

**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

for

**2905 S. KING ROAD
MINISTORAGE & LIGHT INDUSTRIAL**

City Files: PDC16-037, PD16-037



**CITY OF SAN JOSÉ
CALIFORNIA**

February 2017

MITIGATED NEGATIVE DECLARATION

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

NAME OF PROJECT: 2905 S. King Road Ministorage & Light Industrial

PROJECT FILE NUMBER: PDC16-037 & PD16-037

PROJECT DESCRIPTION:

Conforming Rezoning from the A(PD) Planned Development Zoning District to the LI(PD) Planned Development Zoning District for miniwarehouse/ministorage and light industrial uses on a 9.9-gross acre site.

Planned Development Permit to allow the demolition of an approximately 8,050-square foot radio transmission office building and three radio transmitter tower antennas, the removal of 22 ordinance sized trees, and 44 non-ordinance sized trees, and allow the construction of seven ministorage/miniwarehouse buildings equaling approximately 133,000 square feet and four light industrial buildings equaling approximately 65,000 square feet, on 9.9-gross acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: The project is located southwest of the intersection of King Road and Barberrry Lane, at 2905 S. King Road. The Assessor's Parcel Numbers (APN) are 670-12-006, 670-12-010, and 670-12-011 on the Santa Clara County Assessor's Parcel Map.

COUNCIL DISTRICT: 7

APPLICANT CONTACT INFORMATION: Gerry De Young, Ruth and Going Inc., P.O. Box 26460, San Jose, CA 95159

FINDING:

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

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

- I. **AESTHETICS.** The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.
- II. **AGRICULTURE AND FOREST RESOURCES.** The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.
- III. **AIR QUALITY.** The project could have a significant impact with respect to community risk at nearby residential receptors from diesel particulate matter (DPM) generated by construction activities.

Mitigation Measure AQ-1: The project applicant shall select equipment during construction to minimize emissions. A construction management plan shall be submitted by the project applicant for review and approval by the Supervising Planner of the Planning, Building, and Code Enforcement Department prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 85% reduction in PM_{2.5} exhaust emissions or more. Options to achieve this reduction could include, but are not limited to, the following:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.
- Use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel).
- Use of added exhaust devices.

- IV. **BIOLOGICAL RESOURCES.** The project could potentially impact nesting birds, including those protected under the Migratory Bird Treaty Act.

Mitigation Measure BIO-1: If possible, construction should be scheduled between September 1 and January 31 to avoid the nesting season for raptors and other migratory birds. If this is not possible, pre-construction surveys for nesting birds shall be conducted by a qualified biologist or ornithologist to identify active nests that may be disturbed during project implementation. Projects that commence construction between February 1 and April 30 shall conduct pre-construction surveys for nesting birds within 14 days of the onset of construction. Between May 1 and August 31, preconstruction surveys shall be conducted no more than 30 days prior to the initiation of construction activities. Pre-construction surveys shall be conducted by a qualified biologist or ornithologist for nesting birds within the onsite trees as well as all trees within 250 feet of the site. If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.

If an active nest is found in or close enough to the construction area to be disturbed by these activities, the qualified biologist or ornithologist, shall, in consultation with the California Department of Fish and Wildlife (CDFW), designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for non-raptors) around the nest to ensure that no nests of species protected by the Federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code will be disturbed during construction activities. The buffer shall remain in place until the breeding season has ended and/or a qualified biologist or ornithologist has determined that the nest is no longer active. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Environmental

Supervising Planner of the Planning, Building, and Code Enforcement Department prior to the issuance of any grading or building permit.

- V. **CULTURAL RESOURCES.** The project will not have a significant impact on cultural resources, therefore no mitigation is required.
- VI. **GEOLOGY AND SOILS.** The project will not have a significant impact due to geology and soils, therefore no mitigation is required.
- VII. **GREENHOUSE GAS EMISSIONS.** The project will not have a significant impact due to greenhouse gas emissions, therefore no mitigation is required.
- VIII. **HAZARDS AND HAZARDOUS MATERIALS.** Historic activities on the project site may have impacted subsurface soil and groundwater from previous agricultural uses and the presence of the existing diesel storage tank.

Mitigation Measure HAZ-1.1: Prior to issuance of grading permits, the project applicant shall retain a qualified consultant to collect limited soil and groundwater samples at the location of the aboveground diesel fuel storage tank. If the residual contaminants are not detected and/or are found to be below the environmental screening levels for public health and the environment in accordance with Santa Clara County Department of Environmental Health (SCCDEH) or the California Department of Toxic Substances Control (DTSC) requirements, no further mitigation is required.

Mitigation Measure HAZ-1.2: Prior to issuance of grading permits, the project applicant shall retain a qualified consultant to conduct soil sampling to test shallow soils on the site for organochlorine pesticides and pesticide-based metals. If the residual contaminants are not detected and/or are found to be below the environmental screening levels for public health and the environment in accordance with SCCDEH or DTSC requirements, no further mitigation is required.

Mitigation Measure HAZ-1.3: If residual contaminants, as outlined in Mitigation Measure HAZ-1.1 and HAZ-1.2, are found and are above regulatory environmental screening levels (ESLs) for public health and the environment, the project applicant shall implement appropriate management procedures, such as removal of the contaminated soil and implementation of a Site Management Plan (SMP) under regulatory oversight from the SCCDEH or DTSC and a Phase II Environmental Site Assessment. Copies of all environmental investigations shall be submitted to the City's Environmental Services Department and the City's Planning, Building and Code Enforcement (PBCE) Supervising Environmental Planner.

The SMP, if required, shall be prepared by a qualified hazardous materials consultant and include the following:

- Management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site.
- Preliminary Remediation Goals for environmental contaminants of concern to evaluate the site conditions following SMP implementation.

- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction.
- The SMP shall be prepared and submitted to SCCDEH or DTSC for review and approval prior to issuance of grading permits and commencement of cleanup activities. The approved SMP shall detail procedures and protocols for management of soil containing environmental contaminants during site development activities.
- A No Further Action letter (or equivalent assurance) from SCCDEH or DTSC documenting completion of cleanup activities shall be provided to the PBCE Supervising Environmental Planner prior to issuance of a grading permit.

IX. HYDROLOGY AND WATER QUALITY. The project will not have a significant hydrology and water quality impact, therefore no mitigation is required.

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

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

XII. NOISE. Construction-related vibration levels would exceed 0.2 in/sec PPV at nearby uses to the north and west, which could impact these structures.

Mitigation Measure NSE-1: The project applicant and/or contractor shall adhere to the following measures to reduce vibration impacts from construction activities:

- Submit a list of all heavy construction equipment to be used for the project and the anticipated time duration of using the equipment that is known to produce high vibration levels (vibratory rollers, hoe rams, large bulldozers, etc.) to the Supervising Environmental Planner of the Planning, Building, and Code Enforcement Department for approval. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring.
- Prohibit the use of heavy vibration-generating construction equipment, such as vibratory rollers or excavation using clam shell or chisel drops, within 20 feet of any adjacent building.
- Prohibit pile driving at the site.
- Notify neighbors of scheduled construction activities and schedule construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

- XIII. POPULATION AND HOUSING.** The project will not have a significant population and housing impact, therefore no mitigation is required.
- XIV. PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.
- XV. RECREATION.** The project will not have a significant impact on recreation, therefore no mitigation is required.
- XVI. TRANSPORTATION.** The project will not have a significant traffic impact, therefore no mitigation is required.
- XVII. UTILITIES AND SERVICE SYSTEMS.** The project will not have a significant impact on utilities and service systems, therefore no mitigation is required.
- XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.** The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **February 27th** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only;
or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Harry Freitas, Director
Planning, Building and Code Enforcement

 Paul Lam 2/2/17
Deputy

Circulation period, from February 6, 2017 to February 27, 2017

Table of Contents

Chapter 1. Background Information	1
Chapter 2. Project Description	3
Chapter 3. Environmental Evaluation	15
A. Aesthetics	16
B. Agricultural and Forest Resources	18
C. Air Quality.....	19
D. Biological Resources.....	29
E. Cultural Resources	36
F. Geology and Soils	38
G. Greenhouse Gas Emissions	40
H. Hazards and Hazardous Materials.....	42
I. Hydrology and Water Quality	46
J. Land Use	51
K. Mineral Resources.....	53
L. Noise.....	54
M. Population and Housing	64
N. Public Services	65
O. Recreation.....	67
P. Transportation	67
Q. Utilities & Service Systems.....	70
R. Mandatory Findings of Significance	71
Chapter 4. References	73

List of Tables

Table 1. BAAQMD Air Quality Significance Thresholds.....	22
Table 2. Construction Period Emissions.....	23
Table 3. Combined Community Risk at Location of Maximum Impact	28
Table 4. Results of Tree Summary.....	29

List of Figures

Figure 1. Location Map.....	5
Figure 2. APN Map.....	6
Figure 3. Aerial	7
Figure 4. General Development Plan	8
Figure 5. Conceptual Site Plan.....	9
Figure 6. Conceptual Elevations	10
Figure 7. Stormwater Control Plan	11
Figure 8. Landscape Plan	12
Figure 9. Site Photos	13
Figure 10. Sensitive Receptors.....	26
Figure 11. Noise Measurement Locations	57

Appendices

- A. Air Quality Assessment
- B. Tree Survey
- C. Phase I Assessment
- D. Noise Assessment

Chapter 1. Background Information

PROJECT DATA

1. **Project Title:** 2905 King Road Ministorage & Light Industrial Project
2. **Lead Agency Name and Address:** City of San José Planning, Building and Code Enforcement, 200 E. Santa Clara Street, San José, CA 95113. Environmental Planner: Krinjal Mathur Project Planner: Stefanie Farmer
3. **Property Owner:** Universal Media Access, LLC, 726 Exchange Street, Buffalo, NY, 14210
4. **Project Proponent:** Hunter Storm Properties, LLC, 10121 Miller Avenue, Cupertino, CA 95014
5. **Project Location:** The project is located on approximately 9.9 gross acre site located at 2905 S. King Road.

Assessor's Parcel Numbers (APNs): 670-12-006, 670-12-010, 670-12-011
City Council District: 7
6. **Project Description Summary:** The project is application for a rezoning of the site from A(PD) Planned Development Zoning District to the LI(PD) Planned Development Zoning District and Planned Development (PD) permit to allow 133,000 square feet of ministorage (self-storage) uses on the western and northern portions of the site and approximately 65,000 square feet of undetermined light industrial uses on the southeast portion of the site.
7. **Envision 2040 San José General Plan Designation:** *Light Industrial*
8. **Zoning Designation:** A(PD)
9. **Habitat Conservation Plan Designation:** Urban-Suburban
10. **Surrounding Land Uses:**
 - North: Residential
 - East: King Road, Residential
 - West: Residential
 - South: Commercial, Residential

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Chapter 2. Project Description

PROJECT LOCATION

The project is proposed within the City limits of San José, in Santa Clara County (refer to Figure 1). The site is located on Assessor's Parcel Numbers (APNs) 670-12-006, 670-12-010, and 670-12-011 (refer to Figure 2). The project is located on 9.9 gross acres at 2905 S. King Road. The site is currently occupied by a radio broadcasting station (building, paved area, and three radio towers) and vacant land. An aerial photograph of the project site and surrounding area is presented in Figure 3.

PROJECT DESCRIPTION

The project is application for a rezoning of the site from A(PD) Planned Development Zoning District to the LI(PD) Planned Development Zoning District and Planned Development (PD) permit to allow 133,000 square feet of ministorage use and 65,000 square feet of undetermined light industrial uses. The proposed development consists of seven ministorage buildings (one-story) and four light industrial buildings (one-story). The ministorage component includes an office and manager's unit (two-story).

The general development plan is presented in Figure 4 and the conceptual site plan is provided in Figure 5. Elevations are shown in Figure 6. Details of the proposed project are described below.

Access and Parking: Access to the site will be provided by two driveways from King Road. These two driveways will align with the two opposite streets to the east: Monrovia Drive and Tustin Drive (see Figure 5). Parking will be provided in surface parking lots. The project will be required to meet the City's parking standards for the proposed ministorage and light industrial uses.

Lighting. Exterior lighting will be provided for the ministorage and light industrial uses for security and access. All outdoor lighting will conform to the City Council's Outdoor Lighting Policy (4-3).

Grading. Development of the project will involve the approximate excavation of 3,400 cubic yards (CY) of cut and 10,700 CY of fill, requiring the import of 7,300 CY of material.

Utilities. The project includes the provision of services and utilities to serve the project, including water, storm drainage, wastewater, and solid waste. The stormwater control plan for the project site is presented in Figure 7. Runoff will be directed to onsite inlets and a pump chamber, then pumped to bioretention facilities. Landscaping will provide self-treating areas.

Public Improvements. The project proposes the following public improvements: new curb/gutter, new sidewalk, and three new driveways.

Landscaping/Tree Removal. The project proposes landscaping on the site, primarily within the light industrial component, as shown in the landscape plan in Figure 8. The project proposes to remove 66 existing trees on the project site and replace them in accordance with the City's requirements.

PROJECT SCHEDULE

The proposed ministorage component is scheduled to start construction in summer of 2017 and complete construction within approximately 6 to 9 months. The construction timeframe for the light industrial uses is not known at this time. This component of the project will be constructed in response to market conditions.

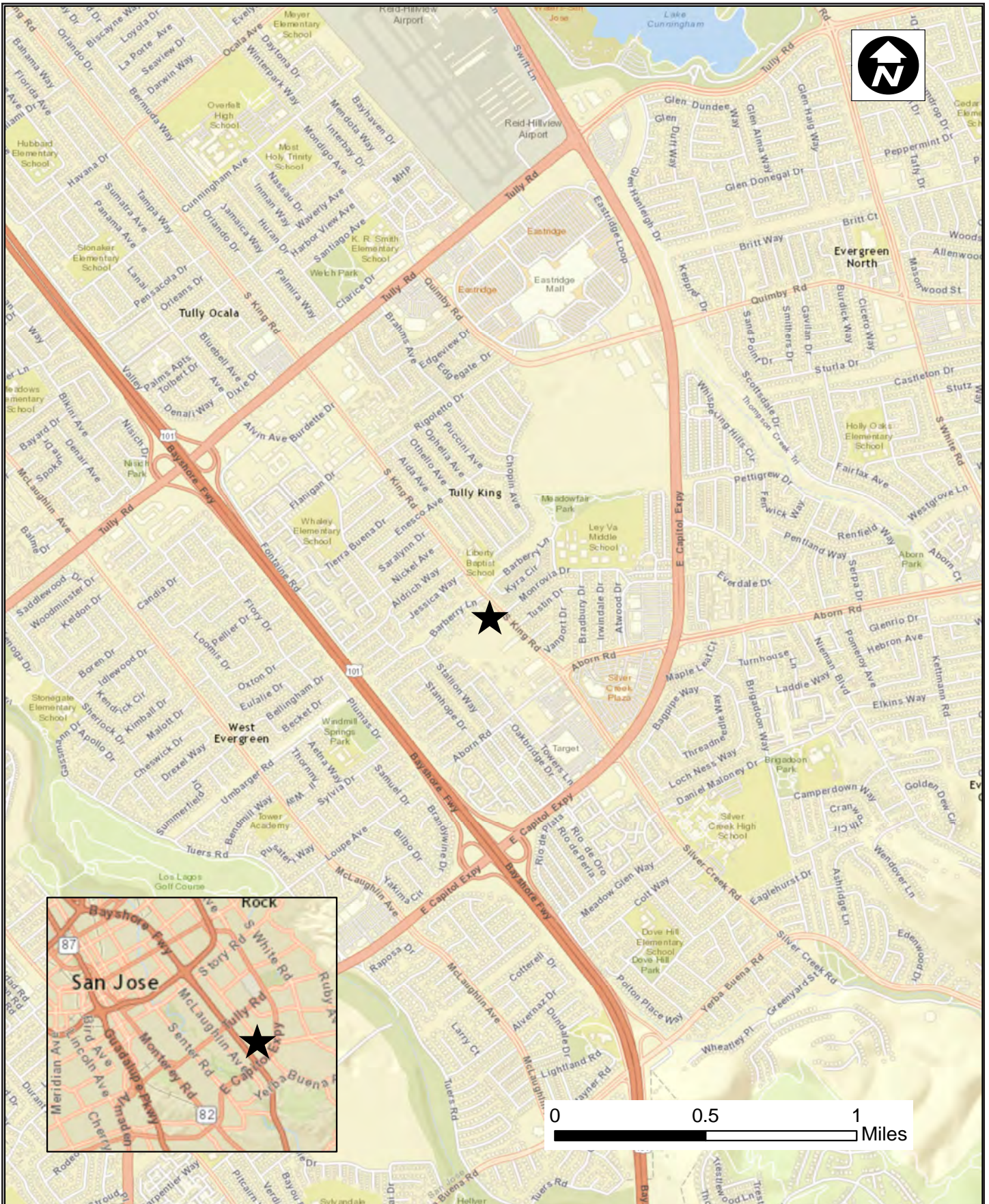
PROJECT OBJECTIVES

The objective of the project is to provide ministorage and light industrial uses within the City of San José to support the City's economic development objectives. In addition, the ministorage component will provide residents of the Evergreen Area with competitively-priced storage for their household items.

PROJECT APPROVALS

The project will require the following approvals:

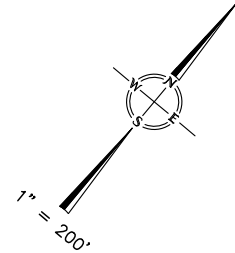
- City of San José – Environmental Clearance, PD Rezoning, PD Permit, Lot Line Adjustment, Grading Permits, Building Permits, and Tree Removal Permits.



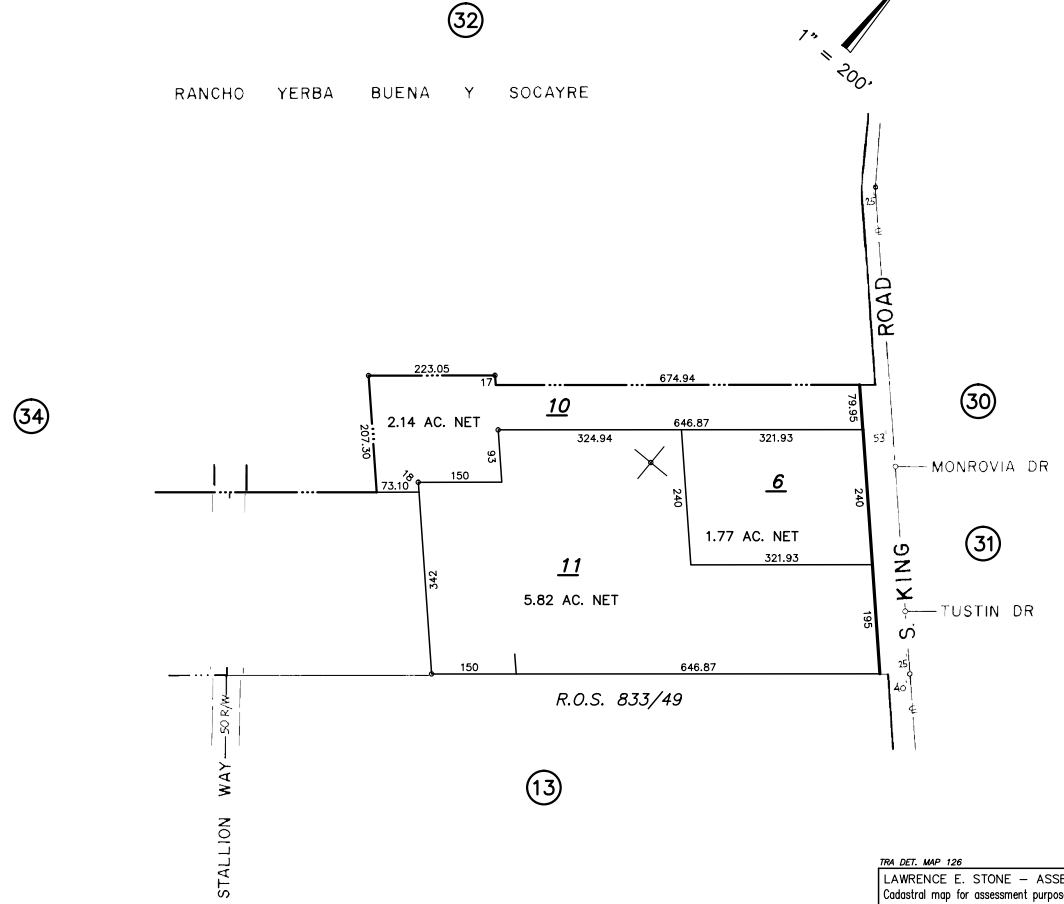
Location Map

Figure
1

2905 S. King Road
Initial Study



RANCHO YERBA BUENA Y SOCAYRE



TRA DET. MAP 126
LAWRENCE E. STONE - ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2016-2017

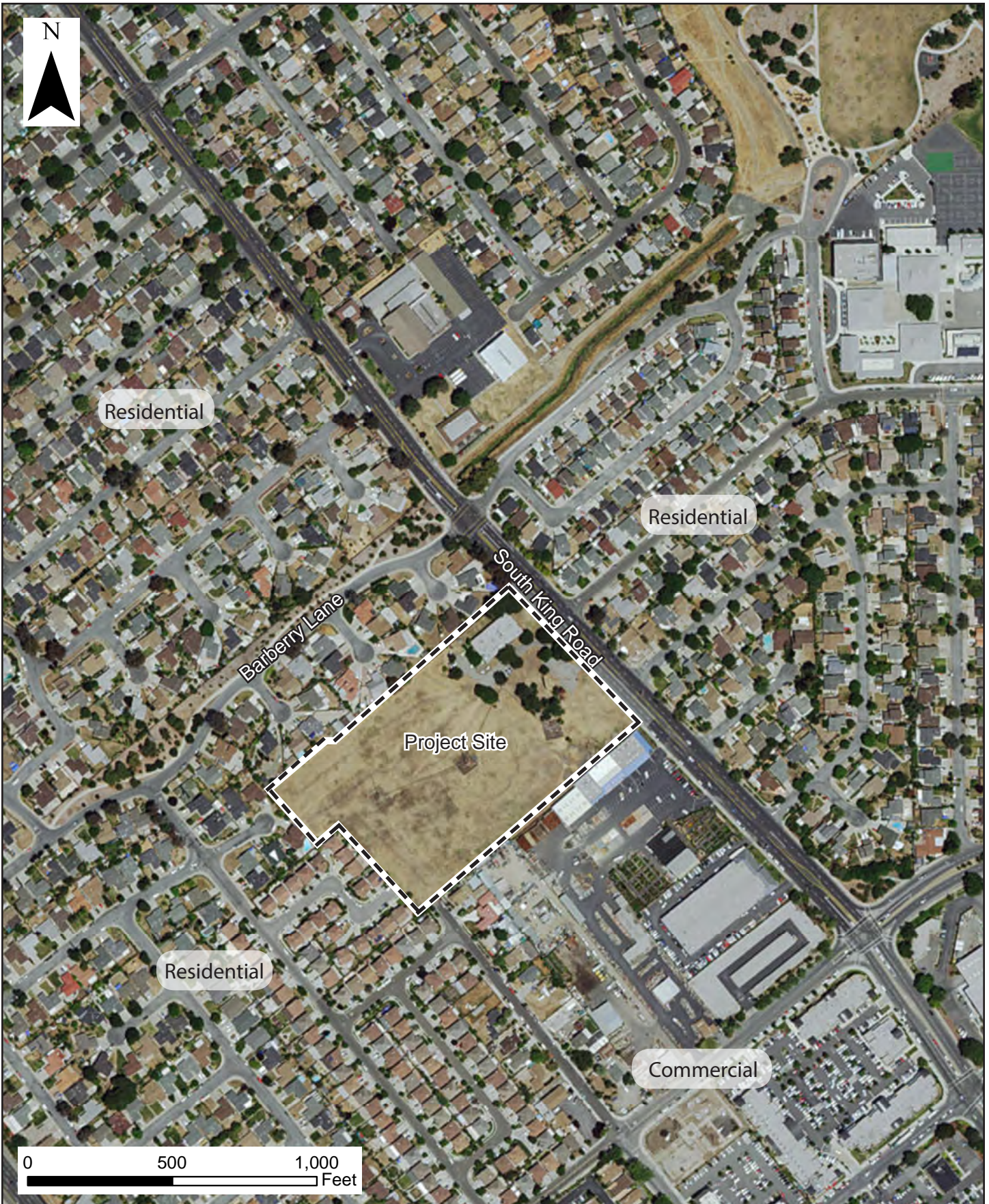
Project Boundaries

Source: Office of the Assessor, County of Santa Clara, 2016

APN Map

2905 S. King Road
Initial Study

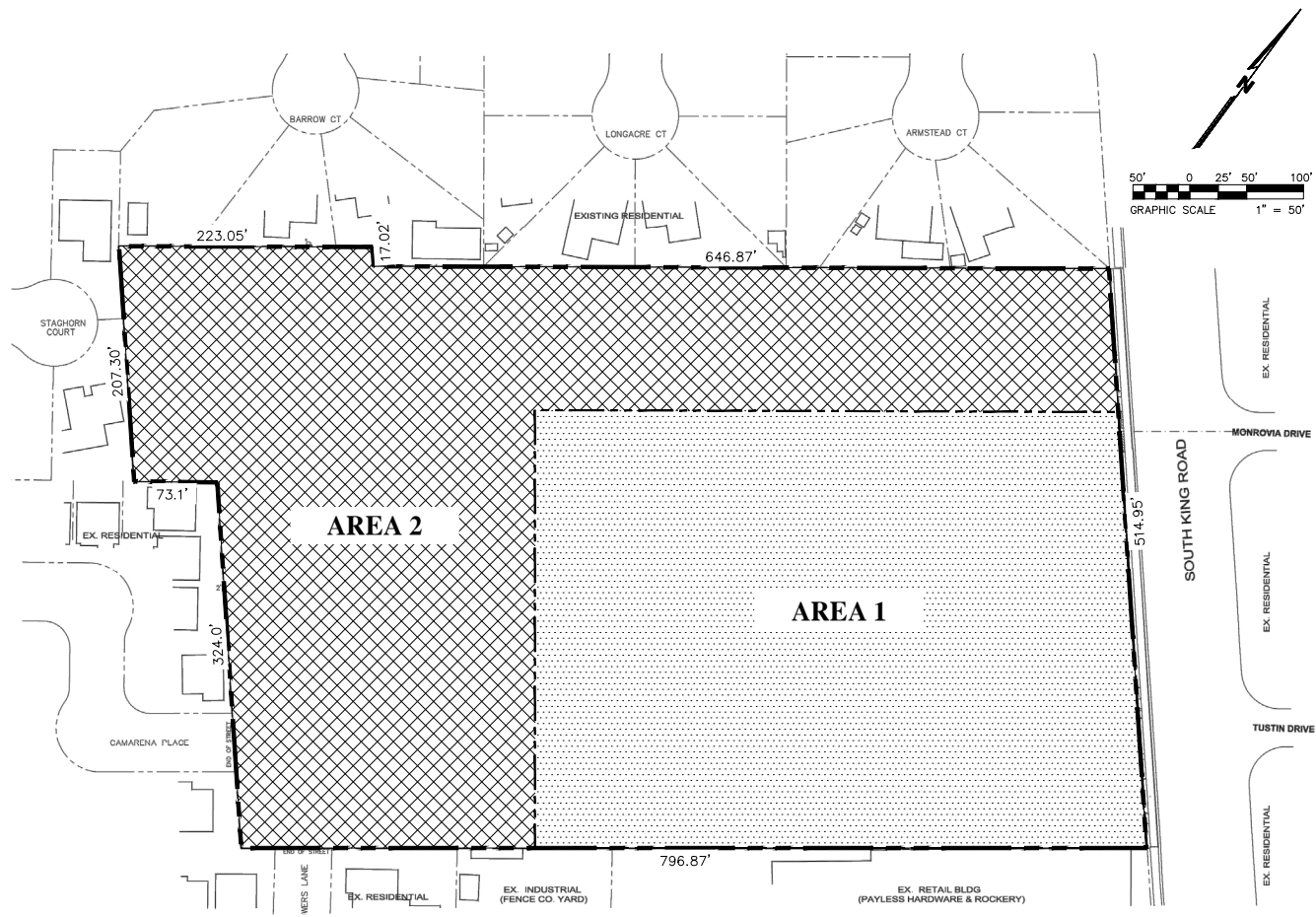
Figure
2





Aerial

2905 S. King Road
Initial Study

Figure
3



USE AREA LEGEND:

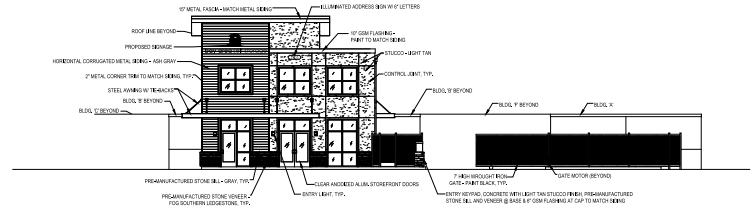
-  LIGHT INDUSTRIAL USE AREA
-  MINI STORAGE AREA

Source: Ruth & Going Inc., 2016

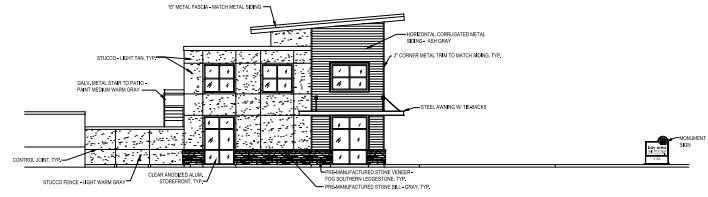
General Development Plan

2905 S. King Road
Initial Study

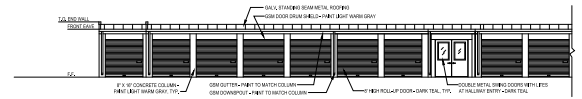
Figure
4



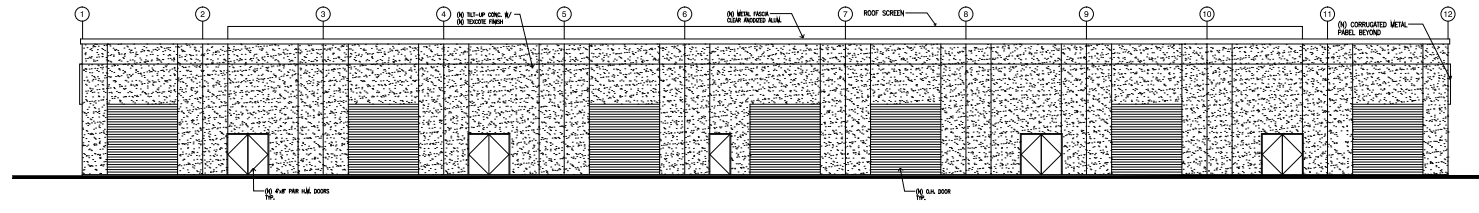
PARTIAL EAST ELEVATION MINI STORAGE SCALE: 1/8" = 1'-0" 5



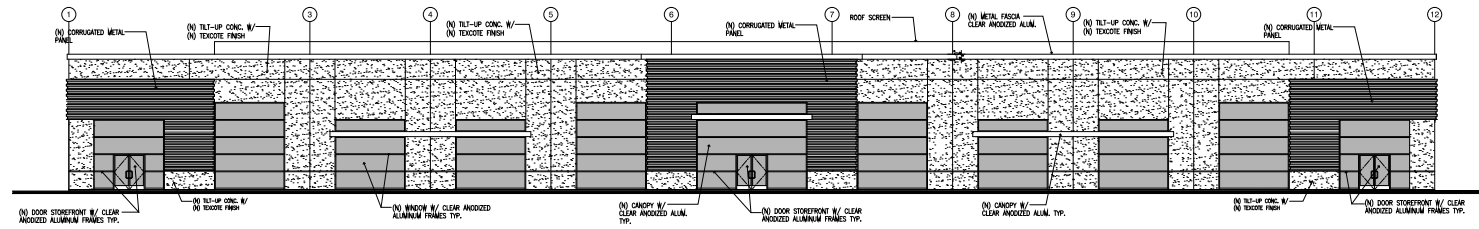
PARTIAL SOUTH ELEVATION MINI STORAGE SCALE: 1/8" = 1'-0" 4



TYPICAL SINGLE STORY ELEVATION (INTERIOR FACING) SCALE: 1/8" = 1'-0" 3



NORTH ELEVATION INDUSTRIAL SCALE: 1/8" = 1'-0" 2



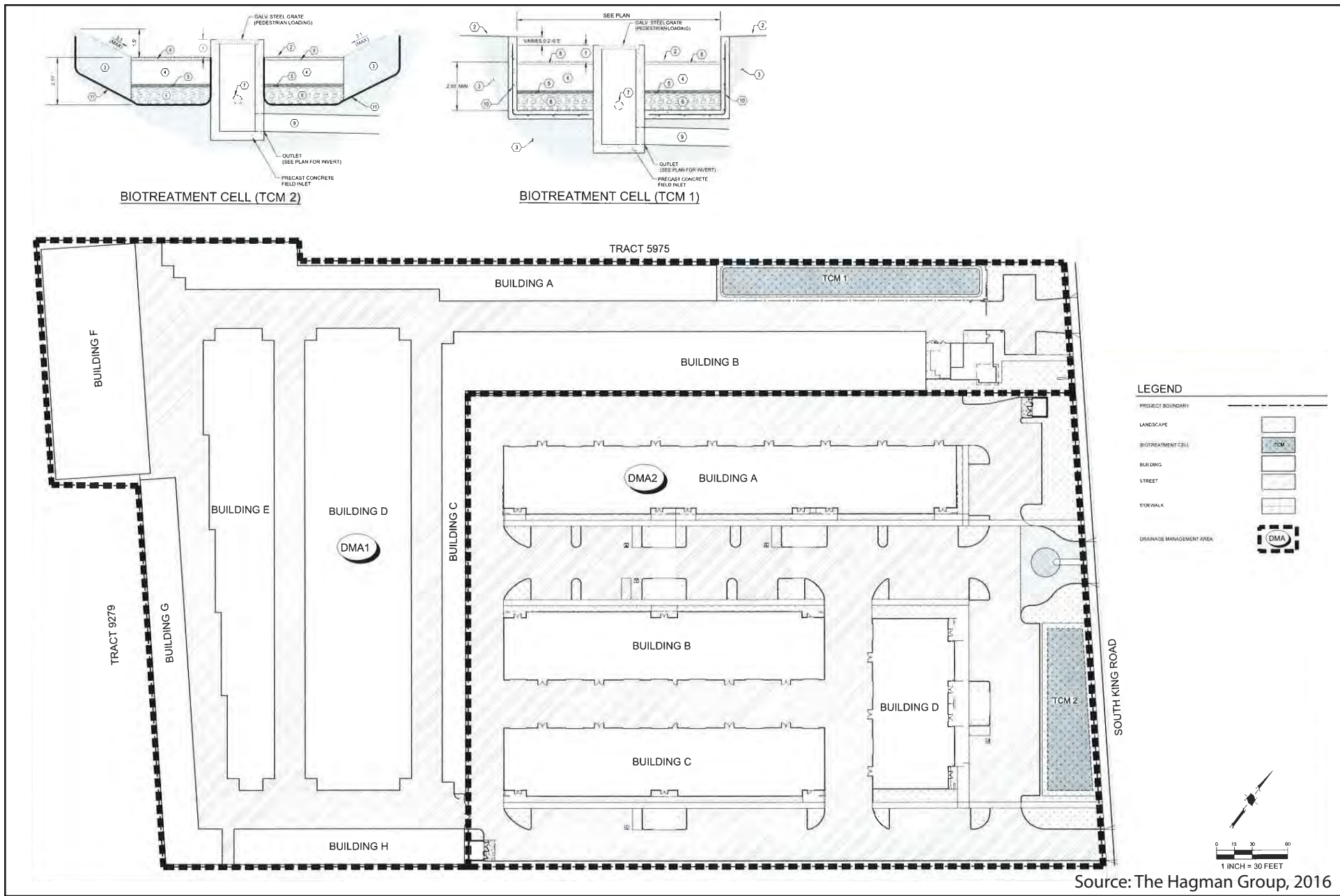
SOUTH ELEVATION INDUSTRIAL SCALE: 1/8" = 1'-0" 1

Source: Hagman Group, 2016

Conceptual Elevations

Figure 6

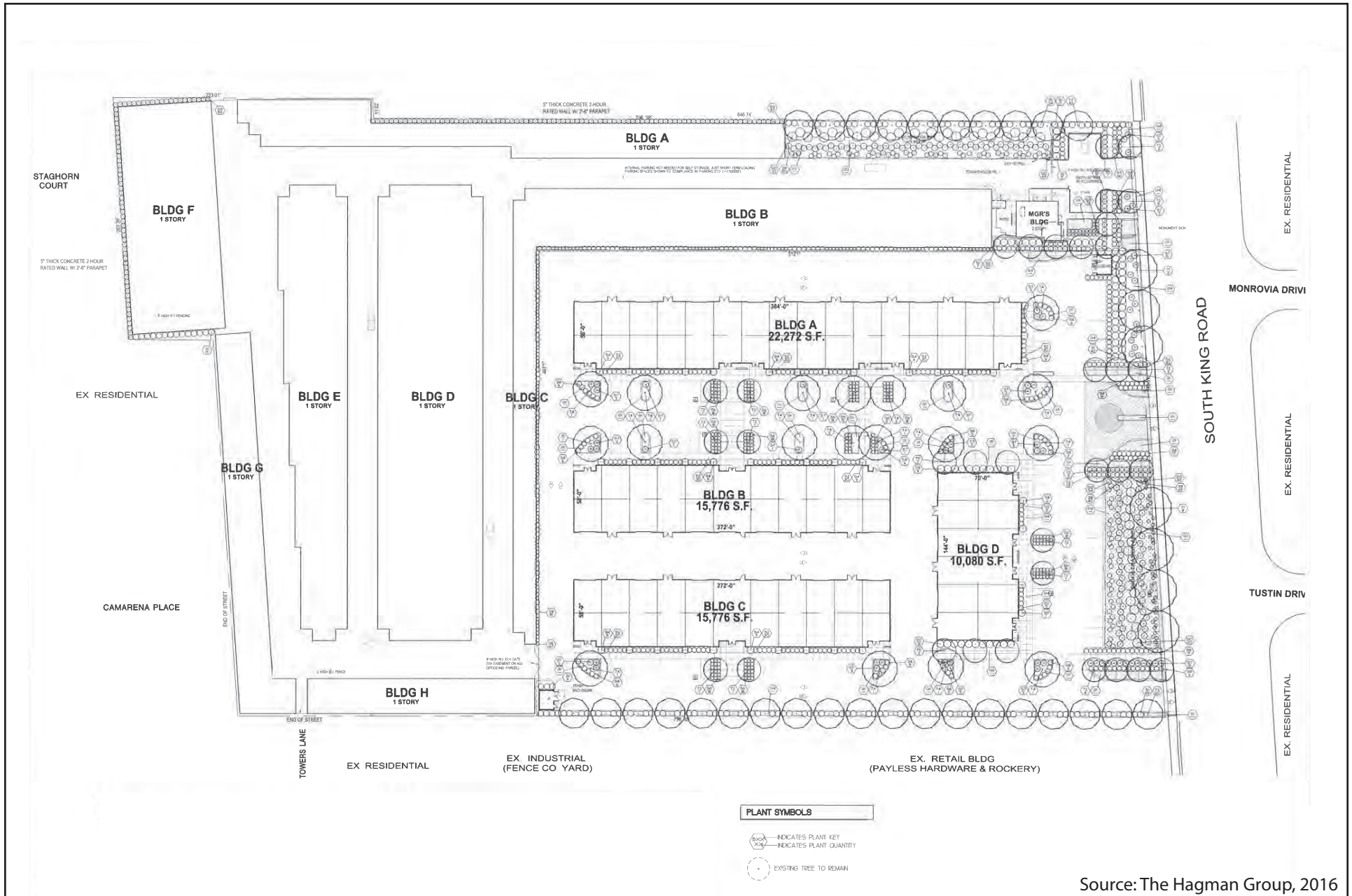
2905 S. King Road Initial Study



Stormwater Control Plan

2905 S. King Road
Initial Study

Figure
7



Landscape Plan

Figure
8

2905 S. King Road
Initial Study



Photo 1. View of site from King Road looking west, showing the radio tower.



Photo 2. View of the site from north boundary looking south.



Photo 3. View of the existing KLOK radio station building at the northeast corner of the site.



Photo 4. View of the site showing the existing commercial use to the south.

Source: AST, 2016

Site Photos

2905 S. King Road
Initial Study

Figure
9

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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 parenthesis after each discussion, and are listed in Chapter 4. References.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input checked="" type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. 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).
2. 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.
3. 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. "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.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “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 mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) Earlier Analysis Used. Identify and state where they are available for review.
- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9. 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.

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

Setting

Photographs of the project property are presented in Figure 6, and an aerial photo is provided in Figure 3. The project site is currently occupied by a radio broadcasting station (KLOK), and contains one building, a driveway and small parking area, and three radio towers. The remainder of the site is comprised of vacant land. The site does not contain any features that are considered an important

visual/aesthetic resource. The site is surrounded by residential uses on all sides, with some commercial structures to the south and King Road to the east.

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) Substantially degrade the existing visual character or quality of the site and its surroundings?			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.** Because the existing visual character of the project area is of an urban nature, surrounded by residential and commercial structures, the visual changes from introduction of one and two-story (maximum height of 30 feet) commercial and light industrial buildings will not have a substantial effect on scenic vistas.
- b) **Less Than Significant Impact.** The project site is not located within, nor will it affect, any City or state-designated scenic routes. The project will not damage scenic resources, such as rock outcroppings and historic buildings. Based on the site plan, the project could remove up to 66 existing trees on the site. These will be replaced in accordance with the City’s Tree Replacement Ratio requirements.
- c) **Less Than Significant Impact.** The project would alter the existing visual character of the site by converting a radio broadcasting station (consisting of one existing building, paved areas, and three radio towers) and vacant land into a commercial/industrial development. Conceptual elevations have been prepared as shown in Figure 6. The view of the commercial and industrial buildings, signs, parking areas, and landscaping will be comparable to other similar development in the area. Trees to be removed will be replaced in conformance with the City’s requirements, as further described in D. Biological Resources. In addition,

landscaping will be provided as part of the project (refer to Figure 8). Final design plans will be required to conform to the City’s Commercial and Industrial Design Guidelines.

- d) **Less Than Significant Impact.** The project does not propose any major sources of lighting or glare. All lighting would conform to the City’s Outdoor Lighting Policy (4-3), and be shielded to direct light downwards to ensure that lighting does not spill over onto nearby 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

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 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	4
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, 4

Explanation

- a) **No Impact.** The project site is an infill property and designated as “urban/built-up 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.** 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).
- d) **No Impact.** See c) above. No other changes to the environment will occur from the project that will result in the loss of forest land or conversion of forest land to non-forest uses.
- 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 forest land, since none are present on this infill property.

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

C. AIR QUALITY

Setting

The following discussion of air quality is based, in part, on an air quality assessment prepared by Illingworth & Rodkin, Inc. This study is contained in Appendix A.

The project site 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 (PM₁₀), sulfur dioxide (SO₂), and lead (Pb). Secondary criteria pollutants include ozone (O₃), and fine particulate matter (PM_{2.5}).

The U.S. EPA administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. 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. EPA has classified the region as a nonattainment area for the 8-hour O₃ 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 PM₁₀. At the State level, the Bay Area is considered nonattainment for ozone, PM₁₀ and PM_{2.5}.

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards are attained and maintained in the Bay Area. In 2011, the BAAQMD revised the CEQA Air Quality Guidelines, which outline BAAQMD recommended procedures for evaluating regional air pollutants including criteria air pollutants, greenhouse gases (evaluated in a following section), local risk and hazards (from toxic air contaminants and fine particulate matter), carbon monoxide, odor, and air pollutants associated with construction activities.

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards are attained and maintained in the Bay Area. The BAAQMD's 2011 CEQA Guidelines provide recommendations for evaluating air pollution emissions, including BAAQMD's CEQA Thresholds Options and Justification Report (2009), and are based on substantial evidence. Recommended procedures are identified for evaluating regional air pollutants including criteria air pollutants, greenhouse gases, local risk and hazards (from toxic air contaminants and fine particulate matter), carbon monoxide, odor, and air pollutants associated with construction activities. The City of San José relies on the thresholds of significance and screening criteria established by the BAAQMD 2011 CEQA Guidelines. The BAAQMD screening levels are based on project size for air pollutant emissions.

The BAAQMD, along with other regional agencies (e.g., ABAG and MTC), develop plans to reduce air pollutant emissions. The BAAQMD adopted and implements the Bay Area 2010 Clean Air Plan (CAP). The 2010 CAP is a multi-pollutant air quality plan that addresses four categories of air pollutants:

- Ground-level ozone and the key ozone precursor pollutants (reactive organic gases and NO_x)
- Particulate matter, primarily PM_{2.5}, as well as the precursors to secondary PM_{2.5}
- Toxic air contaminants
- Greenhouse gases

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer). TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. The nearest sensitive receptors consist of existing residences adjacent to project site to the north, south, and west. The Liberty Baptist School is located further north of the site. In addition, the proposed manager’s unit for the ministorage component is considered a sensitive receptor.

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)
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?			X		2, 5, 6
b) Violate any air quality standard or contribute to an existing or projected air quality violation?			X		2, 5, 6
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X		2, 5, 6
d) Expose sensitive receptors to substantial pollutant concentrations?		X			2, 5, 6
e) Create objectionable odors affecting a substantial number of people?			X		2

Explanation

- a) **Less Than Significant Impact.** The project will not increase regional population growth or cause changes in vehicle travel that will affect implementation of the Bay Area 2010 Clean Air Plan (CAP). In addition, operation of the project would have a less-than-significant impact on air quality as described in b) below, consistent with BAAQMD clean air planning efforts. The project would incorporate and promote, to the extent feasible, the control measures identified in the 2010 CAP, including the following:

TCM C-1 - Voluntary Employer-Based Trip Reduction Programs - support voluntary efforts by Bay Area employers to encourage their employees to use alternative commute modes, such as transit, ridesharing, bicycling, walking, telecommuting, etc.

TCM D-1 - Bicycle Access and Facilities Improvements - expand bicycle facilities serving employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers. Typical improvements include bike lanes, routes, paths, and bicycle parking facilities.

ECM 4 - Shade Tree Planting - voluntary approaches to reduce the “urban heat island” phenomenon by increasing shading in urban and suburban communities through planting of trees.

- b) **Less Than Significant Impact.** The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the Bay Area. The applicable thresholds are presented below in Table 1.

Table 1 BAAQMD Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO _x , PM _{2.5} (exhaust)	54	54	10
PM ₁₀ (exhaust)	82	82	15
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust (PM _{2.5} , PM ₁₀)	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for Sources within 1,000 Feet of Project			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or Acute Hazard Index	1.0	1.0	
Incremental annual average PM _{2.5}	0.3 µg/m ³	0.3 µg/m ³	
Health Risks and Hazards for Sensitive Receptors (Cumulative from All Sources within 1,000-Foot Zone of Influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	100 per 1 million		
Chronic Hazard Index	10.0		
Annual Average PM _{2.5}	0.8 µg/m ³		
Greenhouse Gas Emissions (Land Use Projects)			
GHG Annual Emissions	1,100 metric tons or 4.6 metric tons per service population		
Notes: ROG = reactive organic gases, NO _x = nitrogen oxides, PM ₁₀ = coarse particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, and PM _{2.5} = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less; GHG = greenhouse gas			

Due to the project size, construction- and operational-period emissions would be less-than-significant. In the 2011 update to the CEQA Air Quality Guidelines, the BAAQMD identifies screening criteria based on the size of proposed projects. For the “general light industry” use, the screening size for operational impacts is 541,000 square feet and the screening size for construction impacts is 259,000 square feet. For “warehouse” use, the screening size for operational impacts is 864,000 square feet and the screening size for construction impacts is 259,000 square feet. The project proposes 133,000 square feet of ministorage use (“warehouse” use category under BAAQMD) and 65,000 square feet of light industrial uses, for a total square footage total of 198,000. Thus, even when combined, the proposed development is smaller than the defined screening thresholds and no significant impacts are anticipated.

To confirm the above, the air quality assessment (Appendix A) for the project used the California Emissions Estimator Model (CalEEMod) version 2013.2.2 to predict emissions from construction. CalEEMod provides emission estimates for both on-site and off-site construction activities. Table 2 shows the average daily construction emissions of ROG, NOx, PM₁₀ exhaust, and PM_{2.5} exhaust during construction of the project.

Table 2 Construction Period Emissions				
Scenario	ROG	NOx	PM₁₀ Exhaust	PM_{2.5} Exhaust
Total construction emissions (tons)	1.56 tons	4.74 tons	0.27 tons	0.25 tons
Average daily emissions (lbs per day) ¹	9.5 lbs	28.7 lbs	1.6 lbs	1.5 lbs
<i>BAAQMD Thresholds (lbs per day)</i>	54 lbs	54 lbs	82 lbs	54 lbs
Exceed Threshold?	No	No	No	No
¹ Assumes 330 workdays.				

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust. The nearest sensitive receptors consist of existing residences adjacent to project site to the north, south, and west. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust. The BAAQMD identifies best management practices for all projects to limit air quality impacts during construction. As a part of the development permit approval, the project will conform to the following standard permit conditions to avoid construction air quality impacts.

Standard Permit Conditions

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - A publicly visible sign shall be posted at the site with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- c) **Less Than Significant Impact.** See discussion b) above. The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard, since the project size is well below BAAQMD screening levels.
- d) **Less Than Significant Impact with Mitigation Incorporated.** The air quality assessment evaluated the potential air pollutants generated by the project during operations and construction, and the potential exposure of sensitive receptors to these pollutants. The nearest sensitive receptors are the existing residences adjacent to project site to the north, south, and west, and the Liberty Baptist School located to the north of the site. In addition, the proposed manager's unit for the ministorage component is considered a sensitive receptor. The results of the air quality assessment are summarized below.

Operational Emissions

Due to the project size, the operational emissions of criteria pollutants would be less-than-significant because the project is below the BAAQMD screening criteria size and the project would implement standard permit conditions as described in b) above. Operation of the project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels. No stationary sources of TACs, such as generators, are proposed as part of the project.

Construction Emissions

A community health risk evaluation was completed as part of the air quality assessment prepared for the project. This analysis evaluated the potential exposure of future site occupants to TACs. Diesel exhaust generated by construction equipment and associated heavy-duty truck traffic is the predominant TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impacts associated with construction emissions are cancer risk and exposure to PM_{2.5}. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors.

Construction activity is anticipated to include demolition, grading, and site preparation, trenching, building construction, and paving. Construction period emissions were modeled using CalEEMod, with model defaults for a project of this type and size.

The maximum modeled diesel particulate matter (DPM) concentration occurred just south of the construction site at a single-family residence near the site. The maximum PM_{2.5} concentration occurred at a receptor adjacent to the west of the cancer risk maximally exposed individual (MEI). The locations where the maximum PM_{2.5} and excess cancer risk occurred are identified on Figure 10.

Results of this assessment indicate that the maximum excess residential cancer risks would be 56.6 in one million for an infant exposure and 1.0 in one million for an adult exposure. The maximum residential excess cancer risk would be greater than the BAAQMD significance threshold of 10 in one million. The maximum excess cancer risk at the school MEI would be 1.2 in one million, which is below BAAQMD's significance threshold level.

The maximum-modeled annual residential PM_{2.5} concentration, which is based on combined exhaust and fugitive dust emissions, was 0.45µg/m³. The maximum-modeled annual PM_{2.5} at the school was 0.05µg/m³. The maximum annual PM_{2.5} concentration at the MEI residential receptor location would exceed the BAAQMD significance threshold of 0.3µg/m³.

The maximum modeled annual residential DPM concentration (i.e., from construction exhaust) was 0.2686 µg/m³. The maximum computed hazard index (HI) based on this DPM concentration is 0.05, which is much lower than the BAAQMD significance criterion of a HI greater than 1.0.



Sensitive Receptors

Compliance with General Plan Policies for Air Pollution Exposure to Future Residents

In December 2015, the California Supreme Court issued an opinion in the California Building Industry Association vs. Bay Area Air Quality Management District (CBIA vs. BAAQMD) case that CEQA is primarily concerned with the impacts of a project on the environment, not the effects of the existing environment on a project. In light of this ruling, the effect of existing air pollutants from off-site sources on new sensitive receptors introduced by the project would not be considered an impact under CEQA. However, General Plan Policy MS-11.1 requires completion of air quality modeling for new sensitive land uses located near sources of pollution (such as freeways and industrial uses) and the identification of project design measures to avoid significant risks to future residents of the project.

The proposed ministorage component of the project includes a manager's unit, which is considered a sensitive residential receptor. Community health risk assessments consider all substantial sources of TACs that could affect sensitive receptors that are located within 1,000 feet of a project site. These sources include freeways or highways, busy surface streets, and stationary sources identified by BAAQMD. For local roadways, BAAQMD considers roadways with traffic volumes of over 10,000 vehicles per day to have a potentially significant impact on a proposed sensitive receptor. A review of the project area indicates that traffic on King Road is the only substantial source of mobile TAC emissions within 1,000 feet of the manager's unit. A review of BAAQMD's Google Earth map tool used to identify stationary sources did not identify any with the potential to affect the proposed receptor.

King Road is the only roadway in the vicinity of the project with the potential to have an effect on the residential use (manager's unit). Using the BAAQMD Roadway Screening Analysis Calculator for Santa Clara County for north-south directional roadways and at a distance of approximately 50 feet west of the roadway, estimated cancer risk from King Road at the proposed manager's residential unit would be 6.5 per million, which is less than the BAAQMD significance threshold of 10 in a million. The $PM_{2.5}$ concentration would be $0.2 \mu\text{g}/\text{m}^3$, which is also below the BAAQMD significance threshold of $0.3 \mu\text{g}/\text{m}^3$. Chronic or acute HI for the roadway would be below 0.03. Therefore, community risk impacts to the proposed manager's unit will be less-than-significant.

Summary of Combined Community Risk

Cumulative risk impacts reported in Table 3 indicate the cumulative risk from the project construction and traffic on King Road would not exceed the BAAQMD cumulative risk significance thresholds at the construction MEI.

Table 3 Combined Community Risk at Location of Maximum Impact			
Source	Cancer Risk (per million)	Annual PM_{2.5} (µg/m³)	Chronic Hazard Index
Unmitigated project construction	56.6	0.45	0.05
S. King Road at 625 feet west	0.9	0.03	<0.03
Cumulative Total	57.4	0.47	<0.08
<i>BAAQMD Cumulative Source Threshold</i>	<i>>100</i>	<i>>0.8</i>	<i>>10.0</i>
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>

Impact AQ-1: The project could have a significant impact with respect to community risk at nearby residential receptors from diesel particulate matter (DPM) generated by construction activities.

Mitigation (Included in Project)

AQ-1 The project applicant shall select equipment during construction to minimize emissions. A construction management plan shall be submitted by the project applicant for review and approval by the Supervising Planner of the Planning, Building, and Code Enforcement Department prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 85% reduction in PM_{2.5} exhaust emissions or more. Options to achieve this reduction could include, but are not limited to, the following:

- All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.
- Use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled equipment (i.e., non-diesel).
- Use of added exhaust devices.

Implementation of standard construction measures identified in b) above would reduce exhaust emissions by five percent. Implementation of Mitigation Measure AQ1 above would further reduce on-site diesel exhaust emissions, reducing the cancer risk to less than 1.6 in one million. The annual PM_{2.5} concentration would be less than 0.04 µg/m³.

- e) **Less Than Significant Impact.** The proposed project will not create new sources of odor. During construction, use of diesel powered vehicles and equipment could temporarily generate localized odors, which will cease upon project completion. Implementation of abatement measures for construction period emissions identified in b) will 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 identified mitigation measures and standard permit conditions.

D. BIOLOGICAL RESOURCES

Setting

The project site is located within an urbanized area of San José. The existing property is currently occupied by a radio transmission station (building, driveway/parking area, and three radio towers) and vacant land. The project supports 67 trees and limited landscaping. Due to the disturbed nature of the site, it has a relatively low habitat value.

The City of San José’s Municipal Code (Title 13) regulates the removal of trees, including any live or dead woody perennial plant, having a main stem or trunk 56 inches or more in circumference (18 inches in diameter) at a height of 24 inches above the natural grade slope. An arborist report was prepared for the project by Live Oak Associates in September 2016 and is contained in Appendix B. The results of the tree evaluation for the site are summarized in Table 4, which identifies each tree on the site by type, size, and condition. As shown in Table 4, the site contains 67 trees, 22 of which are ordinance-sized, representing 14 different species.

City-designated heritage trees are considered sensitive resources. A heritage tree is any tree located on private property, which because of factors including (but not limited to) history, girth, height, species, or unique quality has been found by the City Council to have special significance to the community. It is unlawful to vandalize, mutilate, remove or destroy heritage trees. The project site does not contain any City-designated heritage trees.

No.	Scientific Name	Common Name	Size (diameter)	Condition	Status
1	<i>Pinus pinea</i>	Stone pine	35	Fair	Remove
2	<i>Pinus pinea</i>	Stone pine	30	Fair	Remove
3	<i>Pinus pinea</i>	Stone pine	38	Fair	Remove
4	<i>Pinus pinea</i>	Stone pine	33	Fair	Remove
5	<i>Ligustrum sp.</i>	Privet	6+7 = 13	Fair	Remove
6	<i>Ligustrum sp.</i>	Privet Hedge	9 plants with 1-3” stems	Fair	Remove
7	<i>Morus alba</i>	Mulberry	9	Fair	Remove
8	<i>Morus alba</i>	Mulberry	13	Fair	Remove
9	<i>Ulmus parvifolia</i>	Chinese elm	21	Fair	Remove
10	<i>Washingtonia robusta</i>	Mexican fan palm	17	Fair	Remove
11	<i>Ulmus parvifolia</i>	Chinese elm	18	Fair	Remove
12	<i>Ulmus parvifolia</i>	Chinese elm	15	Good	Remove
13	<i>Ulmus parvifolia</i>	Chinese elm	19	Good	Remove
14	<i>Ulmus parvifolia</i>	Chinese elm	19	Fair	Remove
15	<i>Ulmus parvifolia</i>	Chinese elm	13	Fair	Remove
16	<i>Ulmus parvifolia</i>	Chinese elm	24	Fair	Remove
17	<i>Ulmus parvifolia</i>	Chinese elm	17	Good	Remove
18	<i>Ulmus parvifolia</i>	Chinese elm	19	Good	Remove
19	<i>Pinus pinea</i>	Stone elm	39	Fair	Remove
20	<i>Ulmus parvifolia</i>	Chinese elm	19	Fair	Remove

**Table 4
Results of Tree Survey**

No.	Scientific Name	Common Name	Size (diameter)	Condition	Status
21	<i>Ulmus parvifolia</i>	Chinese elm	16	Fair	Remove
22	<i>Ulmus parvifolia</i>	Chinese elm	19	Fair	Remove
23	<i>Cupressus sempervirens</i> 'stricta'	Italian cypress	5	Fair	Remove
24	<i>Cupressus sempervirens</i> 'stricta'	Italian cypress	8	Fair	Remove
25	<i>Cupressus sempervirens</i> 'stricta'	Italian cypress	8	Good	Remove
26	<i>Cupressus sempervirens</i> 'stricta'	Italian cypress	8	Good	Remove
27	<i>Cupressus sempervirens</i> 'stricta'	Italian cypress	8	Good	Remove
28	<i>Cupressus sempervirens</i> 'stricta'	Italian cypress	7	Good	Remove
29	<i>Cupressus sempervirens</i> 'stricta'	Italian cypress	5	Good	Remove
30	<i>Cupressus sempervirens</i> 'stricta'	Italian cypress	7	Good	Remove
31	<i>Prunus cerasifera</i>	Cherry plum	3+4 = 7	Fair	Remove
32	<i>Ligustrum sp.</i>	Privet	4+3 = 7	Fair	Remove
33	<i>Fraxinus sp.</i>	Ash	6	Fair	Remove
34	<i>Fraxinus sp.</i>	Ash	5	Fair	Remove
35	<i>Fraxinus sp.</i>	Ash	5	Fair	Remove
36	<i>Callistemon citrinus</i>	Bottlebrush	7	Fair	Remove
37	<i>Fraxinus sp.</i>	Ash	23	Fair	Remove
38	<i>Fraxinus sp.</i>	Ash	14	Poor	Remove
39	<i>Fraxinus sp.</i>	Ash	7+8+8 = 23	Poor	Remove
40	<i>Pinus pinea</i>	Stone pine	31	Fair	Remove
41	<i>Fraxinus sp.</i>	Ash	6	Fair	Remove
42	<i>Callistemon citrinus</i>	Bottlebrush	4+4+3+5 = 16	Fair	Remove
43	<i>Callistemon citrinus</i>	Bottlebrush	5+3 = 8	Poor	Remove
44	<i>Callistemon citrinus</i>	Bottlebrush	7	Fair	Remove
45	<i>Olea europea</i>	Olive	4+3+4 = 11	Fair	Remove
46	<i>Fraxinus sp.</i>	Ash	3+4+4 = 11	Fair	Remove
47	<i>Olea europea</i>	Olive	3+4+3 = 10	Fair	Remove
48	<i>Olea europea</i>	Olive	6+6+11 = 23	Fair	Remove
49	<i>Ulmus americana</i>	American elm	4+3+4+4 = 15	Fair	Remove
50	<i>Washington robusta</i>	Mexican fan palm	14	Fair	Remove
51	<i>Olea europea</i>	Olive	8	Fair	Remove
52	<i>Ole europea</i>	Olive	4	Fair	Remove
53	<i>Ulmus americana</i>	American elm	30	Fair	Remove
54	<i>Washington robusta</i>	Mexican fan palm	20	Good	Remove
55	<i>Washington robusta</i>	Mexican fan palm	17	Fair	Remove
56	<i>Pyrus calleryana</i>	Ornamental pear	6	Fair	Remove
57	<i>Cupressus sempervirens</i> 'stricta'	Italian cypress	8	Fair	Remove

**Table 4
Results of Tree Survey**

No.	Scientific Name	Common Name	Size (diameter)	Condition	Status
58	<i>Cupressus sempervirens</i> 'stricta'	Italian cypress	5+5=10	Fair	Remove
59	<i>Cupressus sempervirens</i> 'stricta'	Italian cypress	8	Fair	Remove
60	<i>Cupressus sempervirens</i> 'stricta'	Italian cypress	10	Fair	Remove
61	<i>Cupressus sempervirens</i> 'stricta'	Italian cypress	8+3 =11	Fair	Remove
62	<i>Phoenix canariensis</i>	Canary Island date palm	26	Good	Remove
63	<i>Washingtonia robusta</i>	Mexican fan palm	20	Good	Remove
64	<i>Ligustrum sp.</i>	Privet	3	Good	Remove
65	<i>Washingtonia robusta</i>	Mexican fan palm	15	Good	Remove
66	<i>Washingtonia robusta</i>	Mexican fan palm	15	Good	Remove
67	<i>Schinus terebinthifolius</i>	Brazilian pepper tree	24	Good	Retain

Numbers correspond to tree locations provided in the arborist report in Appendix B.
Diameter measured at two feet above existing grade.
Ordinance sized trees are shown in **bold**.
Source: Live Oak Associates, September 6, 2016.

Habitat Conservation Plan/Natural Community Conservation Plan

The City of San José has adopted the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (HCP) developed in partnership with the County of Santa Clara, the City of Morgan Hill, the City of Gilroy, the Valley Transportation Authority and the Santa Clara Valley Water District. The HCP establishes a framework for development projects to comply with several state and federal regulatory processes and standardized avoidance, minimization, mitigation and compensation requirements set forth in federal and state laws. The project site is designated as Urban Suburban land cover in “Area 4: Urban Development equal to or Greater than 2 Acres.” The site is also identified as a Burrowing Owl Fee Zone and Wildlife Survey Area Zone for Burrowing Owl (for the vacant portion of the site).

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 Wildlife or U.S. Fish and Wildlife Service?		X			1, 2, 7

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 2
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?			X		1, 2
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, 7
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, 2

Explanation

- a) **Less Than Significant with Mitigation Incorporated.** The project site contains several large trees that may provide nesting bird habitat. In addition, the site contains vacant lands that could provide habitat for Western burrowing owls. These are discussed further below.

Nesting Birds

Mature trees within 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. These species could be disturbed during tree removal and construction activities. This represents a potentially significant impact that will be reduced to a less-than-significant level with mitigation identified below.

Impact BIO-1: The project could potentially impact nesting birds, including those protected under the Federal Migratory Bird Treaty Act.

Mitigation (Included in Project)

BIO-1 If possible, construction should be scheduled between September 1 and January 31 to avoid the nesting season for raptors and other migratory birds. If this is not possible, pre-construction surveys for nesting birds shall be conducted by a qualified biologist or ornithologist to identify active nests that may be disturbed during project implementation. Projects that commence construction between February 1 and April 30 shall conduct pre-construction surveys for nesting birds within 14 days of the

onset of construction. Between May 1 and August 31, preconstruction surveys shall be conducted no more than 30 days prior to the initiation of construction activities. Pre-construction surveys shall be conducted by a qualified biologist or ornithologist for nesting birds within the onsite trees as well as all trees within 250 feet of the site. If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.

If an active nest is found in or close enough to the construction area to be disturbed by these activities, the qualified biologist or ornithologist, shall, in consultation with the California Department of Fish and Wildlife (CDFW), designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for non-raptors) around the nest to ensure that no nests of species protected by the Federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code will be disturbed during construction activities. The buffer shall remain in place until the breeding season has ended and/or a qualified biologist or ornithologist has determined that the nest is no longer active. The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Environmental Supervising Planner of the Planning, Building, and Code Enforcement Department prior to the issuance of any grading or building permit.

Burrowing Owls

Burrowing owls (*Athene cunicularia*) have the potential to nest in open areas within the project site. These vacant areas of the site are classified as a Wildlife Survey Area for Burrowing Owl in the HCP. Surveys for burrowing owl are required if the project-specific verified land cover map shows that the project site is within modeled occupied nesting habitat. The surveys are intended to satisfy the HCP requirements and reduce the potential for impacts to owls, per the discussion and standard permit conditions identified in section f) below. If burrowing owls are present on the site, development of the project site and/or increases in noise disturbance due to construction related activities may result in nest abandonment or disturbance.

A qualified biologist or ornithologist shall be retained to conduct pre-construction surveys in compliance with Condition 15 of Chapter 6 of the HCP, which will reduce the impact to the burrowing owls to a less-than-significant level.

- b) **Less Than Significant Impact.** The project site is disturbed and does not contain, or lie adjacent to, any sensitive natural communities or riparian habitat; therefore, the project will not adversely impact 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 USFWS.
- c) **Less Than Significant Impact.** The project site is disturbed and does not contain, or lie adjacent to, any wetland resources; therefore, the project will not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act.

- d) **Less Than Significant Impact with Mitigation Incorporated.** With the inclusion of the mitigation for nesting raptors (Mitigation Measure BIO1) identified 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.
- e) **Less Than Significant Impact.** The project will not conflict with any local policies or ordinances protecting biological resources. The project site contains 67 trees, which is summarized in Table 4 above. Based on the site plan, it is anticipated that up to 66 trees will require removal for development of the project. Of these, 21 of the trees to be removed exceed 18 inches in diameter and are subject to the City's Tree Removal Ordinance. All trees to be removed will be replaced in accordance with the ratios set forth by the City. If sufficient area is not available onsite within the project for all of the replacement trees, a contribution would be made to Our City Forest where the funds would be used to plant trees within the City. As a part of permit approval, the project will conform to the following standard permit conditions to avoid impacts to trees.

Standard Permit Conditions

- Any tree to be removed will be replaced with new trees in accordance with the City's Tree Replacement Ratios, as set forth below.

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12-17 inches	3:1	2:1	none	24-inch box
Less than 12 inches	1:1	1:1	none	15-gallon container
x:x = tree replacement to tree loss ratio Note: Trees greater than 18" diameter shall not be removed unless a tree removal permit, or equivalent, has been approved for the removal of such trees. Replacement trees are to be above and beyond standard landscaping; required street trees do not count as replacement trees.				

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the City's Environmental Supervising Planner, prior to issuance of a Planned Development permit:

- The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
- Identify an alternative site(s) for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement. Contact PRNS Landscape Maintenance Manager for specific park locations in need of trees.
- Donate \$300 per mitigation tree to Our City Forest for in-lieu off-site tree

planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

- To safeguard the health of any trees to be retained, the project contractor shall follow the tree protection guidelines provided in Section 13.32.130 of the San José Municipal Code during all phases of development.

f) **Less Than Significant Impact.** The project site is located within the boundaries of the Santa Clara Valley HCP in an area designated as *Urban-Suburban* land use type. The project site is identified in the HCP within “Area 4: Urban Development Equal to or Greater Than 2 Acres Covered.” The site is also identified as a Burrowing Owl Fee Zone and Wildlife Survey Area Zone for Burrowing Owl (for the vacant portion of the site).

Burrowing Owls

The vacant open areas of the site are classified as a Wildlife Survey Area for Burrowing Owl by the HCP. Surveys for burrowing owl are required if the project-specific verified land cover map shows that the project site is within modeled occupied nesting habitat. The surveys are intended to satisfy the HCP requirements and reduce the potential for impacts to owls. As part of the project approval and permit conditions, a qualified biologist or ornithologist shall be retained to conduct pre-construction surveys in compliance with Condition 15 of Chapter 6 of the HCP, which will reduce the impact to the burrowing owls to a less-than-significant level. In addition, the project will be subject to the burrowing owl fees due to its location in the Burrowing Owl Fee Zone.

Nitrogen Deposition

Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the HCP area including the host plants that support the federally endangered Bay checkerspot butterfly. 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. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated under the HCP for new vehicle trips can be used to purchase conservation land for the Bay checkerspot butterfly.

Standard Permit Conditions

- The project applicant shall pay all applicable fees (including nitrogen deposition fee) and comply with all applicable conditions of the Santa Clara Valley HCP prior to issuance of a grading permit.
- The project shall conform to Condition 15 of the HCP. Condition 15 requires preconstruction surveys for burrowing owls in appropriate habitat prior to construction activities, provides avoidance measures for owls and nests in the

breeding season and owls in the non-breeding season, and sets forth requirements for construction monitoring.

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

E. CULTURAL RESOURCES

Setting

An archaeological literature review was completed for the project site by Holman & Associates (September 2016), which included a search of the Northwest Information Center of the California Historical Resources Information System (CHRIS), an adjunct to Sonoma State University.

The results of the archival search did not identify any recorded cultural resources within the project site. One cultural resource was recorded in the general vicinity about a half mile from the project site. The project area has been previously surveyed twice, with no indications of cultural resources. The archaeological report identified the project area as having a low sensitivity for Native American and historic-era archaeological deposits and cultural materials, and did not recommend additional archaeological work.

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 as defined in CEQA 15064.5?				X	1, 2, 8
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA 15064.5?			X		1, 2, 8
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	1, 2
d) Disturb any human remains, including those interred outside of formal cemeteries?			X		1, 2

Explanation

- a) **No Impact.** The project site does not contain any historic structures. The project, therefore, will not have a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.5.
- b) **Less Than Significant Impact.** The archaeological archival search did not identify any recorded cultural resources within the project site. One cultural resource was recorded in the general vicinity about a half mile from the project site. The project area has been previously

surveyed twice, with no indications of cultural resources. The archaeological report identified the project are as having a low sensitivity for Native American and historic-era archaeological deposits and cultural materials, and did not recommend additional archaeological work.

As part of the development permit approval, the project will conform to the following standard permit conditions to avoid impacts associated with disturbance to buried archaeological resources during construction.

Standard Permit Conditions

- Should evidence of prehistoric cultural resources be discovered during construction, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility shall be developed and implemented under the direction of the City's Environmental Supervising Planner.
 - As required by County ordinance, this project will incorporate the following guidelines. Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- c) **No Impact.** No paleontological resources have historically been identified in the project area and, therefore, it is unlikely that the project will destroy a unique paleontological resource or unique geologic feature.
- d) **Less Than Significant Impact.** Though unlikely, human remains may be encountered during construction activities. Implementation of standard permit conditions, identified in b) above, will avoid impacts associated with disturbance to human remains.

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

F. GEOLOGY AND SOILS

Setting

The City of San José is located in the Santa Clara Valley, a broad alluvial-covered plain lying between the Santa Cruz Mountains to the west and the Diablo Range to the east. The Valley and the entire San Francisco Bay region are within an area known as the Coast Range Geomorphic Province, an area where the geology is dominated by the deformation of the earth's surface due to the movement of the Pacific and North American tectonic plates; the San Andreas Fault system lies along the intersection of these two plates.

San José is part of the seismically-active coastal area of California. The area is classified as Seismic Zone 4, the most seismically-active in the United States. Resulting from earthquakes occurring along the San Andreas Fault system, which includes the Hayward Fault and Calaveras Fault zones, the region is subject to strong ground shaking.

The project site is located at elevations ranging from approximately ±145 to 149 feet above mean sea level (msl). The site and surrounding area are located on relatively flat terrain with the street section sloping gently in the north-northeasterly direction. Geological units mapped at the surface and identified in the area include Holocene alluvial fan deposits, fluvial deposits, basin deposits, and levee deposits. The dominant feature of the basin deposits is dark colored clays and fine silty clay with organic rich material. The levee deposits are comprised of sandy and clayey silts ranging to sandy and silty clays that are medium stiff to well-sorted (Phase I, AST, June 2016).

The site is currently occupied by a radio broadcasting station and vacant land.

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)
6. 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, 9
ii) Strong seismic ground shaking?			X		1, 2, 9
iii) Seismic-related ground failure, including liquefaction?			X		1, 2
iv) Landslides?			X		1, 2
b) Result in substantial soil erosion or the loss of topsoil?			X		1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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 wastewater disposal systems where sewers are not available for the disposal of wastewater?				X	1, 2

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 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 as described below.
- aii) **Less Than Significant Impact.** Due to its location in a seismically active region, the proposed development would be subject to strong seismic ground shaking during its design life, in the event of a major earthquake on any of the region’s active faults. This poses 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.

As a part of the development permit approval, the project will conform to the following standard permit conditions to avoid impacts related to geology and geotechnical hazards.

Standard Permit Conditions

- Prior to the issuance of any site-specific grading or building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San José Public Works Department for review and confirmation that the proposed development complies with the California Building Code and the requirements of applicable City Ordinance 25015 and Building Division Policy SJMC 24.02.310-4-94. The report shall determine the project site’s surface geotechnical conditions and address potential seismic hazards such as seismicity, expansive soils, and liquefaction. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the following requirement for the geotechnical and soils report shall be met:

- Analysis presented in the geotechnical report shall conform to the California Division of Mines and Geology recommendations presented in the “Guidelines for Evaluating Seismic Hazards in California.”
- aiii) **Less Than Significant Impact.** See aii) above. The project will be designed and constructed in accordance with a design-level geotechnical investigation to avoid potentially significant impacts from geotechnical hazards.
- aiv) **Less Than Significant Impact.** The project site has no appreciable vertical relief and would not be subject to landsliding. The project will be designed and constructed in accordance with a design-level geotechnical investigation to avoid potentially significant impacts from geotechnical hazards.
- b) **Less Than Significant Impact.** Development of the project will require grading (3,400 cubic yards (CY) of cut and 10,700 CY of fill) that could result in a temporary increase in erosion. The project will implement the standard measures identified in Section I. Hydrology and Water Quality section of this Initial Study to minimize erosion.
- c) **Less Than Significant Impact.** The project site is relatively flat and not subject to landslides. The project will be designed and constructed in accordance with a design-level geotechnical investigation, as identified in the standard permit condition in aii) above, to avoid potentially significant impacts from geotechnical hazards.
- d) **Less Than Significant Impact.** See aii) above. The project will be designed and constructed in accordance with a design-level geotechnical investigation to avoid potentially significant impacts from geotechnical hazards.
- e) **No Impact.** The project does not include any septic systems. The proposed project will tie into the City’s existing sanitary sewer system.

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

G. GREENHOUSE GAS EMISSIONS

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 (CO₂), methane (CH₄), ozone (O₃), water vapor, nitrous oxide (N₂O), 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.

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. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City’s GHG Reduction Strategy.

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)
7. 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, 3
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 3

Explanation

- a) **Less Than Significant Impact.** 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. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City’s GHG Reduction Strategy, and considered to have a less-than-significant impact related to GHG emissions. The project is consistent with the site’s *Light Industrial* General Plan land use designation, and thus complies with the City’s re-adopted GHG Reduction Strategy. For this reason, the project is considered to have a less-than-significant impact related to GHG emissions.
- 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 GHG Reduction Strategy and General Plan land use designation as outlined above.

The GHG Reduction Strategy identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The measures center around five strategies: energy, waste, water, transportation, and carbon sequestration. The GHG Reduction Strategy includes some measures that are considered mandatory for all proposed development projects, while others were considered voluntary. Voluntary measures are incorporated for proposed projects at the

discretion of the City. The project proposes the sustainability measures listed below, which will reduce GHG emissions.

General Green Design Measures for Project:

- Use sustainable building materials wherever possible.
- Design grading to minimize import/export of material.
- Recycle materials during site clearing construction activities.
- Foundations and tilt-up panel form boards to be reused.
- Use double-pane glass.
- Use LED and other energy efficient lighting.
- Use low or no VOC paints and solvent-free adhesives.
- Install irrigation drip system.
- Use drought tolerant plant material.
- Comply with CalGreen and local green building requirements.

Light Industrial Building Measures:

- Conduits to receive future solar panels.
- Upgraded roof insulation values.
- Conduit to future location for Vehicular Charging Stations.
- High efficiency furnaces and air conditioning units and on demand water heaters.

Ministorage Building Measures:

- Skylights in building hallways for natural light.
- Low wattage motion controlled interior lighting.
- Exterior lighting to be photocell controlled for on/off.

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

H. HAZARDS AND HAZARDOUS MATERIALS

Setting

The Phase I Assessment was performed for the project site by Advanced Soil Technology (AST, June 2016) and is contained in Appendix B. This assessment included a site reconnaissance, review of site history, review of historic aerial photos, review of selected local, state and federal regulatory records, and interviews with persons and agencies familiar with environmental history of the site.

The project site is currently occupied by a radio station and vacant land. Structures on the site include a building and three radio towers. During the site reconnaissance, AST observed one 500-gallon aboveground diesel storage tank, which provides fuel to the existing generator at the site. Two pad-mounted transformers were also observed on the site. These transformers did not reveal signs of leaks. Three steel radio towers were also observed; these towers are approximately 200 feet high and are used as radio signal transmitters.

Based on the review of a document from San José Fire Department (SJFD), a 500-gallon underground storage tank (single wall steel tank) was removed from the subject property on May 9, 1990 under the direction of the SJFD inspector. Soil samples were collected after removal of the tank from for lab testing. Results found no indication of contamination at the location of the former underground storage tank and the tank excavation was backfilled after clearance from the SJFD.

The Phase I Assessment identified the existing 500-gallon aboveground diesel storage tank as a Recognized Environmental Concern, and recommended limited soil sampling and laboratory analysis at the location of the existing aboveground storage tank. In addition, the Phase I Assessment recommended testing for asbestos containing materials and lead-based paint in the existing building on the site prior to demolition.

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. 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, 9
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, 9
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?			X		1, 2, 9
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, 9
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X		1, 2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	1, 2
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X		1, 2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	1, 2

Explanation

- a) **Less Than Significant Impact.** Development and operation of the proposed ministorage component of the project will not entail the routine use and/or transport of hazardous materials. Although future light industrial occupants are not known for a portion of the site, the proposed development standards will not allow for substantial hazardous material use or handling. Any hazardous materials used for future light industrial uses would be stored and used in accordance with the manufacturer's specifications, and meet all of the City of San José guidelines/ordinances related to such storage.
- b) **Less Than Significant Impact with Mitigation Incorporated.** The project site contains a 500 gallon diesel storage tank. The Phase I Assessment identified this as a potential source of hazardous materials contamination and recommended soil sampling. This represents a potentially significant impact that will be mitigated by the measures identified below. In addition, given the site's historical use for agricultural purposes, there's the potential for residual pesticides and herbicides in the subsurface soils.

Impact HAZ-1: Historic activities on the project site may have impacted subsurface soil and groundwater from previous agricultural uses and from the presence of the existing diesel fuel storage tank.

Mitigation (Included in Project)

- HAZ-1.1 Prior to issuance of grading permits, the project applicant shall retain a qualified consultant to collect limited soil and groundwater samples at the location of the aboveground diesel fuel storage tank. If the residual contaminants are not detected and/or are found to be below the environmental screening levels for public health and the environment in accordance with Santa Clara County Department of Environmental Health (SCCDEH) or the California Department of Toxic Substances Control (DTSC) requirements, no further mitigation is required.
- HAZ-1.2 Prior to issuance of grading permits, the project applicant shall retain a qualified consultant to conduct soil sampling to test shallow soils on the site for organochlorine pesticides and pesticide-based metals. If the residual contaminants are not detected and/or are found to be below the environmental screening levels for public health and the environment in accordance with SCCDEH or DTSC requirements, no further mitigation is required.
- HAZ-1.3 If residual contaminants, as outlined in Mitigation Measure HAZ-1.1 and HAZ-1.2, are found and are above regulatory environmental screening levels (ESLs) for public health and the environment, the project applicant shall implement appropriate management procedures, such as removal of the contaminated soil and implementation of a Site Management Plan (SMP) under regulatory oversight from the SCCDEH or DTSC and a Phase II Environmental Site Assessment. Copies of all environmental investigations shall be submitted to the City's Environmental Services Department and the City's Planning, Building and Code Enforcement (PBCE) Supervising Environmental Planner.

The SMP, if required, shall be prepared by a qualified hazardous materials consultant and include the following:

- Management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site.
- Preliminary Remediation Goals for environmental contaminants of concern to evaluate the site conditions following SMP implementation.
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction.
- The SMP shall be prepared and submitted to SCCDEH or DTSC for review and approval prior to issuance of grading permits and commencement of cleanup activities. The approved SMP shall detail procedures and protocols for management of soil containing environmental contaminants during site development activities.
- A No Further Action letter (or equivalent assurance) from SCCDEH or DTSC documenting completion of cleanup activities shall be provided to the PBCE Supervising Environmental Planner prior to issuance of a grading permit.

Demolition Activities

Development of the project would require demolition of the existing building on the site. Due to its age, this building could 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 as set forth in the standard permit conditions below.

Standard Permit Conditions

- All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR) Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the subject waste.
- c) **Less Than Significant Impact.** The project site is located within a ¼ mile of the Liberty Baptist School. However, any hazardous materials handling and disposal by the project during construction will be conducted in accordance with all legal requirements, thereby avoiding release of such materials into the environment. Refer also to b) above.
- d) **Less Than Significant 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) **Less Than Significant Impact.** The project site is located about one mile southwest of Reid-Hillview Airport. The site is located within the airport's Area of Influence. However, the project site is not located within any airspace safety zones. The proposed commercial and light industrial uses will not result in an air safety hazard for people residing or working in the project area.
- f) **No Impact.** The project site is not located within the vicinity of a private airstrip and would not result in a safety hazard to airstrip operations.
- g) **Less Than Significant Impact.** The proposed project will not interfere with any adopted emergency or evacuation plans. The project will not create any barriers to emergency or other vehicle movement in the area and will be designed to incorporate all Fire Code requirements.
- h) **No Impact.** The project will not expose people or structures to risk of loss, injury or death from wildland fires as it is located in a highly urbanized area that is not prone to such events.

Conclusion: The project would have a less-than-significant impact related to hazards and hazardous materials with implementation of identified mitigation and standard permit conditions.

I. HYDROLOGY AND WATER QUALITY

Setting

There are no surface waterways on the project site or within about a mile of the project site. The project site is not located within an area of historic flooding, and according to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, the site is within Zone D. Zone D is defined as an area of undetermined but possible flood hazard outside the 100-year floodplain. The City does not have any floodplain restrictions for development in Zone D.

The project site is located within the Evergreen Development Policy/Evergreen East Hills Development Policy area. The 1976 Evergreen Development Policy (EDP) established protection from the 100-year flood as the standard condition for development approval. Over the years,

development was allowed to proceed only if the 100-year flood protection was in place for each project and downstream of each project. As a result of developer contributions, the flood control system is substantially complete. The 1995 Revised EDP maintained the 100-year flood protection prerequisite to project approvals and identified the remaining watersheds to be improved to allow the buildout of Evergreen to proceed. In 2008, the EDP was renamed Evergreen East Hills Development Policy (EEHDP) and revised again; however, no changes were made to the flood protection policies.

Stormwater runoff flows from the project site currently flow into the City's storm drainage system. The project site is currently covered with 21,230 square feet of impervious surfaces.

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 State Water Resources Control Board (SWRCB). The CGP requires the installation and maintenance of Best Management Practices (BMPs) to protect water quality until the site is stabilized. The project is expected to require CGP coverage based on area of land disturbed.

Prior to the commencement of construction or demolition, the project must file a Notice of Intent (NOI) with the SWRCB and develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants associated with construction activities.

All development projects, whether subject to the CGP or not, shall comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season, the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

The City of San José is required to operate under a Municipal Stormwater NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. On October 14, 2009, the San Francisco Bay Regional Water Quality Control Board adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San José. The Municipal Regional Permit mandates the City of San José use its planning and development review authority to require that stormwater control 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, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

The City has developed policies that implement Provision C.3, consistent with the MRP. The City's Post-Construction Urban Runoff Management Policy (6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. The City's Post-

Construction Hydromodification Management Policy (8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects.

The proposed project would increase the amount of impervious surfaces on the site compared to existing conditions. Based on its size and land use, the project will be required to comply with the LID stormwater control requirements of Provision C.3 of the MRP. The MRP also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. In addition, development projects that create and/or replace one acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65% impervious must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations. Since the project site is located in a catchment/subwatershed area that is less than or equal to 65 % impervious, it is subject to the hydromodification control requirements under the MRP’s C.3 Provision and the City Council Policy 8-14.

Evergreen East Hills Development Policy

The project site is located in the Evergreen East Hills Development Policy Area and subject to the flood protection requirements listed below. Each policy is followed by a statement on the project's compliance.

1. Development will be allowed only if it is protected from the 100-year flood. *The project site is not subject to the 100-year flood.*
2. Development will be allowed only if it would not divert flood or overland flows onto or cause flooding on other properties. *Completion of the improvements planned with the project would not divert flood or overland flows onto or cause flooding on any adjacent properties.*
3. Flood control improvements required within the Evergreen East Hills Development Policy Area have been completed with the exception of the Quimby and Fowler Creek watersheds. Development within these watersheds must be consistent with Policies 1 and 2. *The project site is not within the Quimby or Fowler Creek watersheds.*

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)
8. HYDROLOGY AND WATER QUALITY. Would the project:					
a) Violate any water quality standards or waste discharge requirements?			X		1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				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, in a manner which would result in substantial erosion or siltation on- or off-site.			X		1, 2
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?			X		1, 2
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X		1, 2
f) Otherwise substantially degrade water quality?			X		1, 2
g) Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	1, 2
h) Place within a 100-year flood-hazard area structures which would impede or redirect flood flows?			X		1, 2
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X		1, 2
j) Inundation by seiche, tsunami, or mudflow?				X	1, 2

Explanation

- a) **Less Than Significant Impact.** The proposed development will not violate any water quality standards or waste discharge requirements as described in c) and e) below.
- b) **No Impact.** The project will not deplete or otherwise affect groundwater supplies because it would not access groundwater. In addition, the project would not deplete/otherwise affect groundwater recharge, since the project is not located within a groundwater recharge area.
- c) **Less Than Significant Impact.** Construction of the project would require 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 small size and flatness of the site. The project will implement the standard measures identified below to minimize erosion and water quality impacts. As a part of the development permit approval, the project will conform to the following conditions.

Standard Permit Conditions

Construction Measures

Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works, as follows:

1. The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities.
2. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. 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. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San José, California, 95113. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities.

The project applicant shall comply with the City of San 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. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

1. Restriction of grading to the dry season (April 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.

Post-Construction

The project shall comply with applicable provisions of the following City Policies: City Council Policy 6-29 Post-Construction Urban Runoff Management and City Council Policy 8-14 Post-Construction Hydromodification Management.

Details of specific Site Design, Pollutant Source Control, Stormwater Treatment Control, and Hydromodification Control measures demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), shall be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

- d) **Less Than Significant Impact.** The project will increase the amount of impervious area on the project site from 21,230 square feet to 374,315 square feet. The project proposes to implement a stormwater plan to control runoff (see Figure 7). The project proposes to implement a stormwater control plan to treat stormwater runoff with LID measures, such as bioretention areas. Details of specific Site Design, Pollutant Source Control, Stormwater Treatment Control, and Hydromodification Control measures demonstrating compliance with Provision C.3 of the MRP (NPDES Permit Number CAS612008), shall be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.
- e) **Less Than Significant Impact.** The project proposes to connect to the City's existing storm drainage system. The project is not expected to contribute runoff that will exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff. See also c) above.
- f) **Less Than Significant Impact.** Surface runoff from the site may contain urban pollutants. Runoff from the site could include oil, grease, and trace metals from the driveways. The project could also generate urban pollutants related to the use of fertilizers, pesticides, and herbicides on landscaped areas. The project will implement a stormwater control plan to treat runoff. See also c) and d) above.
- g) **No Impact.** The project is not located within a 100-year floodplain or flood hazard zone as mapped by FEMA (site is within Zone D).
- h) **Less Than Significant Impact.** The project site is located outside the 100-year floodplain (Zone D) and will not significantly impede or redirect flood flows.
- i) **Less Than Significant Impact.** See g) and h) above. The project is not subject to flooding from failure of a dam.
- j) **No Impact.** The project site is not located in an area subject to significant seiche, tsunami, or mudflow risk.

Conclusion: The project would have a less-than-significant impact on hydrology and water quality with implementation of identified standard permit conditions.

J. LAND USE

Setting

The project site is located in an urbanized area within the City of San José corporate limits. The project site is designated *Light Industrial* in the City's Envision San José 2040 General Plan. The project site is currently zoned A(PD) Planned Development Zoning District . The project is

application for a rezoning of the site from A(PD) Planned Development Zoning District to the LI(PD) Planned Development Zoning District and an associated Planned Development (PD) permit to allow the proposed ministorage and light industrial land uses.

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)
9. 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, 3, 12
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?			X		1

Explanation

- a) **No Impact.** The project is proposed on an infill site in an urban area that is currently developed. The proposed commercial/light industrial development will not physically divide an established community.
- b) **Less Than Significant Impact.** The project site is designated *Light Industrial* on the Envision San José 2040 General Plan Land Use/Transportation Diagram. This designation allows for a wide variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects. Warehousing, wholesaling, and light manufacturing are examples of typical uses in this designation. Light Industrial designated properties may also contain service establishments that serve only employees of businesses located in the immediate industrial area. Office and higher-end industrial uses, such as research and development, are discouraged in order to preserve the scarce, lower cost land resources that are available for companies with limited operating history (start-up companies) or lower cost industrial operations. Because of the limited supply of land available for industrial suppliers/services firms in the city, land use policies in the General Plan restrict land use changes on Light Industrial designated sites. The allowed density under this designation is a floor area ratio (FAR) of up to 1.5; allowable heights are one to three stories.

The proposed ministorage and light industrial uses are consistent with the City’s General Plan land use designation. The project will 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.

- c) **Less Than Significant Impact.** Please refer to D. Biological Resources for a discussion of the project’s consistency with the Santa Clara Valley HCP.

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

K. MINERAL RESOURCES

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)
10. 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.

L. NOISE

Setting

A Noise and Vibration Assessment was prepared for the project by Illingworth & Rodkin, Inc. (November 2016). This report is contained in Appendix D. The following discussion is based on the results of this assessment.

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. The City’s Envision San José 2040 General Plan applies the Day-Night Level (DNL) descriptor in evaluating noise conditions. The DNL represents the average noise level over a 24-hour period and penalizes noise occurring between the hours of 10 PM and 7 AM by 10 dB.

San José General Plan

The City’s Envision San José 2040 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 Envision San José 2040 General Plan and the San José Municipal Code include the following criteria for land use compatibility and acceptable noise levels in the City.

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						
<input type="checkbox"/>	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.					
<input type="checkbox"/>	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.					
<input type="checkbox"/>	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.)					

- Policy EC-1.1 of the General Plan calls for locating 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 exterior noise exposure standards and guidelines for land uses in San José are described in the table above. The City’s standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Development should include appropriate site and building design, building construction and noise attenuation techniques to meet this standard.
- Policy EC-1.2 of the General Plan considers noise impacts significant if a project would increase noise levels on adjacent sensitive land uses including residences as follows:
 - 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: of the General Plan requires to 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-1.7 of the General Plan requires construction operations 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:
 - 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 large or complex projects, a construction noise logistics plan is required 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, 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 of the General Plan requires new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a 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 vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional 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 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
Commercial or industrial uses adjacent to a property used or zoned for residential purposes	55
Commercial or industrial uses adjacent to a property used or zoned for commercial or other non-residential purposes	60
Industrial use adjacent to a property used or zoned for industrial or other use other than commercial or residential purposes	70

Noise Environment

The project site is located near existing residential and commercial/industrial uses. The nearest adjacent residences are located approximately five feet north and west of the project site. The adjacent commercial/industrial buildings are located approximately five feet south of the project site. Residential uses are also located near the site to the south/southwest.

Field noise measurements were performed from October 4 – 6, 2016. The monitoring survey included one long-term noise measurement (LT-1) and two short-term noise measurements (ST-1 and ST-2). The noise measurement locations are shown in Figure 11. The noise environment at the site and at the nearby land uses is dominated by traffic along King Road. Secondary traffic noise sources include vehicles along U.S. 101. Aircraft associated with Reid-Hillview Airport also affect the noise environment at the project site and in surrounding areas.

Long-term noise measurement LT-1 was made at a location along the east side of the project site, approximately 110 feet southwest from the centerline of King Road. Hourly average noise levels at this location typically ranged from 61 to 68 dBA L_{eq} during the day and from 50 to 63 dBA L_{eq} at night. The day-night average noise level on Wednesday, October 5, 2016 was 66 dBA DNL. Short-term noise measurement ST-1 was made in front of 2859 Barrow Court near residential land uses north of the project site. The 10-minute average noise level measured at this location between 1:20 p.m. and 1:30 p.m. on Tuesday, October 4, 2016 was 55 dBA L_{eq} . Short-term noise measurement ST-2 was made in front of 2928 Towers Lane near residences located southwest of the site. The 10-minute average noise level measured at this location between 1:40 p.m. and 1:50 p.m. on Tuesday, October 4, 2016 was 55 dBA L_{eq} .



Source: Illingworth & Rodkin, 2016

Noise Measurement Locations

Figure
11

2905 S. King Road
Initial Study

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. NOISE. Would the project result in					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?			X		10
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?		X			10
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		10
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		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 expose people residing or working in the project area to excessive noise levels?			X		1, 2
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X		1, 2

Explanation

- a) **Less Than Significant Impact.** The noise-related effects associated with the project are addressed below, based on the results of the noise assessment.

Project-Generated Noise Impacts

General Plan Policy EC-1.3 states, “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.” Chapter 20.50.300 states that sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 dBA at any property line shared with land zoned for residential use and the sound pressure level generated by any use or combination of uses shall not exceed 70 dBA at any property line shared with land zoned for industrial use, except upon issuance and in compliance with a Special Use Permit.

Noise levels associated with ministorage (self-storage) facilities are primarily related to intermittent vehicle circulation and human voices. Potentially noisy industrial or commercial uses such as manufacturing operations or contractor’s yards could occupy industrial buildings A-D. Typical noise sources would likely include truck movement, loading docks, outdoor mechanical equipment, operations (depending on the user), and parking lots.

Noise sources such as loading docks would be expected to generate noise levels of about 50 to 60 dBA L_{eq} at 150 feet depending on the number of trucks accessing the loading dock and

frequency of other extraneous noise sources associated with receiving areas (e.g., forklifts, etc.). Noise associated with the use of parking lots would include vehicular circulation, loud engines, car alarms, squealing tires, door slams, and human voices. The maximum sound (L_{max}) of a passing car at 15 mph typically ranges from 43 dBA to 53 dBA at 150 feet. The noise generated during an engine start is similar. Door slams create lower noise levels. Hourly average noise level resulting from all of these noise-generating activities in a busy parking lot could range from 35 dBA to 45 dBA L_{eq} at a distance of 150 feet from the parking area. Heating, ventilation, and cooling equipment could generate noise levels in the range of 50 dBA to 70 dBA L_{eq} at 150 feet depending on the number, type, and size of the proposed equipment. Trash compactors typically generate maximum noise levels of 40 to 50 dBA at 150 feet, depending on the power rating and enclosure characteristics.

The conceptual site plan shows that the nearest residential land uses located approximately five feet to the north, west, and southwest of the site would be shielded from intermittent noise produced by the ministorage operations by buildings A, B, F, G, and H, which are proposed along the north, west, and southwest boundaries of the site. The conceptual design also locates the primary noise-generating areas of the commercial/industrial uses (e.g., roll-up doors accessed from driveways on the interior of the site) away from nearby residences in the areas. These primary noise-generating areas of the commercial/industrial uses would be shielded from the nearest residences by the buildings themselves.

Although noise from intermittent activities associated with the ministorage and light industrial uses will at times be audible to nearby receptors, the infrequent noise is not expected to produce noise levels exceeding existing conditions or the General Plan noise threshold of 55 dBA DNL (per General Plan Policy EC-1.3). However, noise levels exceeding the City's Municipal Code standards could occur at the nearest receivers north, west, and southwest of the project site, depending on the light industrial uses that occupy the site, if noise generated by such uses is not regulated or adequately attenuated.

The project could generate noise in excess of established standards at the nearby sensitive receptors, which will be reduced to a less-than-significant level with standard permit conditions identified below.

Standard Permit Conditions

- Mechanical equipment and trash enclosures in commercial and industrial areas shall be located away from adjacent residential receivers or shielded with noise barriers.
- Loading dock hours of operation shall be limited to daytime and evening hours (7 a.m. to 10 p.m.).
- Parking lot cleaning activities in commercial and industrial areas shall be limited to daytime and evening hours (7 a.m. to 10 p.m.).

Project Generated Traffic Noise

Traffic noise levels from King Road dominate the noise environment in the area. The trip generation estimates for the project were reviewed to calculate the permanent noise increase from project traffic. The modeled traffic noise levels attributable to projects trips are calculated to be 45 dBA DNL along King Road. As shown from LT-1, the noise level at receptors near the entrance on King Road is 66 dBA DNL. The relatively low volume of additional traffic along roadways serving the site will not measurably increase the ambient noise environment on an hourly average or daily average basis. Therefore, future noise generated by traffic will continue to be above 60 dBA DNL and the noise level increase attributable to the project will be less than 3 dBA DNL. This is a less-than-significant impact.

Compliance with General Plan Policies Regarding Noise Exposure to Future Site Occupants

In December 2015, the California Supreme Court issued an opinion in the *California Building Industry Association vs. Bay Area Air Quality Management District (CBIA vs. BAAQMD)* case that CEQA is primarily concerned with the impacts of a project on the environment, not the effects of the existing environment on a project. In light of this ruling, the effect of existing ambient noise on future users or residents of the project would not be considered an impact under CEQA. However, General Plan Policy EC-1.1 requires that existing ambient noise levels be analyzed for new residences, hotels, motels, residential care facilities, hospitals, and other institutional facilities, and that noise attenuation be incorporated into the project in order to reduce interior and exterior noise levels to acceptable limits. The analysis of noise exposure for the future manager's unit at the ministorage facility is discussed below to determine compliance with General Plan Policy EC-1.1.

The City's standard for interior noise at the proposed manager's building is 45 dBA DNL. In addition, the California Green Building Code requires that non-residential buildings shall be constructed to provide an interior noise environment that does not exceed an hourly equivalent noise level ($L_{eq(1-hr)}$) of 50 dBA in occupied areas during any hour of operation. The light industrial buildings in the southeast portion of the site as well as the manager's unit for the ministorage component will be subject to the interior noise thresholds. Assuming a one (1) dBA increase in noise levels from King Road and U.S. 101, the future exterior traffic noise exposure at all building facades would be at or below 67 dBA DNL.

Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior to interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA DNL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. Where noise levels exceed 65 dBA DNL, forced-air mechanical ventilation systems and sound-rated construction methods are normally required. Such methods or materials may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound-rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

For the proposed project, the interior noise level standards applicable to occupied interior spaces would be met assuming standard construction methods with the windows closed. In order to provide a habitable interior environment when doors and windows are closed for noise control purposes, a suitable form of forced-air mechanical ventilation, as determined by the local building official, should be provided for occupied interior spaces. No additional noise insulation features (e.g., sound-rated construction methods) would be required.

- b) **Less Than Significant Impact with Mitigation Incorporated.** The construction of the project may generate vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Construction activities would include the demolition of existing structures, site preparation work, excavation of the below-grade parking level, foundation work, paving, and new building framing and finishing. Based on a review of the construction equipment list provided at the time of this study, the proposed project is not expected to require pile driving, which can cause excessive vibration.

According to Policy EC-2.3 of the City of San José General Plan, a vibration limit of 0.08 in/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historical structures, and a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of normal conventional construction. With no known historical buildings in the vicinity of the project site, a significant impact would occur if nearby buildings were exposed to vibration levels in excess of 0.20 in/sec PPV.

The residential uses closest to the project site include adjacent residences five feet north and west of the property line. At these distances, vibration levels at the adjacent residences produced by the equipment having the highest potential for high vibration levels (i.e., vibratory roller, impact tools, etc.) would be up to 1.2 in/sec PPV, which exceeds the 0.2 in/sec PPV threshold. The remaining residential land uses are 105 feet east of the project site across King Road. At these distances, vibration levels would be at or below 0.04 in/sec PPV, which would be below the 0.2 in/sec PPV threshold. The closest commercial/industrial land uses lie adjacent to the project site, approximately five feet to the south of the property line. At these distances, vibration levels at the adjacent commercial/industrial buildings would be up to 1.2 in/sec PPV, which exceeds the 0.2 in/sec PPV threshold.

Vibration levels may at times be perceptible and could cause annoyance. However, as with any type of construction, perceptible vibration would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (e.g., use of jackhammers and other high power tools). By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum. Mitigation is identified below to reduce this impact to a less-than-significant level.

Impact NSE-1: Construction-related vibration levels would exceed 0.2 in/sec PPV at nearby uses to the north and west, which could impact these structures.

Mitigation (Included in Project)

NSE-1 The project applicant and/or contractor shall adhere to the following measures to reduce vibration impacts from construction activities:

- Submit a list of all heavy construction equipment to be used for the project and the anticipated time duration of using the equipment that is known to produce high vibration levels (vibratory rollers, hoe rams, large bulldozers, etc.) to the Supervising Environmental Planner of the Planning, Building, and Code Enforcement Department for approval. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring.
 - Prohibit the use of heavy vibration-generating construction equipment, such as vibratory rollers or excavation using clam shell or chisel drops, within 20 feet of any adjacent building.
 - Prohibit pile driving at the site.
 - Notify neighbors of scheduled construction activities and schedule construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses.
 - Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- c) **Less Than Significant Impact.** The noise increases from operation of the project are evaluated in a) above. Noise will be generated on the site in the short-term during construction activities as described in d) below.
- d) **Less Than Significant Impact.** Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. The construction of the proposed project would involve demolition of existing structures and pavement, substantial grading and excavating to create the below-grade parking garage and to lay foundations, trenching, building erection, and paving. The hauling of excavated materials and construction materials would generate truck trips and associated noise along local roadways.

Nearby noise sensitive uses include residences adjacent to the north and west of the project site, residences to the east across King Road, and commercial/industrial buildings to the south. Hourly average noise levels due to construction activities during busy construction periods outdoors would range from about 74 to 86 dBA L_{eq} at a distance of 50 feet. Construction-generated noise levels drop off at a rate of about six dBA per doubling of distance between the source and receptor. The noise sensitive uses are approximately five feet and 105 feet from the project site. At these distances, hourly average noise levels during busy construction periods would range from 94 to 106 dBA L_{eq} for the adjacent residences and from 68 to 80 dBA L_{eq} for the residences across King Road. Construction noise levels

would be expected to exceed 60 dBA L_{eq} and exceed the ambient noise environment by at least 5 dBA L_{eq} at noise-sensitive residential uses in the project vicinity for a period exceeding one year. Commercial/industrial land uses would be exposed to construction noise levels of 94 to 106 dBA L_{eq} at a distance of five feet from the project site. Such noise levels would exceed 70 dBA L_{eq} and the ambient noise environment by at least 5 dBA L_{eq} for a period exceeding one year. Construction noise levels would be expected to exceed both the 60 dBA L_{eq} residential and 70 dBA L_{eq} commercial/industrial thresholds, as well as exceed the ambient noise environment by at least 5 dBA L_{eq} at noise-sensitive uses in the project vicinity for a period exceeding one year. This is considered a significant impact.

Policy EC-1.7 of the City's General Plan states that for large or complex projects within 500 feet of residential land uses or within 200 feet of commercial land uses or offices involving substantial noise-generating activities lasting more than 12 months, a construction noise logistics plan is required prior to the start of construction that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator to respond to neighborhood complaints.

Construction of the project would result in significant noise impacts on nearby sensitive receptors that would be reduced to a less-than-significant level with the following standard permit conditions.

Standard Permit Conditions

Construction activities for the proposed project should include the following best management practices, to reduce noise from construction activities near sensitive land uses:

- Limit construction activities to the hours 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.
- 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.
- Strictly 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. Temporary noise barriers could reduce construction noise levels by 5 dBA.
- 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.
- Erect a temporary noise control blanket barrier, if necessary, along building façades facing construction sites. This mitigation would only be necessary if conflicts occurred that were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Designate a "disturbance coordinator" responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will 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 in it the notice sent to neighbors regarding the construction schedule.

e), f) **Less Than Significant Impact** Reid-Hillview Airport is located approximately one mile northeast of the project site. According to the 2022 Aircraft Noise Contour, the project site is located outside the 60 dBA CNEL noise contour.

Conclusion: The project would have a less-than-significant impact related to noise and vibration with incorporation of identified mitigation measures and standard permit conditions.

M. POPULATION AND HOUSING

Setting

The population of the City of San José is approximately 1,015,785 (U.S. Census Bureau, 2014). The proposed ministorage and light industrial are intended to meet the demand for such uses in the San José community.

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. POPULATION AND HOUSING. Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X		1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2

Explanation

- a) **Less Than Significant.** The ministorage component of the project includes one manager’s unit and will have few employees. The project will generate additional jobs for the light industrial component; however, the addition of 65,000 square feet of such uses will not induce substantial population growth. The project is consistent with the land use designation for the site and the associated growth was anticipated in the City’s General Plan projections.
- b) **No Impact.** The project would not displace existing housing or require the construction of replacement housing. The project site is currently occupied by a radio station and vacant land.
- c) **No Impact.** See b) above.

Conclusion: The project would have a less-than-significant impact on population and housing.

N. PUBLIC SERVICES

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 16, located approximately 1.3 miles from the project site at 2001 S King Road.

Police Protection: Police protection services are provided to the project site by the San José Police Department (SJPD).

Parks: The nearest park is Meadowfair Park, located about 0.25 miles from the project site at Corda Drive and Barberry Lane.

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)
13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or 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
c) Schools?				X	1, 2
d) Parks?				X	1, 2
e) Other public facilities?				X	1, 2

Explanation

- a) **Less Than Significant Impact.** The project will result in an incremental increase in the demand for fire protection services. The final project design will incorporate the appropriate fire safety measures in consultation with the San José Fire Department. The project will not significantly impact fire protection services or require the construction of new or remodeled facilities.
- b) **Less Than Significant Impact.** The project will result in an incremental increase in the demand for police protection services. The final project design will incorporate the appropriate security measures in consultation with the San José Police Department. The project will not significantly impact police protection services or require the construction of new or remodeled facilities.
- c) **No Impact.** The proposed project does not include residential development and, thus, will not generate student demand on school services.
- d) **No Impact.** The proposed project does not include residential development and, thus, is not subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance, which is not applicable to commercial and industrial land uses.
- e) **No Impact.** The proposed project does not include residential development and, thus, will not impact other public services, including library services.

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

O. RECREATION

Setting

The nearest park is Meadowfair Park, located about 0.25 miles from the project site at Corda Drive and Barberry Lane.

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. RECREATION. Would the project:					
a) 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) 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) **No Impact.** The development of the commercial/light industrial uses on the project site will not increase the use of parks or other recreational facilities. The City’s Parkland Dedication Ordinance and Park Impact Ordinance 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. However, the proposed commercial/industrial use is not subject to these ordinances.

Conclusion: The project would have a no impact on recreational facilities.

P. TRANSPORTATION

Setting

The project site is located along S. King Road, about 600 feet north of Aborn Road. The site is currently accessed by a single driveway off of King Road, about 150 feet south of Monrovia Drive. The property is occupied by a radio broadcasting station (KLOK), which consists of a 10,000 square foot “office” building, three radio towers, and parking/driveway areas.

Evergreen Development Policy/Evergreen East Hills Development Policy

The project site is located within the Evergreen Development Policy/Evergreen East Hills Development Policy Area. The Evergreen Development Policy (EDP) was adopted in August 1976 and revised in 1991, 1995, 1998, and 2008 to address the issues of flood protection and traffic capacity in the Evergreen area. The purpose of the 1995 Revised EDP was to provide the updated policy framework for the buildout of Evergreen, and it identified the remaining street system

improvements required to allow up to 4,620 planned or potential dwelling units to proceed. In 1998, the Policy was amended to define significant impacts requiring mitigation. In 2008, the Policy was renamed Evergreen East Hills Development Policy (EEHDP) and was updated to allow an additional 500 residential units, 500,000 square feet of commercial/retail development, and 75,000 square feet of office development; to authorize a decreased level of service at four major intersections [Capitol Expressway/Nieman Boulevard, San Felipe Road/Yerba Buena Road (North), San Felipe Road/Delta Road, and Evergreen Commons/Tully Road]; and to establish the Evergreen East Hills Development Policy Traffic Impact Fee.

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)
15. TRANSPORTATION/TRAFFIC. Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X		1, 2, 12
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?			X		1, 2, 12
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X		1, 2
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?			X		1, 2, 12
e) Result in inadequate emergency access?			X		1, 2
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?			X		1, 2

Explanation

- a) **Less Than Significant Impact.** The Evergreen East Hills Development Policy provides traffic allocation for a development pool of up to 500,000 square feet of new retail development within the Evergreen East Hills area. The project proposes to develop 133,000 square feet of ministorage uses and 65,000 square feet of light industrial uses. The project site is currently occupied by 10,000 square feet of general office space used as a radio station. The proposed development falls within the remaining development pool under the categories of office park and retail.¹

¹ Email from Karen Mack, Traffic Manager, Development Services, City of San José, dated 9/30/16.

The Supplemental EIR for the EEHDP concluded that the level of service would degrade to a worse LOS (but not worse than LOS D) at four intersections. Because the improvements necessary to restore traffic LOS to background conditions would create undesirable conflicts with other modes of travel or unacceptable impacts to biological resources, the new EEHDP exempted these impacts from requiring mitigation. The Supplemental EIR also identified significant unavoidable impacts at two other intersections, for which the City has adopted a statement of overriding considerations. For the remaining LOS impacts, the Supplemental EIR identified mitigation measures, in the form of specific improvements to the transportation network, to reduce the impacts to less-than-significant levels.

The Traffic Impact Fee (TIF) program for the EEHDP is based on a fair-share contribution towards the cost of providing transportation improvements that directly mitigate the traffic impacts associated with the development authorized by the EEHDP. The project will be required to pay the TIF prior to the issuance of any building permits. Therefore, LOS impacts resulting from the project would not require mitigation, and the project would not result in any additional significant traffic impacts.

- b) **Less Than Significant Impact.** The project would not conflict with an applicable congestion management program, including but not limited to, level of service standards and travel demand measures. See discussion a) above.
- c) **Less Than Significant Impact.** The project is within the Area of Influence for the Reid-Hillview Airport, located about one mile to the northeast; however, the proposed commercial/industrial development will not result in any changes to air traffic patterns.
- d) **Less Than Significant Impact.** The project will not substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment). Access to the site will be provided by two driveways from King Road. These two driveways will align with the two opposite streets to the east: Monrovia Drive and Tustin Drive (see Figure 5).

Parking will be provided in surface parking lots. The project will be required to meet the City's parking standards for the proposed ministorage and light industrial uses. Circulation within the site is provided by a series of driving aisles, and parking will be provided in surface lots (see Figure 5).

- e) **Less Than Significant Impact.** The project will not result in inadequate emergency access since it will comply with all Fire Department codes and regulations regarding access.
- f) **Less Than Significant Impact.** The project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

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

Q. UTILITIES AND SERVICE SYSTEMS

Setting

Utilities and services are furnished to the project 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: City of San José Municipal Water System
- Storm Drainage: City of San José
- Solid Waste: Republic Services
- Natural Gas & Electricity: PG&E

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)
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	1, 2
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		1, 2
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		1, 2
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		1
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		1
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		1
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X		1

Explanation

- a) **No Impact.** The project will not exceed or impact wastewater treatment requirements of the applicable Regional Water Quality Control Board, since the project is not required to obtain a permit to discharge wastewater.
- b) **Less Than Significant Impact.** The proposed project will incrementally increase water demands and wastewater generation; however, this increase is not expected to require or result in the construction of new water or wastewater treatment facilities or any expansion of existing facilities.
- c) **Less Than Significant Impact.** The project proposes to connect to the City’s existing storm drainage system and is not expected to contribute runoff that will exceed the capacity of existing or planned storm water drainage systems. A storm water control plan will be implemented to manage storm water drainage on the project site (see Figure 7).
- d) **Less Than Significant Impact.** See b) above. Sufficient water supplies are available to serve the project from existing entitlements and resources.
- e) **Less Than Significant Impact.** The project will not impact wastewater treatment services, since adequate capacity is available to serve the project demand.
- f) **Less Than Significant Impact.** The project will not generate substantial solid waste that would adversely affect any landfills.
- g) **Less Than Significant Impact.** The project will comply with federal, state, and local statutes and regulations related to solid waste.

Conclusion: The project would have a less-than-significant impact on utilities and service systems.

R. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17. 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, 2, 3, 6, 8
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, 2, 6

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			X		1

Explanation

- a) **Less Than Significant Impact with Mitigation Incorporated.** Based on the analysis provided in this Initial Study, the proposed project will not 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. Mitigation measures and standard permit conditions are identified for potential impacts of the project on special status species and potential disturbance to buried archaeological resources during construction to reduce these effects to a less-than-significant level.
- b) **Less Than Significant Impact.** Based on the analysis provided in this Initial Study, the proposed project will not significantly contribute to cumulative impacts since no significant developments are proposed in the project vicinity.
- 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.

Chapter 4. References

LEAD AGENCY

City of San José Department of Planning, Building and Code Enforcement

Harry Freitas, Director

Meenaxi R. Panakkal, AICP, Supervising Environmental Planner

Krinjal Mathur, Environmental Planner

REPORT PREPARATION

Denise Duffy & Associates, Inc.

Planning & Environmental Consultants

Leianne Humble, Senior Planner/Project Manager

Ashley Quackenbush, Planner

Robyn Simpson, Editor

PERSONS CONTACTED

Gerry DeYoung, Ruth and Going, Inc.

Brian Jackson, Hexagon Transportation Consultants, Inc.

Karen Mack, Transportation Department, City of San José

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