ALMA NEIGHBORHOOD PARK MASTER PLAN DOCUMENT

DRAFT - Parks and Recreation Commission

SAN JOSE
PARKS, RECREATION & NEIGHBORHOOD SERVICES

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

MSLA

MASTER PLAN

Approved by the City of San José

Parks and Recreation Commission

Recommendation for Approval to Council:

December 13, 2022

City Council Approval of Master Plan:

TBD

ENVIRONMENTAL CLEARANCE

Categorical Exemption

City Filing PP ER21-153

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LIST OF FIGURES

LIST OF ABBREVIATIONS & ACRONYMS

ADA	Americans with Disabilities Act
BMP	Best Management Practices
CSJ	City of San José
CPTED	Crime Prevention Through Environmental Design
Cont.	Continued
DOT	Department of Transportation
ESRI	Environmental Systems Research Institute, Inc.
LF	Linear Foot
MSLA	Meyer Studio Land Architects
NTS	Not to Scale
Q&A	Question and Answer
ROW	Right of Way
SF	Square Foot
SJ	San José
PRNS	Parks, Recreation and Neighborhood Services Department
TBD	To Be Determined
US	United States

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SECTION 1: EXECUTIVE SUMMARY

1.1 PURPOSE & BACKGROUND

The Alma neighborhood of San José, California is a diverse and close-knit community, in Council District 7, south of Highway 280 and east of Highway 87. The district occupies a small footprint between the central business district of Downtown San José, and the expansive urban and suburban areas of South San José. Alma itself is a mixed-used urban neighborhood, home to primarily working-class families, many who have called Alma home for several generations.

In 2006, Mr. Rocco Elia and Mrs. Louise Scaglione-Elia executed their Trust to confirm their wishes at their passing. Their estate plan (Trust) guided the donation of two adjacent parcels to the City of San José. Through their estate plan, the long-time residents provided a 0.33-acre land parcel to the City with the condition that the land be “used for the construction of a children’s park with the appropriate permanent signage indicating the park is dedicated to the memory of Rocco Elia and Louise Scaglione-Elia”.

This Master Plan establishes a clear approach for the design process of the future children’s park in the Alma neighborhood of San José. The future park site is located at the southern corner of West Alma Avenue and Sanborn Avenue, adjacent to the Alma Community Center and one existing residence. The community’s concerns and desires for the project are recorded in this Master Plan, along with discussions on how these perspectives have guided design considerations for the park site. Though safety concerns exist, the site has the opportunity to provide a unique space for children to play, to memorialize the land donors, and to function as an inspirational community landmark.

Site Plan Outlining Project Location

Figure 1

1.2 MASTER PLAN OVERVIEW

The Master Plan generally states the site's layout, primary features, landscape features and operational goals which will serve as the basis for formal construction documents to be prepared for a 0.33-acre park in the Alma neighborhood of San José. As described in the trust documents, the site will become a children's park with a memorial element that honors the land donors. The Master Plan provides insight into the planning process and community participation at the three community meetings, which took place throughout 2021. The document also records the planning team's response to notable feedback such as a safety concerns, a desire for a passive park space, and a goal to celebrate the diversity of the Alma community within the park.

1.3 MASTER PLAN PROCESS

Through site visits, research and analysis, the City of San José's Department of Parks Recreation and Neighborhood Services (PRNS) and the landscape architecture consultant identified a series of project opportunities and constraints. An overview of the project and a short survey were sent by mail to neighborhood residents to receive their initial feedback and to begin the long-term efforts of community outreach. These findings, as well as a reiterated project introduction, were presented to the community for further input at Community Meeting #1 on April 21, 2021. Due to the COVID-19 pandemic, the meeting was held remotely, via Zoom webinar.

Based upon the community feedback from the surveys, Community Meeting #1, initial site analysis and parkland development approaches, the team created four preliminary plan diagrams. The diagrams were presented to the community during Community Meeting #2 which took place on May 19, 2021 at the Alma Community Center. Attendees were encouraged to ask questions and vote on their preferred design schemes and park elements.

The team synthesized the two schemes that received the most community votes to create one final conceptual plan design, which was presented to the neighborhood residents at Community Meeting #3, on August 25th, 2021. The plan layout and elements were described to attendees as a direct response to all feedback gathered throughout the design process, as shown through the relationship between the final conceptual design and the community Q&A matrix (see page 47).

The final conceptual plan responds to the desires of the neighborhood residents to have a predominantly passive park that provides shade, seating, recreation opportunities for all ages, protection from traffic, a safe space to occupy, and a landmark for the neighborhood that honors the land donors. The resulting design accomplishes this by creating a central gathering space shaded by trees and a trellis and edged with seat walls. Trees to the north provide a traffic buffer, and a perimeter fence adds security while maintaining clear sightlines through the park. Bright colors, vertical elements, and a wall for a community mural will bring visibility to the park from the street and draw interest towards this future neighborhood icon. The mural will also incorporate a dedication to the memory of the donors.

SECTION 2: SITE SETTING

2.1 CONTEXT - REGIONAL

San José is one of the largest metropolitan areas in the US, with a population of just over one million people. Located in Santa Clara County at the southernmost point of the San Francisco Bay, it is the notable birthplace of the Silicon Valley. Over the last few decades the region in and around San José has become famous for being home to tech industry workers and headquarters such as Google, Facebook/Meta and Twitter. Also woven into the fabric of the City are historically rich and thriving Latinx and Asian communities. San José is a tapestry of diverse backgrounds and industries, reflected in turn by its varied physical landscape and its interwoven park system. While densely urban in the city center, parks and green spaces can be found throughout the surrounding neighborhoods. Further to the east, south, and west, suburban sprawl gives way to large city, regional, and state parks.

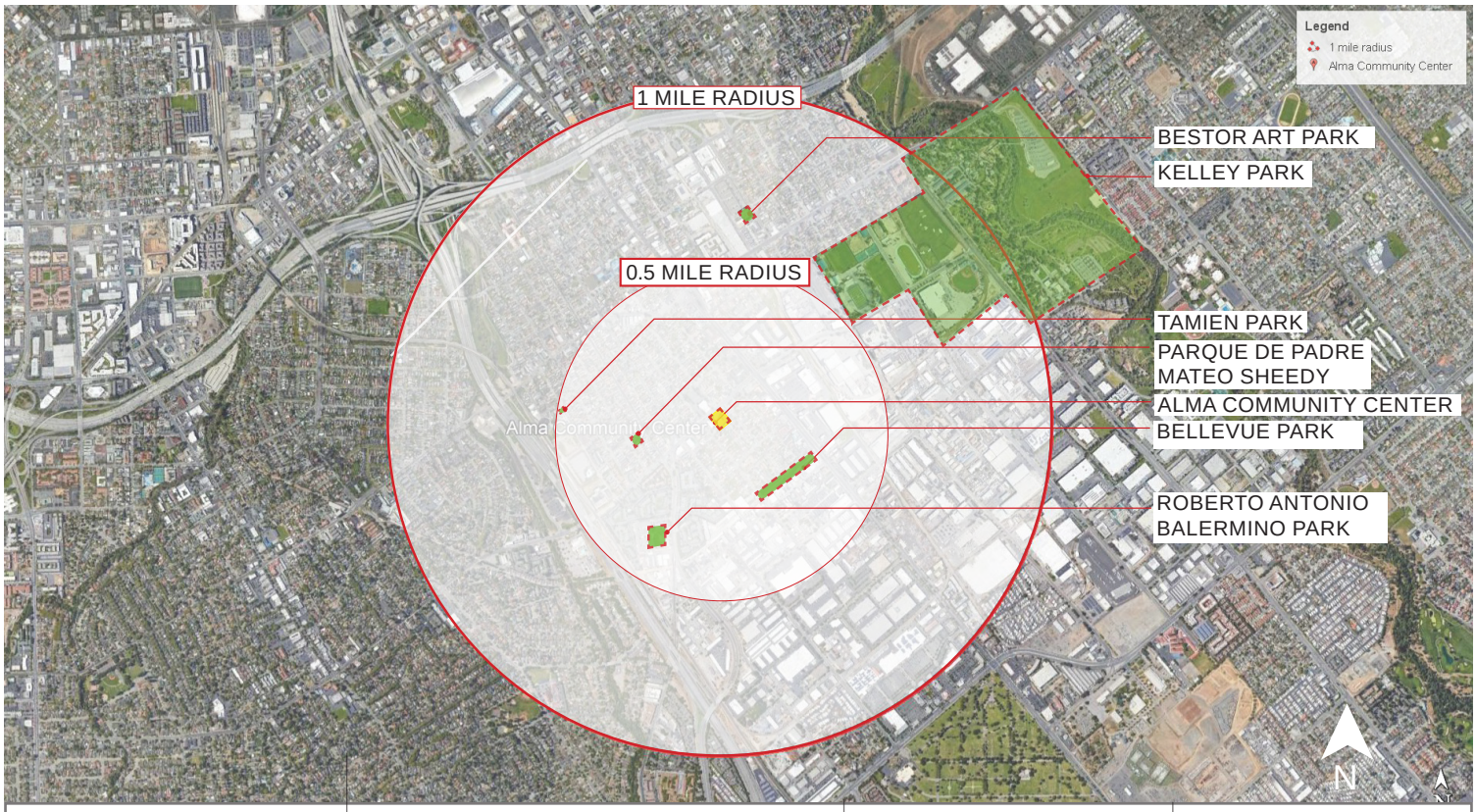
San José's climate is Mediterranean, consisting of hot dry summers and mild winters. The City averages 17" of rainfall per year, with 257 days of sunshine, and ranges in temperature from 52 to 70 degrees on average.

View of downtown San José looking west

Figure 2

2.2 CONTEXT - THE PARK SYSTEM

The future park is sited in the heart of the Alma Neighborhood, adjacent to the Alma Community Center. It is located within a mile of Kelley Park and Bestor Art Park and is within a half-mile of Tamien Park, Parque de Padre Mateo Sheedy, Bellevue Park and Roberto Antonio Balermino Park. As indicated in the table below, parks in this area are typically small green spaces that provide local families places for formal and informal recreation, shade opportunities and play equipment. The larger Kelley Park draws a more regional crowd for its convenient location and picturesque qualities. The future park site is not part of a trail network.



BESTOR ART PARK - BASKETBALL - PICNIC TABLES - PLAY EQUIPMENT - COMMUNITY GARDEN	**KELLEY PARK** - 172 ACRES - HAPPY HOLLOW PARK AND ZOO, JAPANESE FRIENDSHIP GARDEN, VIETNAMESE HERITAGE GARDEN - PICNIC AREAS - WALKING PATHS - DISC GOLF COURSE	**PARQUE DE PADRE MATEO SHEEDY** - PUBLIC BBQS - PICNIC TABLES, PAGODA - PLAY EQUIPMENT	**TAMIEN PARK** - BASKETBALL - VOLLEYBALL - PICNIC TABLES - PLAY EQUIPMENT - PUBLIC RESTROOMS - SOCCER FIELD - RUBBERIZED RUNNING TRACK - OUTDOOR GYM
ALMA COMMUNITY CENTER - BASKETBALL, HANDBALL - PLAYGROUND	**BELLEVUE PARK** - INFORMAL GREEN SPACE - BASKETBALL - PICNIC TABLES, BENCHES - PLAY EQUIPMENT - PUBLIC RESTROOMS	**ROBERTO ANTONIO BALERMINO PARK** - INFORMAL GREEN SPACE - BASKETBALL - PICNIC TABLES, PAGODA - PLAY EQUIPMENT	

Map of nearby parks

Figure 3

SECTION 2: SITE SETTING CONT.

2.2 CONTEXT - THE PARK SYSTEM CONT.

According to the site analysis, the future park site will provide much needed walkable neighborhood scale outdoor space for family-oriented, passive recreation. Though in relative close proximity to Bellevue Park, Alma Neighborhood Park's location affords better visibility on a more active street.

The adjacent Alma Community Center houses senior programs and some youth activities, but publicly available recreational elements are aging and extremely limited. Some features like the basketball court are locked to the public. The future park will primarily serve as a neighborhood children's park, with play areas for various ages, and will also include a central community gathering plaza and rich vegetation. As seen in the photos below, trees, lawn and flowering plants will be a welcome addition to a site now dominated by urban elements and paving.

Existing conditions

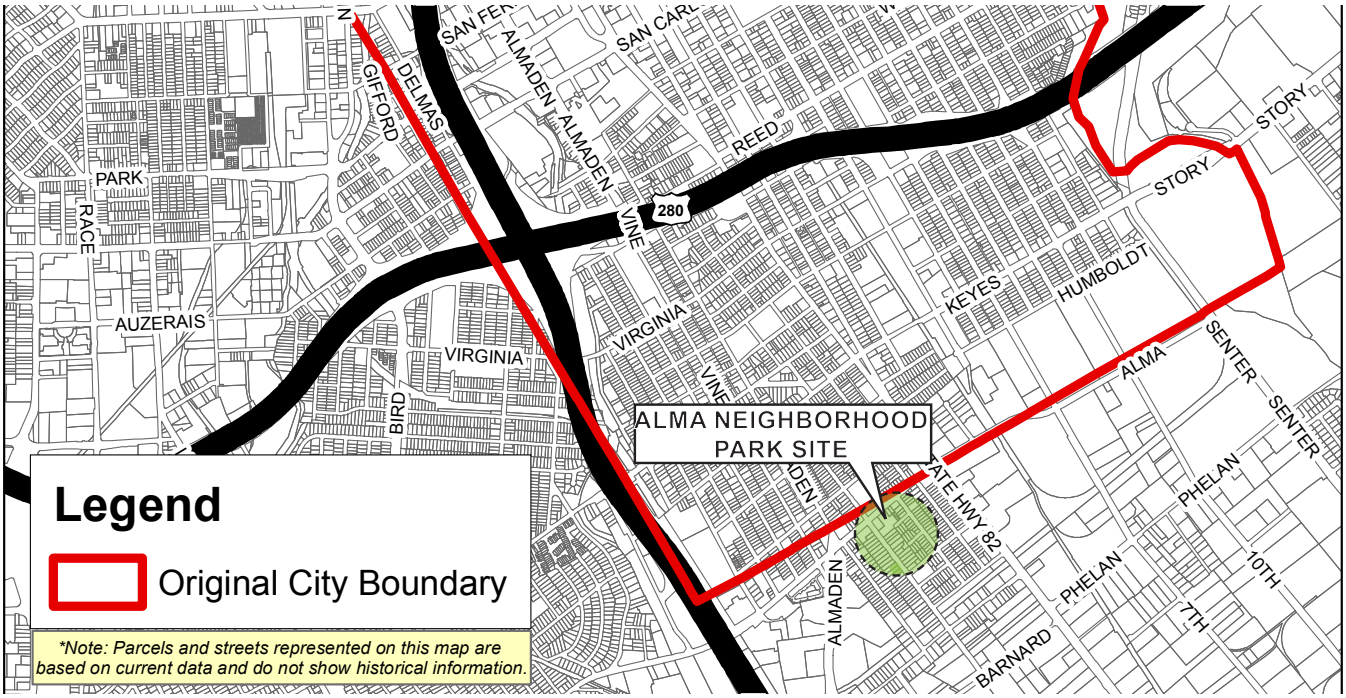
Figure 4

Existing conditions - Alma Community Center

Figure 5

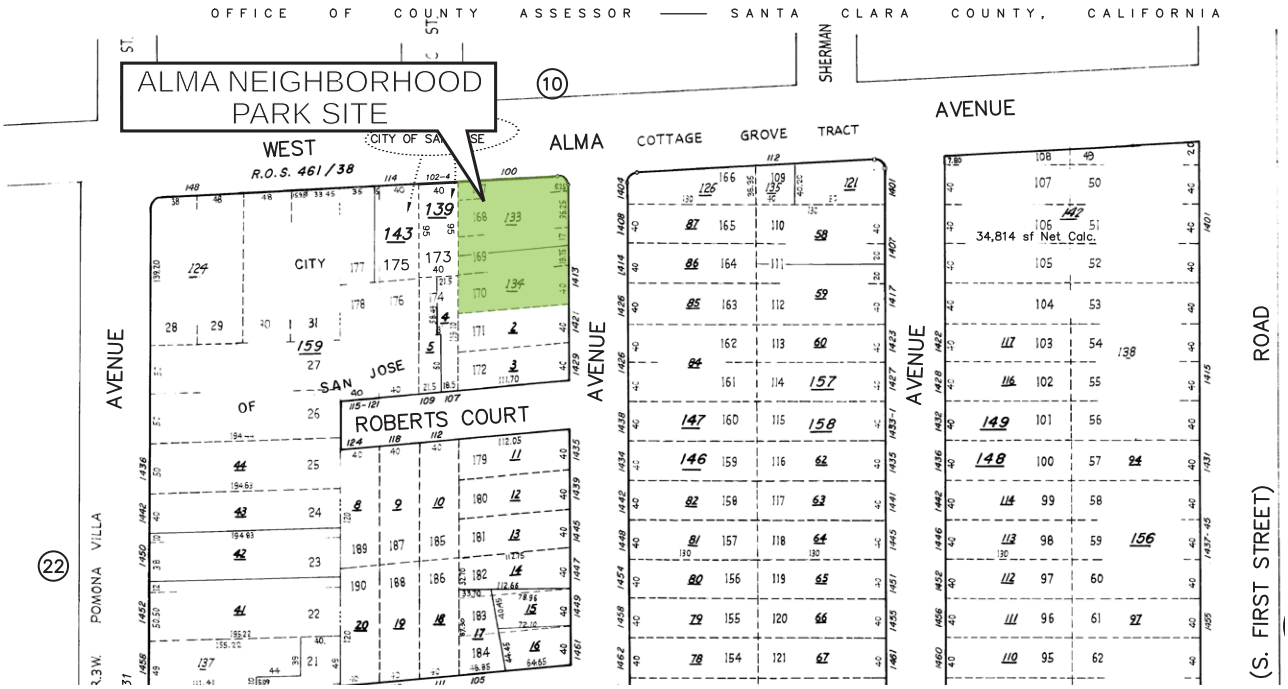
2.3 CONTEXT - NEIGHBORHOOD

As seen in the map below (Figure 3), the original boundary for the City of San José followed Alma Avenue west to Highway 87. According to City Historical documents, the Alma neighborhood was likely agrarian until the early to mid-1900's, becoming more industrial in character with the advent of the automobile.



San José Parcel Map

Figure 6



Alma Neighborhood Parcel Map

Figure 7

SECTION 2: SITE SETTING CONT.

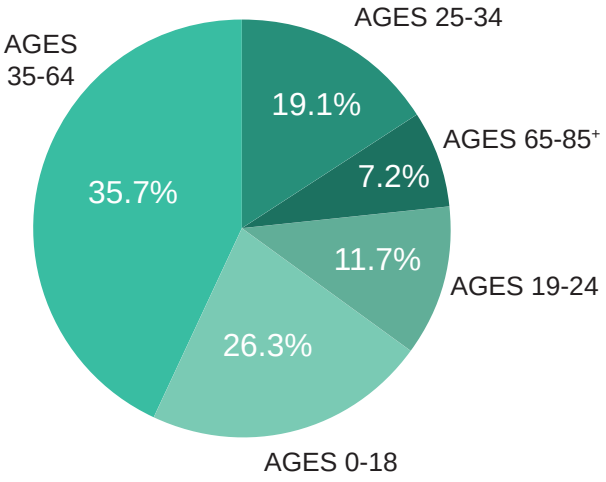
2.3 CONTEXT - NEIGHBORHOOD CONT.

The current character of the neighborhood within a quarter mile of the site is defined by low-to - mid income residential housing and industry. The demographic data for the area retrieved from ESRI, a data-supply company, indicates the following information for year 2019:

At the time of the survey, the total population was 16,851 people with a median age of 33. Over a quarter of the population are school-age with the majority between the ages of 35-64. With this in mind, the park design aims to serve more than just school-age youth. Community outreach suggested a strong desire by older residents for shaded permanent seating, a prominent feature in the park design.

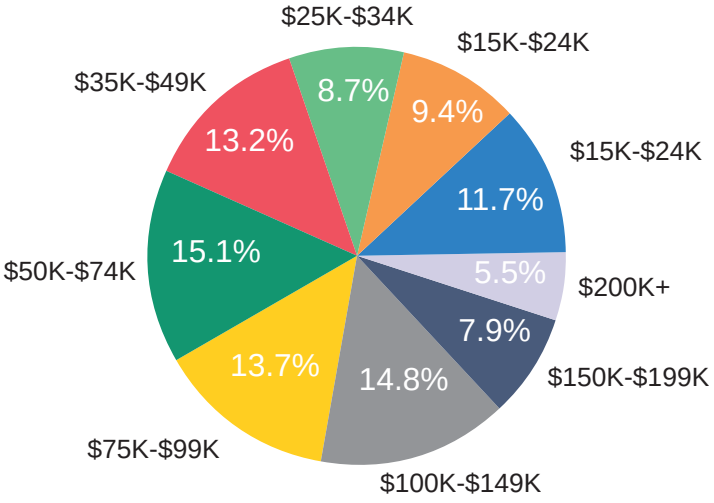
The majority of the houses are renter occupied, with 32.9% being owner occupied. The median household income is +/- $60,000. Being mindful of income levels, the park program seeks to support small scale neighborhood events at no charge.

As 68% of the residents are of Hispanic origin, all community meetings and outreach material were provided in both English and Spanish.



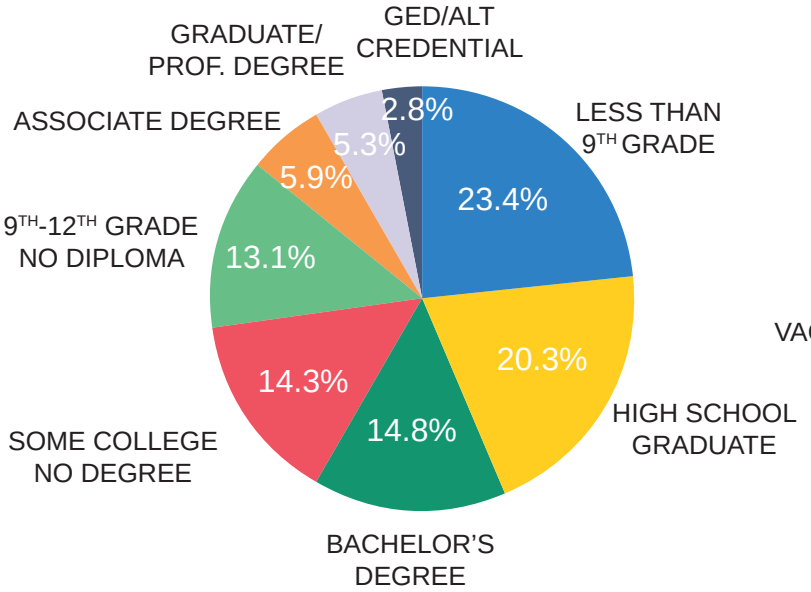
2019 AGE GROUPS

Figure 8



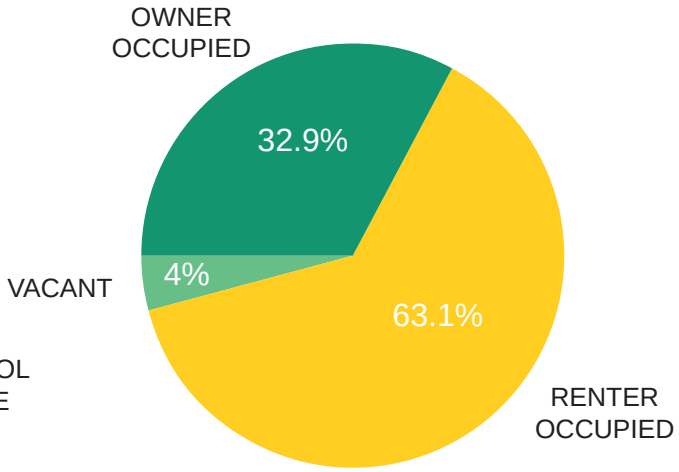
2019 HOUSEHOLD INCOME

Figure 9



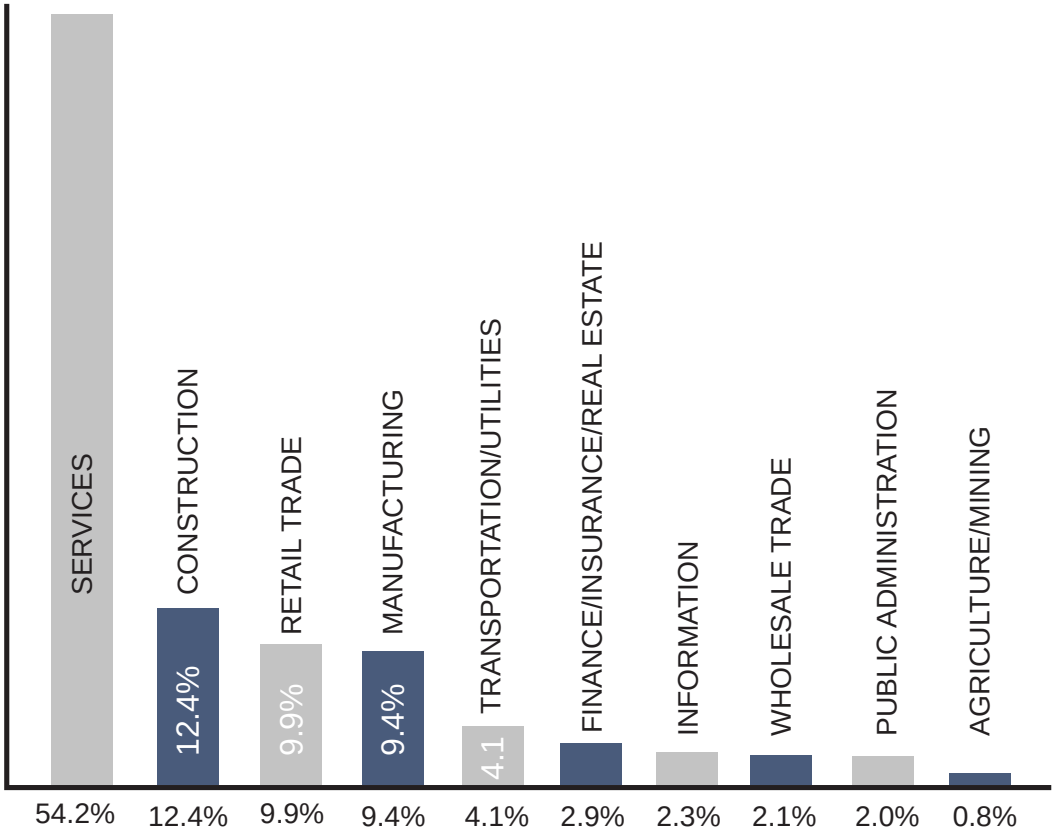
2019 25+ EDUCATIONAL ATTAINMENT

Figure 10



2019 HOUSING UNITS

Figure 11



2019 EMPLOYED POPULATION 16+ YEARS OLD BY INDUSTRY

Figure 12

SECTION 2: SITE SETTING

2.4 CONTEXT - SITE ANALYSIS

The future park site is located at the southern corner of West Alma Avenue and Sanborn Avenue, directly adjacent to the Alma Community Center. The park site is .33 acres and is comprised of two adjacent parcels - one at 1413 Sanborn Avenue and the other at 100 West Alma Avenue. According to historical documents, each parcel began as single or multi-family residences between 1910-1915. Around 1950, the parcel at West Alma Avenue converted to a commercial property, and three separate businesses now occupy the building: a market, an insurance company, and a salon. The site at 1413 Sanborn has remained residential, with two ancillary structures built over the years. These buildings and all structures within these properties will be demolished to create the future park. As such, the site analysis that follows is largely focused on the edges and adjacencies which will directly affect site use, design, access and safety.

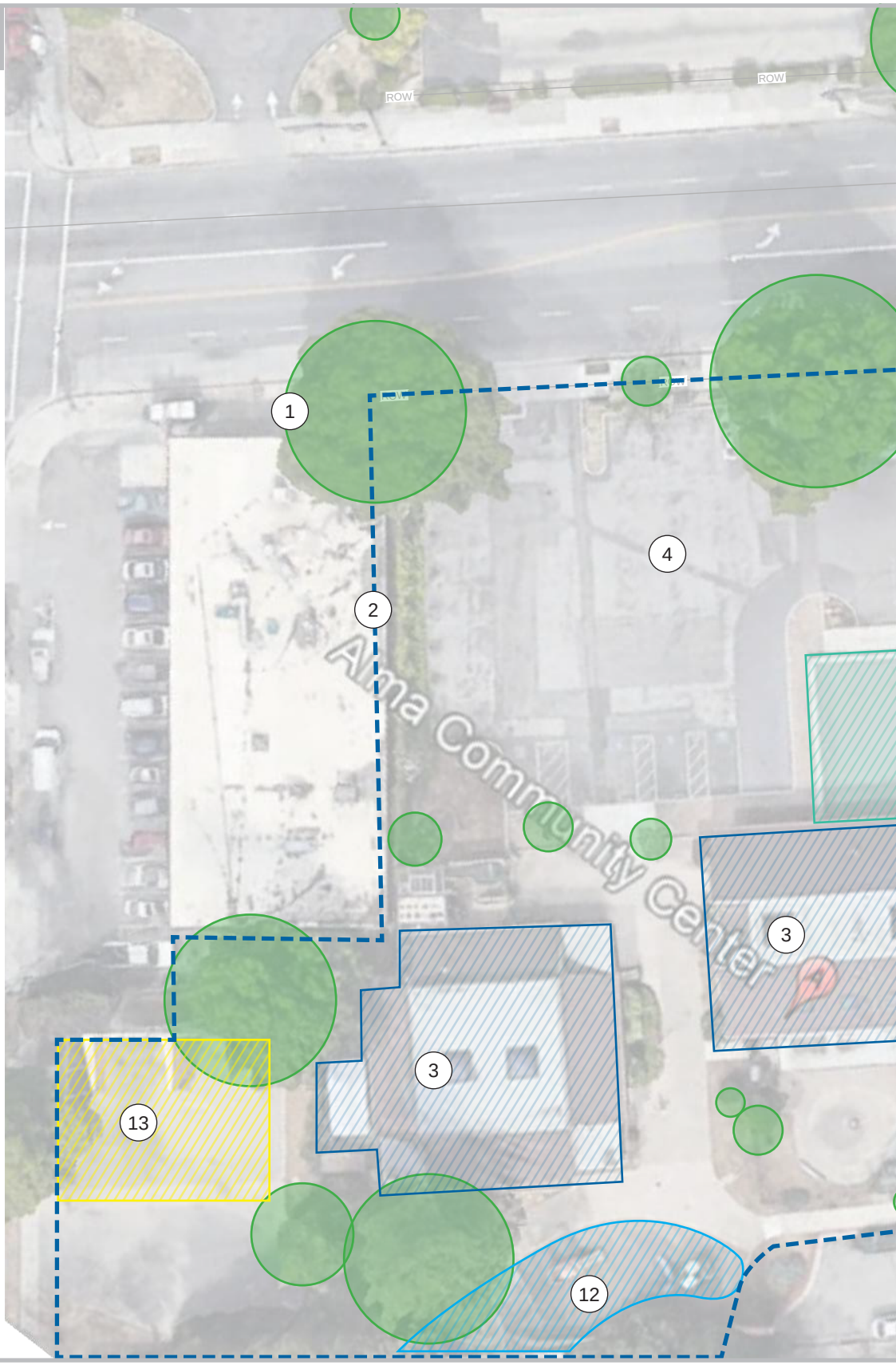
Birds-eye-view of site and context

Alma community center has a large parking area along Alma Avenue, with two buildings pushed closer to Roberts Court. A children's playground is located near the back of these buildings facing Robert's Court, and a small handball court is located adjacent to Pomona Avenue. Due to the lack of visibility in both locations, crime is common and the City is studying ways to improve the layout and use of spaces. As the community center property is also owned by the City of San José, considerations for the future park will incorporate a strong and open connection between the parcels. The community center is used for after school programs, senior programs and other neighborhood gatherings and is considered an asset. Community center elements and improvements will be investigated through a future project when funding sources align and will not be included in this Master Plan effort.

Figure 13

SITE ANALYSIS PLAN

1. Existing tree canopy
   - Typical symbol
2. Alma Community Center property line
3. Alma Community Center buildings
4. Alma Community Center parking lot
5. Future Alma Neighborhood Park property line
6. Existing buildings
   - To be demolished
7. West Alma Ave
   - Heavily trafficked
8. Sanborn Ave
   - Residential street
9. Robert's Court
   - Dead-end residential street
10. Basketball court (not accessible to public)
11. Waste disposal area
12. Children's playground (accessible to public)
13. Handball court (accessible to public)
14. Adjacent residential parcel
15. Future connection opportunity to Alma Community Center
16. Crosswalk



N SCALE: 1" = 40' - 0"

Site Analysis Plan Diagram


7 WEST ALMA AVENUE
16
5
6
15
11
6
6
6
10
8 SANBORN AVENUE
14
9 ROBERT'S COURT
ROW

Figure 14

SECTION 2: SITE SETTING CONT.

2.5 OPPORTUNITIES AND CONSTRAINTS

VISIBILITY AND ACCESS

West Alma Avenue is a wide, four lane street. The park site has clear visibility with a well-marked crosswalk located at the corner of West Alma and Sanborn. As seen below, this open view to the site presents an opportunity for the park to announce and celebrate itself as a new landmark.

Although marked as a 25 MPH zone, the speed of traffic along Alma Avenue was a common concern voiced during the community meetings and within survey responses. Several community members requested traffic calming measures to address safety concerns. The future park should be fenced and gated to ameliorate concerns of small children wandering from the play area into the street.

Street view - Park visibility

Figure 15

Connection to existing neighborhood

Figure 16

EXISTING VEGETATION

A few large mature tree specimens exist in the peripheral areas surrounding the future site, including sycamores, ginkgos, citrus, palms and elms. However, as shown in the map below, the area immediately surrounding the future park including the community center property, lacks tree canopy and shade. This is largely due to the lack of planting areas, the large existing parking lot and the general prevalence of pavement and buildings. Currently, the park site includes only a few small citrus trees behind the residential property. The existence of large specimen trees in the neighborhood noted above indicates that careful selection of future tree species and proper maintenance will likely result in healthy shade trees, and contribute to a reduction of the heat island effect.

Alma Neighborhood Tree Canopy Map

Figure 17

Site Context

Figure 18

2.5 OPPORTUNITIES AND CONSTRAINTS CONT.

SITE EDGES AND ADJACENCIES

The park site boundary consists of an existing stucco wall on the west, and a wood fence on the south which separate it from the adjacent residential properties. The future park design will explore strategies to create privacy for neighbors and screen undesirable views.

Site Edges

Figure 19

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SECTION 3: GOALS AND OBJECTIVES

3.1 GENERAL

The future park will support an increasing demand for a recreational green space in the Alma neighborhood. It will honor the land donors, Rocco Elia and Louise Scaglione-Elia, through the installation of children's play features and informational signage. The final park will minimize maintenance requirements through a strategic choice of materials and naturalized planting. Throughout the design process, close attention will be paid to the feedback from community members and city staff to create a children's park that celebrates the diversity of the neighborhood and can be enjoyed by people of all ages and ability levels.

During the community meetings and public outreach process, the planning team heard many neighbors recount stories about Rocco and Louise, commending them for their generous donation. According to the people who knew them, the couple was admired for their acts of kindness and warm character and their love for children. One of the primary planning goals is to honor the request stated in the Trust by including appropriate permanent signage indicating the park is dedicated to the memory of Rocco Elia and Louise Scaglione-Elia.

Project graphic designed for public outreach

Figure 20

3.2 ENVIRONMENTAL RESOURCES

The site survey results did not show any significant environmental resources present on site, as it is currently occupied by commercial and residential buildings.

3.3 LAND USE

The park site is located in a suburban neighborhood adjacent to a heavily trafficked street to the north, a side street to the east, a residence to the south, and the community center building and parking lot to the west. The north and east site boundaries are open to a public sidewalk and the streets beyond. The future park design will maintain and enhance the buffer between the park site and the residence and will explore strategies to facilitate an open pedestrian flow between the community center and the park itself. As a response to the community's concern for safety, the future park site will be fenced in its entirety and additional buffering will be created at the boundary adjacent to Alma Avenue.

North site edge

South site edge

East site edge

Figure 21

SECTION 3: GOALS AND OBJECTIVES CONT.

3.4 AESTHETIC

The goal of this Master Plan is to create a park with high quality, sophisticated design that meets the needs of the neighborhood and honors the requests of the land donors. Materials with low maintenance requirements and long-lasting durability will be prioritized, and colorful elements will be integrated throughout the site to create an iconic landmark for the neighborhood. Because of Rocco and Louise's love of trees and nature, as well as the community's request for shade, large trees will be planted throughout the site. Low groundcover plantings will create buffers along site edges while maintaining clear sight lines through the interior of the park for increased safety. A seasonal garden with plants adapted to San José's Mediterranean climate will be named "Louise's Garden" and include plants that attract butterflies and hummingbirds.
The play areas will be named "Rocco's Playground".

The team has initiated collaboration with the CSJ Public Art Director, CSJ Public Art Program staff, and the Anti-Graffiti and Anti-Litter staff to aid in the development of a colorful site-specific mural on the southern edge wall, which may also include a dedication to the donors.

Colorful play features

Iconic fencing

Durable furnishings

Colorful mural

Game tables

Shade structures

oOpen lawn

California naturalized plantings

Figure 22

SECTION 4: PLANNING PROCESS

4.1 PROJECT START-UP

The Master Planning process is a collaborative effort between the planning team, city staff, and community members. The input collected was integrated into the Master Plan through the following steps:

i. Project Start-Up
ii. Site Inventory and Analysis
iii. Community Outreach
iv. Schematic Design Diagramming
v. Master Plan Refinement
vi. Environmental Analysis and CEQA Clearance

The following was the **planning process schedule**:

November 5, 2020	Biweekly Meeting 01, Project Start-Up
November 19, 2020	Biweekly Meeting 02
December 02, 2020	Biweekly Meeting 03
December 17, 2020	Biweekly Meeting 04, with city staff
January 07, 2021	Biweekly Meeting 05
January 28, 2021	Biweekly Meeting 06
February 11, 2021	Biweekly Meeting 07
March 11, 2021	Biweekly Meeting 08
March 25, 2021	Biweekly Meeting 09
April 1, 2021	MSLA Prints / Mails Final Community Outreach Materials
April 8, 2021	Biweekly Meeting 10
April 21, 2021	First Community Meeting
April 20, 2021	Biweekly Meeting 11
May 06, 2021	Biweekly Meeting 12
May 13, 2021	Interim Meeting
May 19, 2021	Second Community Meeting
May 20, 2021	Biweekly Meeting 13
June 3, 2021	Biweekly Meeting 14
June 17, 2021	Biweekly Meeting 15
July 29, 2021	Biweekly Meeting 16
August 25, 2021	Third Community Meeting

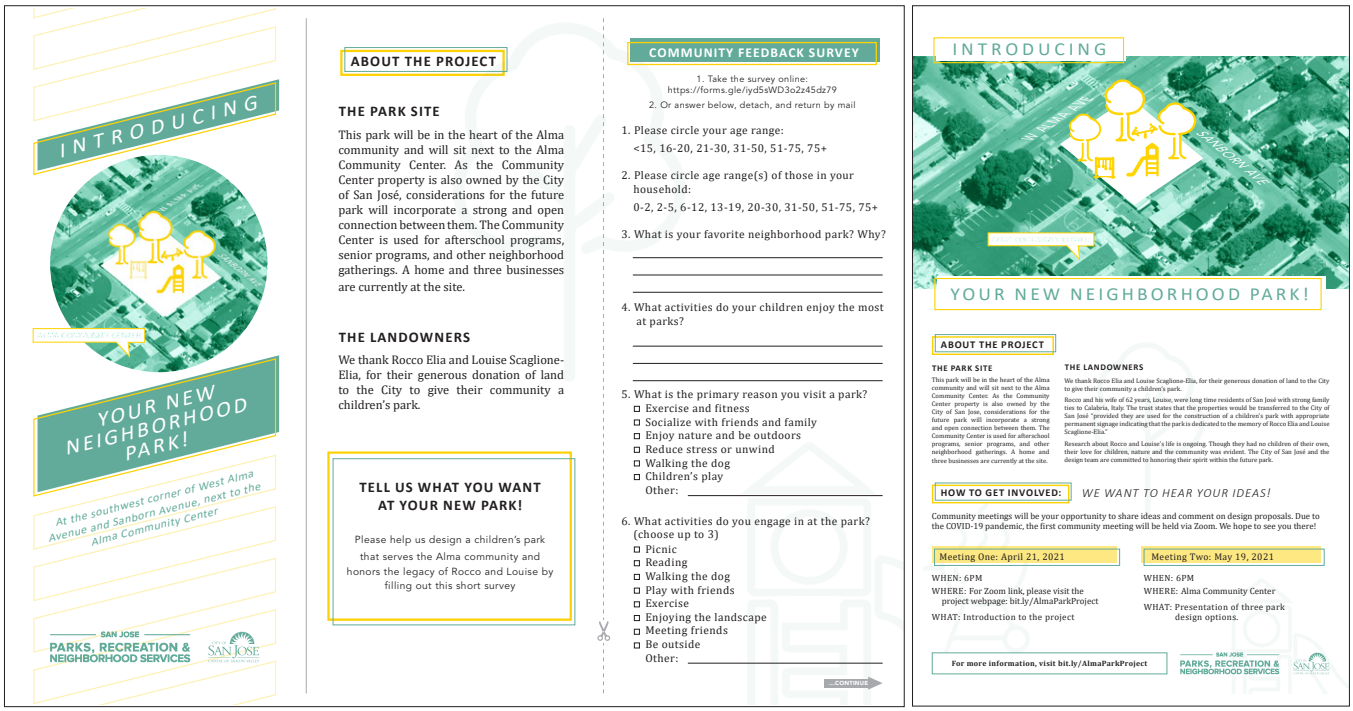
Figure 23

4.2 TECHNICAL ADVISORY COMMITTEE

Throughout the planning process, the planning team collaborated closely with the City Facilities Architectural Services within the Public Works Department, and the Capital Improvement Team within Parks, Recreation and Neighborhood Services. Additional technical support came from the following:

- Councilmember Esparza's office in public outreach and community engagement.
- San Jose Police Department in safety and Crime Prevention Through Environmental Design (CPTED) issues
- CSJ Public Art Program staff, and the Anti-Graffiti and Anti-Litter staff in design and installation process for future mural

4.3 COMMUNITY OUTREACH OBJECTIVES



Community Outreach Materials, mailed to neighborhood residents Figure 24

4.3.1 Community Meeting No. 1 was held remotely on April 21, 2021 through an on-line Zoom webinar format. The purpose of the workshop was to share detailed information on the project, including existing site constraints and opportunities, information on the land donors, precedent imagery, and the project design process. Live polling was conducted to collect feedback regarding park programming and design elements, and attendees participated in an open Q&A to close the meeting.

4.3.2 Community Meeting No. 2 was held on May 19, 2021 at the parking lot of the Alma Community Center. The purpose of the workshop was to share a synthesis of all community input gathered thus far, and to propose four design diagrams for the purpose of gathering specific feedback from the community on the design elements in each diagram. Attendees participated in breakout group Q&A's, and responded to the design diagrams directly on the presentation boards.

4.3.3 Community Meeting No. 3 was held on August 25, 2021 at the parking lot of the Alma Community Center. The purpose of the final community meeting was for the team to present the refined plan and receive final comments regarding the future park. Attendees were encouraged to participate in a Q&A session, during which they expressed their comments and concerns and the team responded accordingly.

4.3.3.1. Facility Naming: The City of San Jose accepted the gift of land and condition for park development from the Elia Family Estate with a provision that the new park be named in recognition of the donors.

SECTION 4: PLANNING PROCESS CONT.

4.4 COMMUNITY OUTREACH PROCESS & OUTCOMES

4.4.1 Community Meeting No. 1

4.4.1.1 Attendees

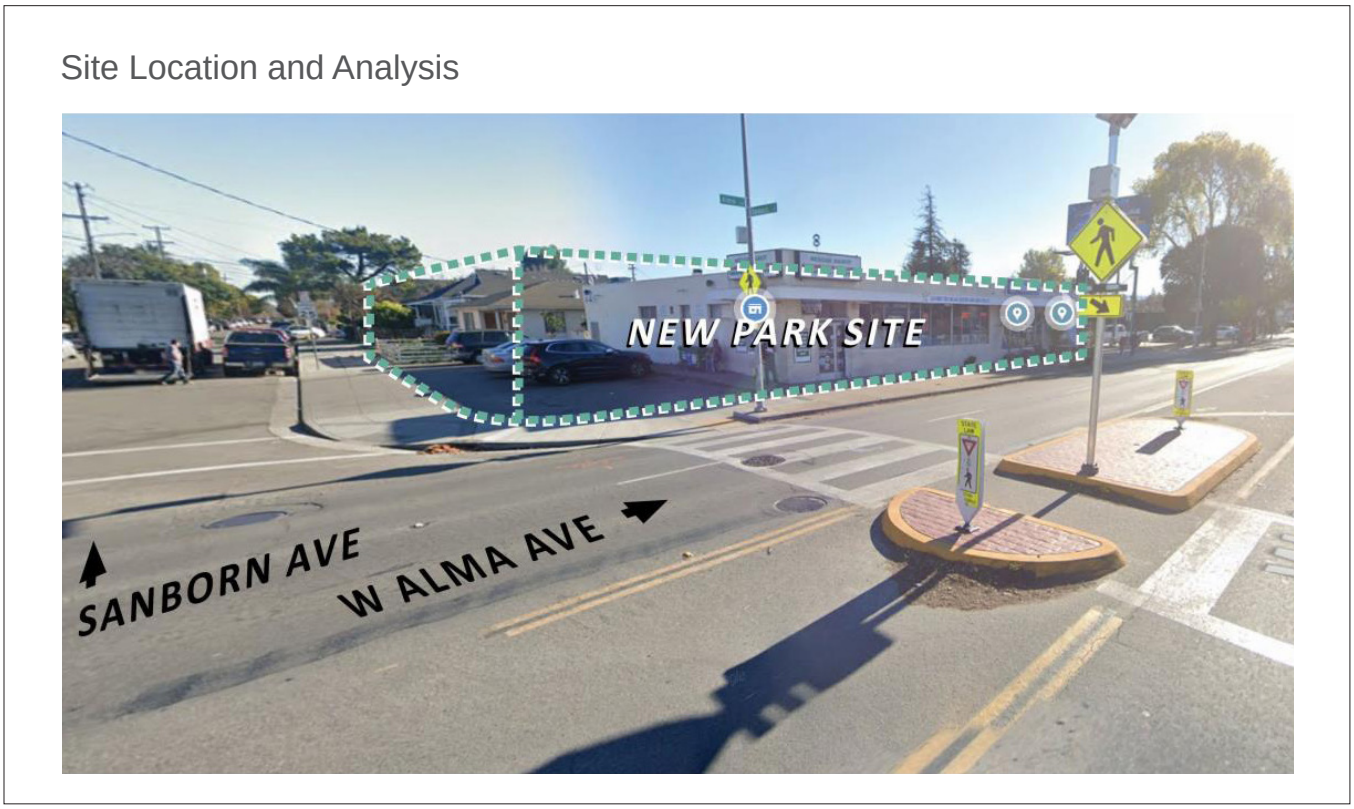
The City of San José in collaboration with MSLA, hosted a virtual community meeting that took place on April 21st, 2021 at 6pm via Zoom. The meeting was attended by City of San José staff, City Council representatives, MSLA and members of the Community (16 total).

4.4.1.2 Summary of outcomes

The team and project were introduced, and an overview of the virtual webinar format was explained. Councilmember Maya Esparza welcomed attendees and introduced the project. The planning team then gave a project overview that included the vision for the future park, process and schedule of the project, explanation of a Master Plan, site background and context, and more detailed information on the land donors. There was a live polling session, where attendees were shown a series of reference images and voted on their programmatic and design preferences. The meeting concluded with an open Q&A session during which community members expressed their concerns and desires for the future park.

Community meeting #1 banner Figure 25

4.4.1.3 Graphics Shared:

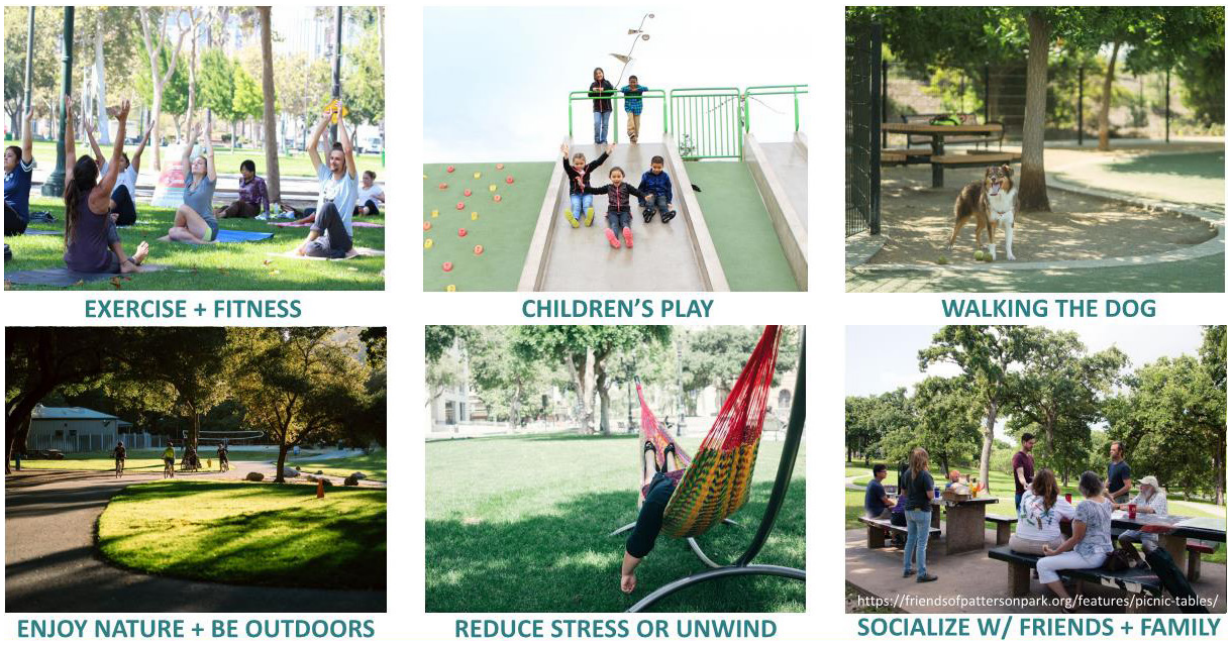


Community Meeting No1: Site location and Analysis slide 1 Figure 26

Community Meeting No1: Site location and Analysis slide 2 Figure 27

4.4.1.3 Graphics Shared Cont:

Live Polling: What is the primary reason you visit a park?

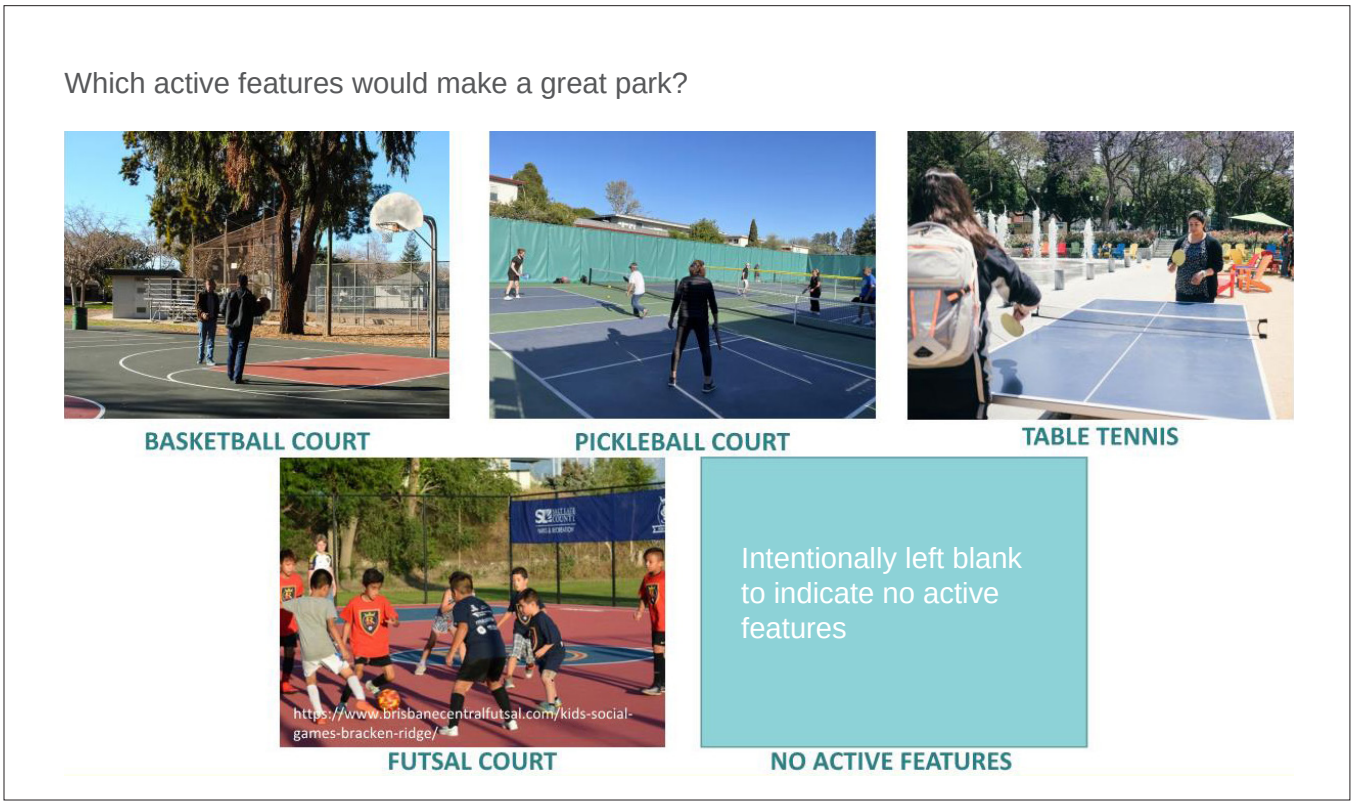


Community Meeting No1: Live Polling slide 1 Figure 28

Live Polling: Which activities would make a great park?

Community Meeting No1: Live Polling slide 2 Figure 29

4.4.1.3 Graphics Shared Cont:



Community Meeting No1: Live Polling slide 3 Figure 30

Community Meeting No1: Live Polling slide 4 Figure 31

4.4.2 Community Meeting No. 2

4.4.2.1 Attendees

The City of San José in collaboration with MSLA, hosted a socially distanced, in-person community meeting that took place at the Alma Community Center parking lot on Wednesday, May 19, 2021 at 6pm. The meeting was attended by City of San José staff, the Police Captain for the Western Division, City Council representatives, MSLA and members of the community (22 total).

4.4.2.2 Summary of outcomes

The team and project were introduced, and an overview of the meeting format was explained. Councilmember Maya Esparza welcomed attendees and introduced Brian Shab, Police Captain for the Western Division, who thanked the community for gathering and expressed his gratitude for the land donor's gift. The planning team then gave an overview of the park project and reviewed a synthesis of all community input and site analysis data collected to date. Four design diagrams were presented to the community, ranging from a predominantly passive park to a park filled with active recreational equipment. Attendees then joined 'breakout groups' to ask the team more detailed questions about the project. The meeting concluded with attendees voting for their preferred design scheme and elements, and providing additional comments both verbal and written.

Photos from Community Meeting #2

Figure 32

4.4.2.3 Graphics Shared:

Community Meeting No2, Board 1 (Summary of Community Feedback) Figure 33

4.4.2.3 Graphics Shared Cont:

Community Meeting No2, Board 2 (Community Responses & Project Goals) Figure 34

4.4.2.3 Graphics Shared Cont:

SCHEME 1: PASSIVE COURTYARD

MISSION STATEMENT

Scheme 1 creates a passive community park, with a central gathering space and natural play area shaded by a large tree. The central playground is framed by two canopy structures inspired by the central plazas of Latin America and Europe. These create shaded spaces below them, with seatwalls, picnic tables and linear play elements. The park is surrounded by planting, creating gardens designed to attract butterflies and birds. A wall separating the park from the adjacent residences can be used as a community art piece displaying messages of community pride expressed in the survey responses.

SAN JOSE PARKS, RECREATION & NEIGHBORHOOD SERVICES

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Community Meeting No2, Board 3 (Passive Courtyard Scheme)

Figure 35

4.4.2.3 Graphics Shared Cont:

Community Meeting No2, Board 4 (Community Heart Scheme) Figure 36

4.4.2.3 Graphics Shared Cont:

Community Meeting No2, Board 5 (Active Playground Scheme) Figure 37

4.4.2.3 Graphics Shared Cont:

Community Meeting No2, Board 6 (Playful Landmark Scheme)

Figure 38

SECTION 4: PLANNING PROCESS CONT.

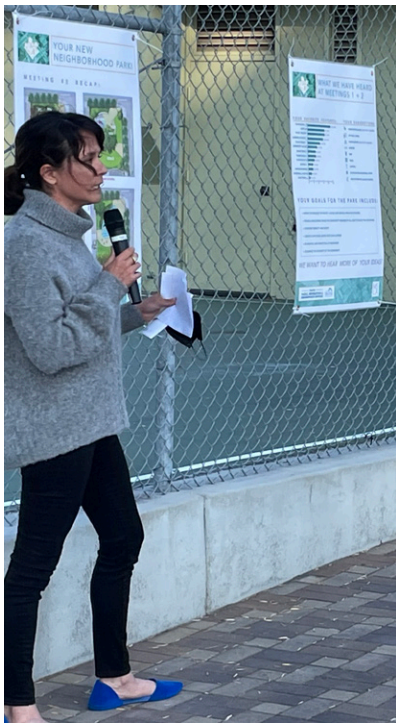
4.4.3 Community Meeting No. 3

4.4.3.1 Attendees

The City of San José in collaboration with MSLA, hosted a socially distanced, in-person community meeting that took place at the Alma Community Center parking lot on Wednesday, August 27, 2021 at 6pm. The meeting was attended by City of San José staff, City Council representatives, MSLA and members of the community (15 total).

4.4.3.2 Summary of outcomes

The team and project were introduced, and a summary of the last two community meetings was given. Mike Medina opened the meeting, and Yves Zsutty thanked the attendees for their presence. The planning team then gave an overview of the park project, reviewed a synthesis of all community input and site analysis data collected to date, and introduced the current park plan. A rendered plan as well as four rendered eye-level perspectives were shown to the community to highlight the key elements of the future park design, and explain how all input to date has been incorporated into the design process. Attendees were then encouraged to ask questions and provide commentary, to which Nicole Kelly and Yves Zsutty responded to, as appropriate. The meeting concluded with a flyer being given to attendees with instructions on how to respond to an online survey for a future mural that is to be installed on the park site.



Photos from Community Meeting #3

Figure 39

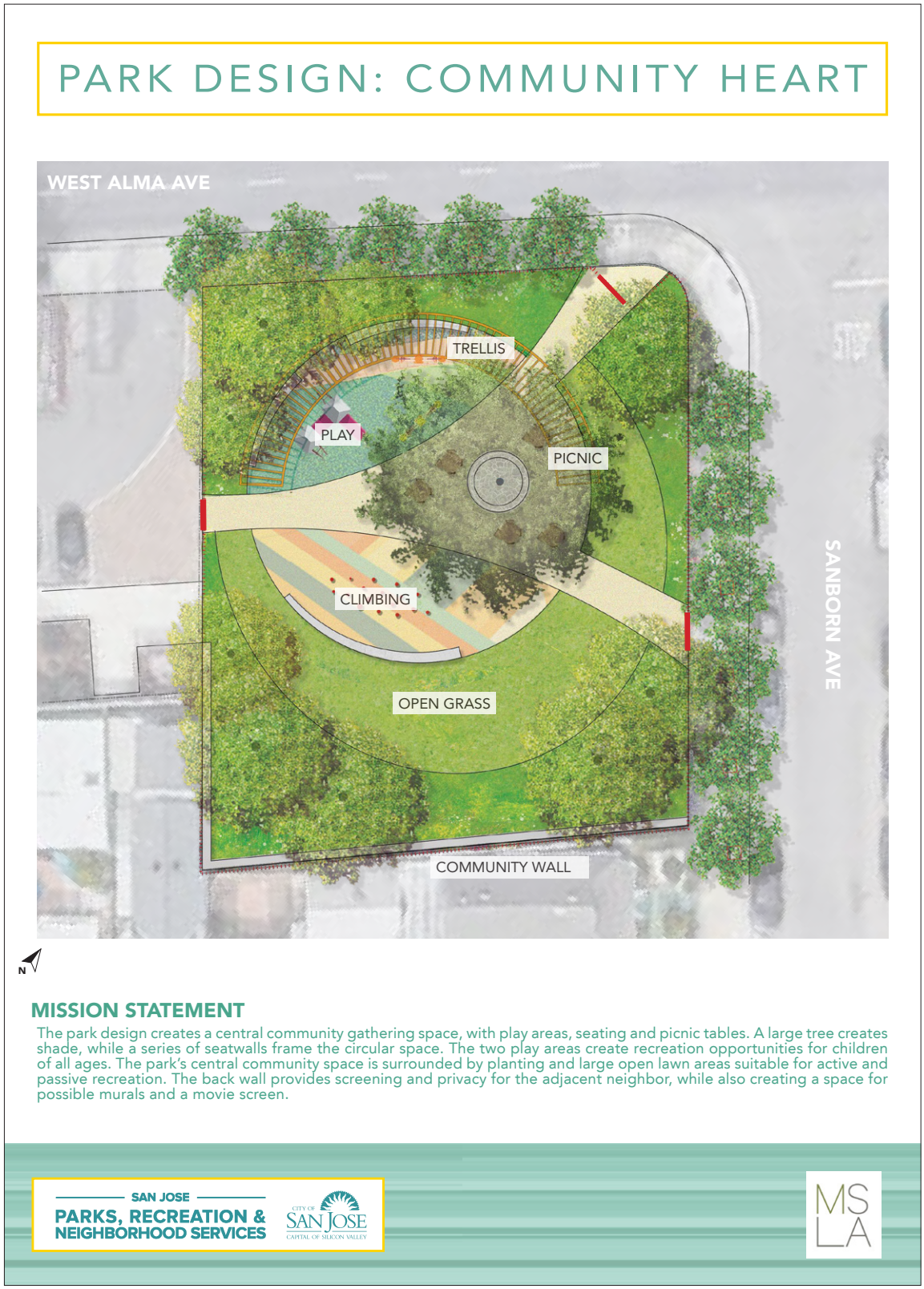
4.4.3.3 Graphics Shared Cont:

Community Meeting No3, Board 1 (Meeting #2 Recap) Figure 40

4.4.3.3 Graphics Shared Cont:

Community Meeting No3, Board 2 (Community Feedback) Figure 41

4.4.3.3 Graphics Shared Cont:



Community Meeting No3, Board 3 (Community Heart Plan) Figure 42

4.4.3.3 Graphics Shared Cont:

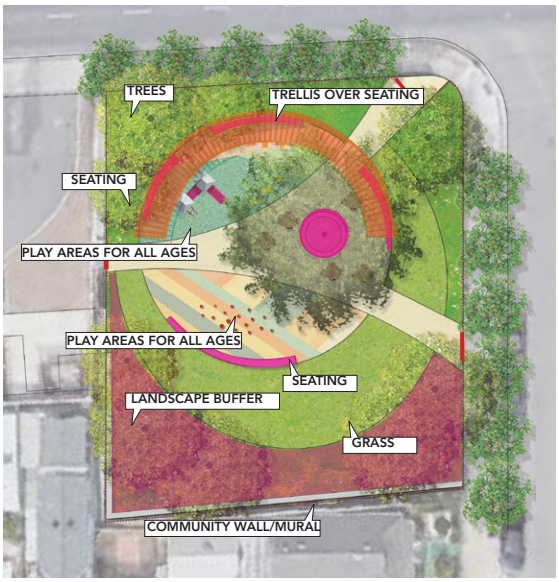
Community Meeting No3, Board 4 (Park Perspectives) Figure 43

4.4.3.3 Graphics Shared Cont:

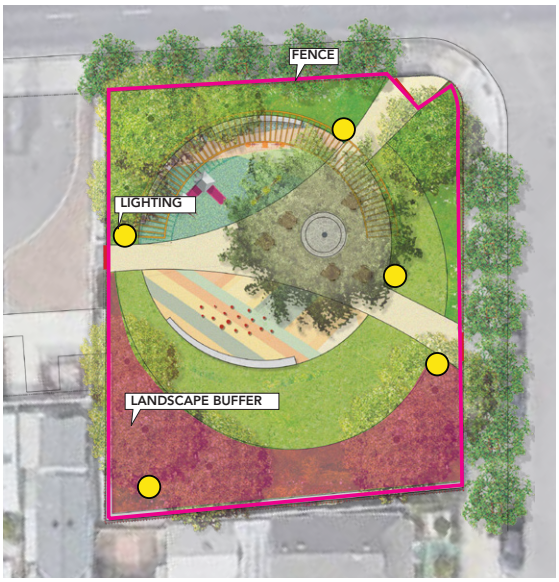
Community Meeting No3, Board 5 (Park Perspectives) Figure 44

4.4.3.3 Graphics Shared Cont:

WE HAVE BEEN LISTENING!



AMENITIES		
COMMUNITY WORKSHOP 2	1	Request for trampolines
COMMUNITY WORKSHOP 1 + 2, written survey	2	Request for water elements such as a pool, lake or water feature. (4)
Written survey	3	Include seating for older residents (2)
Community Workshop #2	4	Landscape buffer and wall at southern property line.
COMMUNITY WORKSHOP 1 + 2, written survey	5	Desire for passive community-focused park, rather than active park (9)
Community Workshop #2	6	Suggested planting vines to avoid graffiti
Community Workshop #2	7	Requested a memorial arch "goose town" dedicated to Rocco (Rocky) Scaglione
Community Workshop #2	8	Requested covering over tables for picnic
COMMUNITY WORKSHOP 1 + 2, written survey	9	Request for grass and trees
Community Workshop #2, written survey, on-line survey	10	Suggest utilizing the existing basketball court rather than add basketball court to new park (5)
Community Workshop #2	11	Concern with trampoline cleanliness and maintenance
Community Workshop #2	12	Desire for a large statement art piece on the park since it's facing a major roadway, such as "welcome to Alma" mural or something highly visible
Community Workshop #2	13	Exercise theme park so neighbors can go there to work out and learn how to live healthier lives
Community Workshop #2, written survey, on-line survey	14	Request for bbq grills
Written response	15	Responder requested that the park be named after Rocky
COMMUNITY WORKSHOP 1	16	Attendee asked if parking will be provided for the park
Written	17	Request for activities for all ages (4)
Community Workshop #2, written survey, on-line survey	18	Request for playground for children (12)
COMMUNITY WORKSHOP 1	19	Attendee suggested having a small community garden.



SAFETY		
COMMUNITY WORKSHOP 1 +	1	Alma Ave is very busy, fence or wall would be desirable (5)
COMMUNITY WORKSHOP 2	2	Desire for stop sign at the cross walk to slow all traffic along W Alma Ave
COMMUNITY WORKSHOP 1 +	3	Desire for speed bumps at W Alma Ave and Sanborn Ave (7)
COMMUNITY WORKSHOP 1 +	4	Concerns about graffiti (3)
COMMUNITY WORKSHOP 1 +	5	Concerns about cleanliness/park maintenance (5)
COMMUNITY WORKSHOP 1 +	6	Attendee's house is located next to park property and is concerned with safety and screening at the property boundary (2)
COMMUNITY WORKSHOP 1	7	Collaboration with the police to coordinate patrolling would help restrict undesired activities near the park (3)
COMMUNITY WORKSHOP 1 +	8	Attendee concerned about prostitution issues, drug dealer activities, sex offenders, ex-incarcerated people, and gang activity. (8)
COMMUNITY WORKSHOP 1	9	Suggested using play elements with less surface area (no solid panels) so that people cannot vandalize them
COMMUNITY WORKSHOP 1 +	11	Request for bright lighting at park
COMMUNITY WORKSHOP 1 +	12	Request for security cameras
COMMUNITY WORKSHOP 1 +	13	Concerned with drug activity near corner store (5)

SAN JOSE PARKS, RECREATION & NEIGHBORHOOD SERVICES

CITY OF SAN JOSE CAPITAL OF SILICON VALLEY

MSLA

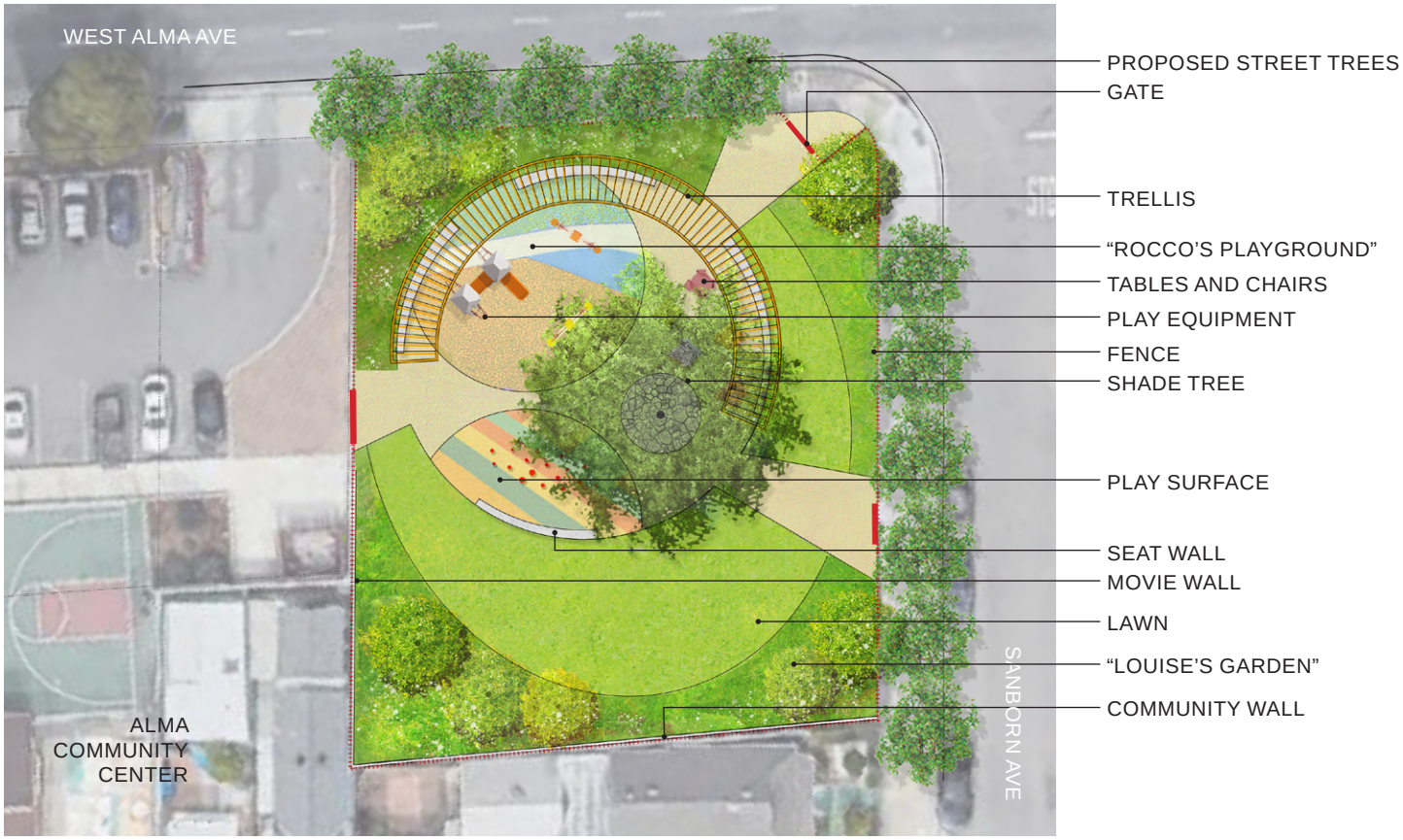
Community Meeting No3 Graphics, Board 6 (Design-Q/A matrix)

Figure 45

SECTION 4: PLANNING PROCESS CONT.

4.5 MASTER PLAN REFINEMENT & 4.6 DIAGRAMMATIC PLANNING

During the first two community meetings, attendees expressed their concerns and desires for the future park. Many were concerned with safety, maintenance, screening, and lighting and requested a connection to the community center. They expressed their preference for an overall passive park that welcomes people and children of all ages. They requested play elements, open grassy areas, picnic tables, places to rest, shade structures, trees as well as an art piece/mural. The most popular park designs were the Passive Courtyard (Scheme 1) and the Community Heart (Scheme 2) while the least popular was the Active Recreation scheme (Scheme 4). The final park design incorporates the community's feedback and is a hybrid of the most preferred park schemes. The design includes a fence along the park perimeter for safety, a planting buffer



N *Rendered Park Plan with Annotations* Figure 46

and wall to screen it from the adjacent residence, as well as the addition of street trees on the sidewalks to create a buffer between the park and Alma Ave. The future park will have three gates, establishing connections to the Alma Community Center, and the adjacent neighborhood. The design incorporates large open grassy areas, a central community gathering space, a playground for children of all ages, a large tree and a trellis structure for shade, picnic tables and seatwalls, as well as planting buffers along the edges. The proposed wall along the southern park boundary will act both as a separating device between the park and the residences but also as a community mural wall that celebrates the Alma neighborhood and commemorates the land donors. Lastly, the proposed streetscape introduces street trees along both Sanborn Avenue and Alma Avenue, to add plant life and shade to the neighborhood reducing the heat island effect.

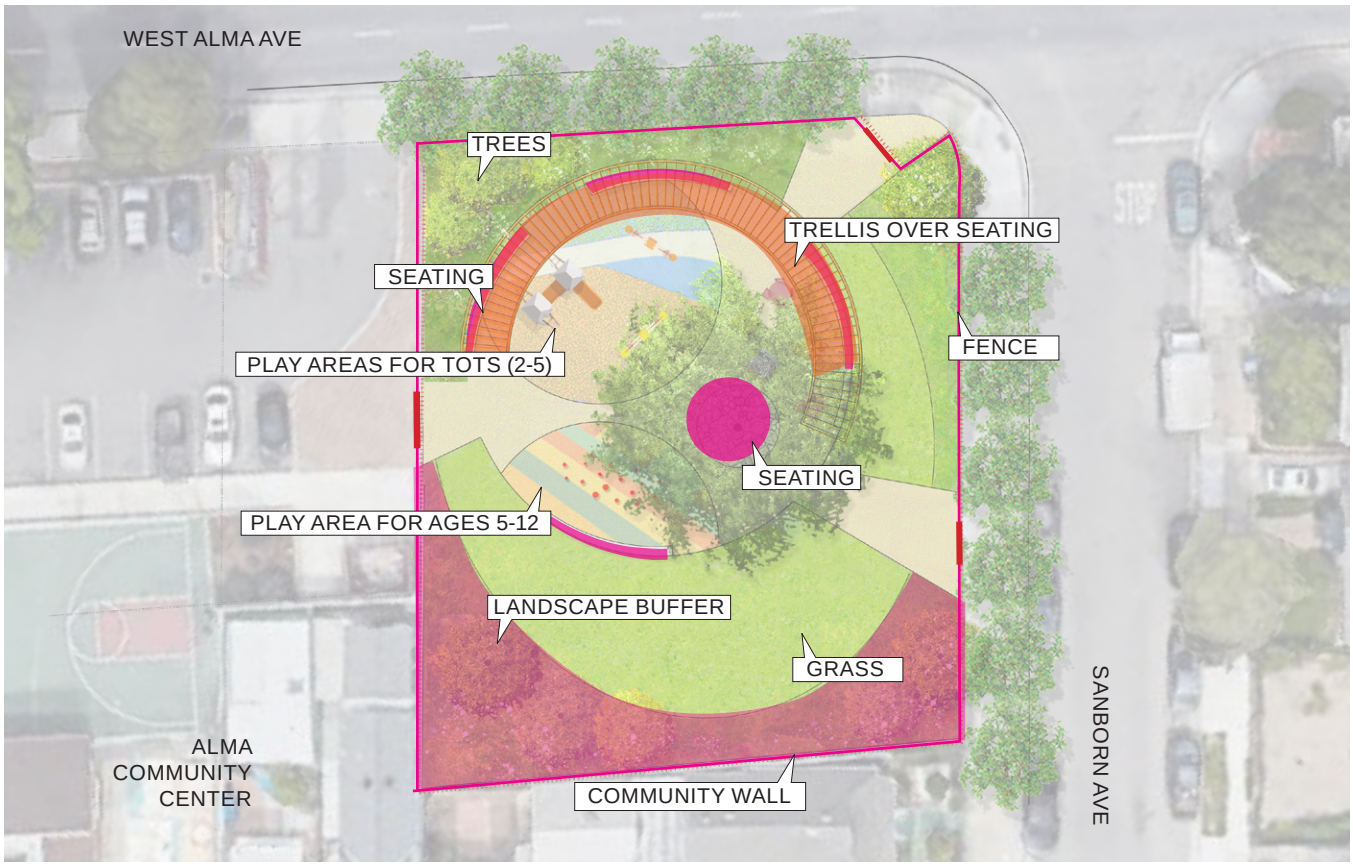


Figure 47

Proposed park plan diagram

SECTION 4: PLANNING PROCESS CONT.

4.7 ENVIRONMENTAL ANALYSIS AND CLEARANCE

As required by the CEQA guidelines, the Initial Study/Mitigated Negative Declaration (IS/MND) was conducted in September 2021 to describe the environmental setting, identify key environmental factors potentially impacted by the project, assess consistency with local and regional planning documents and mitigate any potential impacts to a less-than-significant level. The criteria provided in the CEQA environmental checklist and were used are listed below:

- Aesthetics
- Biological Resources
- Geology/Soils
- Hydrology/Water Quality
- Noise
- Recreation
- Agricultural Resources
- Cultural Resources
- Greenhouse Gas Emissions
- Land Use/Planning
- Transportation
- Wildfire
- Air Quality
- Energy
- Hazards/Hazardous Materials
- Public Services
- Tribal Cultural Resources
- Mandatory Findings of Significance

To address the above, the following technical studies were conducted:

Initial Study in support of Categorical Exemption

The environmental report concluded the following: “The project would have a less than significant impact related to the mandatory findings of significance”.

The overall impact is not deemed significant and the Initial Study concluded that the Alma Neighborhood Park was eligible for a Categorical Exception.

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SECTION 5: INTERAGENCY COORDINATION

5.1 PROPERTY OWNERSHIP

The City of San Jose assumed ownership of the two parcels on the intersection of Sanborn and West Alma Avenues. The properties were acquired via a Trust transfer, and the City intends to meet the conditions of the transfer through delivery of a children's playground and recognition signage at the park.

5.2 ENVIRONMENTAL REQUIREMENTS

The project must adhere to all local, regional, and state environmental requirements. For the planning neighborhood park project, the City does not anticipate that re-designation or rezoning would be warranted, so the planning team will prepare an Initial Study/Mitigated Negative Declaration (IS/MND) to fulfill the CEQA review requirement. The initial study will assess the environmental impacts, including consistency with local and regional planning documents, that could result from the Master Plan and document the resulting level of significance for each of the topical areas required under CEQA, consisting of Air Quality and Greenhouse Gas Emissions, Hydrology and Water Quality, Noise and Vibration, Traffic, Land Use / Consistency with Plans, Other Issues, Historic Evaluation.

5.3 AGENCY REQUIREMENTS

This park site is located entirely upon City-owned property and to be designated as parkland. There are no shared use or inter-agency requirements at this park site.

5.4 OPERATIONAL REQUIREMENTS

5.4.1 Programming Needs: As the park is adjacent to the Community Center, the space may in the future be programmed as spill out space for the teen center and after-school program. However, no definitive plans have yet been suggested or determined.

5.4.2 Event Space: The park will hold movie nights in summer months, from dusk until park quiet hours.

5.4.3 Special Considerations: Due to the overwhelming feedback from residents concerned with improving safety within the future park, the team will consider input from local law enforcement to implement CPTED principles throughout the site. Through the Design Process, CSJ Staff will meet with SJPD experts on the topic to ensure that the final plan supports easy monitoring and does not establishg hidden or indefinsible spaces. The Master Plan assumes alignment with CPTED with the following plan recommendations: 1) Open and visible spaces, 2) Avoiding visual obstructions like walls or solid furniture, 3) Defining clear points of entry, and 4) Posting rules and hours of operation.

5.5 MAINTENANCE REQUIREMENTS

5.5.1-2 Work to be performed and proposed funding or collaborative arrangement for maintenance:

As staff brings the master plan to the City Council for approval, the Council Memo will report upon the cost for future maintenance and operation of the park. This report provides the City Council early information about the level of resources needed to sustain a park once built. The cost to maintain a park is typically calculated at $17,000 / acre. The funding is typical for routine services such as landscape & turf maintenance, litter pick-up, playground inspection, and minor repairs. This number is increased for special features that may require further investment to ensure usage and safety of the site. At this site, this may include the shade arbor and other unique features. At a future date, staff expects to report upon the proposed award of a construction contract. As part of that Council action, staff will update the operation and maintenance cost to reflect the improvements defined by the completed construction documents. The funding to sustain the park is programmed as part of the next scheduled Annual Park Maintenance Budget, which is typically approved in June of each year, and active for July 1.

SECTION 6: PARK DEVELOPMENT

6.1 PARK DESIGN

The (Alma Neighborhood Park) is a children's park and public green space at the south west corner of West Alma Ave and Sanborn Ave.

Contextually, there are a few notable city parks within San José that share a similar size and program to Alma Neighborhood Park, such as the Bestor Art Park and Parque de Padre Mateo Sheedy. The design of Alma Neighborhood Park draws upon the positive characteristics of these examples and utilizes similar strategies of play, passive recreation, shade, and park facilities to create a welcoming park for the Alma neighborhood.

The site is anchored by a large circular paved area that contains a "tot lot" play area, a play area for older youth, and multiple seating options ranging from seatwalls to picnic tables. A large champion tree stands as a memorial to the land donors and, along with a bright steel trellis, shades the main gathering space within the park.

The central hub of the park is surrounded by green space on all sides: to the north a planted

N *Rendered Park Plan* Figure 48

buffer provides added protection from the highly trafficked Alma Ave, and to the east and south an expansive lawn invites users to sunbathe, toss a frisbee, or walk a dog. Along the southern boundary of the site, to provide further screening for the adjacent residence, a ‘community wall’ will provide a potential space for color and neighborhood character. The community wall is framed by a swath of flowering plantings that spill into the southern lawn.

Throughout the site, a desire to promote a safe space where all users can feel comfortable has driven design considerations. Sight lines are kept clear by maintaining a topographically level site and ensuring that all plantings and seatwalls are low. A fence with three entrance gates surrounds the entire perimeter, and along with providing protection is also a sculptural element that identifies (Alma Neighborhood Park) to all those walking or driving by as a community landmark.

Park aerial rendering

Figure 49

SECTION 6: PARK DEVELOPMENT CONT.

6.2 OPPORTUNITIES AND CONSTRAINTS

VISIBILITY AND SAFE ACCESS

It is the team's recommendation that a row of large street trees be planted along the northern boundary of the site, and that the site fencing be both bright and sculptural in form to alert both pedestrians and those in vehicles that the corner is occupied by a public park. Planting within the park should be low enough and maintained to provide clear sightlines through the park at all time.

Proposed street view of park site

Figure 50

AMENITIES

Based on the feedback of the community, additional desired amenities are recommended as well, including play elements, picnic tables, a large green lawn space, seating opportunities, and shade structures.

Proposed Perspective Views of the park

Figure 51

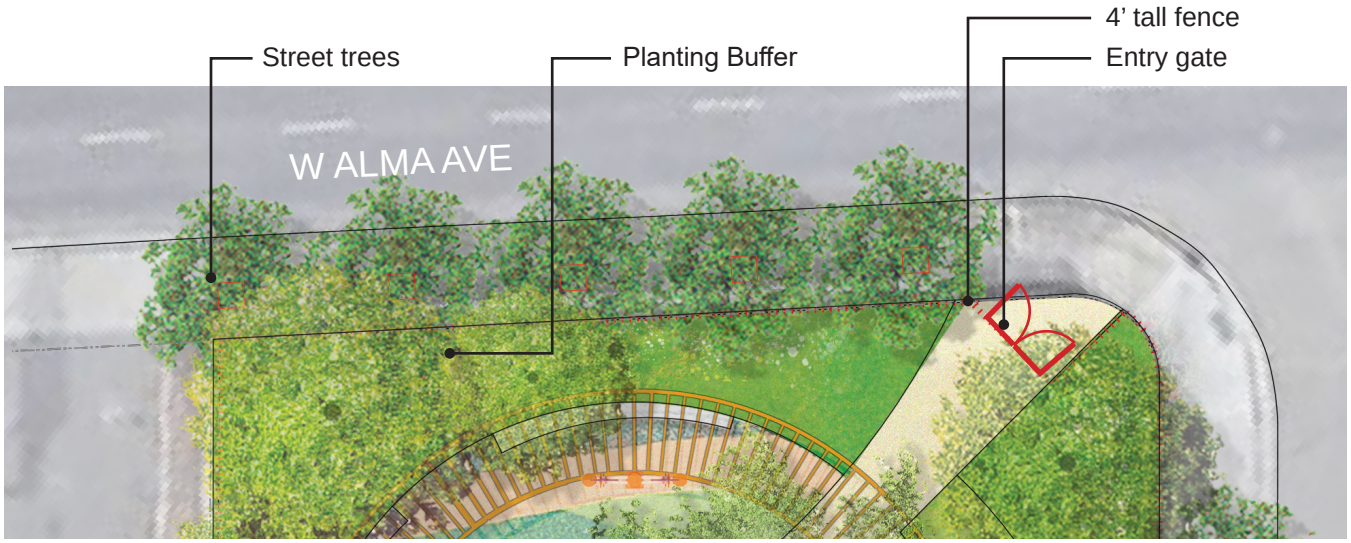
6.2 OPPORTUNITIES AND CONSTRAINTS CONT.

SITE EDGES AND ADJACENCIES

The team recommends creating a buffer to the south of the site using a wall for the privacy of the adjacent residence, and to similarly create a buffer to the north of the site with fencing, planting, and street trees to shield park-goers from the heavy traffic along W Alma Ave. To the west, the team recommends a direct connection to the Alma Community Center parking lot to facilitate foot traffic across the two sites, and to the east, a sightline through the park would remain open.

North Site Edge, existing

Figure 52



North Site Edge, future

Figure 53

East Site Edge, existing

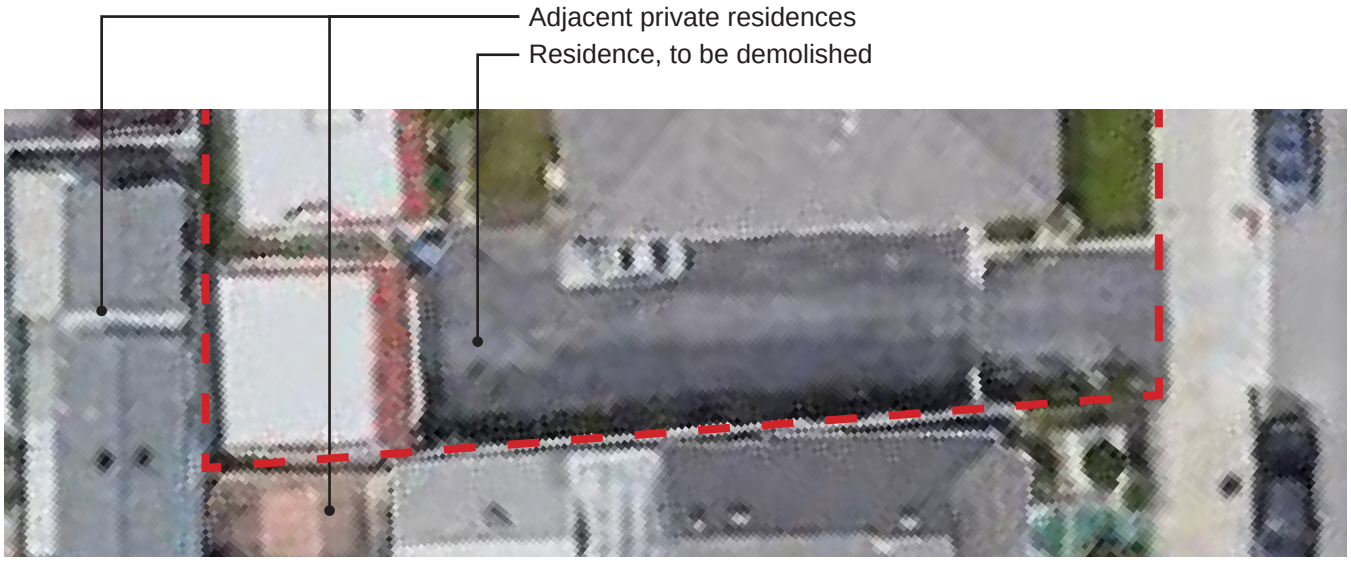
East Site Edge, future

Existing commercial building
Parking lot
Existing residence
Public sidewalk
Street trees
4' tall fence
Low planting
Lawn
Entry gate
Proposed wall along residential edge

Figures 54 + 55

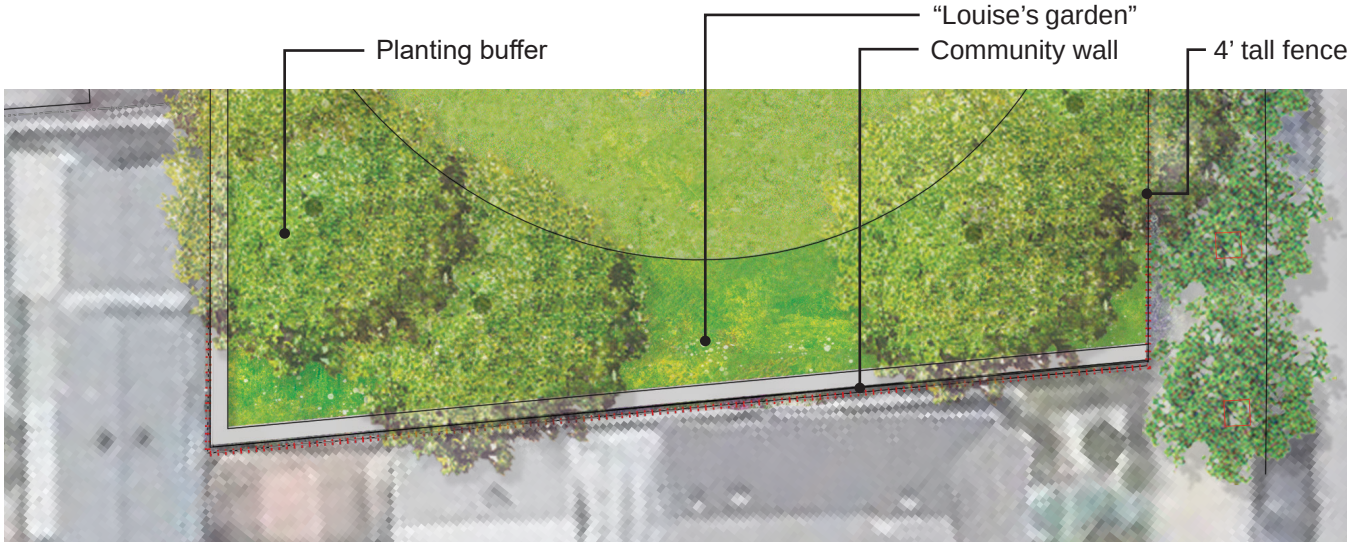
6.2 OPPORTUNITIES AND CONSTRAINTS CONT.

SITE EDGES AND ADJACENCIES CONT.



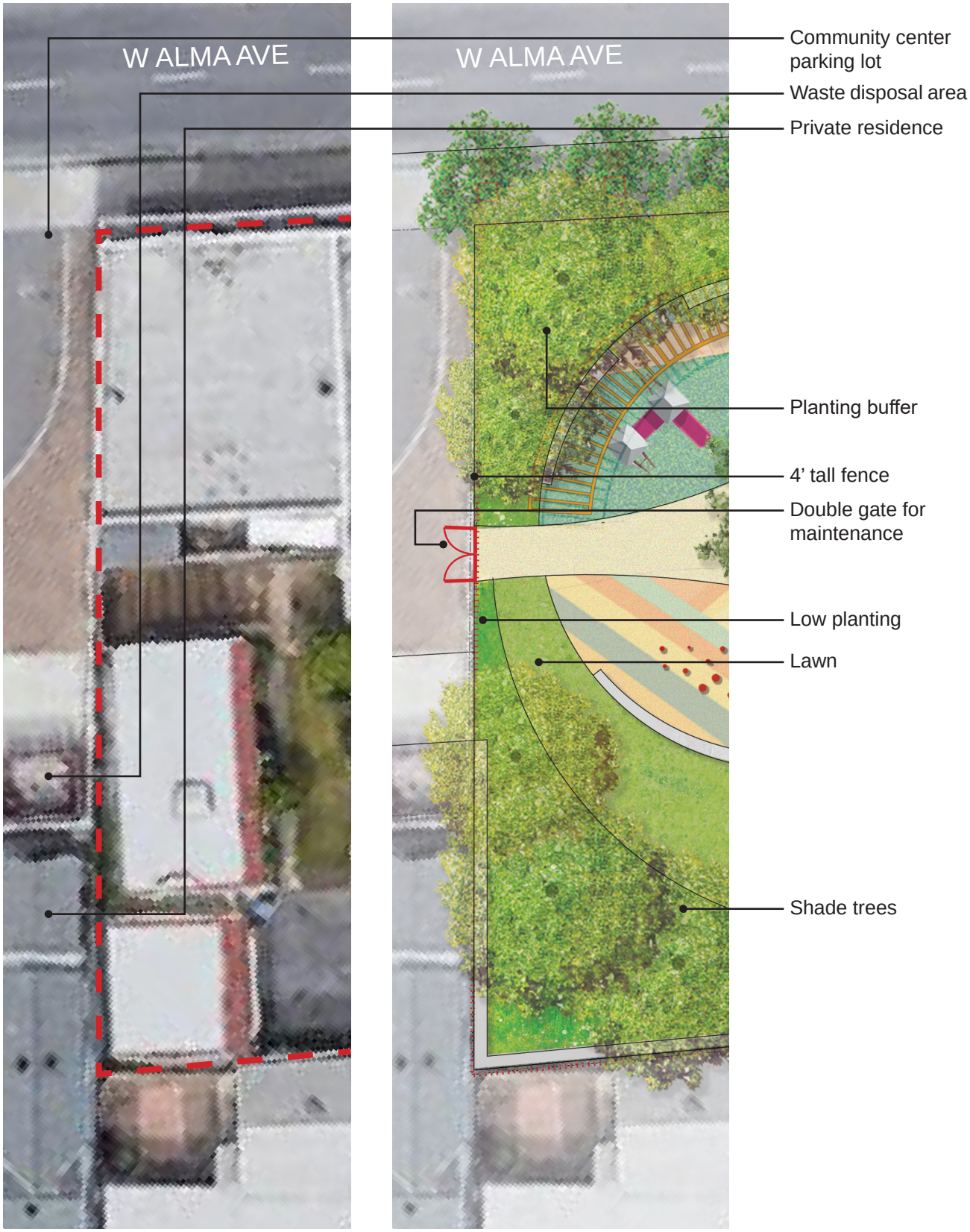
South Site Edge, existing

Figure 56



South Site Edge, future

Figure 57



West Site Edge, existing

West Site Edge, future

Figures 58 + 59

Existing site aerial

Figure 60

Conceptual future park site layout

Figure 61

6.2 OPPORTUNITIES AND CONSTRAINTS CONT.

Future Connections: Although no plans to renovate the community center exist currently, the team recommends keeping the western boundary of the park site open to the parking lot with a flexible design strategy that could accommodate future design interventions.

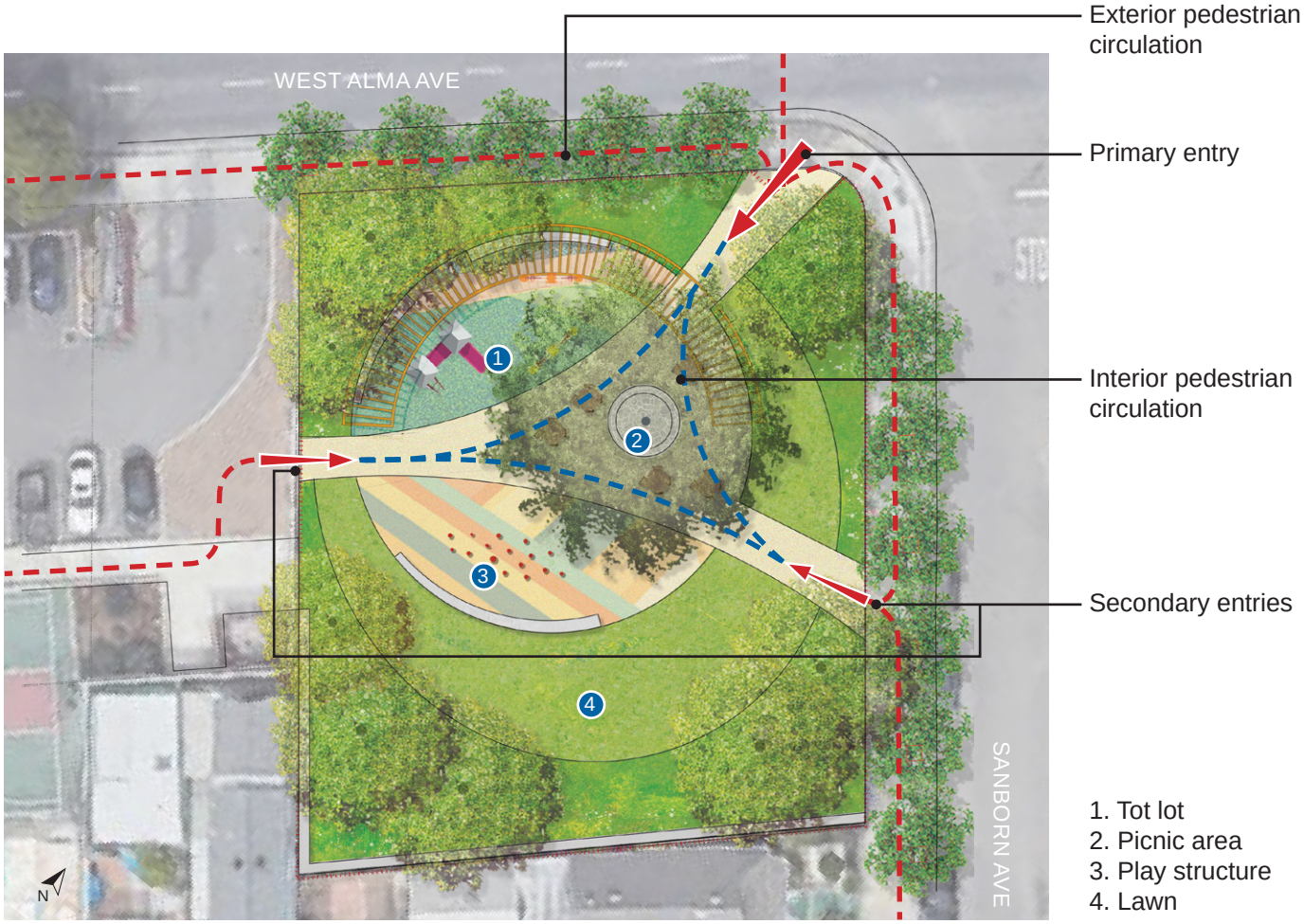
Proposed Vegetation: To increase green space and connect to the neighborhood tree canopy, the team recommends the planting of a large “champion tree” in the center of (Alma Neighborhood Park), surrounded by native plantings and a large lawn space.

Proposed planting themes

Figure 62

6.3 CIRCULATION

Alma Neighborhood Park is designed with a central circulation pattern that invites users to enter from gates to the north, east, or west and gather in the central paved play and picnic area. Within the central area, play equipment can be accessed by younger visitors while adults can sit within the same area to observe. Lawn to the east and south of the central area invites park visitors to use the grass for passive recreation. The main entrance to the site is from the north, where a crosswalk across W Alma Ave lies just beyond the gate.



Conceptual future park circulation plan

Figure 63

6.4 EDUCATION

Two signs identifying “Rocco’s Playground” and “Louise’s Garden” as well as a dedication on the southern wall mural, will commemorate the gracious donors for their gift while preserving their memory as beloved community members.

SECTION 6: PARK DEVELOPMENT CONT.

6.5 ACTIVATE SJ GOALS

6.5.1 STEWARDSHIP:

We take care of what we have and we build new parks with stewardship in mind.

Currently, the site is occupied by commercial buildings and one residence. Transforming this plot of land into a park will provide the neighborhood with opportunities to engage with nature and their community. The park design will select amenities that have proven longevity, ease of maintenance, and durability. Routine maintenance will ensure cleanliness and usability of the park while open site lines will instill a sense of safety and connection to the neighborhood.

6.5.2 NATURE:

We believe every resident in San Jose has the right to be outside and connected to nature.

We strive to create open spaces that provide respite, encourage early childhood development, provide opportunities for social gathering, and strengthen natural systems. The current site and surrounding context lack significant tree canopy and green spaces, with the exception of a few citrus trees within the park site. In the future park design, vegetation will include large shade trees, California adaptive Mediterranean climate plant material, and native varieties that encourage habitat and attract pollinators. The garden area within the park will be dedicated to Louise's memory and named "Louise's garden". Greening the park will help reduce the heat island effect while giving the Alma Community a much needed open park space.

6.5.3 EQUITY AND ACCESS:

We design park spaces for people of all ages, abilities, and socio-economic backgrounds.

We believe every resident should have access to a park within a 10 minute walk and be co-creators of new park spaces. As understood through the community inventory as well as testimonies collected from community members, there are not currently many parks within comfortable walking distance to most residents. The new park space was designed with community involvement to capture the needs of the neighborhood and reflect the unique culture of the community. The primary goal for the design was to create a children's playground, but the inclusion of turf, picnic tables and permanent seating provides recreation opportunities for all ages and ability levels. The two play areas will be used by children of different age groups (2-5 and 5-12), while teens and adults will enjoy the shaded central gathering area, as well as the open lawn which may host a variety of activities.

6.5.4 IDENTITY:

The new park space will embody the culture of San Jose while reflecting the unique character and identity of the Alma Neighborhood.

Murals, architectural elements, and pops of color will enhance the space and anchor it as a new landmark for the neighborhood. Two signs identifying “Rocco’s Playground” and “Louise’s Garden” as well as a dedication on the southern wall mural, will commemorate the gracious donors for their generous gift of land while preserving their memory as beloved community members.

6.5.5 PUBLIC LIFE:

Parks give people a place to gather, play, and socialize.

People of every age will have opportunities to engage their neighbors and participate in recreation at the new Alma Neighborhood Park. With the nearby assets of the Alma Community Center and the Sacred Heart Community Center, this block already serves as a hub of community resources and events. A strong connection to the existing community center will create greater potential to link community center programs with park activities while a movie wall will foster greater community interaction.

Proposed Perspective View of the park - movie night

Figure 64

SECTION 6: PARK DEVELOPMENT CONT.

6.6 PALETTES AND DESIGN THEMES


Community mural


Vertical play equipment


Bright fencing


Colorful trellis


Tot lot


Artful play surfacing

Palettes and design theme precedent imagery

Figure 65

The park will be a colorful representation of the community of Alma and its residents- past, present and future. This will be especially true in the mural wall. The topic or theme of the art work has not been finalized, but the mural represents an opportunity to honor the donors within the art work. The colorful, playful theme will continue into the play areas, as seen in the examples above.

There is a desire for the perimeter fence to serve a dual function- both for safety of young users, as well as creating a noticeable landmark from a distance and those driving by in a car. Painted metal fence designs have been considered, as well as opportunities for painted signage as seen above.

Similarly, the curvilinear trellis may also include painted metal pickets and posts as a way to create a cohesive, welcoming design.

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SECTION 7: DEVELOPMENT GUIDE

7.1 SUMMARY OF IMPROVEMENTS

The following is a summary of the proposed park design elements:

- Tot lot with play structures for ages 2-5
- Youth lot with vertical play elements for ages 5-12
- Resilient play surfacing for play areas
- Concrete curb at edge of surfacing
- Concrete paving connecting park entrances to center of park
- Concrete seatwalls
- Overhead trellis
- 6'-high concrete wall at property line for screening
- 4'-high metal fencing at ROW property line
- Entry gates: (1) double opening gate, (1) double opening maintenance gate, (1) single gate
- Community art mural at concrete wall
- Improvements to adjacent sidewalk, including new street trees, sidewalk, curb/gutter
- Park lighting
- Low maintenance California native groundcover planting
- Shade trees
- Pollinator garden in honor of Louise
- Trash containers
- Water refill station
- Tables and chairs
- Bike racks

7.2 STREET CROSSINGS

At the intersection of West Alma and Sanborn a signalized crossing currently exists. As previously mentioned, traffic speed was a common concern of community members. Thus, investigations into the adequacy of this signal and crosswalk are pending further review.

7.3 PLANTING

The planting at the park edges will be low-maintenance and low-growing groundcovers. Durable, drought tolerant, California native plants will be prioritized. Proposed planting will include large shade trees, and a California adaptive Mediterranean climate garden with native varieties. The vegetation will contribute to bee, bird, butterfly habitat, flower color, and pollinator enrichment. The park design reflects 3-4 tree species, as well as street trees. Those planted in the park interior will be wide-canopy shade trees, with a mix of evergreen and deciduous species. Tree species such as the blue oak (Quercus douglasii), or the valley oak (Quercus lobata), will be considered. Trees planted at the sidewalk within the public right-of-way will be selected by the City arborist.

Selection of California-friendly, drought tolerant groundcovers, shrubs and trees to be considered:

Plant Selection

Figure 66

7.4 MAINTENANCE

7.4.1 Guidance for minimizing maintenance tasks and duration

7.5.1.1 The turf area of the park will be easily accessible, with the double-gated west entrance suggested as the primary access point for maintenance staff and equipment. As the lawn area is under 3,000 sf, large equipment will not be necessary.

7.5.1.2 The turf area will be primarily used for recreation and for those watching movies. No other lawn areas have been provided.

7.5.1.3 As planting plan is developed and exact species are selected, plants will be grouped by hydrozone for irrigation compliance. Low-water, low-maintenance evergreen groundcovers will dominate the exterior edges and park periphery. Shrubs which require frequent pruning, dead-heading, or fertilizing will not be used.

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SECTION 8: IMPLEMENTATION

8.1 ESTIMATED HARD COSTS

The following cost estimate information is based upon the drawings and information included within this document. The estimate has been prepared to establish an initial rough order of magnitude (ROM) budget for the park design. The budget should be understood to represent an average of a possible range of project costs, perhaps varying 10%-15% in either direction, which may be realized as the park design advances into construction documentation. Close coordination with the planning team helped clarify the design intent as it was priced, however the nature of a ROM phase estimate involves making a series of assumptions which may or may not represent the final design or as-built condition. Additional cost estimates will be developed in conjunction with each construction document submittal.

The budget was created in fall of 2021, and inflation escalation has been included at a factor of 5% compounded annually for a period of two years to anticipate construction in 2023. Escalation is applied as a factor (10.25%) of the direct cost of construction including contractor's general expenses, general contractor's fee, insurance and contingency.

8.2 PRIORITIES AND PHASING

Due to it's small footprint, it is anticipated that the park will be constructed in one phase. As the City owns the adjacent property, the parking lot of the Alma Community Center has been preliminarily assumed to be the construction staging area.

If funding cannot be found for all improvements, the focus should be on the interior of the park, with the streetscape built later as funding becomes available.

8.4 ONGOING OPERATIONAL COSTS

Operational costs for Alma Neighborhood Park are projected to be $5610 annually. Costs to cover routine services such as landscape & turf maintenance, litter pick-up, playground inspection, and minor cleaning and repairs. Annual maintenance to include tree care and pruning as required.

8.5 CONSTRUCTION COST ESTIMATE

Item #	Description	QTY	UNIT	COST	ITEM SUBTOTAL	SUBTOTAL
I.	**MOBILIZATION + SITE PREPARATION**					
A)	Traffic control	26	weeks	$1,000	$26,000	
B)	Project fencing	500	lf	$8	$4,000	
C)	Signage and barricades	1	bgt	$15,000	$1,500	
D)	Misc. protection	1	bgt	$1,000	$1,000	
E)	Construction signage	1	ea	$200	$200	
F)	Perimeter wattle	500	lf	$3	$1,625	
G)	Misc. drain protection	1	bgt	$300	$300	
H)	Mobilization	1	bgt	$20,000	$20,000	
						$54,625
II.	**DEMOLITION**					
A)	Demo buildings + scrape site	6	weeks	$24,000	$144,000	
B)	Offhaul debris	500	ton	$25	$12,500	
C)	Dump debris	500	ton	$86.65	$43,325	
D)	Hazmat allowance	1	bgt	$15,000	$15,000	
						$214,825
III.	**GRADE PREP, DRAINAGE + UTILITY SERVICES**					
A)	Layout + stake	1	bgt	$5,000	$5,000	
B)	Grade + prep subgrade	14,585	sf	$0.75	$10,939	
C)	Offhaul spoils	375	ton	$25.00	$9,375	
D)	Dump spoils	375	ton	$33	$12,375	
E)	Utility on-site conflict discovery	1	alw	$10,000	$10,000	
F)	Area drains	20	ea	$800	$16,000	
G)	SD piping + cleanouts	1	bgt	$25,000	$25,000	
H)	Tie-in at SD structure	1	bgt	$10,000	$10,000	
I)	New water service + meter	1	bgt	$10,000	$10,000	
J)	Tie-in drinking fountain to existing	1	bgt	$2,000	$2,000	
K)	New electrical service to perim incl meter	1	bgt	$2,500	$2,500	
						$113,189
IV.	**PROPERTY LINE CONCRETE WALL**					
A)	Concrete wall, 6'-0" high	960	sf	$75	$72,000	
B)	Sandblast finish	2,067	sf	$3.25	$6,718	
C)	Underpinning of adjacent house	1	bgt	$25,000	$25,000	
D)	Foundation	165	lf	$225	$37,125	
						$140,843
V.	**TRELLIS STRUCTURE**					
A)	Crane for install	1	bgt	$5,000	$5,000	
B)	Post footings	11	ea	$750	$8,250	
C)	Post foundation	80	lf	$90	$7,200	
D)	Steel posts, 10' high	11	ea	$1,500	$16,500	
E)	Trellis steel structure	113	lf	$450	$50,850	
F)	Trellis pickets	227	pcs	$100	$22,700	
						$110,500
VI.	**CONCRETE PAVING + SEATWALLS**					
A)	Round seatwall at specimen tree	40	lf	$650	$26,000	
B)	Curved seatwalls at periphery	120	lf	$700	$84,000	
C)	Skateboard deterrents	165	ea	$50.00	$8,250	
D)	Light sandblast finish	624	sf	$3.25	$2,028	
E)	Class II base	2,535	sf	$1.75	$4,436	
F)	Concrete paving 3.5"	2,535	sf	$17.75	$44,996	
						$169,711

Cost estimate

Figure 67

Item #	Description	QTY	UNIT	COST	ITEM SUBTOTAL	SUBTOTAL
VII.	**PLAYGROUND SURFACING + EQUIPMENT**					
A)	Play equipment, age 2-5	1	alw	$50,000	$50,000	
B)	Play equipment, age 5-12	1	bgt	$50,000	$50,000	
C)	Class II base under 2-5 surfacing	1,400	sf	$1.75	$2,450	
D)	Class II base under 5-12 surfacing	1,315	sf	$1.75	$2,301	
E)	Play surfacing - 2-5	1,400	sf	$30	$42,000	
F)	Play surfacing - 5-12	1,315	sf	$30	$39,450	
G)	Concrete curb at edging	280	lf	$65	$18,200	
						$204,401
VIII.	**LANDSCAPE PLANTING + IRRIGATION**					
A)	Top soil at ground cover zones	210	cy	$90	$18,900	
B)	Top soil at turf zones	114	cy	$90	$10,260	
C)	Top soil at specimen tree	12	cy	$175	$2,100	
D)	Top soil at shade + flowering trees	9	ea	$75	$675	
E)	Mulch at ground cover zones	53	cy	$110	$5,830	
F)	3/8" rock mulch at specimen tree	1	bgt	$150	$150	
G)	Service line - backflow to meter	1	bgt	$500	$500	
H)	Backflow preventer	1	ea	$2,500	$2,500	
I)	Backflow enclosure screen	1	bgt	$1,000	$1,000	
J)	Distribution- piping + bubblers, groundcover zones	5,700	sf	$12.50	$71,250	
K)	Distribution- piping + bubblers, turf zone	3,060	sf	$2.50	$7,650	
L)	Bubblers at specimen tree	1	bgt	$200.00	$200	
M)	Controller, zone valve(s) + wiring	1	bgt	$7,500.00	$7,500	
N)	Groundcover - 2 gal 18" OCEW	2,524	ea	$50.00	$126,200	
O)	Turf - fescue sod	3,060	sf	$3.00	$9,180	
P)	Maintenance-90 days	3	mo	$1,500.00	$4,500	
Q)	Specimen tree - 72" box	1	ea	$10,000.00	$10,000	
R)	Shade trees -36" box	7	ea	$1,500.00	$10,500	
S)	Flowering Trees - 36" box	2	ea	$1,500.00	$3,000	
						$291,895
IX.	**FENCING, ACCESSORIES, LIGHTING**					
A)	Regulatory sign	1	ea	$500	$500	
B)	Custom park ID sign budget	1	bgt	$7,500.00	$7,500	
C)	Movie screen SS hooks embed	6	ea	$50	$300	
D)	Exterior movie screen 10'x4'	1	bgt	$1,000	$1,000	
E)	Table + chair sets- embedded	6	bgt	$6,000	$36,000	
F)	Trash + recycling receptalces	3	sets	$2,500	$7,500	
G)	Bike rack	1	bgt	$2,000	$2,000	
H)	Drinking fountain/bottle refill stn	1	ea	$5,550	$5,550	
I)	Underground service	1	bgt	$2,500	$2,500	
J)	Site lighting	1	alw	$25,000	$25,000	
K)	Fence - steel post + picket	325	lf	$400	$130,000	
L)	Main gate - double 4' leaf	1	pr	$4,500	$4,500	
M)	West gate - double 4' leaf	1	pr	$3,750	$3,750	
N)	East gate - single 4' leaf	1	ea	$2,000	$2,000	
						$228,100
X.	**SIDEWALK REPLACEMENT**					
A)	Traffic control budget	5	wks	$4,800	$24,000	
B)	Sawcut - asphalt at curb	250	lf	$20	$5,000	
C)	Sawcut - concrete sidewalk + curb	24	lf	$20	$480	
D)	Demo asphalt strip	250	lf	$15	$3,750	

Cost estimate

Figure 67

E)	Demo curb + gutter	250	lf	$25	$6,250	
F)	Demo concrete sidewalk	2,525	sf	$4.50	$11,363	
G)	Offhaul + dispose	100	ton	$100.00	$10,000	
H)	Adjust ex. signage	1	bgt	$1,500.00	$1,500	
					$62,343	cont.

Item #	Description	QTY	UNIT	COST	ITEM SUBTOTAL	SUBTOTAL
X.	**SIDEWALK REPLACEMENT CONT.**					
I)	Prepare subgrade	2,525	sf	$2.00	$5,050	
J)	Asphalt transistion strip	250	lf	$30.00	$7,500	
K)	Class II base	2,525	sf	$1.75	$4,419	
L)	Concrete curb + gutter	250	lf	$60.00	$15,000	
M)	Concrete paving city standard	2,525	sf	$12.00	$30,300	
N)	Ramps w/ truncated domes	2	ea	$2,000.00	$4,000	
O)	Silva cell assemblies	2,700	cf	$25.00	$67,500	
P)	Top soil at tree wells	11	ea	$75.00	$825	
Q)	Root barriers at tree wells	11	ea	$2,000	$22,000	
R)	Tree grates and frames at tree wells	11	ea	$1,950	$21,450	
S)	Irrigation piping from park valve box	1	bgt	$2,500.00	$2,500	
T)	Bubblers at tree wells	11	loc	$125.00	$1,375	
U)	Zone valves + wiring from park cont.	1	bgt	$750	$750	
V)	Street trees - 36" box	11	sf	$1,500	$16,500	
W)	Adjust utility vault lids	1	bgt	$1,500	$1,500	
						$263,011
XI.	**Raw cost of work**					$1,791,100
A)	General Expenses - Public Work	15	%		$268,675	
B)	Contractor's Fee (OH + Profit)	20	%		$411,969	
C)	Contractor's Insurance	1	%		$28,179	
D)	Building Permit - excluded	0			$0	
E)	Contingency - Design + Estimating	15	%		$374,999	
F)	Cost Escalation - 24 months at 5%/yr	10.25	%		$111,092	
						$1,194,914
	Total NET Cost of Construction					**$2,986,014**

Cost estimate

Figure 67

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BIBLIOGRAPHY

- *ActivateSJ Strategic Plan (2020-2040),* City of San Jose, PRNS. 2020

- *Elia Family Revocable Living Trust*, 2006.

- *Guidelines for the Selection of Plants for City Landscape Projects*, City of San José, December 2010.

ACKNOWLEDGMENTS

Department of Parks, Recreation & Neighborhood Services

- Brandon Casper, Parks Facility Supervisor
- Jeff Gomez, Parks Manager
- Sara Sellers, Parks Manager
- Yves Zsutty, Division Manager

Department of Public Works

- Ron Cheung, Senior Landscape Architect
- Al Smith, Landscape Architect

City Facilities Architectural Services

City Council Office

- Maya Esparza, District 7 Councilmember
- Mike Medina, Constituent Outreach Director
- Michael Pierce, Senior Council Assistant

Design Consultant, MSLA

- David Meyer, Principal in Charge
- Nicole Kelly, Managing Principal
- Grace Amundson, Associate
- Sofia Nikolaidou, Associate

COMMUNITY INPUT MATRIX

Source of Input	ISSUE #	COMMENT	INCORPORATED	RESPONSE
SAFETY				
Community Workshop #1&2	1	Alma Ave is very busy, fence or wall would be desirable (5)*	Y	A steel fence along the entire park property is an element of each design scheme, and we will continue to study the best height / layout for that fence
Community Workshop #2	2	Desire for stop sign at the cross walk to slow all traffic along W Alma Ave	N/A	City staff is aware of concerns. Street improvements will be investigated by DOT and are outside the scope of this project.
Community Workshop #1&2	3	Desire for speed bumps at W Alma Ave and Sanborn Ave (7)	N/A	City staff is aware of concerns about traffic. Street improvements will be investigated by DOT and are outside the scope of this project.
Community Workshop #1&2	4	Concerns about graffitti (3)	Y	Graffiti abatement is incorporated into routine park maintenance
Community Workshop #1&2	5	Concerns about cleanliness/park maintenance (5)	Y	The project team will be working with the San Jose police force to establish design strategies that increase safety. The team will look at the park design through the lens of operation staff and stewardship.
Community Workshop #1&2	6	Attendee's house is located next to park property and is concerned with safety and screening at the property boundary (2)	Y	The project team will be working with the San Jose police force to establish design strategies that increase safety. The team will look at the park design through the lens of operation staff and stewardship.
Community Workshop #3	7	Attendee asked what the height of the wall will be at the property edge.	N/A	The final height is still being studied. Currently, it is considered to be 6' tall.
Community Workshop #1	8	Collaboration with the police to coordinate patrolling would help restrict undesired activities near the park (3)	Y	The project team will be working with the San Jose police force to establish design strategies that increase safety. The team will look at the park design through the lens of operation staff and stewardship.
Community Workshop #1&2	9	Attendee concerned about prostitution issues, drug dealer activities, sex offenders, ex-incarcerated people, gang activity, and use of the space by people experiencing homelessness. (9)	N/A	
Community Workshop #1	10	Suggested using play elements with less surface area (no solid panels) so that people cannot vandalize them	Y	This comment will be taken into consideration. The project team will be working with the San Jose police force to establish design strategies that increase safety. The team will look at the park design through the lens of operation staff and stewardship.
Community Workshop #1&2	11	Request for bright lighting at park	Y	Park lighting will be included in the park design
Community Workshop #3	12	Concern with security lighting shining into the windows of the nearby residence	Y	Park lighting will be designed to prevent overspill lighting.
Community Workshop #1&2	13	Request for security cameras	N	Security cameras are not supported by PRNS at this time
Community Workshop #1&2	14	Concerned with drug activity near corner store (5)	N/A	The project team will be working with the San Jose police force to establish design strategies that increase safety
Community Workshop #3	15	Asked what kinds of plants will be used in the park, and if they can help prevent people from climbing the wall	Y	Plant species will be selected during design development, and will have to fit a variety of needs, such as drought tolerance, durability, etc.
Community Workshop #3	16	The nearest park – Mateo Sheedy- is similar in size, but underused due to safety concerns.	N/A	The project team will be working with the San Jose police force to establish design strategies that increase safety. The team will look at the park design through the lens of operation staff and stewardship.
Community Workshop #3	17	How will the wall prevent climbing?	Y	The wall will be a vertical surface free of climbing grips.
Community Workshop #3	18	Playground and handball court behind the Senior Center are both trouble-spots.	N/A	Community Center concerns have been acknowledged by PRNS but are outside the scope of this project
AMENITIES				
Community Workshop #2	1	Request for trampolines	N	Trampolines cannot be sustained by PRNS at this time.
Community Workshop #1&2, written survey	2	Request for water elements such as a pool, lake or water feature. (4)	N	Water features cannot be sustained by PRNS at this time.
Written survey	3	Include seating for older residents (2)	Y	Seating options will be provided in the new park space.
Community Workshop #2	4	Landscape buffer and wall at southern property line.	Y	A wall and landscape buffer will be installed along the residential edge.
Community Workshop #1&2, written survey	5	Desire for passive community-focused park, rather than active park (9)	Y	Park amenities are focused on passive uses.
Community Workshop #2	6	Suggested planting vines to avoid graffiti	N	Measures will be taken to prevent graffiti and will be developed during the next design phase.
Community Workshop #2	7	Requested a memorial arch "goose town" dedicated to Rocco (Rocky) Scaglione	N	Elements will be included that honor the donors, to be designed during design development.
Community Workshop #2	8	Requested covering over tables for picnic	Y	A large specimen tree and trellis structure will be placed over the seating area.
Community Workshop #1&2, written survey	9	Request for grass and trees	Y	Lawn areas and trees will be provided.
Community Workshop #2, written survey, on-line survey	10	Suggest utilizing the existing basketball court rather than add basketball court to new park (5)	Y	A new basketball court will not be installed in the new park.
Community Workshop #2	11	Concern with trampoline cleanliness and maintenance	N/A	Trampolines cannot be sustained by PRNS at this time.
Community Workshop #3	12	Desire for trampolines	N	Trampolines cannot be sustained by PRNS at this time.
Community Workshop #2	13	Desire for a large statement art piece on the park since it's facing a major roadway, such as "welcome to Alma" mural or something highly visible	Y	A mural, trellis structure, and decorative fencing will serve as statement pieces for the neighborhood.
Community Workshop #2	14	Exercise theme park so neighbors can go there to work out and learn how to live healthier lives	N	Exercise equipment can be found at the nearby Tamien Park. Active recreation was not heavily supported by community.
Community Workshop #2, written survey, on-line survey	15	Request for bbq grills	N	BBQs were not heavily supported by the community.

*parenthesis indicates number of times comment was expressed

Written response	16	Responder requested that the park be named after Rocky	Y	The Trust requires the city honors the donors.
Community Workshop #1	17	Attendee asked if parking will be provided for the park	N	The park is intended to serve the immediate community and will not contain a parking area.
Written survey	18	Request for activities for all ages (4)	Y	Amenities support activities for various age groups.
Community Workshop #2, written survey, on-line survey	19	Request for playground for children (12)	Y	A tot and youth lot will be provided in the new park.
Community Workshop #1	20	Attendee suggested having a small community garden.	N	The park size cannot support a community garden.
Community Workshop #3	21	Request for restrooms and drinking fountains. Question as to if the restrooms will be gender neutral.	N	The park is intended to serve the immediate community and will not contain a parking area.
Community Workshop #3	22	Question on park entrances	Y	There are three entrances planned. The main entrance is directly facing the crosswalk along W Alma Ave, and two secondary entrances provide access from the community center parking lot and Sanborn Ave.
Community Workshop #3	23	Attendee asked if there will be parking and expressed concern that people visiting the park will block Sanborn Ave.	N	The park is intended to serve the immediate community and will not contain a parking area.
Community Workshop #3	24	Park Signage should include a "Resources" sign so people now how to reach the right teams (parking violations, loitering, trespassing, active or anticipated crime).	N	This request will be considered during design development but is not currently provided by PRNS.

COMMUNITY CENTER				
email	1	Resident requests that the City uses this space to expand the community center to provide services for youth, elders and families.	N/A	Community center programming is outside the scope of this project
Community Workshop #1&2, written survey	2	Request for better lighting at community center	N/A	Community center lighting is outside the scope of this project but has been acknowledged by PRNS
Community Workshop #2, on-line survey	3	City should open the gate to the basketball court at the community center, instead of adding a court to the new park.	N/A	Community center programming is outside the scope of this project
email, written	4	Suggest a partnership with the Alma Youth component at the center to provide youth with activities and elders with a space to socialize	N/A	Community center programming is outside the scope of this project
Community Workshop #3	5	Attendee asked how the park will engage with the community center and prevent gang activity and loitering	N/A	The project team will work with the San Jose Police Department to establish design strategies that increase safety.
Community Workshop #3	6	Attendee asked how the park will cater to seniors, considering that the senior center is adjacent to the site	Y	The park design offers gathering spaces and ample seating for greater social connections, and leisure activities within the lawn
Community Workshop #3	7	A community center focused on senior programs doesn't align with a child-focused park – how are we bridging these two populations?	Y	The community center has youth programs as well as senior programs. The park may act as a way to bridge the generations together by providing community space for increase socialization.

GENERAL				
Community Workshop #1	1	Attendee asked when the new park will be built	N/A	The preliminary schedule for park development anticipates construction completion at the end of 2025.
Community Workshop #2, written survey	2	Attendee appreciated the opportunity to have an in-person meeting because she does not have access to a computer.	N/A	Meetings were provided in-person to accommodate community members with technology concerns
Community Workshop #2	3	Attendee asked how people will be notified for the future meetings	N/A	Postcards, social media posts, council office publications, on-site banners, neighborhood fliers, and a project website informed the community about all outreach meetings.
Community Workshop #3	4	Attendee is unsatisfied with the current state of Bellevue Park and the way funds are distributed between parks. They suggest that the mural display the words "Goose Town" for Rocco. They don't believe the neighborhood is being properly cared for / represented.	N/A	PRNS is aware of community concerns regarding Bellevue Park. Dedications within the park will be made to Rocco and Louise.
Community Workshop #3	5	Concern with having many parks in the area that are under-used and in disrepair. How does the team know that the park elements in the current design will be used?	N/A	The planning team inventoried surrounding parks and studied the opportunities and constraints of the neighborhood.
Community Workshop #3	6	What is the long-term maintenance plan? Other parks such as Bellevue have decayed over time and are essentially abandoned.	N/A	For the future Alma Neighborhood Park, the maintenance budget will be evaluated and tailored to the needs of the site to ensure long term upkeep.
Community Workshop #3	7	Attendee asked for the future park site boundaries	N/A	The park will occupy the commercial lot and residential lot on the corner of W Alma Ave and Sanborn Ave, and will extend to the adjacent property lines.
Community Workshop #3	8	Per resident; Rocco and his wife ran the corner market and would give children hard candy.	N/A	Dedications to Rocco and Louise wil be developed during design development.
Community Workshop #3	9	Bellevue Park may be neglected, but is PRNS doing anything to sustain the park and make it better?	N/A	Bellevue Park is outside the scope of this project. The park receives routine maintenance, police surveys, and park activations to address community concerns.
Community Workshop #3	10	How do we communicate to the neighborhood about the renovated playground at Bellevue Park?	N/A	Bellevue Park is outside the scope of this project. All communication regarding Bellevue will be coordinated through PRNS.

Community input matrix Figure 68

INITIAL STUDY

for the

ALMA NEIGHBORHOOD PARK MASTER PLAN

CITY OF SAN JOSÉ
CALIFORNIA

October 2022

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Chapter 1. Background Information

PROJECT DATA

1. **Project Title**: Alma Neighborhood Park Master Plan

2. **Lead Agency Name and Address:** City of San José Planning, Building and Code Enforcement, 200 E. Santa Clara Street, San José, CA 95113

3. **Project Proponent:** City of San José Department of Public Works, Contact: Ron Cheung

4. **Project Location:** The project site is located at 100 West Alma Avenue and 1413 Sanborn Avenue the southwest corner of West Alma Avenue and Sanborn Avenue in the City of San José

   Assessor's Parcel Numbers: 434-23-133 and 434-23-134 City Council District: 2

5. **Project Description Summary:** The project is for the development of the Alma Neighborhood Park Master Plan, and establishes the approach for the design process of a children's park that also memorializes the donors of the land.

6. **Envision 2040 San José General Plan Designation**: *Neighborhood Community Commercial*

7. **Zoning Designation**: CP, Commercial Pedestrian

8. **Habitat Conservation Plan Designation**: Urban-Suburban

9. **Surrounding Land Uses**:
   North: West Alma Avenue
   South: Residential, Roberts Court
   East: Sanborn Avenue
   West: Alma Community Center

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Chapter 2. Project Description

PROJECT LOCATION

The project site is located at the southwest corner of West Alma Avenue and Sanborn Avenue in the City of San José, in Santa Clara County (refer to Figure 1). The property is located on Assessor's Parcel (APN) 434-23-133 and 434-23-134 (refer to Figure 2).

The parcel at 100 West Alma Avenue contains a single-story commercial structure occupied by a supermarket, insurance office, beauty salon and associated paved parking lot. The parcel located at 1413 Sanborn Avenue consists of a private single-story residence with a detached garage and separate back unit. The site is bounded by the City of San José's Alma Community Center to the west, West Alma Avenue to the north, Sanborn Avenue to the east, and Roberts Court and private residences to the south. An aerial of the project site and surrounding area is presented in Figure 3.

PROJECT DESCRIPTION

In 2006, the trust of Rocco Elia and Louise Scaglione-Elia was issued, donating two adjacent parcels to the City of San José. Through their estate plan, the long-time residents provided the project site to the City with the condition that the land be developed as a children's playground and that the future park contain a memorial dedicated to their memory. The Alma Neighborhood Park Master Plan establishes the approach for the design process of this future children's park.

Community input was solicited at three community meetings that took place in April, May, and August of 2021. The final conceptual plan responds to interests of the neighborhood residents to have a predominantly passive park that provides shade, seating, recreation opportunities for all ages, protection from traffic, a secure space to recreate, and a landmark for the neighborhood that honors the land donors. The resulting design accomplishes this by creating a central gathering space with recreation opportunities, shaded by trees and a trellis, and flanked with seat walls. Trees planted to the north will provide a traffic buffer, and a low perimeter fence will provide security while maintaining clear sightlines through the park. Bright colors, vertical elements, and a wall for a community mural will bring visibility to the park from the street and draw interest towards this future neighborhood icon. The park is planned to include the following specific features as shown in the site plan in Figure 4.

- Lawn area
- Children's playground equipment and surfaces
- Shade trellis structure
- Picnic area with tables and chairs
- Seat wall
- Mural wall
- Landscaping
- Fenced boundary with three gated entrances

The proposed park would be available daily for public use between sunrise and one hour after sunset. The park does not include any sources of permanent night-time lighting with the exception of ambient park lighting with dimmable technology controls. Movie nights may occur once a month in the summer, starting at dusk and running no later than 10:30 PM.

The project will require demolition of the commercial and residential buildings on the site, and minor grading proposed to balance upon completion. This will include the removal of five citrus trees on the residential site.

In addition to the above details, the City proposes the following project design features to reduce the construction impacts in the areas of air quality, biological resources, hazards and hazardous materials, and noise:

Project Design Features

Air Quality

Development of the proposed park would require use of construction equipment. The project proposes to adhere to the City's conditions for construction equipment, which would require the usage of cleaner diesel equipment to reduce diesel exhaust emissions. The construction equipment would be rated Tier 4 or equivalent, and an air quality specialist would ensure that the equivalent equipment has a similar emissions reduction to equipment equipped with Tier 4 engines. Usage of equipment rated at Tier 4 or equivalent would be included in project plans and be verified by the Director of the Planning, Building, and Code Enforcement, or the Director's designee.

Biological Resources

Prior to any tree removal or the start of construction activities (whichever comes first), the project proponent shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of breeding season (May 1st through August 31st inclusive). During this survey the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests.

If an active nest is found within 250 feet of the work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

Prior to any tree removal or the start of construction activities (whichever comes first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee.

Hazards and Hazardous Materials

Prior to grading and/or conducting any type of subsurface intrusive work that involves soil disturbance, shallow soil samples will be taken in the proposed project area and tested for lead to determine if the flaking lead-based paint from the building structures have impacted the soil and are at concentrations above established construction worker safety and commercial/industrial regulatory environmental screening levels. The result of soil sampling and testing will be provided to the City's Supervising Planner and Municipal Environmental Compliance Officer.

If lead contaminated soils are found in concentrations above the appropriate regulatory environmental screening levels for the proposed project, the applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health (or Department of Toxic Substances Control) under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP) or equivalent document must be prepared by a qualified hazardous materials consultant. The plan must establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. Prior to the start of construction activities, the Plan and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

Noise

Demolition and construction activities from development of the proposed park are anticipated to result in temporary increases in noise at nearby sensitive receptors. As a condition of project approval, the project applicant shall retain a qualified consultant to prepare a noise and vibration logistic plan. The noise and vibration logistic plan would be required to be reviewed and approved by the Director of the Planning, Building, and Code Enforcement, or the Director's designee, prior to any ground disturbing activities. The plan shall include, but not be limited to, the following:

- Prohibit pile driving.

- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.

- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Prohibit unnecessary idling of internal combustion engines.

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.

- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.

- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

PROJECT SCHEDULE

Subject to funding, construction will begin in 2023 and take approximately eight months to one year to complete. The tentative schedule for construction-related work is presented below.

- Mobilization + site work preparation, including temporary fencing: 2 weeks
- Demolition of existing buildings + scraping site: 6 weeks
- Grading preparation, drainage + utilities: 4 weeks
- Formwork, installation of concrete wall at property line + concrete paving: 4 weeks
- Trellis, fencing, + play equipment installation: 12 weeks
- Lighting: 1 week
- Planting + irrigation: 4 weeks
- Bike racks, movie screen, tables + chairs: 2 weeks
- Wall mural: 2-3 weeks

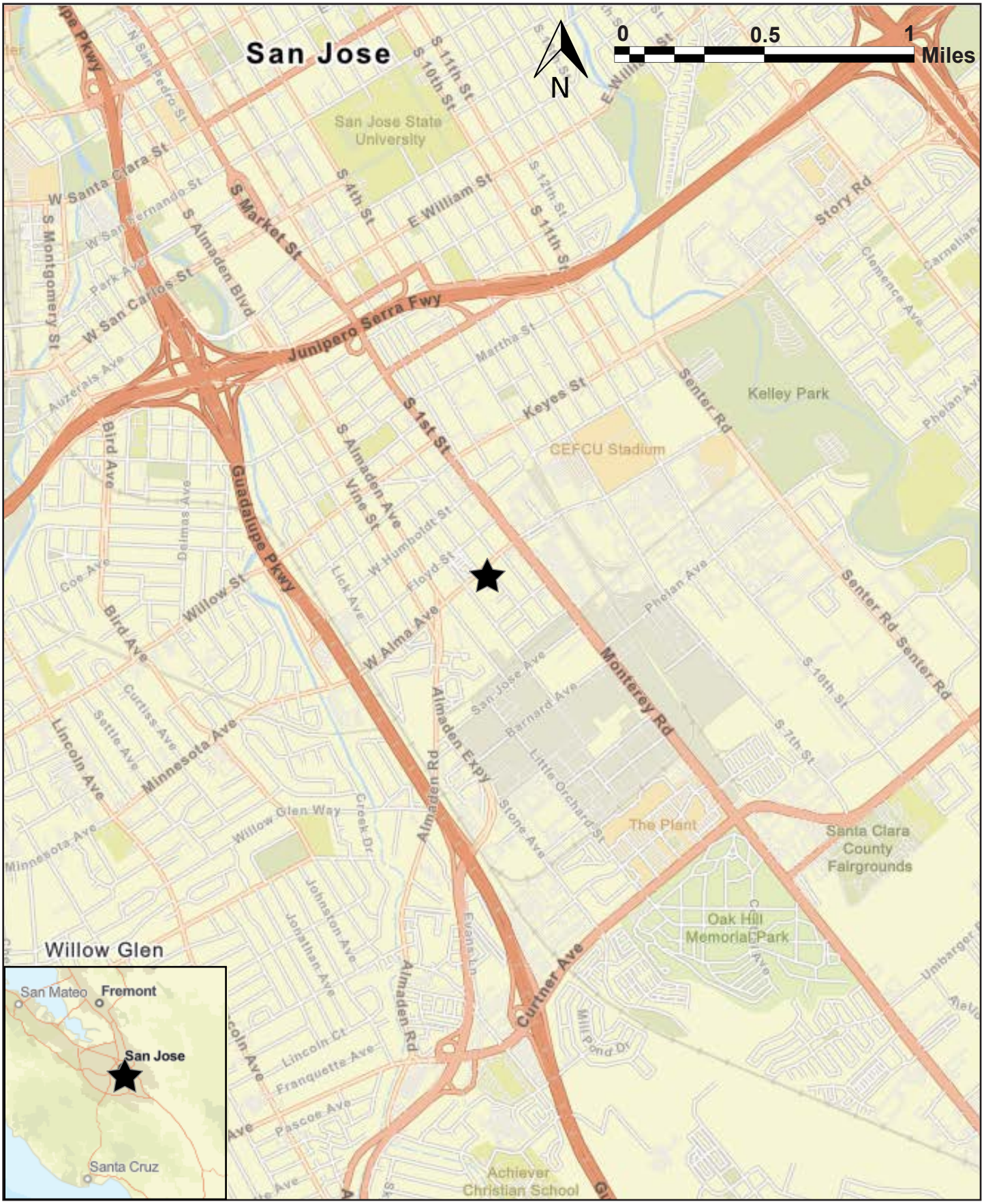
PROJECT OBJECTIVES

The objective of the future park is to support an increasing demand for a recreational green space in the Alma neighborhood. The park will honor the land donors, Rocco Elia and Louise Scaglione-Elia, through the installation of their request for children's play features and informational memorial elements. The final park will minimize maintenance requirements through a strategic choice of materials and planting of native species.

PROJECT APPROVALS

The project will require the following approvals:

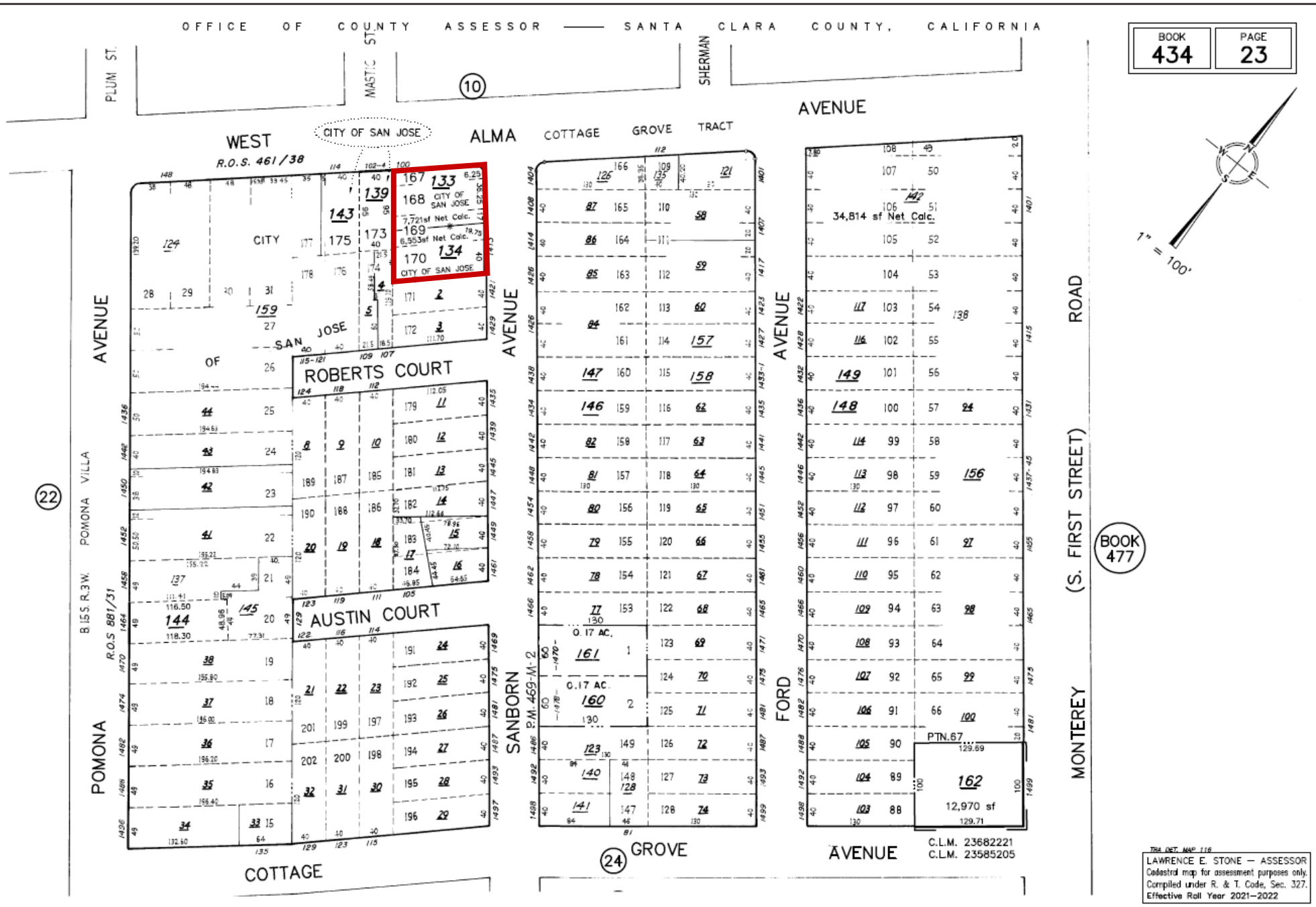
- City of San José – Environmental Clearance, Parks and Recreation Commission, City Council (to approve the Master Plan and adopt the CEQA document)



Location Map

Alma Neighborhood Park
Initial Study

Figure
1



Project Boundaries

Source: Office of the Assessor, County of Santa Clara, 2021

APN Map

Figure 2

Alma Neighborhood Park Initial Study

Source: Google Earth, Sept 2021

Aerial

Alma Neighborhood Park
Initial Study

Figure
3

Scale: 1" = 20'

Source: MSLA, August 2021

Site Plan

Figure 4

Alma Neighborhood Park
Initial Study

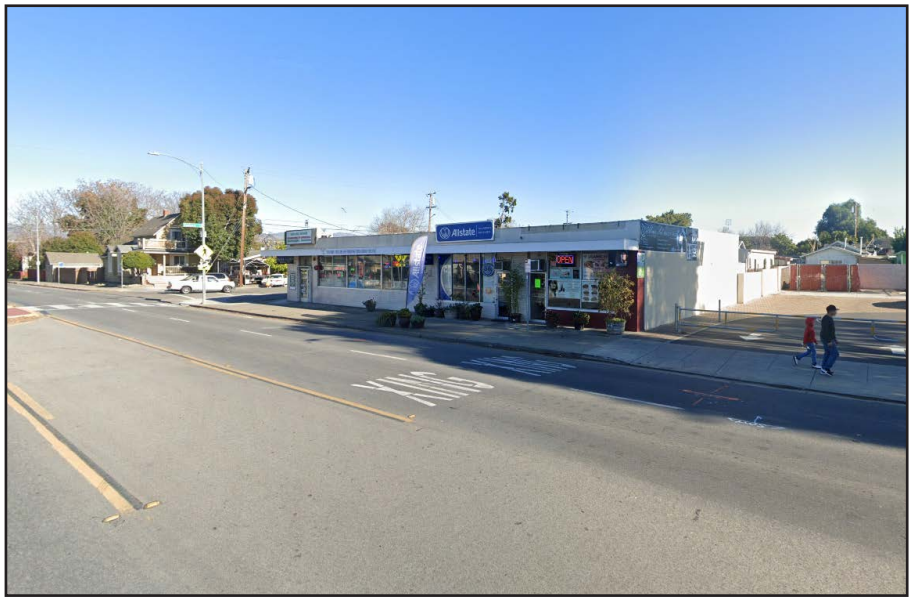


Photo 1. View the project site
from W Alma Ave looking east.

Photo 2. View of the project site from Alma
Ave and Sanborn Ave, looking southwest.

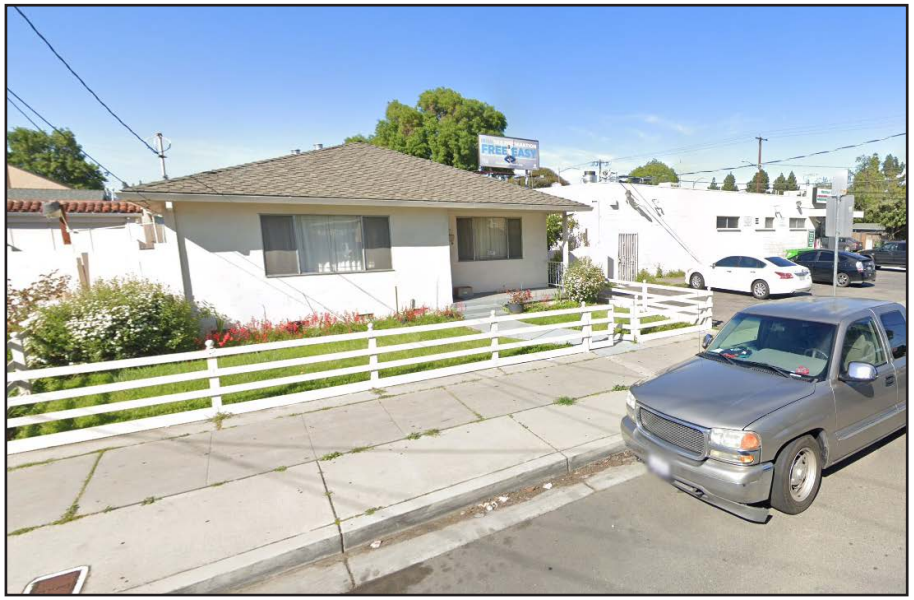


Photo 3: View from the project site
from Sanborn Ave looking northwest.

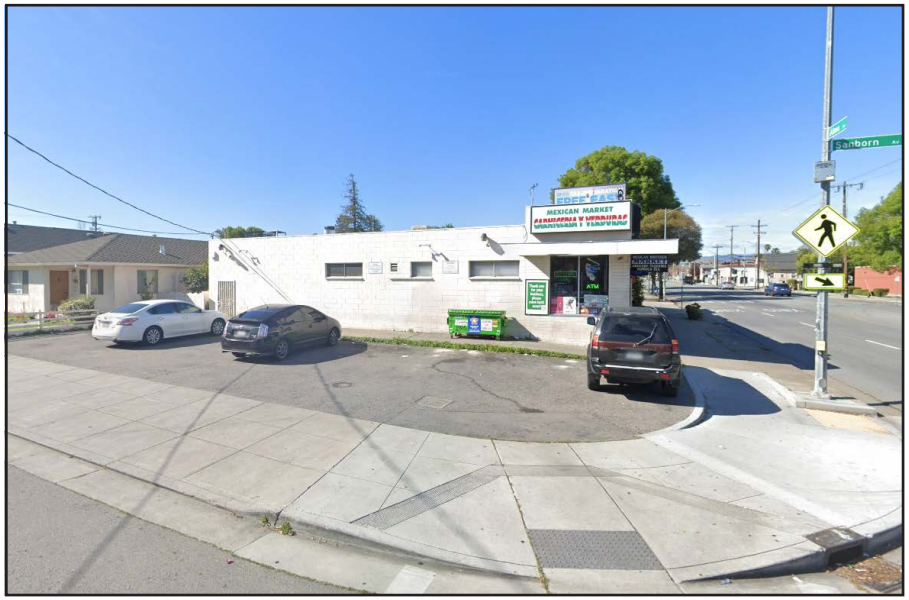


Photo 4: View of the project site from Sanborn
Ave looking southwest.

Site Photos

Alma Neighborhood Park
Initial Study

Figure
5

Chapter 3. Environmental Evaluation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The key environmental factors potentially impacted by the project are identified below and discussed within Chapter 3. Environmental Setting and Impacts. Sources used for analysis of environmental effects are cited in the checklist and listed in Chapter 4. References.

☒ Aesthetics	☒ Agricultural Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Energy
☒ Geology/Soils	☒ Greenhouse Gas Emissions	☒ Hazards/Hazardous Materials
☒ Hydrology/Water Quality	☒ Land Use/Planning	☐ Mineral Resources
☒ Noise	☐ Population/Housing	☒ Public Services
☒ Recreation	☒ Transportation	☒ Tribal Cultural Resources
☐ Utilities/Service Systems	☒ Wildfire	☒ Mandatory Findings of Significance

EVALUATION OF ENVIRONMENTAL IMPACTS

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

The explanation of each issue should identify:

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

All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant.

- A "potentially significant impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "potentially significant impact" entries when the determination is made, an EIR is required.

- A "less than significant with mitigation incorporated" response applies where the incorporation of mitigation measures has reduced an effect from a potentially significant impact to less than significant impact. The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.

Important Note to the Reader:

In a December 2015 opinion [California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (No. S 213478)], the California Supreme Court confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment and not the effects that the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José currently has policies that address existing conditions (e.g., air quality, hazards, noise, etc.) that may affect a proposed project, which are also addressed below. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this Initial Study discusses "planning considerations" that relate to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

ENVIRONMENTAL SETTING AND IMPACTS

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

A. AESTHETICS

Regulatory Framework

State Scenic Highways Program

The State Scenic Highways Program is managed by the California Department of Transportation (Caltrans) and is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The nearest state-designated scenic highway is State Route 9, located approximately 9.5 miles west of the project site near Saratoga. The project site is not located near this designated scenic highway.

Outdoor Lighting Policy (City Council Policy 4-3)

The City of San José's Outdoor Lighting Policy (City Council Policy 4-3) and City of San José Interim Lighting Policy Broad Spectrum Lighting for Private Development promote energy efficient outdoor lighting on private development to provide adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

City's Scenic Corridors Diagram

The City's General Plan defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The designation of a scenic route applies to routes affording especially aesthetically pleasing views. The project property is not located along any scenic corridors per the City's Scenic Corridors Diagram.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating aesthetic impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Aesthetic Policies	
Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building

Envision San José 2040 Relevant Aesthetic Policies	
	frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.26	Apply the Historic Preservation Goals and Policies of this Plan to proposals that modify historic resources or include development near historic resources.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-8.1	Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/ Transportation Diagram provide an indication of the typical number of stories.

Existing Setting

The project site is located within an urbanized area of San José. The project site is occupied by commercial buildings and single-family home. Photos of the site are presented in Figure 5. As shown in the site photographs, the property is characterized by existing buildings and pavement with limited landscaping, including five trees. The site does not contain any notable scenic resources.

The State Scenic Highways Program is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The project site is not located near any scenic highways. In addition, the project is not located along any scenic corridors per the City's Scenic Corridors Diagram.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1.	AESTHETICS. Would the project:					
a)	Have a substantial adverse effect on a scenic vista?			X		1, 2
b)	Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?			X		1, 2
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X		1, 2
d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The proposed park is located in an urbanized area in central San José. The site is occupied by commercial buildings and one residence. Transforming the site into a park will provide modest park facilities and landscaping, allowing the neighborhood to engage with nature and their community. The project site does not contain any views of scenic vistas due to its flat topography and surrounding development, which obstructs scenic views toward the Diablo and Santa Cruz Mountain ranges. Therefore, this proposed small park project would not impact any scenic vistas since none are visible across the site. In addition, the project consists primarily of open space and landscaping that would not block any scenic vistas visible from other properties in the surrounding area.

b) **Less Than Significant Impact**. The project site is not located within any City or state-designated scenic highways or routes. The site contains five small orange trees. The City does not require the replacement for orchard trees.

c) **Less Than Significant Impact**. The project would replace existing buildings and pavement with a new park, consisting primarily of passive park features and landscaping as shown in the site plan in Figure 4. The project will not adversely affect the visual quality of the site or its surroundings within this urbanized area, since the site does not contain any scenic resources and the project would incorporate landscaping and other visually appealing features. Development of the park with new recreational facilities and landscaping may have a beneficial effect on the immediate viewshed.

d) **Less Than Significant Impact**. The project does not propose any major sources of lighting or glare. The park proposes solar security lighting. All 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. The project would have a less-than-significant impact on light and glare.

Conclusion: The project would have a less than significant impact on aesthetics.

B. AGRICULTURAL AND FOREST RESOURCES

Regulatory Framework

State

California Land Conservation Act

The Williamson Act, officially designated as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners, for the purpose of restricting specific parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments that are based on farming and open space as opposed to full market value. Regulations and rules regarding implementation of Williamson Act contracts are established by local participating cities and counties, as guided by the Williamson Act.

Land Evaluation and Site Assessment

The California Agricultural Land Evaluation and Site Assessment (LESA) was developed by the California Department of Conservation to provide a standardized point-based approach for the rating of relative importance of agricultural land. The LESA model ensures that an optional methodology is available for lead agencies to determine if a project will result in potentially significant effects on the environment as a result of agricultural land conversion. The LESA model is based on specific measurable features, including project size, soil quality, surrounding agricultural and/or protected resource lands, and water resource availability, which are weighted, rated and combined to provide a numeric score. The score serves as the basis for making a determination of potential significance for a project.

Farmland Mapping and Monitoring Program

The California Department of Conservation prepares and maintains farmland map data for Counties throughout the state, including for Santa Clara County, through the Farmland Mapping and Monitoring Program (FMMP). The FMMP produces statistical data and maps for the purpose of analyzing potential impacts on agricultural resources. The FMMP is designed to regulate the conversion of agricultural land to permanent non-agricultural uses. The FMMP contains a rating system based on soil quality and irrigation status, with the best quality land being designated as "Prime Farmland". Maps are updated every two years using computer mapping, aerial photography, public review, and field reconnaissance. The FMMP for Santa Clara County has data from 1984 to the present day, including historical land use conversion, PDF maps, and GIS data.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Agricultural Resources Policies	
Policy LU-12.3	Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means:

Envision San José 2040 Relevant Agricultural Resources Policies	
	• Limit residential uses in agricultural areas to those which are incidental to agriculture. • Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights. • Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses. • Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.
Policy LU-12.4	Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.

Existing Setting

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, "agricultural land" is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The project area is identified as "urban/built-up land" on the Santa Clara County Important Farmlands Map.

CEQA requires the evaluation of forest and timber resources where they are present. The project site is located on a disturbed site in an urban area. The site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
2. AGRICULTURAL AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	3
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X	2
d) Result in the loss of forest land or conversion of forest land to non-forest uses?				X	2
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X	2

Explanation

a) **No Impact**. The project site is an infill property and is designated as urban land on the Important Farmlands Map for Santa Clara County and does not contain any prime farmland, unique farmland, or farmland of statewide importance. The project will not affect agricultural land.

b) **No Impact**. The project site is an infill property and is not zoned for agricultural use and does not contain lands under Williamson Act contract; therefore, no conflicts with agricultural uses will occur.

c) **No Impact**. No other changes to the environment will occur from the project that will result in conversion of farmland to non-agricultural uses.

d) **No Impact**. The project will not impact forest resources since the site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

e) **No Impact**. As per the discussion above, the proposed project will not involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland or agricultural land, since none are present on this infill property.

Conclusion: The project would have no impact on agricultural or forest resources.

C. AIR QUALITY

Regulatory Framework

Federal

Federal Clean Air Act and United States Environmental Protection Agency

The Federal Clean Air Act (CAA) authorized the establishment of federal air quality standards and set deadlines for their attainment. The CAA identifies specific emission reduction goals, requires both a demonstration of reasonable further progress and attainment, and incorporates more stringent sanctions for failure to meet interim milestones. The U.S. EPA is the federal agency charged with administering CAA and other air quality-related legislation. The CAA of 1970, as amended, establishes air quality standards for several pollutants.

The United States Environmental Protection Agency (U.S. EPA) administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. The U.S. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and judged for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The U.S. EPA has classified the region as a nonattainment area for the 8-hour O_3 standard and the 24-hour $PM_{2.5}$ standard. The Bay Area has met the CO standards for over a decade and is classified as an attainment area by the U.S. EPA. The U.S. EPA has deemed the region as attainment/unclassified for all other air pollutants, which include PM_{10}. At the State level, the Bay Area is considered nonattainment for ozone, PM_{10} and $PM_{2.5}$.

State

California Clean Air Act

The Federal Clean Air Act (CAA) allows California to seek a waiver of the federal preemption that prohibits states and local jurisdictions from enacting emission standards and other emission-related requirements for new motor vehicles and engines (CAA section 209(a)). The California Air Resources Board (CARB) serves as the representative of California in filing waiver requests with U.S. EPA. After California files a written request for a waiver, U.S. EPA will publish a notice for a public hearing and submission of comments in the *Federal Register*. After consideration of comments received, the Administrator of U.S. EPA will issue a written determination on California's request, which is also published the *Federal Register*.

Regional and Local

Bay Area Air Quality Management District

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the Bay Area. The BAAQMD's May 2017 CEQA Air Quality Guidelines update the 2010 CEQA Air Quality Guidelines, addressing the California Supreme Court's 2015 opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District* court case.

In an effort to attain and maintain federal and state ambient air quality standards, the BAAQMD establishes thresholds of significance for construction and operational period emissions for criteria pollutants and their precursors, which are summarized in Table 1 in the impact discussion below.

2017 Bay Area Clean Air Plan

The BAAQMD, along with other regional agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), develops plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Decarbonize our energy system.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Air Quality Policies	
Policy MS-10.1	Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.
Policy MS-10.2	Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
Policy 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.
Policy MS-11.2	For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

Envision San José 2040 Relevant Air Quality Policies	
Policy MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Existing Setting

The project is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_X), particulate matter (PM_{10}), sulfur dioxide (SO_2), and lead (Pb). Secondary criteria pollutants include ozone (O_3), and fine particulate matter ($PM_{2.5}$).

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. Land uses such as schools and hospitals are considered 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. The closest sensitive receptors to the project site are residents to the south. There are additional residents north and east of the site.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?			X		2, 5, 6
b) 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?			X		2, 5, 6
c) Expose sensitive receptors to substantial pollutant concentrations?			X		2, 5, 6

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X		2, 5, 6

Explanation

a) **Less Than Significant Impact**. Using the BAAQMD's methodology, a determination of consistency with the 2017 CAP should demonstrate that a project: 1) supports the primary goals of the air quality plan (such as reducing emissions of criteria air pollutants and TACs from all key sources, reduction of emissions of methane, black carbon, and fluorinated gases, decreasing demand for fossil fuels, and decarbonizing the energy system); 2) includes applicable control measures from the air quality plan, and 3) does not disrupt or impede implementation of air quality plan control measures. The proposed park would not increase regional population growth or cause changes in vehicle travel that would affect implementation of the Bay Area 2017 CAP, since the project consists of a small public park. The proposed park would not introduce land uses that would result in the increase of criteria air pollutants and TACs that would conflict with the goals of the 2017 CAP. In addition, construction of the proposed park would provide additional park services for nearby residents, decreasing the amount of fossil fuels consumed by residents travelling to public parks further away than the project site. The proposed project would include control measures from the CAP, as summarized in Table 2, below.

Table 1
2017 CAP Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Measures		
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The proposed project would consist of development of a new park on a site occupied by a residential and commercial building. The proposed park would offer greater bicycle and pedestrian connectivity to the surrounding area compared to existing conditions. Therefore, the project is consistent with this measure.
Building Control Measures		
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities.	The project does not include parking facilities.
Water Management Control Measures		
Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would be required to adhere to State and local polices to conserve water, including, but not limited to, AB 1668: Water Conservation and Drought Planning and implementation of a stormwater

Table 1 2017 CAP Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
		control plan. Therefore, the project is consistent with this control measure.

b) **Less Than Significant Impact**. The San Francisco Bay Area is considered a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM_{10} under the California Clean Air Act, but not the federal act. The area has attained both State and federal ambient air quality standards for carbon monoxide. While the project would result in a temporary increase in the emissions of criteria pollutants during construction, as described in c) below, the project will not increase temporary or long-term emissions of criteria pollutants above the BAAQMD's screening threshold for the "City Park" development category and, therefore, will not contribute to 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.

c) **Less Than Significant Impact.** The City of San José uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the Bay Area. The BAAQMD screening levels are based on project size and thresholds of significance for air pollutant emissions. The applicable land use category from the BAAQMD's screening criteria tables for the proposed project is "City park." For operational impacts from criteria pollutants, the screening size is 2,613 acres. For park construction impacts from criteria pollutants, the screening size is 67 acres. The proposed park is 0.35 acres and well below the BAAQMD screening sizes for operation and construction; therefore, the project will not have a significant impact related to emission of criteria air pollutants.

Construction activities would generate dust and equipment exhaust on a temporary basis. The BAAQMD identifies best management practices for all projects to limit air quality impacts during construction. The short-term air quality effects during project construction would be avoided with implementation of the measures prescribed by the BAAQMD, proposed by the project as described in Chapter 2 and described below.

Construction activity using diesel-powered equipment also 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, and $PM_{2.5}$. Diesel particulate matter (DPM), which is a known carcinogen, is a common type of $PM_{2.5}$ emitted by construction equipment. Although the demolition and construction activities associated with the proposed project are expected to last 8-11 months, given the size and limited amount of construction required for the proposed park, these sources of TACs would not pose a significant health risk. However, to further reduce impacts to sensitive receptors from TACs, the following project design features and standard project conditions will be incorporated into the project:

Project Design Features

Development of the proposed park would require use of construction equipment. The project proposes to adhere to the City's conditions for construction equipment, which would require the usage of cleaner diesel equipment to reduce diesel exhaust emissions. The construction equipment would be rated Tier 4 or equivalent, and an air quality specialist would ensure that the equivalent equipment has a similar emissions reduction to equipment equipped with Tier 4 engines. Usage of equipment rated at Tier 4 or equivalent would be included in project plans and be verified by the Director of the Planning, Building, and Code Enforcement, or the Director's designee.

Standard Project Conditions

Construction-related Air Quality. The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

- Water active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Operation of the park would not result in air quality impacts based on the BAAQMD thresholds. With implementation of the project design feature proposed by the project and standard project conditions, construction of the park project would not result in emissions that violate any applicable air quality standards or contribute substantially to an existing or projected air quality violation.

d) **Less Than Significant Impact**. The new park would not create new sources of odor. During construction, use of diesel powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion. Implementation of the project design feature and standard project conditions for construction period emissions identified in c) would further assure that this impact is less than significant.

Conclusion: The project would have a less than significant impact on air quality with implementation of standard project conditions.

D. BIOLOGICAL RESOURCES

Regulatory Framework

Federal and State

Special-Status Species

Individual plant and animal species listed as rare, threatened or endangered under state and federal Endangered Species Acts are considered "special-status species." Federal and state "endangered species" legislation has provided the United Stated Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project will result in the "take" of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species. "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provided that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern."

Migratory Bird and Birds of Prey Protection

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbances during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA. Additionally, nesting birds are considered special-status species are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation, protection, or consideration by the US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and /or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (HCP) was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. The HCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County.

In addition, the HCP indicates that nitrogen deposition has damaging effects on many of the serpentine plants in the HCP area, including the host plants that support the Bay checkerspot butterfly. Because serpentine soils tend to be nutrient poor and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area, including the project site. The displacement of native serpentine plant species and subsequent decline of several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County.

City of San José Tree Ordinance

The City of San José's Municipal Code includes tree protection measures (Municipal Code Title 13, Chapters 13.28 [Street Trees, Hedges and Shrubs] and 13.32 [Tree Removal Controls]) that regulate the removal of trees. An "ordinance-sized tree" on private property is defined as any tree having a main stem or trunk, 12 inches in diameter (38 inches or more in circumference) at a height measured 54 inches (4.5 feet) above ground. For multi-trunk trees, the circumference is measured as the sum of the circumferences of all trunks at 54 inches above grade. On single-family or duplex lots, a permit is required to remove ordinance-sized trees, even if they are unhealthy or dead. On multi-family, commercial, or industrial lots, a permit is required to remove a tree of any size. The Code defines a "heritage tree" as any tree that because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the City Council to have a special significance to the community. Pruning or removing a heritage tree is illegal without first consulting the City Arborist and obtaining a permit. Finally, street trees are those that are located in the public right-of-way between the curb and sidewalk. A permit is required before pruning or removing a street tree.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating biological resource impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Relevant Biological Resource Policies	
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health

Envision San José 2040 Relevant Biological Resource Policies	
	and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
Policy ER-5.1	Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
Policy MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.
Policy MS-21.6	As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
Policy MS-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: 1. Avoid conflicts with nearby power lines. 2. Avoid potential conflicts between tree roots and developed areas. 3. Avoid use of invasive, non-native trees. 4. Remove existing invasive, non-native trees. 5. Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. 6. Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

Existing Setting

The project site is currently developed with buildings and pavement. The site is considered to have a low habitat value due to past disturbance of the site from existing commercial and residential uses.

The project site is located within the boundaries of the HCP and is designated as follows:

- Area 4: Urban Development Equal to or Greater than 2 Acres Covered
- Land Cover: Urban-Suburban
- Land Cover Fee Zone: Urban Areas (No Land Cover Fee)

The project site contains five small orange trees. All five orchard trees on the site would be removed to accommodate the proposed project. The City does not require replacement of orchard trees.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
4. BIOLOGICAL RESOURCES. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X		1, 2
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X	1, 2
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	1
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		1, 2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 2, 3
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X		1, 7, 8

Explanation

a) **Less Than Significant Impact**. The project site contains five small orange trees. However, mature trees on the perimeter of the project site may provide nesting habitat for migratory birds, including raptors (birds of prey). Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Fish and Game Code Sections 3503 and 3503.5. Despite the disturbed nature of the site, there remains the potential for raptors to nest in adjacent trees. The project includes specific project design features to avoid impacts to nesting birds:

Project Design Features

Prior to any tree removal or the start of construction activities (whichever comes first), the project proponent shall schedule demolition and construction activities to avoid the nesting

season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of breeding season (May 1st through August 31st inclusive). During this survey the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests.

If an active nest is found within 250 feet of the work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

Prior to any tree removal or the start of construction activities (whichever comes first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee.

b) **No Impact.** The project site is highly disturbed and does not contain any sensitive natural communities and, therefore, will not result in a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.

c) **No Impact**. The project is located on a developed infill site and does not contain any state or federally protected wetlands.

d) **Less Than Significant Impact**. With the possible exception of nesting raptors addressed in a) above, the project will not substantially interfere 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. See discussion a) above.

e) **Less Than Significant Impact**. The project site contains five small orange trees on the residential property. The City does not require replacement of orchard trees in accordance with established tree replacement ratios. In addition, the project would include the planting of ten to twelve 36" box. The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) **Less Than Significant Impact**. The project is located within the SCVHP plan area and is considered a Covered Activity. The project is located on land designated by the SCVHP as Urban-Suburban. The nitrogen deposition fee applies to all projects that create new vehicle

trips. A nitrogen deposition fee will be required for each new vehicle trip generated by the project, at the time of development. The project would implement the following condition in accordance with the SCVHP.

Standard Project Condition

The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee). The project proponent shall submit the Santa Clara Valley Habitat Plan Coverage Screening Form (https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees. The Habitat Plan and supporting materials can be viewed at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.

Conclusion: The project would have a less than significant impact on biological resources with implementation of identified mitigation measures and standard project conditions.

E. CULTURAL RESOURCES

Regulatory Framework

Federal

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering, and culture, at the local, State, and national level. National Register Bulletin Number 15, How to Apply the National Register Criteria for Evaluation, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context" and second, the property must retain integrity of those features necessary to convey its significance. A resource is considered eligible for the NRHP if the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

1. are associated with events that have made a significant contribution to the broad pattern of our history; or

2. are associated with the lives of persons significant to our past; or

3. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. yielded, or may be likely to yield, information important in prehistory or history.

State

California Environmental Quality Act and California Register of Historical Resources

The California Environmental Quality Act (CEQA) requires regulatory compliance for projects involving historic resources throughout the State. Under CEQA, public agencies must consider the effects of their actions on historic resources (Public Resources Code, Section 21084.1). The CEQA Guidelines define a significant resource as any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (California Register) [see Public Resources Code, Section 21084.1 and CEQA Guidelines Section 15064.5 (a) and (b)].

The California Register of Historical Resources (CRHR) was created to identify resources deemed worthy of preservation and was modeled closely after the NRHP. The criteria are nearly identical to those of the NRHP, which includes resources of local, State, and regional and/or national levels of significance. Under California Code of Regulation Section 4852(b) and Public Resources Code Section 5024.1, an historical resource generally must be greater than 50 years old and must be significant at the local, State, or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

2. It is associated with the lives of persons important to local, California, or national history.

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or important creative individual or possesses high artistic values.

4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks register or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for the purposes of CEQA unless a preponderance of evidence indicates otherwise (Public Resources Code, Section 5024.1g; California Code of Regulations, Title 14, Section 4850).

California Code of Regulations Section 4852(c) addresses the issue of "integrity," which is necessary for eligibility for the CRHR. Integrity is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." Section 4852(c) provides that historical resources eligible for listing in the CRHR must meet one of the criteria for significance defined by 4852(b)(1 through 4), and retain enough of their historic character of appearance to be recognizable as historical resources and to convey the reasons for their significance.

Archaeological Resources and Human Remains

Archaeological sites are protected by policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and identifies appropriate measures for the treatment and disposition of human remains and grave-related items.

Both State law and the County of Santa Clara County Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found. If the Coroner determines the remains are Native American, the Native American Heritage Commission (NAHC) and a "most likely descendant" must also be notified.

Local

Historic Preservation Ordinance

Under the City of San José Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), preservation of historically or architecturally worthy structures and neighborhoods that impart a distinct aspect to the City of San José and that serve as visible reminders of the historical and cultural heritage of the City of San José, the State, and the nation is promoted. This is encouraged in order to 1) stabilize neighborhoods and areas of the city; 2) enhance, preserve and increase property values; 3) carry out the goals and policies of the City's General Plan; 4) increase cultural, economic, and aesthetic

benefits to the City and its residents; 5) preserve, continue, and encourage the development of the City to reflect its historical, architectural, cultural, and aesthetic value or traditions; 6) protect and enhance the City's cultural and aesthetic heritage; and 7) promote and encourage continued private ownership and utilization of such structures.

The landmark designation process requires that findings be made that proposed landmarks have special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that designation as a landmark conforms to the goals and polices of the General Plan.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating cultural resource impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Cultural Resource Policies	
Policy LU-13.22	Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.
Policy LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.
Policy LU-14.1	Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

City of San José Historic Resources Inventory

The Historic Resources Inventory (HRI) is a list of citywide historic resources identified and/or evaluated in surveys (including Contributing Structures and Structures of Merit), properties listed in the NRHP and CRHR, and properties that have been designated as City Landmarks, City Landmark Historic Districts and Conservation Areas in accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code). For a historic resource to qualify as a City Landmark or City Landmark Historic District, it must have "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and be one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof.

In addition, the designation must conform to the goals and polices of the General Plan.

Existing Setting

The project site has been extensively disturbed by existing commercial development located at 100-104 West Alma Avenue and residential development located at 1413 Sanborn Avenue. The site, therefore, is not anticipated to contain undisturbed archaeological resources.

The site contains a commercial building constructed circa 1960 and a residential building constructed circa 1959. The existing commercial building at 100-104 W. Alma Avenue is a 4,500 square foot Commercial Modern building that was constructed in 1960. As described in Appendix A, the existing commercial building at 100-104 at W. Alma Avenue does not meet any of the listed significance criteria for inclusion on the San José Historic Landmark Register due to the lack of special historical, architectural, cultural, aesthetic, or engineering interest or value. In addition, the property does not meet the criteria for listing in the CRHR, as the building does not retain any significant association with historic events, is not associated with the lives of persons deemed important to history, and does not constitute an important example of a type, period, or method of construction.

The existing residence at 1413 Sanborn Avenue is a 1,500 square foot Minimal Ranch-style residence that was constructed in 1959. As described in Appendix A, the existing residence at 1413 Sanborn Avenue does not meet any of the listed significance criteria for inclusion on the San José Historic Landmark Register due to the lack of special historical, architectural, cultural, aesthetic, or engineering interest or value. In addition, the property does not meet the criteria for listing in the CRHR, as the building does not retain any significant association with historic events, is not associated with the lives of persons deemed important to history, and does not constitute an important example of a type, period, or method of construction. No historic-era resources or properties are listed on federal, state, or local inventories on or within the project area. A historical evaluation was completed for the property to determine the potential historic significance of onsite structures by AECOM (March 8, 2022). This report is contained in Appendix A.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
5. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?			X		1, 2, 9

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			X		1, 2
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The project site contains commercial and residential buildings and pavement. A historical evaluation of the property was prepared for the project for the structures at 1413 Sanborn Avenue and 100-104 W. Alma Avenue by AECOM (see Appendix A).

The historical evaluation included archival research, including online research of available building permit records on file through the City of San José Public Information Search database, previous historical contexts prepared for the City, newspapers, City directories, aerial photography, census records, and other relevant sources of information, to determine the construction development and associated dates of the built environment of the two properties. AECOM conducted a survey of the site in accordance with the California Office of Historic Preservation's Instructions for Recording Historical Resources.

The two properties were recorded on two sets of Department of Parks and Recreation (DPR) 523 forms. The DPR 523 forms include a physical description of the buildings with photographs; a chronology of construction and any alterations to each property; historical themes and contexts; an evaluation under NRHP, CRHR, and City Landmark criteria; and an integrity assessment.

The historic evaluation determined that neither of the structures on the project site, at 1413 Sanborn Avenue and 100-104 W. Alma Avenue, is eligible for listing under the NRHP, CRHR, or City of San José Landmark criteria. Therefore, the project would not result in an adverse change to a historical resource since none are located on the site. This represents a less than significant impact.

b) **Less Than Significant Impact**. Although the project site has been highly disturbed, it is possible that archaeological resources may be encountered during construction activities. The project will conform to the following standard project condition below to avoid impacts associated with disturbance to buried archaeological resources during construction.

Standard Project Conditions

Subsurface Cultural Resources. If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and

culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of PBCE or the Director's designee, and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

c) **Less Than Significant Impact**. Though unlikely, human remains may be encountered during construction activities. Subsurface excavation also has the potential to encounter human remains interred outside of formal cemeteries. The project includes standard project conditions to protect human remains:

Standard Project Condition

If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project contractor shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Conclusion: The project would have a less than significant impact on cultural resources with implementation of standard project conditions.

F. ENERGY

Regulatory Framework

Many federal, State, and local statutes and policies address energy conservation. At the federal level, energy standards set by the U.S. Environmental Protection Agency (EPA) apply to numerous consumer and commercial products (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

State

California Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill (SB) 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, Executive Order S-14-08 was signed into law and requires that retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. As described previously, PG&E's (the electricity provider to the project site) 2015 electricity mix was 30 percent renewable.

In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 for retail sellers and publicly owned utilities, requires them to procure 50 percent of the State's electricity from renewable sources by 2030.

California Building Codes

At the State level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[1]

The California Green Building Standards Code (CalGreen) establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

Local

Council Policy 6-32 Private Sector Green Building Policy

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED),[2]

[1] CEC. 2016 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. 2013. Accessed September 20, 2018. http://www.energy.ca.gov/2015publications/CEC-400-2015-037/CEC-400-2015-037-CMF.pdf.
[2] Created by the U.S. Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

GreenPoint,[3] or Build-It-Green checklist as part of their development permit applications. Council Policy 6-32 "Private Sector Green Building Policy," adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José.

Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

Climate Smart San José

Climate Smart San José is a plan developed by the City to reduce air pollution, save water, and create a healthier community. The plan articulates how buildings, transportation/mobility, and citywide growth need to change in order to minimize impacts on the climate. The plan outlines strategies that City departments, related agencies, the private sector, and residents can take to reduce carbon emissions consistent with the Paris Climate Agreement. The plan recognizes the scaling of renewable energy, electrification and sharing of vehicle fleets, investments in public infrastructure, and the role of local jobs in contributing to sustainability. It includes detailed carbon-reducing commitments for the City, as well as timelines to deliver on those commitments.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating energy impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Energy Policies	
Policy MS-1.6	Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.
Policy MS-2.1	Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources
Policy MS-2.4	Promote energy efficient construction industry practices.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques

[3] Created by Build It Green, GreenPoint is a certification system that assigns points for green building measures based on a 381-point scale for multi-family developments and 341-point scale for single-family developments.

Envision San José 2040 Relevant Energy Policies	
	(e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-14.4	Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

Existing Setting

Pacific Gas and Electric Company (PG&E) is San José's energy utility provider, furnishing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2017, natural gas facilities provided 20 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 27 percent; hydroelectric operations provided 18 percent; renewable energy facilities including solar, geothermal, and biomass provided 33 percent; and two percent was unspecified.[4]

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
6. ENERGY. Would the project:					
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X		1, 2
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The proposed small park is intended to serve the local community and will not generate traffic or otherwise result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

b) **Less Than Significant Impact**. The proposed small park is intended to serve the local community and will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Conclusion: The project would have less than significant impacts related to energy use.

[4] PG&E, Delivering low-emission energy. Accessed September 19, 2018. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page

G. GEOLOGY AND SOILS

Regulatory Framework

State

California Building Code

The 2019 California Building Standards Code (CBC) was published on July 1, 2019 and took effect on January 1, 2020. The CBC is a compilation of three types of building criteria from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions; and
- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

The CBC identifies acceptable design criteria for construction that addresses seismic design and load-bearing capacity, including specific requirements for seismic safety; excavation, foundation and retaining wall design, site demolition, excavation, and construction, and; drainage and erosion control.

Changes in the 2019 California Building Standards Code provide enhanced clarity and consistency in application. The basis for the majority of these changes resulted from California amendments to the 2018 model building codes. Some of the most significant change include the following:

- Aligns engineering requirements in the building code with major revisions to national standards for structural steel and masonry construction, minor revisions to standards for wood construction, and support and anchorage requirements of solar panels in accordance with industry standards;
- Clarifies requirements for testing and special inspection of selected building materials during construction; and
- Recognizes and clarifies design requirements for buildings within tsunami inundation zones.

Paleontological Resources Regulations - California Public Resources Code

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. California Public Resources Code (Section 5097.5) stipulates that the unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating geology and soils impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Geology and Soil Policies	
Policy EC-3.1	Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
Policy EC-4.2	Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]
Policy EC-4.4	Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
Policy EC-4.5	Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.
Action EC-4.11	Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.
Action EC-4.12	Require review and approval of grading plans and erosion control plans prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

Existing Setting

The site is situated in the Santa Clara Valley, an alluvial plain located between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast, at an elevation of approximately 108 feet above mean sea level.[5]

The Santa Clara Valley is a northwest-trending alluvial basin, bounded by the Santa Cruz Mountains to the west, the Diablo Range to the east, and San Francisco Bay to the north. The elongate valley lies between active Hayward and San Andreas faults that are a part of the California Coast Range Province. Consolidated sedimentary and metamorphic rocks, ranging from Jurassic to Pliocene age are exposed at the ground surface throughout the adjacent mountain areas. Semi-consolidated, Plioceneto Pleistocene-age sediments (conglomerate, sandstone, siltstone, and claystone) of the Santa Clara Formation occur along both flanks of the valley and in the valley trough beneath an accumulation of unconsolidated Pleisocene through Holoceneage sediments. The consolidated deposits include stream-derived alluvium, alluvial fan deposits, and Bay deposits. The regional soil type is clay loam.

The site lies within the Santa Clara Groundwater Sub-basin made up of two aquifers. Regionally, groundwater flow is generally to the northwest, towards the San Francisco Bay. Groundwater depths in the regions deep aquifer ranges from 95 to 250 feet below ground surface (bgs).[6]

The project site is located in a region that contains active earthquake faults. However, the site is not located within a State of California Earthquake Fault Hazard Zone for active faulting, a City of San José Fault Hazard Zone (1983), or a Santa Clara County Geologic Hazard Zone for potential fault rupture hazard (2002). The project is located near numerous active faults, including the San Andreas, Hayward, and Calaveras. In addition, the project site is mapped in a liquefaction zone.[7] The site may also have the potential for expansive soils.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
7. GEOLOGY AND SOILS. Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a 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.				X	1, 2
ii) Strong seismic ground shaking?			X		1, 2
iii) Seismic-related ground failure, including liquefaction?			X		1, 2

[5] https://ges.sccgov.org/discovergis/sccmap
[6] Phase I Assessment by City's Environmental Services Department, May 2019.
[7] https://maps.conservation.ca.gov/cgs/EQZApp/app/

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
iv) Landslides?				X	1, 2
b) Result in substantial soil erosion or the loss of topsoil?			X		1, 2
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		1, 2
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X		1, 2
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	1, 2
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		1, 2, 3

Explanation

ai) **No Impact**. The site is not located within a State of California Earthquake Fault Hazard Zone and no known active faults cross the site. The risk of ground rupture within the subject site is considered low. The project is not mapped within an Alquist-Priolo Earthquake Fault Zone. The project will be designed and developed in accordance with the California Building Code guidelines to avoid or minimize potential damage from seismic shaking on the project site.

aii) **Less Than Significant Impact**. Due to its location in a seismically active region, the proposed park structures may be subject to strong seismic ground shaking during their design life in the event of a major earthquake on any of the region's active faults. This could pose a risk to proposed structures and infrastructure. Seismic impacts will be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4.

aiii) **Less Than Significant Impact**. As described above, the project site may be subject to strong ground shaking in the event of a major earthquake. The site is mapped within an area of moderate to high liquefaction potential. This could pose a risk to proposed park structures and infrastructure. The proposed project would be designed and constructed in accordance with a design-level geotechnical investigation as required by the City. The project will implement the following standard project conditions to minimize soil and geologic-related hazards to the proposed park.

Standard Project Condition

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.

- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.

- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

aiv) **No Impact**. The project site has no appreciable vertical relief and would not be subject to landsliding.

b) **Less Than Significant Impact**. Development of the project will require minor grading that could result in a temporary increase in erosion. This increase in erosion is expected to be relatively minor due to the small size and flatness of the site. The project will implement the standard measures identified in *I. Hydrology and Water Quality* of this Initial Study to minimize erosion impacts.

c) **Less Than Significant Impact**. The project site is located in a liquefaction hazard area, which could damage park structures during seismic events. This condition would be minimized by design and construction of the project in accordance with a design-level geotechnical investigation (refer to aiii above).

d) **Less Than Significant Impact**. The project site is located in an area mapped with soils that are could be expansive, which could result in damage to proposed park structures. This condition would be minimized by design and construction of the project in accordance with a design-level geotechnical investigation (refer to aiii above).

e) **No Impact**. The project does not include any septic systems.

f) **Less Than Significant Impact**. The project site is located in an area mapped as "high sensitivity at depth" in the 2040 General Plan EIR.[8] The project proposes grading that could potentially disturb paleontological resources. Consistent with General Plan Policy ER-10.3, the following standard condition would be implemented by the project to avoid or minimize impacts to paleontological resources during construction. No other unique geological features are found on this developed infill site.

Standard Project Condition

If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of Planning, Building and Code Enforcement (PBCE) or Director's designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing

[8] Figure 3.11-1 "Paleontologic Sensitivity of City of San Jose Geologic Units," from the *Draft Program Environmental Impact Report (PEIR) for the Envision San José 2040 General Plan*, June 2011.

the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of PBCE or the Director's designee.

Conclusion: The project would have a less than significant impact on geology and soils with implementation of standard project conditions.

H. GREENHOUSE GAS EMISSIONS

Regulatory Framework

State

Assembly Bill 32 – California Global Warming Solutions Act

Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, codifies the State of California's GHG emissions target by directing CARB to reduce the state's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, the CARB, the California Energy Commission (CEC), the California Public Utilities Commission (CPUC), and the Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.[9]

A Scoping Plan for AB 32 was adopted by CARB in December 2008. It contains the State of California's main strategies to reduce GHGs from business as usual (BAU) emissions projected in 2020 back down to 1990 levels. BAU is the projected emissions in 2020, including increases in emissions caused by growth, without any GHG reduction measures. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system. It required CARB and other state agencies to develop and adopt regulations and other initiatives reducing GHGs by 2012.

As directed by AB 32, CARB has also approved a statewide GHG emissions limit. On December 6, 2007, CARB staff resolved an amount of 427 MMT of CO_2e as the total statewide GHG 1990 emissions level and 2020 emissions limit. The limit is a cumulative statewide limit, not a sector-or facility-specific limit. CARB updated the future 2020 BAU annual emissions forecast, in light of the economic downturn, to 545 MMT of CO_2e. Two GHG emissions reduction measures currently enacted that were not previously included in the 2008 Scoping Plan baseline inventory were included, further reducing the baseline inventory to 507 MMT of CO_2e. Thus, an estimated reduction of 80 MMT of CO_2e is necessary to reduce statewide emissions to meet the AB 32 target by 2020.

Senate Bill 1368

Senate Bill (SB) 1368 is the companion bill of AB 32 and was signed by Governor Schwarzenegger in September 2006. SB 1368 required the CPUC to establish a greenhouse gas emission performance standard. Therefore, on January 25, 2007, the CPUC adopted an interim GHG Emissions Performance Standard in an effort to help mitigate climate change. The Emissions Performance Standard is a facility-based emissions standard requiring that all new long-term commitments for baseload generation to serve California consumers be with power plants that have emissions no greater than a combined cycle gas turbine plant. That level is established at 1,100 pounds of CO_2 per megawatt-hour. "New long-term commitment" refers to new plant investments (new construction), new or renewal contracts with a term of five years or more, or major investments by the utility in its existing baseload power plants. In addition, the CEC established a similar standard for local publicly owned utilities that cannot exceed the greenhouse gas emission rate from a baseload combined-cycle natural gas fired plant. On July 29, 2007, the Office of Administrative Law disapproved the CEC's proposed

[9] Note that AB 197 was adopted in September 2016 to provide more legislative oversight of CARB.

Greenhouse Gases Emission Performance Standard rulemaking action and subsequently, the CEC revised the proposed regulations. SB 1368 further requires that all electricity provided to California, including imported electricity, must be generated from plants that meet the standards set by the CPUC and CEC.

Senate Bill 375 – California's Regional Transportation and Land Use Planning Efforts

SB 375, signed in August 2008, requires sustainable community strategies (SCS) to be included in regional transportation plans (RTPs) to reduce emissions of GHGs. The MTC and ABAG adopted an SCS in July 2013 that meets GHG reduction targets. The Plan Bay Area is the SCS document for the Bay Area, which is a long-range plan that addresses climate protection, housing, healthy and safe communities, open space and agricultural preservation, equitable access, economic vitality, and transportation system effectiveness within the San Francisco Bay region (MTC 2013). The document is updated every four years, so the MTC and ABAG are currently developing the Plan Bay Area 2040.

Regional and Local

Bay Area Air Quality Management District

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the Bay Area. The BAAQMD's May 2017 CEQA Air Quality Guidelines update the 2010 CEQA Air Quality Guidelines, addressing the California Supreme Court's 2015 opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District* court case.

In an effort to attain and maintain federal and state ambient air quality standards, the BAAQMD establishes thresholds of significance for construction and operational period emissions for criteria pollutants and their precursors (see Table 2).

2017 Bay Area Clean Air Plan

The BAAQMD, along with other regional agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), develops plans to reduce air pollutant emissions. The most recent clean air plan is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP), which was adopted by BAAQMD in April 2017. This is an update to the 2010 CAP, and centers on protecting public health and climate. The 2017 CAP identifies a broad range of control measures. These control measures include specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Decarbonize our energy system.

City of San José Municipal Code

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

Council Policy 6-32 Private Sector Green Building Policy

In October 2008, the City Council adopted the Council Policy 6-32 "Private Sector Green Building Policy", which identifies baseline green building standards for new private construction and provides a framework for the implementation of these standards. This Policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards.

City of San José Greenhouse Gas Reduction Strategy

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and standards for "qualified plans" as set forth by BAAQMD. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy.

The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy; land use and transportation; and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures can be incorporated as mitigation measures for proposed projects, at the City's discretion.

The Greenhouse Gas Reduction Strategy was updated for 2030. The 2030 GHG Reduction Strategy was adopted and the EIR Addendum were certified by the City Council on 11/17/2020. The 2030 GHG Reduction Strategy went into effect on 12/17/2020.

The 2030 GHG Reduction Strategy outlines the actions the City will undertake to achieve its proportional share of State GHG emission reductions for the interim target year 2030. The 2030 GHG Reduction Strategy presents the City's comprehensive path to reduce GHG emissions to achieve the 2030 reduction target, based on SB 32, BAAQMD, and OPR requirements. Additionally, the 2030 GHG Reduction Strategy leverages other important City plans and policies; including the General Plan, Climate Smart San José, and the City Municipal Code in identifying reductions strategies that achieve the City's target. CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of GHGs. Accordingly, the City of San José's 2030 GHG Reduction Strategy represents San José's qualified climate action plan in compliance with CEQA.

As described in the 2030 GHG Reduction Strategy, the GHG reductions will occur through a combination of City initiatives in various plans and policies to provide reductions from both existing and new developments. A GHG Reduction Strategy Compliance Checklist (checklist) was developed that applies to proposed discretionary projects that require CEQA review. Therefore, the checklist is a critical implementation tool in the City's overall strategy to reduce GHG emissions. Implementation of applicable reduction actions in new development projects will help the City achieve incremental reductions toward its target. Per the 2030 GHG Reduction Strategy, the City will monitor strategy implementation and make updates, as necessary, to maintain an appropriate trajectory to the 2030 GHG target. Specifically, the purpose of the checklist is to:

- Implement GHG reduction strategies from the 2030 GHGRS to new development projects.
- Provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to CEQA.

Climate Smart San José

Climate Smart San José, adopted in February 2018, is a plan to reduce air pollution, save water, and create a healthy community. The plan focuses on three pillars and nine key strategies to transform San José into a climate smart city that is substantially decarbonized and meeting requirements of Californian climate change laws.

In absence of adopted GHG reduction target for 2030 under SB 32, City of San José requires substantial progress" threshold of 660 MT of CO_2e/year or efficiency metric of 2.6 MT CO_2e/year/service population.

General Plan Policies

In addition to the above, policies in the General Plan have been adopted for the purpose of avoiding or mitigating greenhouse gas emissions impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Greenhouse Gas Reduction Policies	
Policy MS-1.2	Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.
Policy MS-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City

Envision San José 2040 Relevant Greenhouse Gas Reduction Policies	
Policy MS-6.5	Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.
Policy MS-6.8	Maximize reuse, recycling, and composting citywide.
Policy MS-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy TR-2.18	Provide bicycle storage facilities as identified in the Bicycle Master Plan.
Policy CD-2.5	Integrate Green Building Goals and Policies of this Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.
Policy CD-3.3	Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.
Policy CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.

Existing Setting

Various gases in the earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

a) **Less Than Significant Impact**. The operational GHG screening size established by BAAQMD for "park" land uses is 600 acres. The proposed park is 0.35 acre, well below the screening size. The project is subject to the GHG reduction strategies identified in the City's 2030 GHG Reduction Strategy Compliance Checklist. The project would implement and comply with all relevant GHG reduction measures as determined by the City. Since the project is below the screening size and plans to apply 2030 GHG Reduction Strategy measures, the GHG emissions of the project would be below the BAAQMD significance threshold for GHG. GHG reduction strategies to be incorporated into the project are identified in part in the GHG Reduction Strategy Compliance Checklist contained in Appendix B and include the following:

- Overall, the proposed neighborhood park will increase vegetation and introduce street trees bringing more shade in the neighborhood, reducing the heat island effect, decreasing impervious surfaces, enhancing pollinator habitat and biodiversity, and offering the Alma community a much-needed open park space.

- Use of water-efficient landscape design and use of appropriate plant species as follows:

  - The current site lacks significant tree canopy and green spaces, and is surrounded by impervious surfaces including wide paved areas, roads, and parking lots.
  - The proposed park design implores biodiverse, durable, drought tolerant, California native plants that minimize irrigation needs. Plants will be grouped by hydrozone for irrigation compliance.
  - The planting palette will include:

    - Low-maintenance and low-growing groundcovers at the park edges and periphery. Shrubs that require frequent pruning, dead-heading or fertilizing will not be used.
    - Wide-canopy native shade trees such as the blue oak (*Quercus douglasii*) and the valley oak (*Quercus lobata*).
    - California adaptive Mediterranean climate plant material with native varieties that contribute to habitat and attract pollinators in the park interior.

- Numerous street trees within the public right-of-way that will be selected by the City Arborist, which will create a comfortable, shaded pedestrian environment and create a buffer from traffic on Alma Avenue.

GHG emissions associated with construction would consist of emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, although BAAQMD recommends quantifying emissions and disclosing GHG emissions during construction. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable, which are proposed by the project.

The project would not generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.

b) **Less Than Significant Impact**. The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, since the proposed project will not substantially increase GHG emissions and is consistent with the City's General Plan land use designation.

Conclusion: The project would have a less than significant impact related to GHG emissions.

I. HAZARDS AND HAZARDOUS MATERIALS

Regulatory Framework

Federal

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress in 1980 and is administered by the U.S. EPA. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites; and established a trust fund to provide for cleanup when no responsible party could be identified.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) is a Federal law passed by Congress in 1976 to address the increasing problems from the nation's growing volume of municipal and industrial waste. RCRA creates the framework for the proper management of hazardous and non-hazardous solid waste and is administered by the U.S. EPA. RCRA protects communities and resource conservation by enabling the EPA to develop regulations, guidance, and policies that ensure the safe management and cleanup of solid and hazardous waste, and programs that encourage source reduction and beneficial reuse. The term RCRA is often used interchangeably to refer to the law, regulations, and EPA policy and guidance.

State

California Department of Toxic Substances Control

The California Department of Toxic Substances Control (DTSC) is a State agency that protects State citizens and the environment from exposure to hazardous wastes by enforcing hazardous waste laws and regulations. DTSC enforces action against violators; oversees cleanup of hazardous wastes on contaminated properties; makes decisions on permit applications from companies that want to store, treat or dispose of hazardous waste; and protects consumers against toxic ingredients in everyday products.

California State Water Resources Control Board

The California State Water Resources Control Board (SWRCB) and its nine regional boards are responsible for preserving, enhancing, and restoring the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses. Through the 1969 Porter-Cologne Act, the State and Regional Water Boards have been entrusted with broad duties and powers to preserve and enhance all beneficial uses of the state's water resources.

Local

Regional Water Quality Control Board

The San Francisco Bay Regional Water Quality Control Board (RWQCB) is the lead agency responsible for identifying, monitoring and remediating leaking underground storage tanks in the Bay Area. Local jurisdictions may take the lead agency role as a Local Oversight Program (LOP) entity, implementing State as well as local policies.

Santa Clara Department of Environmental Health

The County of Santa Clara Department of Environmental Health reviews California Accidental Release Prevention (CalARP) risk management plans as the Certified Unified Program Agency (CUPA) for the City. The CalARP Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond property boundaries. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. A Risk Management Plan (RMP) is required for such facilities. The intents of the RMP are to provide basic information that may be used by first responders in order to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material, and to satisfy federal and state Community Right-to-Know laws.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hazardous materials impacts from development projects. All future development allowed by the proposed land use designation would be subject to the hazardous materials policies in the General Plan presented below.

Envision San José 2040 Relevant Hazardous Material Policies	
Policy EC-6.6	Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

Envision San José 2040 Relevant Hazardous Material Policies	
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5	In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Action EC-7.8	Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
Action EC-7.9	Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
Action EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.
Action EC-7.11	Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.
Policy MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Existing Setting

The following discussion is based on a Phase I Assessment prepared for the project site by the City of San José Environmental Services Department (ESD) in May 2019. The Phase I Assessment is provided in Appendix C to this document.

The Phase I study included a site reconnaissance, review of site history, review of selected local, state and federal regulatory records, a review of information provided by the user, and interviews with persons and agencies familiar with environmental conditions at the site. The results are summarized below.

The site is comprised of two parcels, 100 W. Alma Avenue and 1413 Sanborn Avenue. According to Sanborn and aerial maps the site has been developed since at least the 1910's. Both properties began as single or multiple family residences. The property at 1413 Sanborn Avenue has remained a residence with various improvements such as a garage, and additional dwelling unit, being added to the property

over the years. The property at 100 W Alma Avenue was converted into a store on or before the 1950s and ultimately became the location of a market, and two store fronts currently occupied by a beauty parlor and insurance sales office. The history of the site did not indicate any history of agriculture or industrial use.

A survey of the businesses did not show any evidence of noteworthy hazardous materials storage/use A small laundry area was observed behind the beauty parlor that included a floor drain. The drain appears to be a storm drain, likely for rainwater. Due to the age of structure, it is possible that asbestos and lead based paint are in the building materials.

The surrounding properties consist of private single-family residences to the north, south, and east and a community center directly bordering the west side of the property. No visual evidence of significant hazardous or chemical spills was observed within the property boundary.

The primary environmental concern noted in the Phase I Assessment is the potential for lead-based paint to have flaked off the site structures and impacted the surrounding shallow soil. Since most of the site has been paved or covered with structures, the area of potentially impacted soil is expected to be relatively small. The Phase I Assessment recommended that the soils be tested for lead contamination after the structures have been demolished. The expected worst case impact is expected to be relatively minor, excavating lead impacted soil around the perimeter of the houses, a few feet deep and about five feet wide. About half the area around the houses is paved driveway or sidewalks.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 2, 10
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X		1, 2, 10
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X		1, 2, 10
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 2, 10
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 or excessive noise for people residing or working in the project area?				X	1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X		1, 2
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires				X	1, 2

Explanation

a) **Less Than Significant Impact**. The construction and operation of the proposed park would not involve the routine transport, use, or disposal of hazardous materials. Any hazardous materials (e.g. any debris or soils containing LBP or coatings) that would be removed from the site during the project construction would be property disposed of, as described in b) below. The operation of the park could use small quantities of fertilizers and pesticides for the turf and other landscaping. These materials would be stored and used in accordance with the manufacturer's specifications.

b) **Less Than Significant Impact**. The primary environmental concern on the site is the potential for lead-based paint to have impacted the surrounding shallow soil (from flaking of building paint). Since most of the site has been paved or covered with structures, the area of potentially impacted soil is expected to be relatively small. The Phase I Assessment recommended that the soils be tested for lead contamination after the structures have been demolished. The expected worst case impact is expected to be relatively minor, excavating lead impacted soil around the perimeter of the houses, a few feet deep and about five feet wide. About half the area around the houses is paved driveway or sidewalks. This sampling would be conducted by the project contractor prior to grading activities.

Asbestos & Lead Based Paint in Demolished Buildings

Development of the project would require the demolition of two existing buildings on the site. Due to their age, these structures likely contain asbestos building materials and/or lead-based paint. Demolition conducted in conformance with federal, state and local regulations will avoid significant exposure of construction workers and/or the public to asbestos and lead-based paint. In conformance with City General Plan policies EC 7.1, 7.2 and 7.4, the project will include the following project design features and standard permit conditions:

Project Design Features

Prior to grading and/or conducting any type of subsurface intrusive work that involves soil disturbance, shallow soil samples will be taken in the proposed project area and tested for lead to determine if the flaking lead-based paint from the building structures have impacted the soil and are at concentrations above established construction worker safety and commercial/industrial regulatory environmental screening levels. The result of soil sampling and testing will be provided to the City's Supervising Planner and Municipal Environmental Compliance Officer.

If lead contaminated soils are found in concentrations above the appropriate regulatory environmental screening levels for the proposed project, the applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health (or Department of Toxic Substances Control) under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP) or equivalent document must be prepared by a qualified hazardous materials consultant. The plan must establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. Prior to the start of construction activities, the Plan and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

Standard Project Conditions

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.

- All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

- Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

- Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers:

    - Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
- Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

c) **Less Than Significant Impact**. The closest school to the project site is Lowell Elementary School, located about a mile north of the site at 625 S. 7th Street. In addition, Empire Montessori Preschool is located about .75 miles west of the site at 585 W. Alma Avenue. There are no schools with ¼ mile of the project site. Additionally, as described in a) above, the project would not routinely handle hazardous materials.

d) **No Impact**. The project site is not located on a site that is included on a list of hazardous materials sites as per Government Code Section 65962.5 (Cortese List).

e) **No Impact**. The closest airport to the project site is Reid-Hillview Airport, located about three miles northeast of the project site. In addition, Norman Y. Mineta San Jose International Airport is located about 3.35 miles northwest of the project site. The project site is not located within an airport land use plan and would not result in a safety hazard related to airport operations.

f) **Less Than Significant Impact**. The proposed park 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 emergency or other vehicle movement in the area.

g) **No Impact**. The project will not expose people or structures to risk from wildland fires as it is located in an urban area that is not prone to such events. See also *Section T. Wildfire*.

Conclusion: The project would have a less than significant impact related to hazards and hazardous materials.

J. HYDROLOGY AND WATER QUALITY

Regulatory Framework

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws regulating water quality in California. Requirements established by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Federal and State

National Flood Insurance Program

FEMA established the National Flood Insurance Program (NFIP) in order to reduce flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRM) that identify Special Flood Hazard Areas (SFHA). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Porter-Cologne Water Quality Act

The Porter-Cologne Act delegates authority to the SWRCB to establish regional water quality control boards. The San Francisco Bay Area RWQCB has authority to use planning, permitting, and enforcement to protect beneficial uses of water resources in the project region. Under the Porter-Cologne Water Quality Control Act (California Water Code Sections 13000-14290), the RWQCB is authorized to regulate the discharge of waste that could affect the quality of the state's waters, including projects that do not require a federal permit through the USACE. To meet RWQCB 401 Certification standards, all hydrologic issues related to a project must be addressed, including the following:

- Wetlands
- Watershed hydrograph modification
- Proposed creek or riverine related modifications
- Long-term post-construction water quality

Any construction or demolition activity that results in land disturbance equal to or greater than one acre must comply with the Construction General Permit (CGP), administered by the SWRCB. The CGP requires the installation and maintenance of BMPs to protect water quality until the site is stabilized. The project would require CGP coverage based on area of land disturbed (1.23 acres).

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California (CGP). For projects disturbing one acre or more, a Notice of Intent (NOI) and Storm Water Pollution

Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The CGP includes requirements for training, inspection, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Stormwater Permit

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (MRP) to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo. The City of San José is required to operate under the MRP to discharge stormwater from the City's storm drain system to surface waters. The MRP mandates that the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

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

The MRP requires regulated projects to include Low Impact Development (LID) practices. These include site design features to reduce the amount of runoff requiring treatment and maintain or restore the site's natural hydrologic functions, source control measures to prevent stormwater from pollution, and stormwater treatment features to clean polluted stormwater runoff prior to discharge into the storm drain system. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

City of San José Post-Construction Urban Runoff Management (Policy 6-29)

The City of San José's Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs). This policy also establishes specific design standards for post-construction TCM for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

City of San José Hydromodification Management (Policy 8-14)

The City of San José's Policy No. 8-14 implements the stormwater treatment requirements of Provision C.3 of the MRP. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Hydrology and Water Quality Policies	
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
Policy ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
Policy ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
Policy ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
Policy EC-4.1	Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
Policy EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Policy EC-7.10	Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Existing Setting

There are no waterways present on the project site or immediate vicinity. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), portions of the project

site is located within the 100-year floodplain. Approximately 87% of the 100 W Alma Avenue parcel is located in FEMA Zone AO and 13.2% is located in Zone D. Approximately 55% of the 1413 Sanborn Avenue parcel is located in Zone AO and 45% is located in Zone D. FEMA Zone AO is defined as an area subject to inundation by 1-percent annual chance shallow flooding. Zone D is defined as unstudied areas where flood hazards are undetermined, but flooding is possible. The City does not have any restrictions in Zone D.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
10.	HYDROLOGY AND WATER QUALITY. Would the project:					
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X		1, 2
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				X	1, 2
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X		1, 2
i)	Result in substantial erosion or siltation on- or off-site;			X		1, 2
ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X		1, 2
iii)	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; or			X		1, 2
iv)	Impede or redirect flood flows?			X		1, 2, 11
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X		1, 2, 11
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The proposed park is located in an urban environment and operation of the proposed park would not utilize materials that would significantly harm the water quality in the area. The project site is approximately 0.35 acres and would not result in the disturbance of an acre or more of soil. As a result, the project is not subject to approval of an NPDES General Permit for construction activities. However, all development project within the City are required to comply with the City of San José's grading ordinance. Furthermore, the project would comply with applicable regulations and laws to ensure proper discharge into the City's stormwater and sanitary infrastructure, would not violate any water quality standards or waste discharge requirements, or degrade surface or groundwater quality

b) **No Impact**. The project is located within the Santa Clara Plain Recharge Area of the Santa Clara Subbasin.[10] However, the project site is currently developed and the project does not propose substantial excavation that would access groundwater. Thus, the project would not decrease groundwater supplies or interfere substantially with groundwater recharge (such that the project may impede sustainable groundwater management of the basin), because 1) the project is proposed on a developed site that is not recharging groundwater through injection well-related measures, and 2) project construction would not involve major excavation or other activities that could result in access to groundwater beneath the property.

ci) **Less Than Significant Impact**. Construction of the project would require minor grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the relatively small size and flatness of the site. The City's implementation requirements to protect water quality are described below.

Construction Impacts

The project will incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*, and include preventing spills and leaks, cleaning up spills immediately after they happen, storing materials under cover, and covering and maintaining dumpsters. The applicant may be required to submit an Erosion Control Plan to the Department of Public Works. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities.

The project will comply with the City of San José Grading Ordinance, including erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. Typical measures that will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction include but are not limited to:

1. Restriction of grading to the dry season (April 30 through October 1) or meet City requirements for grading during the rainy season;
2. Utilize on-site sediment control BMPs to retain sediment on the project site;
3. Utilize stabilized construction entrances and/or wash racks;
4. Implement damp street sweeping;
5. Provide temporary cover of disturbed surfaces to help control erosion during construction; and
6. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

The standard conditions would be implemented prior to and during earthmoving activities on-site and would continue until the construction is complete and during the post-construction period as appropriate.

[10] Santa Clara Valley Water District, *2016 Groundwater Management Plan,* Figure 2-1.

Standard Project Conditions

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.

- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.

- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

- Vegetation in disturbed areas shall be replanted as quickly as possible.

- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.

- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

<u>Post-Construction Impacts</u>

The project is required to comply with applicable provisions of the following City Council Policies: Council Policy 6-29 Post-Construction Urban Runoff Management. The project will be required to implement Council Policy 6-29 Post-Construction Urban Runoff Management, which includes site design measures, source controls, and numerically-sized Low Impact Development (LID) stormwater treatment measures that can help minimize stormwater pollutant discharges. Details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), will be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

In conclusion, the project would not substantially alter existing drainage patterns or cause alteration of streams or rivers by conforming with the requirements of Council Policy 6-29 The project will not result in substantial erosion or siltation on or off site by complying with the City's Grading Ordinance.

cii) **Less Than Significant Impact**. The proposed park would not increase the amount of impervious area on the project site compared to existing conditions because the site is fully developed; rather, the project would decrease impervious surfaces on the site. Runoff would primarily be collected in the City's stormwater treatment system where flow rates would be decreased treated prior to discharging into the City's drainage system. As a result, the proposed project would have a less than significant impact associated with flooding on- or off-site due to increased surface runoff.

ciii) **Less Than Significant Impact**. The project proposes to connect to the City's existing storm drainage system. The proposed park will not contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff since the proposed park will replace buildings and pavement with lawn, landscaping, and other pervious features.

civ) **Less Than Significant Impact**. Portions of the project site are located within the 100-year floodplain. The limited development included in the proposed park would not impede or redirect flood flows, particularly since the project will remove two buildings and replace them with lawn, landscaping, and other unobstructive features. The portions of the site located in Zone D do not have any floodplain restrictions. The project, therefore, will not impede or redirect flood flows.

d) **Less Than Significant Impact**. The project site is not located in an area subject to significant seiche or tsunami effects. The project site appears to be located within an inundation area for the Anderson Dam, based on the map entitled "Dam Failure Inundation Areas" in the General Plan EIR (Association of Bay Area Governments). This map assumes complete failure with a full reservoir. The actual extent and depth of inundation in the event of a failure would depend on the volume of storage in the reservoir at the time of failure. The risks of failure are reduced by several regulatory inspection programs, and risks to people and property in the inundation area are reduced by local hazard mitigation planning. The California Department of Water Resources (DWR), Division of Safety of Dams is responsible for regular inspection of dams in California. DWR and local agencies (e.g., Santa Clara Valley Water District) are responsible for minimizing the risks of dam failure thus avoiding the release of pollutants due to project inundation.

e) **Less Than Significant Impact**. The project consists of development on a small infill site. As described above, the project would not result in significant water quality or groundwater quality impacts that would conflict or obstruct implementation of a water quality control plan or sustainable groundwater management plan because, as described above, the proposed park will comply with the City of San José Grading Ordinance as well as standard conditions during construction.

Conclusion: The project would have a less than significant impact related to hydrology and water quality.

K. LAND USE

Regulatory Framework

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating land use impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Land Use and Planning Policies	
Policy CD-1.1	Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscape elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity through the City
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy LU-1.2	Create safe, attractive, and accessible pedestrian connections between developments and to adjacent public streets to minimize vehicular miles traveled.
Policy LU-1.6	With new development or expansion and improvement of existing development or uses, incorporate measures to comply with current Federal, State, and local standards.
Policy VN-1.7	Use new development within neighborhoods to enhance the public realm, provide for direct and convenient pedestrian access, and visually connect to the surrounding neighborhood. As opportunities arise, improve existing development to meet these objectives as well.

Existing Setting

The project site is located at the southwest corner of 100 W. Alma Avenue and 1413 Sanborn Avenue in the City of San José. The parcel at 100 W. Alma Avenue contains a single-story commercial structure occupied by a supermarket, insurance office, beauty salon and associated paved parking lot. The parcel located at 1413 Sanborn Avenue consists of a private single-story residence with a detached garage and separate back unit. The site is bounded by the City of San José's Alma Community Center to the west, W. Alma Avenue to the north, Sanborn Avenue to the east, and Roberts Court and private residences to the south. An aerial of the project site and surrounding area is presented in Figure 3.

The project site is designated *Neighborhood Community Commercial* in the City's Envision San José 2040 General Plan. The project site is zoned CP, Commercial Pedestrian.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
11. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?				X	1, 2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		1, 7

Explanation

a) **No Impact**. The project is proposed on an infill site in an urban area that is currently vacant. Surrounding uses include residential and hotel uses. The proposed park would not divide an established community.

b) **Less Than Significant Impact**. The project will not 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.

The project site is designated *Neighborhood Community Commercial* in the City's Envision San José 2040 General Plan. The *Neighborhood Community Commercial* designation allows This designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. *Neighborhood Community Commercial* uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use, and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation. The proposed community park is consistent with the General Plan land use designation of *Neighborhood Community Commercial* because the proposed park is a community gathering facility.

The potential environmental impacts of the proposed park are minor and identified within this Initial Study. With mitigation and standard conditions, the project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

The project is located within the boundaries of the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (SCVHP). The project will be subject to all applicable HCP conditions and fees, and for this reason, the project would not be in conflict with the provisions of the HCP. Please refer to *Section D. Biological Resources* for a full discussion.

Conclusion: The project would have a less than significant impact related to land use and planning.

L. MINERAL RESOURCES

Existing Setting

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

Impacts and Mitigation

Thresholds per CEQA Checklist

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

Explanation

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

Conclusion: The project would have no impact on mineral resources.

M. NOISE

Regulatory Framework

State

California Building Code

The 2019 California Building Code (CBC) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). These sections identify the standards, such as Sound Transmission Class ratings,[11] that project building materials and assemblies need to comply with based on the noise environment.

Local

General Plan

The City's General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for residential uses. The General Plan include the following criteria for land use compatibility and acceptable exterior noise levels in the City based on land use types.

EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA) FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José

Land Use Category	Exterior DNL Value In Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arenas, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
	Conditionally Acceptable: Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.
	Unacceptable: New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. (Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.)

[11] Sound Transmission Class (STC) is a single figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other.

Additionally, policies in the General Plan have been adopted for the purpose of avoiding or mitigating noise and vibration impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Noise and Vibration Policies	
Policy EC-1.1	Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include: Interior Noise Levels • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. Exterior Noise Levels • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan. Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would: • Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or • Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
Policy EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise-sensitive residential and public/quasi-public land uses.
Policy EC-1.6	Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
Policy EC-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

Envision San José 2040 Relevant Noise and Vibration Policies	
	• Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
Policy EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

San José Municipal Code

Per the San José Municipal Code Title 20 (Zoning Ordinance) Noise Performance Standards, the sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in the table below at any property line, except upon issuance and in compliance with a Special Use permit or Conditional Use Permit as provided in Chapter 20.100.

City of San José Zoning Ordinance Noise Standards	
Land Use Types	**Maximum Noise Levels in Decibels at Property Line**
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial use adjacent to a property used for zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial use or other use other than commercial or residential purposes	70

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM and 7:00 PM Monday through Friday unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

Existing Setting

Noise is measured in decibels (dB), and is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to the frequencies to which the human ear is most sensitive.

Ground vibration is generally correlated with the velocity of the ground, which is expressed in peak particle velocity (PPV).

The existing noise environment in the project area is dominated by traffic traveling along W. Alma Avenue.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
13. NOISE. Would the project result in					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		1, 2, 3
b) Generation of excessive groundborne vibration or groundborne noise levels?			X		1, 2, 3
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X		1, 2, 3

Explanation

a) **Less Than Significant Impact**. The noise-related effects associated with the proposed park are addressed below.

Project-Generated Noise Impacts

The proposed small neighborhood park is generally intended for passive uses (picnicking, relaxing, children playing) and is not expected to generate noise that would affect the existing surrounding residential uses. Intermittent noise from the proposed park would be expected to be below existing levels. Further, the infrequent and intermittent noise produced by some activities at the park would not measurably contribute to or increase ambient DNL noise levels resulting from transportation related noise sources in the project vicinity. In addition, the project includes an eight foot masonry wall along the southern boundary of the park that will provide a noise barrier to residential uses to the south. With the proposed park design which includes the masonry wall along the residential uses and supports only passive park uses, the operation of the park would not result in the generation of noise that exceeds the existing ambient noise levels.

Construction of the project will temporarily elevate noise levels in the immediate project area from the use of construction equipment. The specific construction equipment required for the project has not been determined at this time. However, typical hourly average construction-generated noise levels could range from about 77 to 89 dBA during busy construction periods,

measured at a distance of 50 feet from the center of the construction site (see Table 2 below). These noise levels would have a temporary impact on the nearest sensitive uses since construction is not anticipated to last longer than a year. The nearest sensitive (residential) receptor is a single-family home located about 10 feet south of the project site's southern boundary.

Table 2
Typical Ranges of Construction Noise Levels at 50 Feet, L_{eq} (dBA)

	Domestic Housing		Office Building, Hotel, Hospital, School, Public Works		Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station		Public Works Roads & Highways, Sewers, and Trenches	
	I	II	I	II	I	II	I	II
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundation	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84

I - All pertinent equipment present at site.
II - Minimum required equipment present at site.
Source: U.S.E.P.A., Legal Compilation on Noise, Vol. 1, p. 2-104, 1973.

As discussed in Chapter 2. Project Description, the project would include the following design feature to reduce noise and vibration at nearby sensitive receptors.

Project Design Features

Demolition and construction activities from development of the proposed park are anticipated to result in temporary increases in noise at nearby sensitive receptors. As a condition of project approval, the project applicant shall retain a qualified consultant to prepare a noise and vibration logistic plan. The noise and vibration logistic plan would be required to be reviewed and approved by the Director of the Planning, Building, and Code Enforcement, or the Director's designee, prior to any ground disturbing activities. The plan shall include, but not be limited to, the following:

- Prohibit pile driving.

- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential use.

- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Prohibit unnecessary idling of internal combustion engines.

- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.

- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.

- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Implementation of this project design feature would ensure construction noise is limited to daytime hours Monday through Friday and that best management construction noise minimization actions are taken. Therefore, development of the proposed park would not expose people to noise levels in excess of standards established in the San José General Plan or noise ordinance.

b) **Less Than Significant Impact.** The proposed park is not subject to groundborne vibration from any surrounding uses, and during park operations would not generate any source of groundborne vibration. The use of equipment during project construction could generate temporary groundborne vibration. As described in the noise abatement measures proposed as part of the project's construction, the project will comply with the City's General Plan Policy EC-2.3 and would not use any pile driving during construction. This would avoid impacts related to vibration.

c) **Less Than Significant Impact.** The project site is located outside of an airport land use plan and outside two miles of a public airport or public use airport. The proposed park, therefore, will not expose people residing or working in the project area to excessive noise levels.

Conclusion: The project would have a less than significant impact related to noise and vibration.

N. POPULATION AND HOUSING

Existing Setting

Based on information from the Department of Finance, the City of San José's population was estimated to be 1,029,782 in January 2021 and had an estimated total of 37,442 housing units, with an average of 3.14 persons per household. [12] ABAG projects that the City's population will reach 1,445,000 with 472,000 households by 2040.

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth). The General Plan EIR concluded that the potential for direct growth inducing impacts from buildout of the General Plan would be minimal because planned growth would consist entirely of development within the City's existing Urban Growth Boundary and Urban Service Area.

The proposed park is intended to increase the amount of parkland within the City to serve local residents.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
14. POPULATION AND HOUSING. Would the project:					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X	1

Explanation

a) **No Impact**. The project consists of the development of a public park and would not result in population growth.

b) **No Impact**. The project consists of the development of a public park and would remove one single-family home from the site. Therefore, the project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing.

Conclusion: The project would have a no impact on population and housing.

[12] State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State—January 1, 2011-2021." January 2021. Accessed July 2021. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/

O. PUBLIC SERVICES

Regulatory Framework

California Government Code Section 65996

California Government Code Section 65996 stipulates that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to issuance of a building permit. The legislation states that payments of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA [§65996(b)]. The school district is responsible for implementing the specific methods of school impact mitigation under the Government Code. The CEQA documents must identify that school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would adequately mitigate project-related increases in student enrollment.

Quimby Act – California Code Sections 66475-66478

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two. As described below, the City has adopted a Parkland Dedication Ordinance and a Park Impact Ordinance, consistent with the Quimby Act.

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25), requiring new residential development to either dedicate sufficient land to serve new residents or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities onsite. For projects exceeding 50 units, the City decides whether the project will dedicate land for a new public park site or provide a fee in-lieu of land dedication. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating public service impacts from development projects. Policies applicable to the project are presented below.

Envision San José 2040 Relevant Public Service Policies	
Policy CD-5.5	Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.
Policy FS-5.6	When reviewing major land use or policy changes, consider the availability of police and fire protection, parks and recreation and library services to the affected area as well as the potential impacts of the project on existing service levels.

Envision San José 2040 Relevant Public Service Policies	
Policy ES-2.2	Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 SF of space per capita in library facilities.
Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects. PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.12	Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.
Policy PR-2.4	To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.
Policy PR-2.5	Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Existing Setting

Fire Protection: Fire protection services are provided to the project site by the San José Fire Department (SJFD). The closest fire station to the project site is Station 3, located at 98 Martha Street, approximately 3,100 feet north of the project site.

Police Protection: Police protection services are provided to the project site by the San José Police Department (SJPD), headquartered at 201 West Mission Street and approximately 10 miles northwest of the project site. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched

from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.

Parks: The closest park is Bellevue Park, a 3.5-acre park located at 1595 Sanborn Avenue approximately 1,400 feet southeast of the project. This park provides amenities including a playground, restrooms, turf areas, and two 1/2 - size basketball courts.

Schools: Schools in the project area are located within the San Jose Unified School District (SJUSD) and are presented below.

SJUSD Schools in Project Area		
Elementary	**Middle**	**High**
Galarza Elementary 1610 Bird Avenue San José, CA 95125	Willow Glen Middle School 2105 Cottle Avenue San José, CA 95125	Willow Glen High School 2001 Cottle Avenue San José, CA 95125

In addition, there are several charter schools in the project area:

Additional Schools in Project Area		
Elementary	**Middle**	**High**
Rocketship Alma Academy 198 W. Alma Avenue San Jose, CA 95510	Downtown College Preparatory El Camino Middle School 1402 Monterey Road San Jose, CA 95110	Downtown College Preparatory El Camino High School 1402 Monterey Road San Jose, CA 95110

State law (Government Code §65996) identifies the payment of school impact fees as an acceptable method of offsetting a project's impact on school facilities. In San José, developers can either negotiate directly with the affected school district or make a payment per square foot of multi-family units and new commercial uses, prior to issuance of a building permit. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Libraries: The San José Public Library System consists of one main library and 18 branch libraries. The nearest branch to the project site are the Biblioteca Latinoamericana Branch Library, about 0.55 miles north of the site.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
15. PUBLIC SERVICES. 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:					
a) Fire protection?			X		1, 2
b) Police protection?			X		1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
c) Schools?				X	1, 2
d) Parks?			X		1, 2
e) Other public facilities?				X	1, 2

Explanation

a) **Less Than Significant Impact**. The proposed park could result in an incremental increase in the demand for fire protection services. The City will consult with the San José Fire Department during final project design to assure appropriate fire safety measures are incorporated. The project would not significantly impact fire protection services or require the construction of new or remodeled facilities.

b) **Less Than Significant Impact**. The project could result in an incremental increase in the demand for police protection services. The City will consult with the San José Police Department during final project design to assure appropriate security measures are incorporated. The project would not significantly impact police protection services or require the construction of new or remodeled facilities.

c) **No Impact**. The proposed park would not generate new students or otherwise impact schools.

d) **Less Than Significant Impact**. The potential for the proposed park project to have an adverse physical effect on the environment is evaluated within this Initial Study. Mitigation is identified to reduce all significant impacts to a less than significant level. The Alma park is proposed with the express purpose of improving recreational facilities in the City.

e) **No Impact.** The project will not impact other public services, including library services.

Conclusion: The project would have a less than significant impact on public services.

P. RECREATION

Regulatory Framework

The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. See *Section O. Public Services* for additional discussion.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating recreation impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Relevant Recreation Policies	
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
Policy PR-1.2	Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
Policy PR-1.3	Provide 500 SF per 1,000 population of community center space.

Existing Setting

The City of San José owns and maintains approximately 3,356 acres of parkland, including neighborhood parks, community parks, and regional parks. The City also has 16 community centers and 31 neighborhood centers. Other recreational facilities include public pools, public skate parks and trails. The project is proposed to increase park land and facilities in the local community.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
16. RECREATION. Would the project:					
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?			X		1, 2
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?			X		1, 2

Explanation

a), b) **Less Than Significant Impact**. The proposed project is the creation of a new park that will include amenities such as a playground equipment, lawn, trees, and picnic area. The Alma park is proposed with the express purpose of improving recreational facilities in the City. The project will increase the number of parks and recreational facilities in San José and will not result in an adverse impact to any recreational facility.

Conclusion: The project would have a less than significant impact on recreation.

Q. TRANSPORTATION

Regulatory Framework

Final Plan Bay Area 2040

The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted the Final Plan Bay Area 2040 in July 2017. The Final Plan Bay Area 2040 is an updated long-range Regional Transportation Plan and Sustainable Communities Strategy for the nine-county San Francisco Bay Area. This plan focuses on the following strategies:

- Forecasting transportation needs through the year 2040.
- Preserving the character of our diverse communities.
- Adapting to the challenges of future population growth.

This effort grew out of the California Sustainable Communities and Climate Protection Act of 2008 (California Senate Bill 375, Steinberg), which requires each of the state's 18 metropolitan areas – including the Bay Area – to reduce greenhouse gas emissions from cars and light trucks. Plan Bay Area 2040 is a limited and focused update of the region's previous integrated transportation and land use plan, Plan Bay Area, adopted in 2013.

Santa Clara County Congestion Management Program

In accordance with California Statute (Government Code 65088), Santa Clara County has established a Congestion Management Program (CMP). The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions to reduce traffic congestion and improve land use decision-making and air quality. VTA serves as the Congestion Management Agency (CMA) for Santa Clara County and maintains the County's CMP.

Council Policy 5-1 Transportation Analysis

In alignment with SB 743 and the City's goals in the Envision San José 2040 General Plan, the City has adopted a new "Transportation Analysis Policy" (Council Policy 5-1) to replace the former Transportation Level of Service Policy (Council Policy 5-3). The new policy establishes the thresholds for transportation impacts under CEQA based on VMT rather than intersection level of service (LOS). VMT is the total miles of travel by personal motorized vehicles from a project in a day. The intent of this change in policy is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway capacity to a reduction in vehicle emissions and the creation of multimodal networks that support integrated land uses.[13] According to the policy, an employment facility (e.g., office, R & D) or a residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional VMT per employee, or the existing average citywide or regional per capita VMT respectively. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT per employee. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible.

[13] The new policy took effect on March 29, 2018.

The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, and site access and circulation. The LTA also addresses CEQA issues related to pedestrian, bicycle access, and transit.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact. Under Policy 5-1, the screening criteria are as follows:

1. Small Infill Projects,
2. Local-Serving Retail,
3. Local-Serving Public Facilities,
4. Transit Supportive Projects in Planned Growth Areas with Low VMT and High-Quality Transit,
5. Restricted Affordable, Transit Supportive Residential Projects in Planned Growth Areas with High Quality Transit, and
6. Transportation Projects that reduce or do not increase VMT.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating transportation impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Relevant Transportation Policies	
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.4	Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand. • Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems. • The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-

Envision San José 2040 Relevant Transportation Policies	
	rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1. • Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.
Policy TR-1.5	Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.
Policy TR-1.6	Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
Policy TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-5.3	Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements. • Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network.
Policy TR-8.4	Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.
Policy TR-9.1	Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.
Policy CD-3.3	Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Existing Setting

The project site is located at the southwest corner of W. Alma and Sanborn Avenues. In the vicinity of the project, W. Alma Avenue is a four-lane, two-directional street and Sanborn Avenue is a two-lane, two-directional street. A stop sign is located on Sanborn at this intersection. The project is a small neighborhood park intended to serve the immediate community and does not propose any parking.

Bus service in the project area is provided by the Santa Clara Valley Transportation Authority (VTA). VTA bus routes in the immediate vicinity of the project site consist of routes 66 and 68, operating along Monterey Road. The nearest Light Rail station is Tamien Station located at 1355 Lick Avenue about 2,500 feet southwest of the site. Alma Avenue and Sanborn Avenue contain sidewalks along both sides of the streets. A crosswalk extends across W. Alma Avenue at the corner of W. Alma Avenue and Sanborn Avenue. No bicycle facilities are provided on either street.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS		Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
17.	TRANSPORTATION/TRAFFIC. Would the project:					
a)	Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X		1, 2
b)	Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			X		1, 2
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	1, 2
d)	Result in inadequate emergency access?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The proposed park would provide recreational and outdoor opportunities within walking or bicycle distance of the surrounding neighborhoods. The project is a small neighborhood park intended to serve the immediate community thus minimizing traffic to the project site. No parking is proposed although the adjacent community center lot could be used if needed. This small community park is not expected to conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

b) **Less Than Significant Impact**. As described previously, VMT is the metric used for CEQA to determine the significance of transportation impacts per CEQA Guidelines Section 15064.3(b). Under Policy 5-1, if a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact, as follows:

- Small Infill Projects,
- Local-Serving Retail,

- Local-Serving Public Facilities,
- Transit Supportive Projects in Planned Growth Areas with Low VMT and High-Quality Transit,
- Restricted Affordable, Transit Supportive Residential Projects in Planned Growth Areas with High Quality Transit, and
- Transportation Projects that reduce or do not increase VMT.

The proposed park is a small infill project and local-serving pubic facility and considered to a have a less than significant VMT impact.

c) **No Impact**. The proposed park will not substantially increase hazards due to a design feature or incompatible uses.

d) **Less Than Significant Impact**. The proposed park will be required to meet all building and fire code requirements and will not result in inadequate emergency access.

Conclusion: The project would have a less than significant impact on transportation.

R. TRIBAL CULTURAL RESOURCES

Regulatory Framework

The Native American Heritage Commission

The Native American Heritage Commission (NAHC) was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

Assembly Bill 52

The intent of AB 52 is to provide a process and scope that clarifies California tribal government's involvement in the CEQA process, including specific requirements and timing for lead agencies to consult with tribes on avoiding or mitigating impacts to tribal cultural resources. See additional discussion above in the "Environmental Setting."

General Plan

The Envision San José 2040 General Plan includes the following tribal cultural resource policies applicable to the Proposed Project:

Envision San José 2040 Relevant Tribal Cultural Resources Policies	
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Existing Setting

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified.

Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached. Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources,[14] or
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- Resources determined by the lead agency to be TCRs.

AB 52 notification and consultation applies to projects for which a Notice of Intent or Notice of Availability is issued after the effective date of AB 52 in 2015. Notification and consultation are not required for projects covered by a prior EIR or Mitigated Negative Declaration (MND) that either predates AB 52 or that has already complied with AB 52.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
18. TRIBAL CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and, and that is: i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X		1, 2

[14] See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

a) i, ii **Less Than Significant Impact**. Tribal cultural resources consider the value of a resource to tribal cultural tradition, heritage, and identity, in order to establish potential mitigation and to recognize that California Native American tribes have expertise concerning their tribal history and practices. No tribal cultural resources have been listed or determined eligible for listing in the California Register or a local register of historical resources.

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. At the time of preparation of this Initial Study, no Native American tribes have sent written requests for notification of projects to the City of San José except for those in Coyote Valley and downtown San José. In addition, the City has sent out referral and consultation requests to all applicable tribal representatives for the project. Tamien Nation has requested AB52 consultation for all projects in San José. The Tamien Nation representative has presented information that indicates the site has a higher likelihood of accidental discovery. The implementation of standard project conditions related to subsurface cultural resources would help avoid impacts to Native American resources as described in *Section E. Cultural Resources.*

Conclusion: The project would have a less than significant impact on tribal resources.

S. UTILITIES AND SERVICE SYSTEMS

Regulatory Framework

State

Assembly Bill 939

California AB 939 established the California Integrated Waste Management Board (CalRecycle), which required all California counties to prepare Integrated Waste Management Plans. In addition, AB 939 required all municipalities to divert 50 percent of their waste stream by the year 2000.

Assembly Bill 341

California AB 341 sets forth the requirements of the statewide mandatory commercial recycling program for businesses that generate four or more cubic yards of commercial solid waste per week and multi-family dwellings with five or more units in California. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Assembly Bill 1826

California AB 1826 sets forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate two or more cubic yards of commercial solid waste per week. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

In January 2017, California adopted the most recent version of the California Green Building Standards Code, which establishes mandatory green building standards for new and remodeled structures in California. These standards include a mandatory set of guidelines and more stringent voluntary measures for new construction projects, in order to achieve specific green building performance levels as follows:

- Reduce indoor water use by 20 percent;
- Reduce wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition ("C&D") debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent; and
- Provide readily accessible areas for recycling by occupant.

Local

San José Zero Waste Strategic Plan/Climate Smart San José

Climate Smart San José provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Climate Smart San Jose goals, including 75 percent diversion of waste from the landfill by 2013 and zero waste by 2022. Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

Council Policy 8-13 Green Building Policy

Council Policy 8-13 "Green Building Policy" for private sector new construction encourages building owners, architects, developers, and contractors to incorporate sustainable building goals early in the building design process. This policy establishes baseline green building standards for new private construction projects and provides a framework for the implementation of these standards. The Policy is also intended to enhance the public health, safety, and welfare of the City's residents, workers, and visitors by encouraging design, construction, and maintenance practices that minimize the use and waste of energy, water, and other resources in the City.

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if C&D materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

The City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that quality under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating utilities and service system impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Relevant Utilities and Service System Policies	
Policy MS-1.4	Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
Policy MS-3.2	Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.
Policy MS-3.3	Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
Policy MS-19.3	Expand the use of recycled water to benefit the community and the environment.
Policy MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
Action EC-5.16	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
Policy IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
Policy IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
Policy IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
Policy IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

Existing Setting

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

- Wastewater Treatment: treatment and disposal provided by the San José/Santa Clara Water Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City of San José

- Water Service: San Jose Water Company (SJWC)
- Storm Drainage: City of San José
- Solid Waste: Republic Services (Commercial Waste); GreenTeam of San Jose (Residential Waste and Recycling);
- Natural Gas & Electricity: PG&E

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
19. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X		1, 2
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X		1, 2
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		1, 2
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X		1, 2
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X		1, 2

Explanation

a) **Less Than Significant Impact**. The project will replace a residential unit and commercial building with a small community park, reducing demands on utility services.

Water service to the site would be supplied by the San Jose Water Company (SJWC), a private entity that obtains water from a variety of groundwater and surface water sources. The project applicant would be required to acquire a "will serve" letter from SJWC to assure adequate water is available to serve the proposed park.

As described in *Section J. Hydrology and Water Quality*, the proposed park will not impact storm drainage facilities.

The proposed park will have a less than significant impact related to natural gas and electricity use (among other energy sources). The project does not proposes to relocate any telecommunication facilities and no significant environmental effects are anticipated as a result of this infill project.

For the reasons presented above, the project is not expected to require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

b) **Less Than Significant Impact**. The project would not increase water demand at the site compared with the existing condition. Therefore, the project would not impact water supplies

c) **Less Than Significant Impact**. Wastewater from the City of San José is treated at the Regional Wastewater Facility. The RWF has the capacity to provide tertiary treatment of up to 167 million gallons of wastewater per day (mgd) but is limited to a 120 mgd dry weather effluent flow by the State and Regional Water Quality Control Boards. The proposed park does not include any wastewater facilities and will not impact wastewater services.

d) **Less Than Significant Impact**. The proposed park will not generate substantial solid waste that would adversely affect any landfills. The City's General Plan EIR concluded that growth identified in the General Plan would not exceed the capacity of existing landfills serving the City of San José. The project does not propose changes to the land use designations on the site and was included in the growth evaluated in the General Plan EIR.

The increase in solid waste generation from development of the project would be avoided through implementation of the City's Zero Waste Strategic Plan, which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The Waste Strategic Plan in combination with existing regulations and programs, would ensure that the project would not result in significant impacts on solid waste generation, disposal capacity, or otherwise impair the attainment of solid waste reduction goals. Furthermore, with the implementation of City policies to reduce waste the project would comply with all federal, state, and local statutes and regulations related to solid waste.

e) **Less Than Significant Impact**. Final project design would be required to comply with all Federal, State, and local statutes and regulations related to solid waste disposal.

Conclusion: The project would have a less than significant impact on utilities.

T. WILDFIRE

Regulatory Framework

State

Public Resources Code Section 4201 – 4204

Sections 4201 through 4204 of the California Public Resources Code direct Cal Fire to map Fire Hazard Severity Zones (FHSZ) within State Responsibility Areas (SRA), based on relevant factors such as fuels, terrain, and weather. Mitigation strategies and building code requirements to reduce wildland fire risks to buildings within SRAs are based on these zone designations.

Government Code Section 51175 – 51189

Sections 51175 through 51189 of the California Government Code directs Cal Fire to recommend FHSZs within Local Responsibility Areas (LRA). Local agencies are required to designate VHFHSZs in their jurisdiction within 120 days of receiving recommendations from Cal Fire, and may include additional areas not identified by Cal Fire as VHFHSZs.

California Fire Code

The 2016 California Fire Code Chapter 49 establishes the requirements for development within wildland-urban interface areas, including regulations for wildfire protection building construction, hazardous vegetation and fuel management, and defensible space maintained around buildings and structures.

Local

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating wildfire impacts from development projects. Relevant policies applicable to the project are presented below.

Envision San José 2040 Relevant Wildfire Policies	
Policy EC-8.1	Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.
Policy EC-8.2	Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
Policy EC-8.3	For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.
Policy EC-8.4	Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

Existing Setting

The project site, located in an urbanized part of the City, is surrounded by residential and commercial development and is not located within a Very-High Fire Hazard Severity Zone (VHFHSZ) for wildland fires, as designated by the California Department of Forestry and Fire Protection (Cal Fire, Fire Hazard Severity Maps, 2007, 2008).

Impacts and Mitigation

ENVIRONMENTAL IMPACTS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X		1, 2, 12
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X		1, 2, 3, 12
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X		1, 2, 3, 12
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X		1, 2, 3, 12

Explanation

a) **Less Than Significant Impact**. The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. As stated above in *Section J. Hazards and Hazardous Materials*, the project would not create any barriers to emergency or other vehicle movement in the area and final design would incorporate all Fire Code requirements.

b) **Less Than Significant Impact**. The project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors due to the project's urbanized location away from natural areas susceptible to wildfire. The project site is not located within an area of moderate, high, or very high Fire Hazard Severity for the Local Responsibility Area nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State Responsibility Area.

c) **Less Than Significant Impact**. Due to the project's urbanized location and lack of interface with any natural areas susceptible to wildfire, the project would not require the installation or maintenance of associated fire suppression or related infrastructure.

d) **Less Than Significant Impact**. See above discussion. The project would not expose people or structures to significant wildfire risks given its highly urban location away from natural areas susceptible to wildfire.

Conclusion: The project would result in a less than significant impact related to wildfire.

U. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
21. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X		1-12
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.			X		1-12
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			X		1-12

Explanation

a) **Less Than Significant Impact**. Based on the analysis provided in this Initial Study, the proposed project will not substantially degrade or reduce wildlife species or habitat, or impact historic or other cultural resources with the standard project conditions and proposed project design features identified in this Initial Study.

b) **Less Than Significant Impact**. Several of the environmental issues addressed in the previous sections of this Initial Study, such as air quality and greenhouse gas emissions, are assessments of a project's contribution to cumulative effects on either a regional or global basis. These effects were found to be less than significant. Additional impacts, such as those related to geology/soils and hazardous materials, are limited to the project site. The project would generate minimal traffic, and would not make a considerable contribution toward any identified cumulative traffic impacts. Based on the analysis provided in this Initial Study, the proposed project will not significantly contribute to cumulative impacts.

c) **Less Than Significant Impact.** Based on the analysis provided in this Initial Study, the proposed project will not result in environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Conclusion: The project would have a less than significant impact related to the mandatory findings of significance.

Chapter 4. References

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CHECKLIST SOURCES

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3. 2040 Envision San José General Plan
4. Santa Clara County Important Farmlands Map
5. BAAQMD 2017 CAP
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10. Phase I Assessment, 2019
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