

# **ENVIRONMENTAL IMPACT REPORT**

**4300-4360 STEVENS CREEK BOULEVARD, SAN JOSE, CA**

**PLANNING DEPARTMENT CASE NO. PDC16-036**

**Project Title:**

4300 Stevens Creek Boulevard Mixed-Use Project

**Project Location:**

4300-4340 Stevens Creek Blvd

**Lead agency name and address:**

City of San Jose (Department of Planning, Building and Code)

East Santa Clara Street, 3rd Floor Tower,

San Jose CA 95113-1905

**Contact Information:**

ENVS 185 Spring 2018 Student

Jennifer Tran

**General Plan Designation:** Urban Village

**Zoning:** Commercial Pedestrian Planned Development

## **Executive Summary**

### **Proposed Project Description**

The project is seeking to develop a mixed-use urban village spanning 435,600sq/ft. The property will host 4 mixed-use and single-use buildings. The north-east Building A is purposed for office and retail, the north-west (building C) is purposed for residential and retail. The south-east building B is a parking garage, and southwest building D is solely residential (Fig. 4). The project's proposed buildings would provide a total of 582 residential units. There are 2,043 parking spaces (surface and underground), with 1,238 being designated as the minimum for office and retail purposes. The buildings would range from 1 to 8 stories high. The proposed project is located on 4400 Steven Creek Boulevard, bordered by Palace Drive, Albany Drive, and bisected by Lopina Ave.

### **No-project alternative**

In this alternative the project site would not be developed and the site would remain as it is in its current condition.

### **Green-Village Alternative Project**

This alternative focuses on the reduction of GHG impacts brought about by the proposed project. The following are minor and major alterations that would be undertaken to reduce GHGs. The northwest building would be substituted with a green space with the same area cover. This green space would be multi-purpose, providing a space for recreation, education, farming, and local retail of farmed goods. The northeast building would have an integrated rooftop garden, this will aid in temperature regulation, passive building cooling, and is a green space for recreation. Solar panels would be placed on all roof surfaces where applicable within reason as to not drastically reduce the aesthetics Developers should seek to implement innovative solar technology, such as solar tiles. These are compact solar panels that can serve building material as walkways/paths. The parking garage should include charging stations for electric vehicles. As well, bike-friendly amenities should be implemented with this parking garage and at other suitable locations. Amenities include: a safe-bike storage area, bike repair tools, and a tire pumping station.

### **Green-Village Alternative Project Impacts**

#### **Greenhouse-Gases**

The Green-Village alternative project would likely dramatically reduce GHG emissions for different phases of development and post-development. One building will be replaced by a green space, reducing the GHG emissions associated with building and maintaining it. As well, the rooftop gardens will aid in CO<sub>2</sub> and O<sub>2</sub> exchange and cooling, reducing emissions and the

need for AC cooling. Solar panels will reduce the GHG emissions associated with traditional fuel-burning for energy generation.

### **Biological Resources**

The building of the green space to replace the north-west building could replace the impact of the trees lost during demolition. This would provide an area for native plants, and in return the plants can provide a habitat for other native animals including birds, insects, and small mammals.

### **Air**

The quality of air in the area should see an improvement. The improvement may not replace the air filtration provided by the trees that previously occupied the area, but it is an improvement over the original proposed project. The green space would contribute immensely to this, as would the rooftop garden.

### **Transportation**

The addition of a proper bike facility and electric vehicle (EV) charging stations will aid in “greener” alternatives to driving. The bike facility may encourage residents and locals to bike to and from the proposed project site. The charging station will be convenient for EV owners; they will not have to travel elsewhere to charge their vehicles.

### **Noise**

There may be an increase in noise pollution for the north-west green space area. Where the building would be a barrier to street-noises, an open green space may allow for permeation of noises further into the site. The noise increase may only affect this sector, it is likely that other buildings remain shielded from the level of noise pollution they will experience as is. In terms of construction, there will likely be less noise impacts during construction, as an entire building will cease to exist.

### **Summary Impact Table**

Table 1. Potentially Significant Impacts for Noise and Air resources.

	Impact level	Alternative Project: Green-Village	Mitigation/Monitoring
NOISE-2	Potentially Significant	There would be a reduction in ground-borne vibrations with the exemption of the north-west building.	<b>Mitigation:</b> - Upgrade old equipment - Demolish buildings in shorter time frame to prevent

		<p>Demolition will still cause ground-borne vibration, but far less so for construction. Not constructing this building would reduce the noise-produced by perhaps a fourth of the time.</p>	<p>prolonged PM release</p> <ul style="list-style-type: none"> <li>- Adopt mufflers for construction equipment</li> <li>- Utilize noise-efficient methods to reduce impacts of ground vibration</li> </ul> <p><b>Monitoring:</b></p> <ul style="list-style-type: none"> <li>- Equipment to read decibel thresholds of vibrations</li> <li>- Have team ready to communicate with community in regards to complaints</li> </ul>
AIR-4	Potentially Significant	<p>The amount of PM 2.5 and 10.0 released into the air would still be substantial. Since most of the PM would likely occur from demolition (rather than construction), focusing on mitigative practices may reduce the amount of PM being released into the air.</p>	<p><b>Mitigation:</b></p> <ul style="list-style-type: none"> <li>- Demolish buildings in shortened time frame to prevent prolonged PM release</li> <li>- Use vacuum technology to capture PM emission</li> <li>- Avoid demolishing on days with greatest wind action</li> <li>- - Use vacuum technology to capture PM emission</li> </ul> <p><b>Monitoring:</b></p> <ul style="list-style-type: none"> <li>- Equipment/technology to read PM concentrations in air</li> <li>- Have team ready to assess air quality and interface with community for concerns</li> </ul>

#### **Areas of Controversy:**

The complete clearing of trees may be an area of controversy for this project. The project site does not contain any heritage trees, but considering the size and extent (amount) of trees, the community is losing the ecological services provided by the grown trees on this site.

#### **Introduction:**

Under the California Environmental Quality Act (CEQA), all local and state agencies are required to identify any, and all significant impacts that their projects or actions may have on the environment (CEQA Deskbook, 2012). They are required to take reasonable steps to mitigate, or avoid these impacts. Environmental impact reports (EIR) are intended to present a more

comprehensive review of a project's potential impacts on natural resources (CEQA Deskbook, 2012).

This EIR will discuss the potential impacts of the Stevens Creek Boulevard Mixed-Use Project on the following resource areas: noise, air quality, and greenhouse gasses. Two other resource areas without potentially significant impacts will also be reviewed.

This report will cover the following descriptions:

- Project Description
- A description of the existing environmental setting
- Environmental impacts, and mitigation measures
- Explanation of environmental impact implications

### **Proposed Project Description**

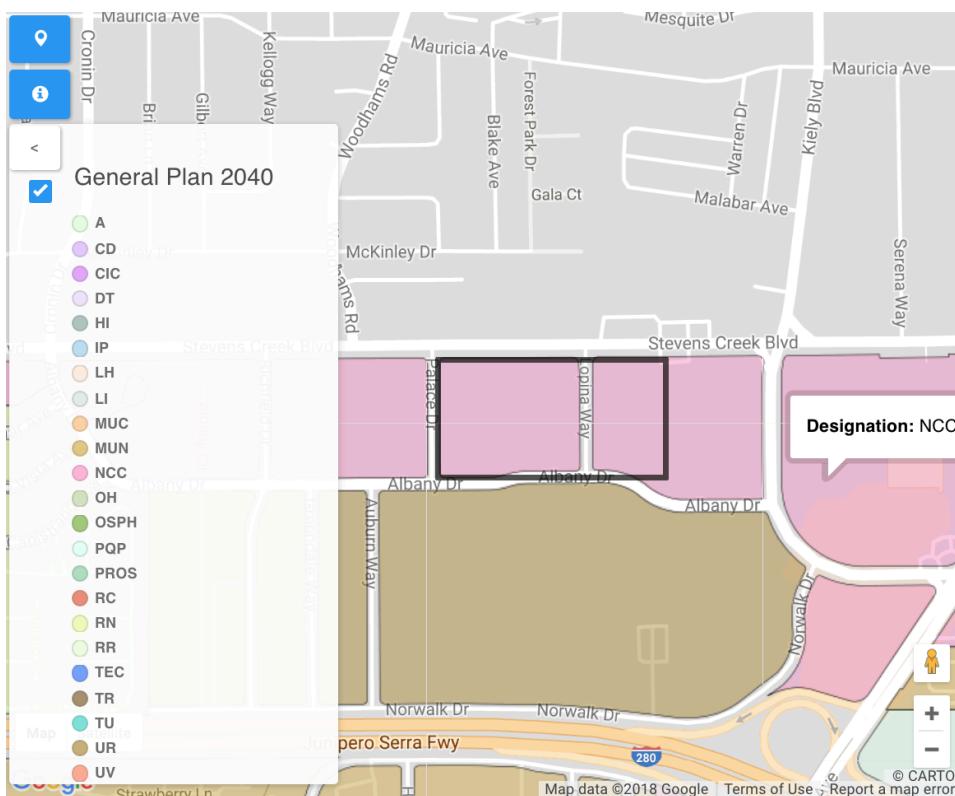
The project is seeking to develop a mixed-use urban village spanning 435,600sq/ft. The property will host 4 mixed-use and single-use buildings. The north-east Building A is purposed for office and retail, the north-west (building C) is purposed for residential and retail. The south-east building B is a parking garage, and southwest building D is solely residential (Fig. 4). The project's proposed buildings would provide a total of 582 residential units. There are 2,043 parking spaces (surface and underground), with 1,238 being designated as the minimum for office and retail purposes. The buildings would range from 1 to 8 stories high. A summary of the development can be found below in Table 1.

### **Surrounding land use and setting:**

The project site is situated west of Palace Drive, north of Albany Drive, and south of Stevens Creek Boulevard (Fig. 1). Lopina Way bisects the site, connecting Stevens Creek Boulevard and Albany Drive from north to south. The development is located between both commercial and residential buildings. Commercial-use buildings lie north of the site, across Stevens Creek Boulevard. West and east of the site also host commercial buildings (car dealerships on both ends). Residential units lie south of the site. Kiely apartment complex. Lopina Way bisects the site, connecting Stevens Creek Boulevard and Albany Drive from north to south. The general plan for this project site is NCC - Neighborhood Community Commercial (Fig. 2). The land use zoning for the project site is Commercial General (Fig. 3).



**Figure 1.** Designated area for 4300 Stevens Creek Boulevard Mixed-Use Project (area in yellow) (Google Maps, 2018).



**Figure 2.** General plan designation for 4300 Stevens Creek Boulevard Mixed-Use Project, project area denoted in border (Envision San Jose 2040: General Plan, 2011).



**Figure 3.** Zoning for 4300 Stevens Creek Boulevard Mixed-Use Project, project area denoted in border. Adapted from “Maps Gallery”, City of San Jose, 2017.

## SUMMARY OF ENVIRONMENTAL IMPACTS

Topics:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY      Would the project:</b>				
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### A. Environmental Setting:

The management of air quality is vital to human health, and that of other organisms. With the onset of industrialization and rapid developments in technology, so came air pollution as well. Recognizing this pressing issue, the U.S Congress passed the Clean Air Act (CAA) in 1970 which allowed the EPA to develop NAAQS (National Ambient Air Quality Standards) (EPA, 2018) . The NAAQS has regulations for 6 criteria pollutants, they include: PM (particulate matter), lead, O<sub>3</sub> (ozone), CO<sub>2</sub> (carbon monoxide), NO<sub>2</sub> (nitrogen dioxide), and SO<sub>2</sub> (sulfur dioxide). Each criteria pollutant has a threshold level, a maximum allowable value for which each pollutant can be emitted.

These standards were enacted to address issues of public health and declining air quality. State and local agencies are responsible for implementing strategies to meet federal requirements for criteria pollutant and other hazardous gasses. In addition to NAAQS, the CARB (California Air Resources Board) also developed its own air quality standards called the CAAQS (California Ambient Air Quality Standards). CAAQS is more extensive, including requirements for sulfates, lead, hydrogen sulfide, and visibility reducing particles (XX). Under CAAQS, different areas of the state are classified as attainment (meeting standards), nonattainment (not meeting standards), and unclassified (not enough data).

The project falls within the Santa Clara area under CAAQs. The current site is a CG with 8 1-story office buildings. A number of plants dress the landscape, including redwood trees. Parking is limited to surface parking lots. The site's air quality conditions follow the attainment status for

the Santa Clara area under CAAQs.

**B. Thresholds of Significance:**

AIR-1 - If the project would conflict with or obstruct implementation of the applicable air quality plan.

AIR-2: If the project would violate any air quality standard or contribute substantially to an existing or projected air quality violation.

AIR-3: If the project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

AIR-4: If the project would expose sensitive receptors to substantial pollutant concentrations.

AIR-5: If the project creates objectionable odors affecting a substantial number of people.

**C. Significance Levels:**

AIR-1: Less Than Significant Impact

AIR-2: Less Than Significant Impact

AIR-3: Less Than Significant Impact

AIR-4: Potentially Significant Impact

AIR-5: Less Than Significant Impact

**D. Impact Explanation:**

AIR-1: The proposed project will likely have some impact on local air quality when considering the National Ambient Air Quality Standards (NAAQS) set by the EPA, and the more extensive standards by Bay Area Air Quality Management District (BAAQMD). It is unlikely that the development of this site will obstruct the 2017 Clean Air Plan as mandated by the BAAQMD. There may be minor, but negligible conflicts. During the demolition phase, the project will emit PM (particulate matter), likely ranging between 2.5-10 ppm. PM 10.0 and 2.5 (unit is in micrometers) are 2 of 6 criteria pollutants listed under the federal law (NAAQS), and 2 of 10 under state law (California Air Resources Board, CARB). Although these criteria pollutants will be released into the air during demolition phases and potentially construction, federal and state agencies have thresholds for maximum allowable emission of any criteria pollutants. Furthermore, these thresholds are applied to large regions, and not smaller “units” like cities, or

towns.

- Future impacts positive

AIR-2: Air quality standards, as mandated by NAAQS and CARB, are held to thresholds using regions, not cities, or towns. The proposed project lies within the Santa Clara region, for which, has both attainment and nonattainment statuses for various criteria pollutants (Fig X.) These values are pre-existing, and the project's contribution in criteria pollutants would likely be minuscule.

AIR-3: It is unlikely that the project's cumulative emission of criteria pollutants would cause the project region to shift from attainment to nonattainment. The Santa Clara region currently has a mix of unclassified, attainment, and nonattainment statuses for different criteria pollutants.

Table 2. Attainment statuses for Santa Clara over State and National areas

	State Area	National Area
Ozone	Non-attainment	Non-attainment
PM 2.5	Non-attainment	Non-attainment
PM 10.0	Unclassified	Unclassified
CO <sup>2</sup>	Attainment	Unclassified
NO <sup>2</sup>	Attainment	Unclassified
SO <sup>2</sup>	Attainment	Attainment
Sulfates	Attainment	--
Lead	Attainment	--
Hydrogen Sulfide	Unclassified	--
Visibility reducing particles	Unclassified	--

Air-4: The proposed project would likely have potentially significant impacts on the inhabitants on the surrounding buildings' inhabitants. The site will be completely demolished -- this including buildings, trees, and all surface grounds/parking lots. This will release PM 2.5 -10.0 into the ambient air for the duration of demolition and a period of time thereafter.

PM 2.5 can stay in the air for days to weeks and travel up to several hundred miles ("What is a particulate matter", n.d.). While PM 10.0 will stay in the air between minutes to several hours and travel between 100 yards and 30 miles ("What is a particulate matter", n.d.). Other

estimates put PM 10.0's travel distance at a higher maximum estimate at 60 miles (Pfeifer, 2005).

Certain groups of people are more susceptible to the impacts of worsened air quality. Susceptible persons as stated by (NAAQS) is defined as an individual who is more vulnerable to the negative impacts of worsened air quality ("Criteria Air Pollutants", n.d). This involves, but is not limited to: children, pregnant women, and the elderly. Commercial areas are at a lower risk of potential health impacts because the individuals that frequent those areas are not present all day or night. People reside in their homes, on average, for longer hours. The elderly that do not work, children too young to attend school, and other handicapped people will be exposed to higher than average PM concentrations during demolition periods.

Although the PM can travel long distances, it is important to prioritize its local impacts. PM will stop when it encounters a surface, or is inhaled. Within a .25 mile radius (from the center of the project site), approximately 62.1 acres of residential land are prone to the effects of PM 2.5 and PM 10.0 dispersal. At 0.50 miles, 286.46 acres of residential land are affected.

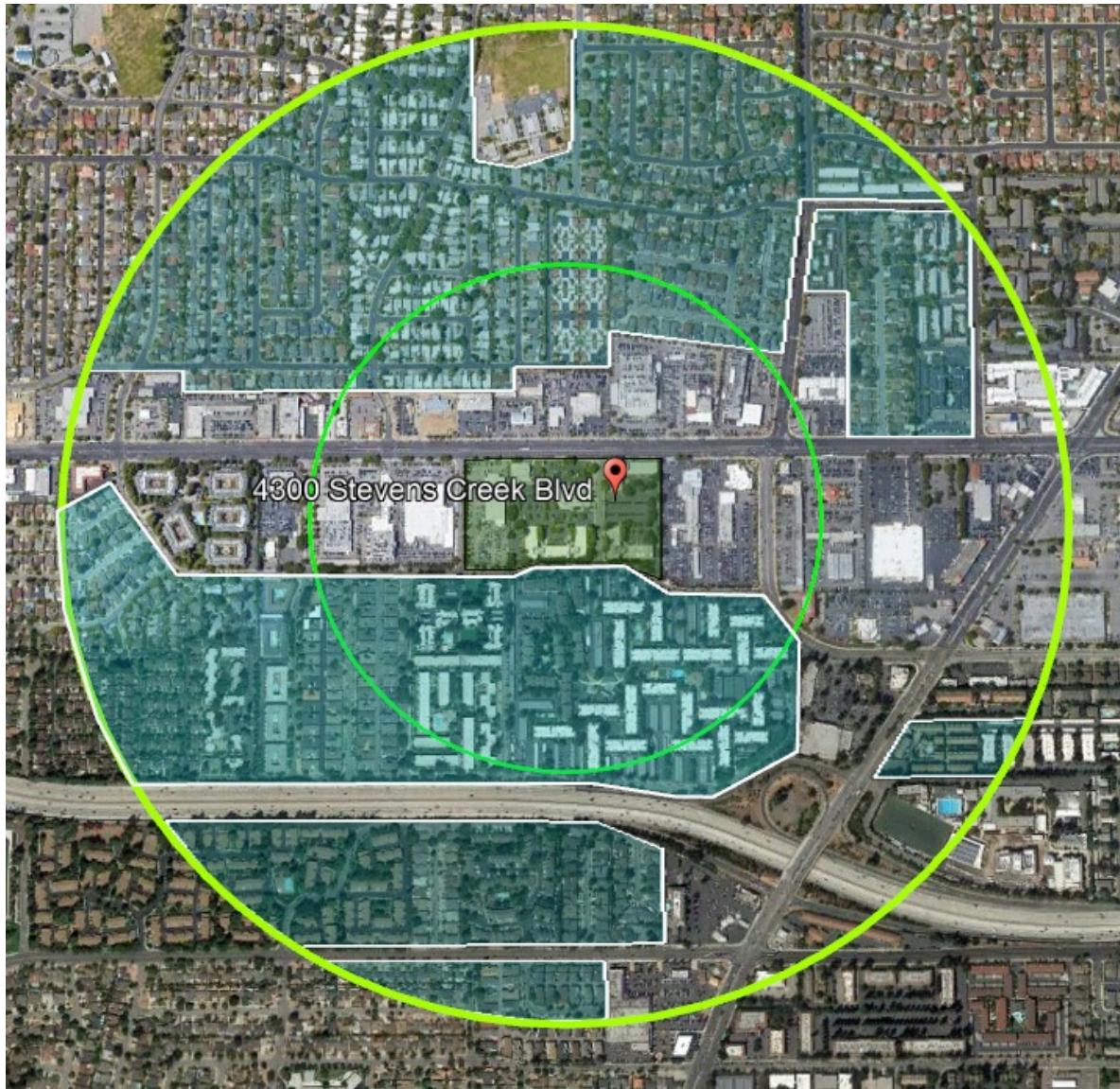


Figure 4. Impact area of PM 2.5 and PM 10.0, 0.25 miles from the center and 0.50 mile from the center.

<sup>1</sup>Green circle indicates 0.25 radius from project center.

<sup>2</sup>Yellow circle indicates 0.50 radius from project center.

<sup>3</sup>Blue-green areas are residential areas within 0.25-0.50 mile radius of PM emission.

AIR-5: The proposed project is not developing any building/operation that would produce, in reference to BAAQMD's buildings. Natural odors may be present from demolition and construction, but are unlikely to persist for any time period thereafter. "Natural" odors may come from break up of wood, concrete, and other building materials. Furthermore, the threshold for odors is 5 confirmed complaints a year, over 3 years (BAAQMD CEQA, 2017).

Table 3. Odor producing land use/operations and screening distance for each type.

Table 3-3 Odor Screening Distances	
Land Use/Type of Operation	Project Screening Distance
Wastewater Treatment Plant	2 miles
Wastewater Pumping Facilities	1 mile
Sanitary Landfill	2 miles
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	2 miles
Chemical Manufacturing	2 miles
Fiberglass Manufacturing	1 mile
Painting/Coating Operations	1 mile
Rendering Plant	2 miles
Coffee Roaster	1 mile
Food Processing Facility	1 mile
Confined Animal Facility/Feed Lot/Dairy	1 mile
Green Waste and Recycling Operations	1 mile
Metal Smelting Plants	2 miles

Refer to Appendix D for support documentation.

Reprinted from BAAQMD CEQA (2017).

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

#### A. Environmental Setting:

The scientific consensus on global warming and climate change is uniform; it is human-induced. The Intergovernmental Panel on Climate Change (IPCC) Report supports this phenomenon, indicating that climate change can be attributed to activities such as fossil fuel usage, and poor management practices in the logging and agriculture industry (IPCC). The emission of GHG (greenhouse gasses) such as methane ( $\text{CH}_4$ ), carbon dioxide ( $\text{CO}_2$ ), and Chlorofluorocarbons (CFC) contributes to the effect of global warming. In turn, global warming (rising temperatures) changes climate patterns all over the world, resulting in negative impacts on the environment and most, if not all, living species.

In response to climate change, California passed SB 32, which requires a 40% reduction in

greenhouse gasses from 1990's levels by the year 2030. Bay Area Air Management District (BAAQMD) and city of San Jose have guidelines and requirements for GHG limiting emissions

**B. Thresholds of Significance:**

**GHG-1:** If the project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

**GHG-2:** If the project would Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gasses.

**C. Significance Levels:**

**GHG-1: Less than Significant with Mitigation Incorporated**

**GHG-2: Less than Significant Impact**

**D. Impact Explanation:**

**GHG-1:** The proposed project will have varying phases of GHG (greenhouse gas) emissions. GHGs will be emitted during demolition, construction, and post-completion of the project. During demolition, the following are potential sources of GHG emission: demolition tools, demolition vehicles, production/supplementation of energy to operate tools/vehicles, travel of construction employees to the site, and transportation of materials.

The GHG emissions for the construction phase may include: construction tools, construction vehicles, production/supplementation of energy to operate tools/vehicles, travel of construction employees to the site, and transportation of materials. The post-completion phase concerns the time period after the project is completed, when the buildings are operated and utilized by people. A range of GHG sources comes from this phase.

In regards to transportation, the project area/surrounding area will see a permanent influx of vehicles traveling to and from the site. The project provides a total of 2,043 parking spaces for mixed use; retail, office, and residential. Assuming that, at a minimum, that 582 parking spaces will be utilized for the 582 residential units available, it can be assumed that at least a quarter of the total parking spaces will be utilized at all times. Between 25%-100% of the parking spaces will likely be used throughout the year. According to the EPA, a passenger car (on average) will produce 4.6 metric tons of CO<sub>2</sub> if the car is driven 11,500 miles in a year ("Greenhouse Gas Emissions from a Typical Passenger Vehicle", 2018). Between 2,677 and 9,397 metric tons of CO<sub>2</sub> emission may result from the parking availability provided. BAAQMD CEQA has thresholds set for project GHG set at 1,100 metric tons or less in a given year (BAAQMD

CEQA, 2017). Although, the threshold is set for the operational impacts of a project (electricity, heating, etc.). Transportation GHG emissions in this case do not necessarily apply, as the relocation of individuals and their carbon footprint is not a result of the project creating more GHG emissions.

The energy needed to power the buildings/facility will increase GHG emissions depending on the energy source. The project site will potentially emit up to 149,000,000 KWHs per year, equating to 139,901 metric tons of carbon if coal is used as a power source. Although, this is a very rough estimate using non-uniform energy methods, nationwide averages, and development strategies.

Table 4. Average energy consumption of commercial buildings in the U.S. according to size

	SF	Average energy consumption
NE Office	244,000	96,000,000 kwhs
NW Residential	11,500	16,000,000
SE Office	8,000	37,000,000 kwh
SW Residential	269	--

Data adapted from U.S. Energy Information Administration (2016).

<sup>1</sup>SF (Square feet) values are estimates.

**GHG-2:** Although this project, like every project, has a carbon footprint attached to it, its purpose as an urban village project is to minimize environmental impacts by providing high density residences situated along convenient transportation paths. There is a focus and interest on developing urban villages to reduce GHG emissions and improve development patterns (Herson & Lucks, 2017). As well, under the Envision San Jose 2040: General Plan, urban villages are developed/favored for their contributions in sustainable development. The project (post-development) would relieve long term GHG emission concerns.

#### E. Mitigations:

GHG-1: The project should install solar panels wherever possible to reduce the GHG emission costs associated with operating all buildings on the site. Developers should take into account sustainable/green buildings architecture, technique, and designs would be critical to reducing energy consumption and needs of these buildings. Improving the construction material, or using materials that are insulating will retain heat and minimize electricity costs. Using smart energy

grids and installing energy-efficient appliances will also reduce electricity costs. Otherwise, turning to companies that specialize in green design would provide long-term benefits in GHG reduction.

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

## F. Monitoring Plans:

### A. Environmental Setting:

In 1973, the Congress passed ESA (Endangered Species Act) in recognition of the nation's flora and fauna as valuable to the people. The ESA seeks to protect species in danger of becoming extinct. Species that are in danger of going extinct are given the "Endangered" status, and those that are bordering endangerment within the foreseeable future are "Threatened" ("Endangered Species Act, n.d.). CESA (California Endangered Species Act) is more stringent, and concise in regards to endangered/threatened species. In regards to project development, CESA requires developers to apply for an ITP (Incidental Take Permit) if their projects may incidentally harm or kill any listed species ("California Endangered Species Act (CESA) Permits", n.d.). US Fish and

Wildlife is primarily responsible for administering the goals of ESA. California has its own US Fish and Wildlife agency.

The Santa Clara Valley Habitat agency provides a HCP (habitat conservation plan) to meet the requirements of the federal ESA requirements. In return for permits similar to the ITP, applicants must take measures to prevent, mitigate, or compensate for any negative impact their projects may impose on natural habitats and listed species (“What is an HCP/NCCP?”, n.d.).

The project site is developed, supporting surface parking lots, trees/landscaping, commercial buildings, and office buildings. The site is surrounded by both commercial and retail buildings. Tree cover is present both on the site and on the perimeter of the site. Landscaping includes grass cover and potted/in-ground plants.

**B. Objective Threshold of Significance:**

BIO-1: If the project would 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, then its impact is significant.

BIO-2: If the project would 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, then its impact is significant.

BIO-3: If the project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, then its impact is significant.

BIO-4: If the project would 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, then its impact is significant.

BIO-5: If the project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, then its impact is significant.

BIO-6: If the project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, then its impact is significant.

**C. Significance Level:**

BIO-1: Less Than Significant Impact

BIO-2: No impact

BIO-3: No impact

BIO-4: Less Than Significant Impact

BIO-5: Less Than Significant Impact

BIO-6: No Impact.

**D. Impact Explanation:**

BIO-1: The Department of Fish and Wildlife services lists 36 species existing within the quad that the project site resides in (Department of Fish and Wildlife, n.d.). Of 36 species, 5 species are listed as either endangered or threatened at federal or state levels. The California tiger salamander, California red-legged frog, steelhead, Swainson's hawk are threatened, and the robust spineflower is endangered. Since the site is already developed, minimal impacts would likely only extend to birds, plants, or small mammals. The project may have to submit a permit with the Santa Clara Valley Habitat Agency if there is a potential "incidental take" of these listed species ("What is an HCP/NCCP?", n.d.).

BIOL-2: The site does not impose problems on riparian habitats, and does not reduce the environmental quality of any nearby habitat in accordance with CEQA regulations (Bass, Bogdan, and T. Rivasplata, 2012). The project site is developed, and the surrounding area is widely developed as well. The nearest riparian body may be the Guadalupe river, north of the project site (over a mile away, taking 880).

BIO-3: Operations pertaining to the project site would not impact any federally protected wetlands. The project site is already developed, and the proposal seeks to demolish and construct new buildings/infrastructure on this area. The development of this project would have no direct impacts on wetland habitats.

BIOL-4: The project site may potentially host a range of bird species that exist within and around the site area. The removal of all trees on the site may hinder ease of travel of native or migratory birds for this area, but this aspect is unlikely to be to a potentially significant degree. 8 species of birds that live within the quad are potential inhabitants of this area and project site (Department of Fish and Wildlife, n.d.).

The (south east) garage may be constructed with mostly glass. This may pose a danger to birds as they collide into the transparent material.

BIOL-5: The project will completely remove all trees on site during the process of demolition. The City of San Jose has regulations regarding the removal of street trees, heritage trees, and ordinance-sized trees ("Tree Removal", n.d.). As well, trees located on commercial, mixed-use,

industrial, and multifamily properties are required to submit a permit as per the city's Tree Removal Ordinance ("Tree Removal", n.d.).

No known heritage trees are located on the proposed project site (Fig. 5), a permit specifically for the removal of heritage trees on this property.

The project will need to acquire a permit to remove the street trees on/surrounding the property area. According to the City of San Jose, a street tree is any tree within 10 feet of a curb, or within an area between the curb and the site walk ("Street Trees Frequently Asked Questions" n.d.). The project will likely be forced to remove, or disturb these trees during demolition periods (Fig. 6).

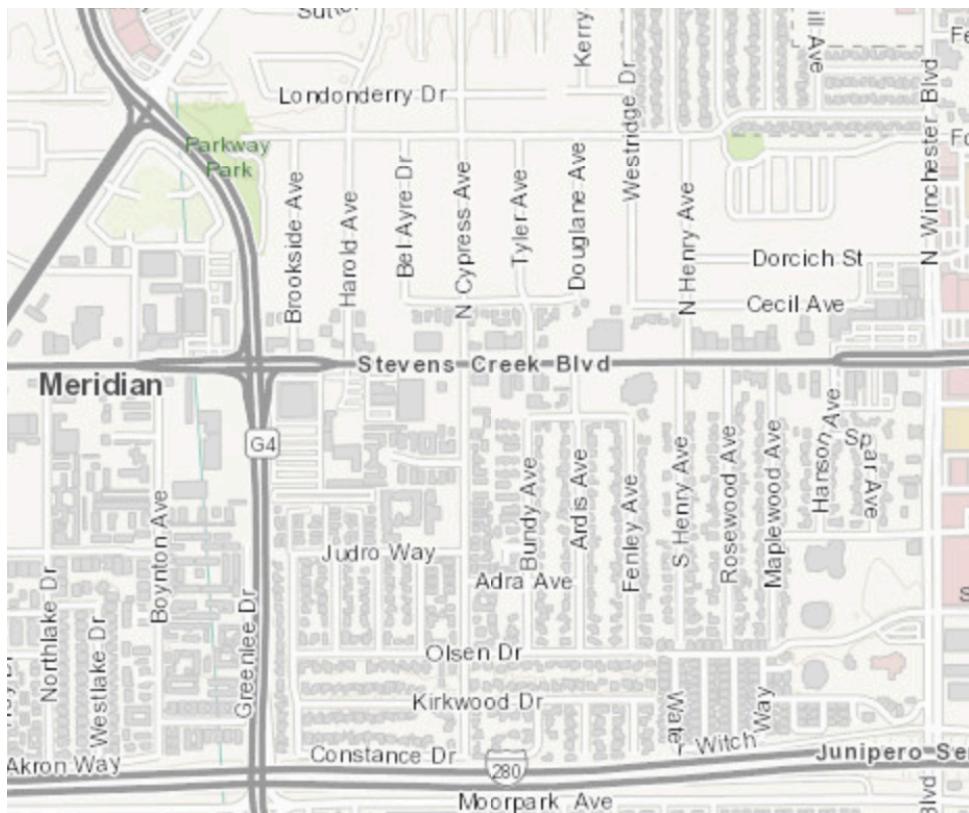


Figure 5. Heritage Tree Map area around project site.  
Adopted from the City of San Jose.

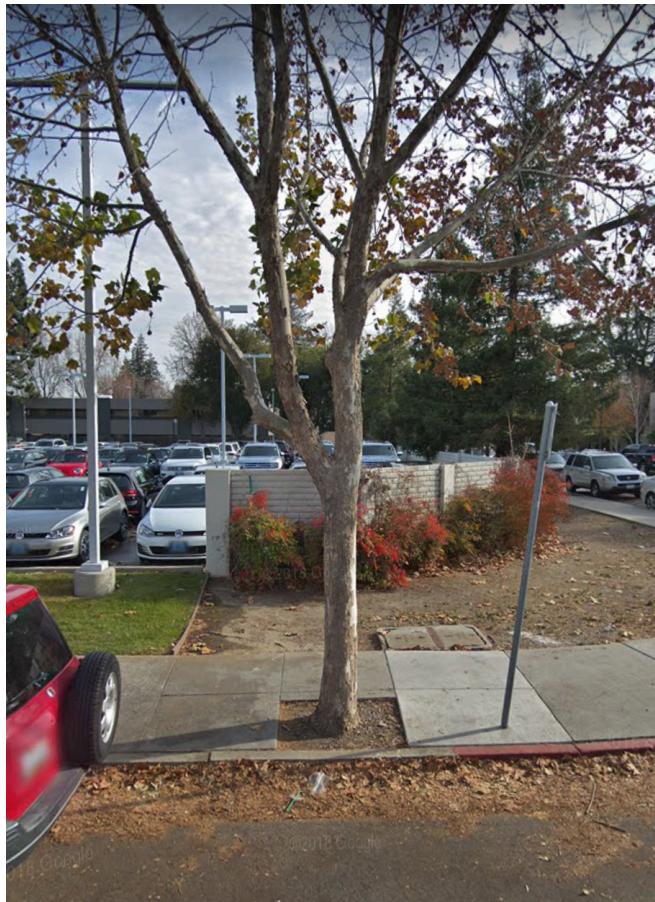


Figure 6. Photo of street tree on proposed project perimeter, looking east from Palace Drive.  
Google Maps

#### **E. Mitigations**

BIOL-4: Glass-glazing will reduce the reflectivity of glass and potentially lower bird collisions. Patterns, or decals placed on the windows can also help birds avoid collisions (Solutions to Birds Hitting Windows. (n.d.).

#### **F. Monitoring Plans**

BIOL-4: Designated agency/individual should ensure that bird mortality or collision frequencies are reported and documented. They must be responsible for changes made to the properties of the glass panels to ensure bird mortality/collisions are mitigated.

<i>Topics:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XVI. TRANSPORTATION AND CIRCULATION—</b>				
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the <i>[addressing the safety or]</i> performance of the circulation system, <i>[including transit, bicycle lanes and pedestrian paths (except for automobile level of service)?]</i> taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? <sup>1</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? <i>[Cause substantial additional vehicle miles traveled (per capita, per service population, or other appropriate efficiency measure)?]</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels, obstructions to flight, or a change in location, that results in substantial safety risks? <i>[Substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes) or by adding new roadways to the network?]</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### A. Environmental Setting:

In most urban settings, transportation is integral to everyday life for many people. Commuting to work, to visit family, or simply to buy groceries. With the Bay Area's population projected to increase by 30% over the next 20 years, we can expect traffic congestion to

increase in intensity (Berger, n.d.). The Envision San Jose 2040: General Plan seeks to attain community sustainability by including transportation factors into land use and development. Urban Villages achieve these goals by locating project sites near transit services and developing a walkable, and bike-friendly environment (Envision San Jose 2040: General Plan, 2011). The general plan seeks to shift the norms in transportation from driving (one-person per vehicle) to biking, walking, transit, and carpool (“Transportation Analysis Handbook”, 2018). The goal is to manage congestion, and traffic, and provide for green alternatives to transportation.

The project site is located immediately south Stevens Creek Boulevard. It is bordered by Palace Drive (west), and Albany Drive (south). Lopina Way bisects the eastern half of the project site. The site is also located within a mile from highway 280, and has further access to highway 101, 85, and 880. The current site is developed, supporting surface parking lots, trees/landscaping, commercial buildings, and office buildings.

#### **B. Threshold of Significance:**

TRANS-1: If the project would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit, then its impact is significant.

TRANS-2: If the project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways, then its impact is significant.

TRANS-3: If the project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks, then its impact is significant.

TRANS-4: If the project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), then its impact is significant.

TRANS-5: If the project would result in inadequate emergency access, then its impact is significant.

TRANS-6: If the project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities, then its impact is significant

#### **C. Significance Level**

TRANS-1: Less Than Significant Impact.

TRANS-2: Less Than Significant Impact.

TRANS-3: No Impact.

TRANS-4: No Impact.

TRANS-5: Less than significant.

TRANS-6: Less than significant.

#### **D. Impact Explanation:**

TRANS-1: The project site will likely worsen traffic conditions primarily for personal vehicles, but possibly for the bus paths on Stevens Creek Boulevard as well. Since the proposal is a mixed-use site, traffic would vary accordingly to time of day. The residential building) would incur, to some degree, heavier traffic during work commute hours. As well, the presence of employees/customers attending the office and retail buildings would also contribute to the traffic flow.

The project site has 582 parking spaces for residential use, and a total of 2,048. There will be fluxes of individuals commuting to and from using highway 280, 101, 85, and 880. These highways are already impacted.

Public transportation may suffer temporarily if the residents choose to take it, but the Santa Clara Valley Transportation Authority (VTA) have plans to expand and improve transit in near the project site (Ross, 2017)

TRANS-2: The project may likely conflict with congestion policies set by the city of San Jose. In accordance with San Jose's Envision General Plan and its Transportation Impact Policy, the level of service for streets must be: "Significant congestion on some approaches, but intersection is functional. Vehicles are required to wait through more than one cycle during short peaks." (Transportation Impact Policy, p. 3).

#### **E. Mitigations:**

#### **F. Monitoring Plans:**

#### **Checklist: Noise**

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

#### **A. Environment Setting:**

The project site is surrounded by 4 roads. Stevens Creek Boulevard is the largest and busiest street out of all 4. The site is also situated in predominantly commercial business areas. Immediately across Stevens Creek Boulevard, Palace Drive, and Lopina Way, there are commercial buildings. This setting promotes vehicle noise. As well, the area lies parallel to highway 280, but there is a residential area in between that buffers out potential highway noise pollution.

#### **B. Threshold of Significance**

NOISE – 1: If the project would result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, then its impact would be considered significant.

NOISE – 2: If the project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels, then its impact would be considered significant.

NOISE – 3: If the project would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, then its impact would be considered significant.

NOISE – 4: If the project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, then its impact would be considered significant.

NOISE – 5: If the project would for a project located within an airport land use plan area, or where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels, then its impact would be considered significant.

NOISE – 6 : If the project would reside in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

NOISE – 7: If the project would be substantially affected by existing noise levels, then its impact would be considered significant.

#### **C. SIGNIFICANCE LEVELS:**

NOISE – 1: Less than significant impact.

NOISE – 2: Less than significant impact.

NOISE – 3: Less than significant impact.

NOISE – 4: No Impact.

NOISE – 5: No impact.

NOISE – 6: No impact.

NOISE – 7: Less than significant impact.

#### **D. IMPACT EXPLANATION:**

NOISE – 1: The Envision General Plan requires that exterior noise for residential land use areas not exceed 75 decibels (2011). The project site resides directly north of a residential area, the noise during the demolition and construction phase would likely fall within the unacceptable range.

NOISE – 2: The entire project site is set to be demolished, this would likely trigger vibrations that would be felt locally, residential or commercial buildings within a 200-500 feet radius of the site would be subjected to this disturbance if the construction is done without suppression technology (Envision San Jose 2040: General Plan, 2011). Since the site is located in between two retail areas, construction duration may impede or be a source of annoyance for customers and employees within the area.

NOISE – 3: The project site has proposals for residential use buildings, it would be unlikely for dramatic increases in ambient noises considering the noise ordinances the city of San Jose has in place for residential areas (Envision San Jose 2040: General Plan, 2011).

NOISE – 7: Noise from existing traffic will be present, but not to a significant degree that would impact tenants. The project site is surrounded by commercial and residential areas. There is a car dealership on either end of the project, and apartments south of the project. The most noise would come from Stevens Creek Boulevard. Upon project completion, noise levels may increase from the norm due to the increase of cars and people coming to and from the project

**E. Mitigations:**

**F. Monitoring Plans:**

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