sediment control plan, non-storm water and materials management, and post-construction stormwater management measures.
- Unless demonstrated to be inapplicable to the project site, specific BMPs that shall be part of the erosion and sediment control plan shall include fiber rolls, silt fence, drain inlet protection, velocity check dams, slope protection (hydro-seeding and hydraulic mulch application), wind erosion control, and street sweeping; or other equally effective measures.
- Non-storm water and materials management BMPs shall be designed to minimize or eliminate discharge of pollutants from vehicles, reduce litter, address leakage or spilling from sanitary facilities, reduce concrete waste from entering stormwater, and prevent spills of hazardous and non-hazardous materials.
- Post-construction measures, which shall focus on the first winter after construction, before vegetation has had time to be established. Erosion control BMPs shall remain in place during this time period.

- A schedule for maintaining BMPs. Most erosion control BMPs shall be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events. Other maintenance shall be described in the SWPPP. BMPs shall be modified or replaced when necessary.

**Mitigation Measure HYD.2:** Launchpad Development Nine LLC shall prepare a drainage plan and Stormwater Management Plan for the Rocketship Education elementary school and joint use facilities. The drainage plan and Stormwater Management Plan shall be designed to ensure that stormwater flows generated by the project are controlled by implementation of appropriate drainage and stormwater management/treatment measures and that drainage contributed to the City’s storm drain system by the proposed project does not exceed the capacity of the storm drain system. Drainage and associated landscape improvements shall be constructed in accordance with the approved drainage plan. The drainage plan shall provide approved stormwater management/treatment measures.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>X. LAND USE AND PLANNING</b>				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. The project would not physically divide the existing neighborhood. The project site consists of a vacant urban infill lot located in the Washington neighborhood. The site is surrounded by residential, commercial, industrial, and public infrastructure development. The proposed elementary school and joint use areas would support the residential uses in this neighborhood.

The future neighborhood park would be constructed on a second vacant urban infill lot adjacent to the project site. This park would not physically divide the existing neighborhood. No impacts related to physical division of the neighborhood are anticipated to occur in the cumulative condition.

b. The project site is zoned Light Industrial and carries a General Plan Land Use designation of Open Space, Parklands and Habitat. The Light Industrial designation is generally intended for a wide variety of industrial uses, excluding uses with unmitigated hazardous or nuisance effects. Elementary and secondary

schools and public park facilities are not allowed uses in the Light Industrial zoning designation. The General Plan Land Use Open Space, Parklands and Habitat designation however supports low-intensity open space activities, including recreational uses.

Land uses surrounding the project site are generally residential, while some commercial and industrial uses also exist.

As the project is a proposed charter public school, the Santa Clara County Office of Education may take action to override local land use regulations, including General Plan and zoning designations.

While the future adjacent neighborhood park site is also zoned Light Industrial, it has been designated on the City of San José General Plan Land Use /Transportation Diagram as Open Space, Parklands and Habitat in anticipation of a the future development of a park on the project site. The City of San José Zoning Ordinance does not list public parks as permitted or conditionally permitted in the Light Industrial zoning district, but land owned and developed for City purposes, such as a public park, is not subject to the Zoning Ordinance. It is expected that development of the park would not adversely affect the ability of adjacent property owners to utilize their property under existing land uses or to develop or redevelop property consistent with the current land use and zoning designations in the area.

Further, the anticipated future adjacent neighborhood park project would be consistent with the Washington Neighborhood Plan (City of San José 2002). The City's Washington Neighborhood Plan identifies a plan vision of "creating and maintaining a safe, high quality living environment, where residents are secure from the threat of crime, streets are safe and attractive, residents have quality affordable housing, and there are safe places for the community to interact and children to play." The plan's "Top Ten" priority list includes park site acquisition and improving amenities at several existing recreation sites, and the Washington Neighborhood Plan specifically identifies the project site as a potential site for a future park.

No specific redevelopment opportunities are identified in the Washington Neighborhood plan for the project site, although the parcel immediately north of the site on Pepitone Avenue is identified as a site where redevelopment may be beneficial. Development of the proposed project and the future neighborhood park project would not interfere with potential redevelopment of the site on Pepitone Avenue, although the presence of a school and park adjacent to that site may influence decisions related to future land uses that may locate there.

The City of San José General Plan also establishes a number of Goals, Policies and Implementation Actions that are intended to avoid or mitigate potential environmental impacts:

**MS-11.1** Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an

adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

**MS-11.4** Encourage the installation of appropriate air filtration at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.

**MS-11.5** Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

**ES-1.4** Encourage and enable new schools, public or private, to avoid locations that could pose health and safety risks to children (e.g., locations near industrial uses, hazardous material storage, and excessive noise).

Air quality modeling completed for the project is discussed in the Air Quality section of this Initial Study. Based upon that analysis, air filtration and planting of trees measures are not necessary to reduce environmental impacts. As stated above, the project is not consistent with the City's General Plan Land Use / Transportation Diagram. Similarly, the project is also inconsistent with General Plan Policy ES-1.4 in that the proposed project would locate a new school in proximity to heavy rail and freeway uses. As noted, however, the Santa Clara County Office of Education has the ability to override the City's General Plan.

Because both the proposed project and the future neighborhood park project are compatible with surrounding land uses and adopted land use plans for the area and would not adversely affect the ability of adjacent property owners to utilize their property under existing land uses or to develop or redevelop property consistent with the current land use and zoning designations in the area, no impacts to land use planning are anticipated in the cumulative condition.

- c. The City of San José has been working with five other Local Partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the Cities of Gilroy and Morgan Hill) and two Wildlife Agencies (the California Department of Fish and Game and the U.S. Fish and Wildlife Service) to develop and conduct environmental review for the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) project (the Habitat Plan). The Final Habitat Plan and accompanying EIR/EIS for the project are currently available for review. Public meetings to review and consider adoption of the documents are scheduled throughout the fall of 2013. While the Habitat Plan has not been adopted by San José at this time, it could be in effect during construction of the proposed project.

The Habitat Plan establishes a framework for compliance with state and federal endangered-species laws and regulations while accommodating future growth in the Plan area. The Plan is intended to contribute to the recovery of endangered species by strategically protecting, enhancing, and restoring natural resources in specific areas of Santa Clara County.

The project site is located within the Urban Parks and Open Space Land Use Classification of the Habitat Plan. Burrowing owl is the only special-status species covered by the Habitat Plan with potential to occur at the project site, but the

project site has not been identified as occupied burrowing owl habitat in the Habitat Plan. The proposed project would implement Mitigation Measure BIO.1 to ensure that impacts to burrowing owls are avoided. By avoiding impacts to burrowing owl, the project would not conflict with implementation of the Plan or attainment of the Plan's goals.

Because the City of San José is a partner in the Habitat Plan, it is expected that the City would ensure that development of the future neighborhood park is consistent with any applicable provisions of the Habitat Plan. Therefore, there would be no significant impacts resulting from development that conflicts with adopted conservation plans in the project vicinity.

**Mitigation Measures**

No mitigation measures are necessary.

**XI. MINERAL RESOURCES**

Would the project:

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

a. - b. The project site is designated Open Space, Parklands and Habitat by the San José General Plan and consists of a vacant urban infill parcel. There are no known mineral resources within the project site. Development of the project site with the proposed Rocketship Education elementary school and joint use areas would not adversely affect any mineral resources of value to the state or region.

There are no known mineral resources at the future adjacent neighborhood park site. Development of the future park would have no effect on any valuable mineral resources. There would be no impacts to mineral resources in the cumulative condition in the project vicinity.

**Mitigation Measures**

No mitigation measures are necessary.

**XII. NOISE**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Expose persons to or generate excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. & c. A noise impact assessment for the proposed project was prepared by Edward L. Pack Associates, Inc (Pack 2012). This report is included in Appendix D of this Initial Study. The assessment noted that the primary sources of noise at the project site are traffic on SR 87, rail operations on the Caltrain/ Amtrak and Union Pacific Railroad lines, and aircraft operations at the San José International Airport. In the project vicinity, SR 87 carries approximately 157,000 vehicles daily. Approximately 40 to 45 trains pass the project site daily, 10 of which pass during school hours. The project site is located approximately at the 57 dB CNEL noise contour for the airport.

To determine the existing noise environment at the project site, continuous recordings of the sound levels were made at the western end of the proposed school building location. This location is 475 feet away from the centerline of SR 87, 260 feet from the centerline of the Caltrain/ Amtrak commuter lines, and 225 feet from the centerline of the UPRR freight tracks. The noise exposures at the site were evaluated against the standards of the *City of San José General Plan Noise Element* and the American National Standards Institute (ANSI). The applicable thresholds are identified below.

**Project Site Noise Exposures:** The overall noise level at the project site was measured at 63 dB DNL. The measured noise levels during school hours ranged

from 57.4 to 61.9 dBA  $L_{eq}$ . The average aircraft noise level at the project site was calculated to be 61 dBA  $L_{eq(30)}$ . The  $L_{eq(30)}$  is the “average” noise level over a 30-minute period. Based on an assumed level of background traffic growth, noise levels from SR 87 traffic is expected to increase by 1 dB in the cumulative condition, while the airport noise levels area expected to increase by 2 dB. The average noise level at the project site in future conditions is expected to be 64 dB DNL.

ANSI specifies an interior noise level limit of 35 dBA  $L_{eq(h)}$  in core classrooms from exterior sources while the *City of San José Noise Element* standards utilize the continuous equivalent-energy level ( $L_{eq}$ ) noise descriptor, and specify an interior limit of 45 A-weighted decibels (dBA)  $L_{eq(30)}$  for classroom interiors impacted by aircraft noise.

The 30-minute average noise levels in the classroom from aircraft operations were calculated to be 38 dBA  $L_{eq(30)}$  and 40  $L_{eq(30)}$  under existing conditions and future conditions, respectively. These calculated noise levels fall within the limits of the *City of San José Noise Element* standards but exceed the ANSI standard by 5 dB.

Mitigation Measure NOISE.1, which includes measures necessary to achieve compliance with ANSI standards, will ensure impacts associated with interior noise levels remain less than significant.

***Traffic Increases on Surrounding Streets.*** As noted above, the noise environment in the project vicinity is influenced by SR 87, railroad operations, and aircraft overflights. The noise assessment found that the project-generated traffic would provide a maximum increase in noise levels generated by Goodyear Street and Pepitone Avenue of 5 dB. However, this increase would not add to the overall existing noise environment as it would be masked by the existing noises associated with SR 87, rail operations, and aircraft operations. Noise levels at other intersections would not change or would increase by 1 dB.

***Playground Noise.*** Noise from children’s voices during outdoor school activities such as playground recess and lunch would increase the noise level at the site. The playground activity scenario is estimated to have 200 children on the playground for 30 minutes in the morning, a one hour lunch recess, and a 30 minute recess. To calculate the project-generated playground noise exposures at the adjacent property lines to the east and south, the average sound levels from playground activity were calculated by incorporating hourly average playground noise into the DNL formula for each receptor location. The *City of San José Noise Element* uses the Day-Night Level (DNL) 24-hour noise descriptor to define project-generated noise impacts to uses adjacent to the project and limits project-generated noise to 55dB DNL at the adjacent/nearby residences and 70dB DNL at the commercial use adjacent to the north. In addition, the City of San José Noise Element identifies the following thresholds of significance for a project’s impacts on neighboring residential uses. The project would have a significant impact if it:

- Causes the DNL to increase by 5 dB or more and remain below 60 dB DNL;
  - Causes the DNL to increase by 3 dB or more and, thereby, exceed 60 dB DNL;
- or

- Causes the DNL to increase by 3 dB or more if the current noise level exceeds 60 dB DNL.

The proposed project includes two separate playground areas – one near the project site’s Lick Avenue frontage and adjacent to a home on Lick Avenue, and one in the southwestern portion of the site. The nearest residence to the second playground area is the home on Goodyear Street adjacent to the proposed parking lot driveway.

The noise impact assessment found that the hourly average noise level associated with playground use at the Lick Avenue residence would be 60 dBA  $L_{eq}$  while the Day-Night Noise Level (DNL) would be 51 dB. This noise level is within the City’s 55 dB DNL limit. Additionally, the project would add less than 1 dB to the existing noise environment at the Lick Avenue residence. This impact would be less than significant.

The hourly average noise level associated with playground use at the Goodyear Street residence would be 69 dBA  $L_{eq}$  while the Day-Night Noise Level (DNL) would be 58 dB. This noise level is 3 dB higher than the City’s 55 dB DNL limit. This would be a significant impact of the proposed project. Implementation of Mitigation Measure NOISE.2, which would require the construction of a 6-foot high acoustically-effective barrier along a portion of the rear property line of the residence at 452 Goodyear Street, would ensure project-generated noise impacts at this location remain less than significant.

**Parking Lot:** The project-generated noise exposures at the most impacted residential property to the north of the site from vehicles accessing the parking lot for student drop-off and pick-up was calculated to be 49 dB DNL while the total hourly average noise level at this location during the AM peak hour was calculated to be 46 dBA  $L_{eq(h)}$ . The existing noise exposure at the residential area north of the site is 63 dB DNL. Thus, as project traffic will generate less than 10 dB lower than the existing noise exposure, onsite project traffic will not add to the existing noise environment.

**Combined Project-Generated Noise Exposures:** The combined project-generated noise exposures at the residence at 452 Goodyear Street would be 59 dB DNL. This includes the 58 dB DNL noise level associated with use of the playground and 49 dB DNL due to parking lot activity. The combined project-generated noise exposure for the nearest residence exceeds the City’s standards by 4 dB. This is a significant impact of the proposed project. Implementation of Mitigation Measure NOISE.2 would reduce project-generated noise levels at this residence and reduce this impact to a less than significant level.

It is noted that the existing noise exposure at the nearest residence is 63 dB DNL and future noise levels are anticipated to be 64 dB DNL. These noise levels are associated with SR 87 traffic, railroad operations, and aircraft noise. The proposed project would increase noise levels in the vicinity by 1 dB, which is a less than significant increase in background noise levels.

- b. Limited groundborne vibration may occur during project construction but would not occur during project operation. Based on the anticipated depths of grading excavations, groundborne vibration during construction would not create excessive

disturbance to neighboring land uses.

- d. Construction of the proposed project would require a variety of equipment. Typical maximum noise levels for construction equipment at 50 feet from the source are shown in Table 4.

**Table 4: Typical Construction Equipment Noise Levels**

<b>Equipment</b>	<b>Noise Level (dBA) at 50 feet</b>
Backhoe	80
Concrete mixer	85
Pump truck	82
Excavator	85
Loader	80
Paver	85
Roller	85
Trucks	80-84

Source: FHWA, 2009.

Because the new building would be modular, the noise generated during the construction phase would generally be less than that for other building projects. The noisiest construction phase is normally site grading and foundation work. Site excavation would be required as well as foundation work. Grading equipment and backhoes would be the loudest equipment used at the site.

The highest noise levels at the boundaries of adjacent residential properties on Lick Avenue and on Goodyear Street would be approximately 84 to 104 dBA. The Hourly Average noise levels would range from 72 to 87 dBA Leq, with the highest noise levels occurring during grading of the site near the residences. Typical noise exposures during construction range from 64 to 74 dB DNL. This would be loud enough to temporarily interfere with speech communication outdoors and indoors with windows open. With implementation of the Best Management Practices outlined below and compliance with the City's Municipal Code Section 20.100.450, temporary construction noise impacts would be reduced to a less than significant level.

All construction shall comply with the provisions of the San Jose Municipal Code Section 20.100.450 (Hours of construction within 500 feet of a residential unit), which limits the hours of construction to 7:00 a.m. to 7:00 p.m. Monday through Friday. Furthermore, the following Best Management Practices shall be used during construction:

- Equipment and trucks used for Project construction shall utilize the best

available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).

- Stationary noise sources shall be located as far from adjacent noise sensitive receptors as possible and shall be muffled and enclosed within temporary sheds, incorporate insulation barriers or other measures to the extent feasible.
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about ten dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.

Extreme noise generating activities (greater than 90 dBA) are not be allowed on weekends and Federal holidays.

- e. – f. The project site is outside the 65 dB noise contour for the San José International Airport (Santa Clara County Airport Land Use Commission 2010) and is not within the vicinity of a private airstrip.

### **Mitigation Measures**

**Mitigation Measure NOISE.1:** To achieve compliance with the 35 dBA Leq(h) limit of ANSI for the classroom interiors, the following noise control measures shall be required to:

- Maintain closed at all times all classroom windows.
- Install windows rated minimum Sound Transmission Class (STC) 38 at all classrooms. Minimum glazing requirements are 3/16" over 1/8" glass.
- Provide some type of mechanical ventilation for all classrooms. (When windows are maintained closed for noise control, some sort of mechanical ventilation to assure a habitable environment shall be provided. The ventilation system shall not compromise the acoustical integrity of the building shell. The ventilation system noise levels in the classroom shall not exceed the background noise level requirement of Room Criteria (RC) 25(N) – 30(N) of the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE).

In addition to the required STC ratings, the windows and doors shall be installed in an acoustically effective manner. To achieve an acoustically-effective window construction, the sliding window panels must form an air-tight seal when in the closed position and the window and door frames must be caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration. In addition, because many dual-pane window assemblies

have inherent noise reduction problems in the traffic noise frequency spectrum due to resonance that occurs within the air space between the window lites, and the noise reduction capabilities vary from manufacturer to manufacturer, the acoustical test report of all sound rated windows should be reviewed by a qualified acoustician to ensure that the chosen windows will adequately reduce traffic noise to acceptable levels.

**Mitigation Measure NOISE.2:** Construct a 6-foot high acoustically-effective barrier along a portion of the rear property line and along the west property line of the home at 452 Goodyear Street contiguous with the project site, as shown in figure 3 of the Noise Assessment Study. The barrier height is in reference to the residential property ground elevations, whichever is higher. This barrier shall be acoustically-effective, meaning it must be made air-tight and must provide for long-term durability. It can be constructed of wood, stucco, masonry, earth berm or a combination thereof and must have a minimum surface weight of 2.5 pounds per square foot. If wood fencing is used, homogenous sheet materials are preferable to conventional wood fencing as the latter has a tendency to warp and form openings with age. However, high quality, air-tight, tongue-and-grove, shiplap, or board and batten construction is air-tight. The noise control barriers must be constructed so that all joints, including connections with posts or pilasters are sealed air-tight and no openings are permitted between the upper barrier components and the ground.

**XIII. POPULATION AND HOUSING**

Would the project:

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

- a. The project would locate a new elementary school and joint use areas in a primarily residential neighborhood in response to existing demands for education and recreation facilities. The project would not induce substantial population growth either directly or indirectly.

The future adjacent neighborhood park project is also contemplated in response to existing demands for recreation facilities. The park project would not induce substantial population growth. Neither the proposed project nor the future

neighborhood park project would contribute to inducing population growth in the cumulative condition.

- b. - c. The project site is vacant and does not support any housing. No housing or people would be displaced as a result of the project.

The future adjacent neighborhood park site is also vacant. Development of that project would not displace any housing or people. Neither the proposed project nor the future neighborhood park project would contribute to a loss of housing in the cumulative condition.

**Mitigation Measures**

No mitigation measures are necessary.

**XIII. PUBLIC SERVICES**

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. The project would locate a new elementary school and joint use facilities in a primarily residential neighborhood in response to existing demands for education facilities. The project site is currently vacant. By constructing an elementary school and joint use facilities on a site that is currently vacant, the project would eliminate opportunities for people to loiter in the area and eliminate a potential source of wildfire, however the project would increase the daytime population of the project vicinity which may incrementally increase demands for emergency services (such as to respond to medical emergencies) in the immediate area. However, because the project would not increase the residential population in the project region, it would not substantially increase demands for fire and police protection services or require construction of any new service stations or facilities. This impact would remain less

than significant.

The project would provide for increased educational opportunities and public recreation facilities; it would not increase demands for these services. The project would not increase service demands for other public facilities.

The future adjacent neighborhood park project would also eliminate opportunities for loitering and a potential source of wildfire while potentially increasing demand for emergency responses. The future adjacent park project is not expected to increase the residential population in the project region and would have a less than significant impact on public services because it would not substantially increase demands for services or require construction of new facilities.

While the increasing residential population in the region is expected to require physical improvements or expansions to public service facilities, the proposed project would not contribute to that increasing residential population and therefore would not make a considerable contribution to needs for physical improvements or expansions in the cumulative condition.

**Mitigation Measures**

No mitigation measures are necessary.

**XV. RECREATION**

Would the project:

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

a. The project would not increase the residential population of the area and would not cause an increase in use of existing neighborhood and regional parks.

b. The project includes construction of public recreational facilities within the joint use areas associated with the proposed elementary school. The potential physical effects on the environment from construction and operation of the proposed project are evaluated throughout this Initial Study. Mitigation measures are identified where necessary to ensure that impacts of the project would remain less than significant.

The potential for the future adjacent neighborhood park project to have an adverse physical effect on the environment is evaluated qualitatively throughout this Initial

Study. Future development of the adjacent park would be subject to additional facility planning and environmental review through the City of San José. The additional analysis would provide a more detailed analysis of that project's environmental effects. It is expected that the City would implement mitigation measures during construction of the future adjacent park project to ensure that impacts of that project are reduced to less than significant levels.

**Mitigation Measures**

Mitigation Measures are identified throughout this Initial Study to ensure development of the Rocketship Education and Joint Use Areas project does not result in significant adverse effects on the environment. No additional mitigation measures are necessary.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVI. TRANSPORTATION/TRAFFIC</b>				
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"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>	<input checked="" type="checkbox"/>

a. The proposed project would not conflict with any applicable plans, policies or

ordinances related to the effective performance of the circulation system, as discussed below.

- b. Hexagon Transportation Consultants, Inc. prepared the *Rocketship Tamien/Charter School Transportation Impact Analysis* (2012) for the proposed project. This report is attached to this Initial Study as Appendix F. Potential traffic impacts related to the proposed project were evaluated following the standards and methodologies set forth by the City of San José and the Santa Clara Valley Transportation Authority (SCVTA). SVCTA administers the County Congestion Management Program (CMP).

The project traffic study analyzed the AM and PM peak-hour traffic conditions for seven signalized intersections, the unsignalized intersection of the proposed site driveway at Goodyear Street/Pepitone Avenue, and four freeway segments. The project would generate a total of 498 vehicle trips during the AM peak hour and 138 trips during the PM peak hour.

The existing signalized intersections operate at acceptable levels of service (LOS), usually LOS A and LOS B. The intersection of Alma Avenue at Almaden Avenue operates at LOS C in the PM Peak Hour. The addition of traffic from the proposed project would not change the LOS for any of the existing signalized intersections included in the traffic impact analysis, although it would slightly increase the average delay at each intersection. Because acceptable LOS would be maintained, the project would have a less than significant impact on traffic operations.

- c. Development of the project site with an elementary school and joint use facilities would have no effect on air traffic patterns.

Future development of the adjacent neighborhood park would also have no effect on air traffic patterns. Neither the proposed project nor the future adjacent neighborhood park project would contribute to any cumulative impacts affecting air traffic patterns.

- d. To determine whether the project would result in hazardous conditions, site access, drop-off and pick-up operations, site circulation and site distance are discussed below.

**Site Access.** Access to and from the proposed at-grade parking area within the project site would be provided via a single driveway on Goodyear Street. The driveway would lead to the parking aisle and double-back (in an elongated U-shape) and access the queuing area for pick-up/drop-off. The proposed parking lot will allow vehicles to queue in dual lanes during the peak drop-off and pick-up periods with space for a total of about 24 vehicles to queue on site. Based on research conducted by Hexagon Transportation Consultants at the Rocketship School located at the corner of Virginia Street and Locust Street, the proposed school should provide queue storage space for about 22 vehicles. With the dual lane queuing configuration, vehicle queues would be contained within the parking lot and would not affect traffic operations on Goodyear Street or Pepitone Avenue.

Hexagon Transportation Consultants observed that Goodyear Street is approximately 29 feet wide while Pepitone Avenue is approximately 39 feet wide. There are no restrictions on on-street parking for either street. When vehicles are parked on both sides of Goodyear Street, the narrow width of this street constrains the ability for traffic approaching in opposite directions to pass each other. While the street width is

sufficient for the low volume of traffic that the street presently carries, the narrow width could pose operational challenges. Field observations of several school sites indicate that when the access to the drop-off/pick-up areas does not function ideally, parents will find alternate locations for drop-off/pick-up including stopping in travel lanes or using other adjacent streets. This could result in drop-off/pick-up along Lick Avenue, Pepitone Avenue, or Goodyear Street. In an effort to maximize the drop-off/pick-up operations of the proposed driveway and to enhance alternative locations the project will implement traffic control measures described in Mitigation Measure TRA.1.

In addition to considering vehicle queues at the project site, Hexagon Transportation Consultants evaluated whether traffic associated with the proposed school would affect vehicle queues and traffic operations at the intersections of Alma and Lick avenues and of Pepitone Avenue at Willow Street. Hexagon found that under both existing and proposed project conditions, left-turn queues at these intersections would be less than or equal to the storage capacity. Specifically, this analysis considered the southbound left-turn queue on Lick Avenue at Alma Avenue and the westbound left-turn queue on Willow Street at Pepitone Avenue.

**Sight Distance:** For Goodyear Street, which has a posted speed limit of 25 mph, the Caltrans recommended intersection sight distance is 280 feet. This means that a driver must be able to see 280 feet down Goodyear Street in order to stop and avoid a collision with a vehicle or pedestrian. The site plan shows that the school would have one driveway located on Goodyear Street directly opposite Pepitone Avenue. In order to achieve the 280 foot line of sight, approximately 60 feet of project frontage east of the project driveway should have parking restrictions. Mitigation Measure TRA.2 requires that on-street parking be prohibited on Goodyear Street for approximately 60 feet east of the project driveway to improve visibility for traffic exiting the school site. With the parking restriction, the proposed driveway location will ensure adequate sight distance for all movements.

- e. Hexagon Transportation Consultants also evaluated site access with respect to emergency vehicle access. SU-30 trucks, representing medium-size emergency vehicles and delivery trucks, and WB-40 trucks, representing large fire trucks and semi-trailer trucks could safely enter the site via the driveway on Goodyear Street, circle into the parking lot and exit via the same driveway on Goodyear Street. Within the site, these vehicles would be able to access the building and other facilities on the site. The trash area is defined on the plan and will not create any sight distance issues. Development of the proposed project would not result in inadequate emergency access.
- f. Due to the low pedestrian, bicycle and transit mode splits for a K-5 school, the proposed project would not generate substantial new demands for pedestrian, bicycle, and transit services and the project would not have a significant adverse effect on the existing pedestrian, bicycle and transit facilities in the project area.

**Mitigation Measures**

**Mitigation Measure TRA.1:** Launchpad Development Nine LLC and/or Rocketship Education shall implement the following measures to control drop-off/pick-up vehicle and pedestrian operations:

1. Submit fees to provide for the City of San José to install school zone signs per State standards along Lick Avenue, Goodyear Street, and Pepitone Avenue. The fees shall be paid in advance providing the City sufficient time to install signage before school opens.
2. Restrict entrance to the driveway at Goodyear/Pepitone to allow traffic to enter the site only from Pepitone Avenue during peak periods of school traffic, typically occurring during student drop-off and pick-up times. Place a traffic attendant at the school driveway to prohibit inbound left turns from Goodyear Street during peak periods
3. Install a marked crosswalk and concrete islands (if appropriate) at Lick Avenue and Goodyear Street to facilitate pedestrian crossing.
4. Provide staff or parent volunteers at the following locations during pick-up and dropping-off time:
  - a. On-site parking area to assist parents with loading and unloading children.
  - b. At Pepitone Avenue & Goodyear Street, direct traffic and minimize back-up on Pepitone Avenue.
  - c. At Lick Avenue & Goodyear Street, assist children crossing Lick Avenue and monitor traffic to deter vehicles from turning onto Goodyear Street.
  - d. On Lick Avenue along project frontage, monitor traffic and deter parents from making unsafe u-turns, drop-off in the street, and crossing mid-block.
5. Provide education to parents and children and send out periodic reminders to parents on traffic circulation pattern, do not block crosswalks and driveways, make unsafe u-turns, drop-offs in the street or crossing midblock.

**Mitigation Measure TRA.2:** Launchpad Development Nine LLC and the City of San José shall provide for appropriate signage and pavement markings to prohibit on-street parking on for a distance of 60 feet along Goodyear Street east of the school driveway.

**XVII. UTILITIES AND SERVICE SYSTEMS**

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new stormwater drainage facilities or expansion of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVII. UTILITIES AND SERVICE SYSTEMS**

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Would the project:

existing facilities, the construction of which could cause significant environmental effects?

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a. Wastewater from the project site would be conveyed in sanitary sewer lines to the San José/Santa Clara Water Pollution Control Plant (WPCP). The City of San José is currently leading a master planning process for the WPCP; with the proposed Master Plan and accompanying EIR expected to be presented to the City Council in the spring of 2013. The Master Plan identifies a program of improvements to be implemented over 30 years. These improvements, which would be necessary with or without the proposed project, would ensure that the WPCP continues to meet the applicable Regional Water Quality Control Board wastewater treatment requirements.

The future adjacent neighborhood park project would not affect implementation of the WCPC Master Plan. Neither the proposed project nor the future neighborhood park project would contribute to any impacts associated with wastewater treatment in the cumulative condition.

b. It is estimated the project would demand about 211,800 gallons of water per year and would generate about 162,000 gallons of wastewater per year. These figures are slightly higher than water consumption and wastewater generation at Rocketship One Public School which has a student enrollment of 500, compared with the projected 600 students at the Rocketship Tamien Public School. Water service would be provided by the Santa Clara Valley Water District. Low-flow urinals and plumbing fixtures would be installed at the school. The project would be served with existing capacity and would not cause the need to expand existing water treatment facilities.

Water demand at the future adjacent neighborhood park site would vary with the types of amenities installed. Based on the preliminary discussions of amenities desired by the local community, it is expected that water demand at the park site would remain

low. Neither the proposed project nor the future neighborhood park project would contribute to any impacts associated with water demand and wastewater generation in the cumulative condition

- c. The capacity of the City's existing storm drain system to accommodate runoff from the project site has not been determined. An engineering analysis will be required to evaluate the existing condition/capacity of the storm drain system. The engineering analysis will determine if the City's storm drain system can adequately accommodate runoff from the project site or if upgrades to the system will be required. See *Section 9 Hydrology and Water Quality* subsection (e).

An engineering analysis would also be required for development of the future adjacent neighborhood park site. With each project complying with the City's standards and requirements, neither the proposed project nor the future neighborhood park project is expected to result in a cumulatively considerable impact to the City's storm drain system.

- d. It is estimated the project would result in an increase in water consumption of about 211,800 gallons per year based on water consumption at Rocketship One Public School. This increase is not anticipated to adversely affect existing and planned water supplies provided by the Santa Clara Valley Water District.

Water demands at the future adjacent neighborhood park site would vary with the amenities installed. It is assumed that water demand at the park would be low and would not adversely affect existing and planned water supplies provided by the Santa Clara Valley Water District.

- e. Sanitary sewer service would be provided by the 6-inch sanitary sewer line on Lick Avenue or Goodyear Street. The project would result in wastewater generation of about 162,000 gallons per year at the site. This increase is not anticipated to adversely affect the City's ability to meet existing commitments.

The future adjacent neighborhood park project would be expected to generate far less wastewater and would not adversely affect the City's ability to provide wastewater treatment for existing City residents and customers.

- f. The project would generate solid waste; however, the project proposes recycling measures to reduce waste. Consequently, project-generated waste is not anticipated to adversely affect landfill capacity. During construction activities, a minimum of 50 percent of construction waste would be recycled and the school would install recycling bins throughout the campus to collect recyclables including paper, plastic and glass.

Solid waste generated during construction and use of the neighborhood park is expected to be minimal and would have a less than significant effect on landfill capacity.

- g. The project would comply with federal, state and local statutes and regulations related to solid waste.

### **Mitigation Measures**

No mitigation measures are necessary.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- a. The project would remove trees and weedy vegetation from the vacant project site. This may reduce habitat for locally-abundant wildlife species. This is considered a less than significant impact. The project would not otherwise significantly affect fish and wildlife species or archeological resources.
- b. The analysis provided throughout this Initial Study demonstrates that the project’s contribution to cumulative impacts would be reduced to less than significant levels through mitigation.
- c. The analysis provided throughout this Initial Study identifies project impacts that may be potentially significant and identifies mitigation measures that would reduce each impact to a less than significant level. Mitigation measures are required in each of the following environmental impact resource topics: air quality, biological resources, cultural resources, geology and soils, greenhouse gases, hazards and hazardous materials, hydrology and water quality, noise, and transportation and circulation.

**PREPARERS**

Dudek prepared this Initial Study on behalf of Rocketship Education and Launchpad Development Nine LLC.

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