ADDENDUM TO THE
NORTH SAN JOSÉ DEVELOPMENT POLICIES UPDATE
ENVIRONMENTAL IMPACT REPORT

Oakland Road Self-Storage

City File No.: PDC15-017

CITY OF SAN JOSÉ
CALIFORNIA

November 2015

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Chapter 1. Background Information

PROJECT DATA

1. **Project Title**: Oakland Road Self-Storage

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

3. **Project Proponent**: Hudson Industrial Equities, Inc., 483 Horning Street, San José, CA 95112 Contact: Adam Hudson (408) 271-0500 adamhudson@hudsonequities.com

4. **Project Location:** An approximately 1.2 gross acre developed site located at 1785 Oakland Road, about 1,200 feet north of Brokaw Road. The site was previously occupied by industrial uses (Praxair nitrogen generation plant). The project is located on Assessor's Parcel Number 237-03-064.

5. **Project Description Summary:** Construction of a self-storage facility (ministorage) to consist of 468 self-storage units, ranging from 25 to 420 square feet in size, within an approximately 74,640 square-foot building. The facility will include a 600 square foot office and a 1,150 square foot two-bedroom caretaker's apartment within the self-storage building.

6. **Envision 2040 San José General Plan Designation**: Industrial Park

7. **Zoning Designation**: A(PD)

8. **Council District**: 4

9. **Habitat Conservation Plan Designation**: Urban/Suburban (less than two acre site)

10. **Surrounding Land Uses**:
    North – light industrial/office, residential
    South – light industrial/office, residential
    East – residential
    West – railroad tracks, industrial/office

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Chapter 2. Project Description

INTRODUCTION

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the lead agency to evaluate these changes to determine whether or not they effect the conclusion in the environmental document.

In June 2005, the City of San José certified the Final Program Environmental Impact Report for the North San José Development Policies Update (NSJ FPEIR, SCH# 2004102067), which allows for 26.7 million square feet of new industrial/office/research & development uses, 1.7 million square feet of new neighborhood serving commercial uses, and the addition of 32,000 new residential units within the Development Policy Area.

The purpose of this Addendum is to analyze the impacts of a proposed self-storage facility located within the North San José Development Policy Area. The project proposes a 74,640 square foot self-storage facility on a 1.2 acre site, to include 468 storage units, an office, one caretaker's apartment, and parking.

The project includes application for an Industrial Park Planned Development Zoning. This would allow all permitted, conditional, special, and administrative uses permissible under the Industrial Park Zoning District, plus mini-warehouse, mini-storage, and self-storage uses with one live-in manager unit. This Addendum addresses the self-storage use (with manager unit) since this is the only use proposed at this time. If other allowable uses are proposed on the site in the future, additional environmental analysis would be required to evaluate these specific uses.

The CEQA Guidelines §15162 states that when an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines §15164 states that the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in §15162 (see above) calling for preparation of a subsequent EIR have occurred.

Based on the review of the proposed project and environmental review prepared for the NSJ FPEIR, the City has concluded that the proposed project would not result in any new impacts not previously disclosed in the NSJ FPEIR and would not result in a substantial increase in the magnitude of any significant environmental impacts previously identified. For these reasons, an addendum to the NSJ FPEIR has been prepared for the proposed project.

This addendum will not be circulated for public review, but will be attached to the NSJ FPEIR, pursuant to CEQA Guidelines §15164(c).

PROJECT LOCATION

The project is proposed within the corporate limits of San José, in Santa Clara County (refer to Figure 1). The site is located on Assessor's Parcel Number (APN) 237-03-064 (refer to Figure 2). The project is proposed on an approximately 1.2 acre site located at 1785 Oakland Road, on the west side of the road, about 1,200 feet north of Brokaw Road.

An aerial of the project site and surrounding area is presented in Figure 3. The project site was formerly occupied by a 3,552 square-foot office/lab/industrial facility for nitrogen generation. The site currently contains one vacant building and asphalt/concrete parking and driveway areas. A concrete wall extends along the southern and eastern borders of the property and a cyclone fence with barbed wire runs along the western border.

The project site is bound by Oakland Road to the east, Union Pacific railroad tracks to the west, light industrial and office uses to the north, and a mixed of residential, light industrial, and office uses to the south. The project is located within the boundaries of the North San José Development Policy.

PROJECT DESCRIPTION

The project proponent is applying for an Industrial Park Planned Development (IP) Zoning and Planned Development Permit to allow the construction of a self-storage facility (ministorage) on the 1.2 acre infill site.[1] The facility will consist of 468 self-storage units, ranging from 25 to 420 square feet in size, contained within an approximately 74,640 square-foot building. The facility will also include an office and a two-bedroom caretaker's apartment. Development of the project will require the demolition of all existing structures on the site.

The conceptual site plan for the project is presented in Figure 4 and conceptual building elevations are provided in Figure 5. The maximum building height would be 120 feet, consistent with the building height requirements in the North San José Development Policy Area. A description of the project components is provided below.

Parking and Access. Access to the storage facility would be provided from two driveways off of Oakland Road, as shown in Figure 4. The north driveway entrance will be two-way and the south driveway a one-way exit. Surface parking is proposed to provide a total of 16 spaces.

Grading/Tree Removal. A conceptual grading/drainage plan for the project is presented in Figure 6. Development of the project would involve minor grading of the site and may require export of an estimated 20 cubic yards of material. New site retaining walls supporting fills up to four feet thick are proposed along the southwest and south property lines. Construction will require the removal of 28 trees existing on the site.

Lighting. Exterior lighting is proposed for the proposed building and parking area for security and access. All outdoor lighting will conform to the City's Council's Outdoor Lighting Policy (4-3).

Utilities. The project includes the provision of services and utilities to serve the proposed self-storage facility, including water, storm drainage, wastewater, and solid waste. A stormwater control plan is proposed that directs runoff to two bio-retention areas prior to discharge into the City's storm drainage system, as shown in the conceptual stormwater control plan in Figure 7.

Public Improvements. The project includes improvement to the existing public sidewalk and curb/gutter along the project's frontage with Oakland Road as well as an extension of the median in the center of Oakland Road in front of the project site.

Landscaping. A landscaping plan has been prepared for the project that shows the planting of trees and other landscaping along the site's frontage with Oakland Road and within the north portion of the site, as shown in Figure 8.

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[1] The IP Zoning would allow all permitted, conditional, special, and administrative uses permissible under the IP Zoning District, plus mini-warehouse, mini-storage, and self-storage uses with one live-in manager unit. This Addendum addresses the self-storage use (with manager unit) since this is the only use proposed at this time. If other allowable uses are proposed on the site in the future, additional environmental analysis would be required to evaluate these uses.

PROJECT SCHEDULE

Construction of the project is anticipated commence in spring 2016 and take approximately 10 months to complete.

PROJECT OBJECTIVES

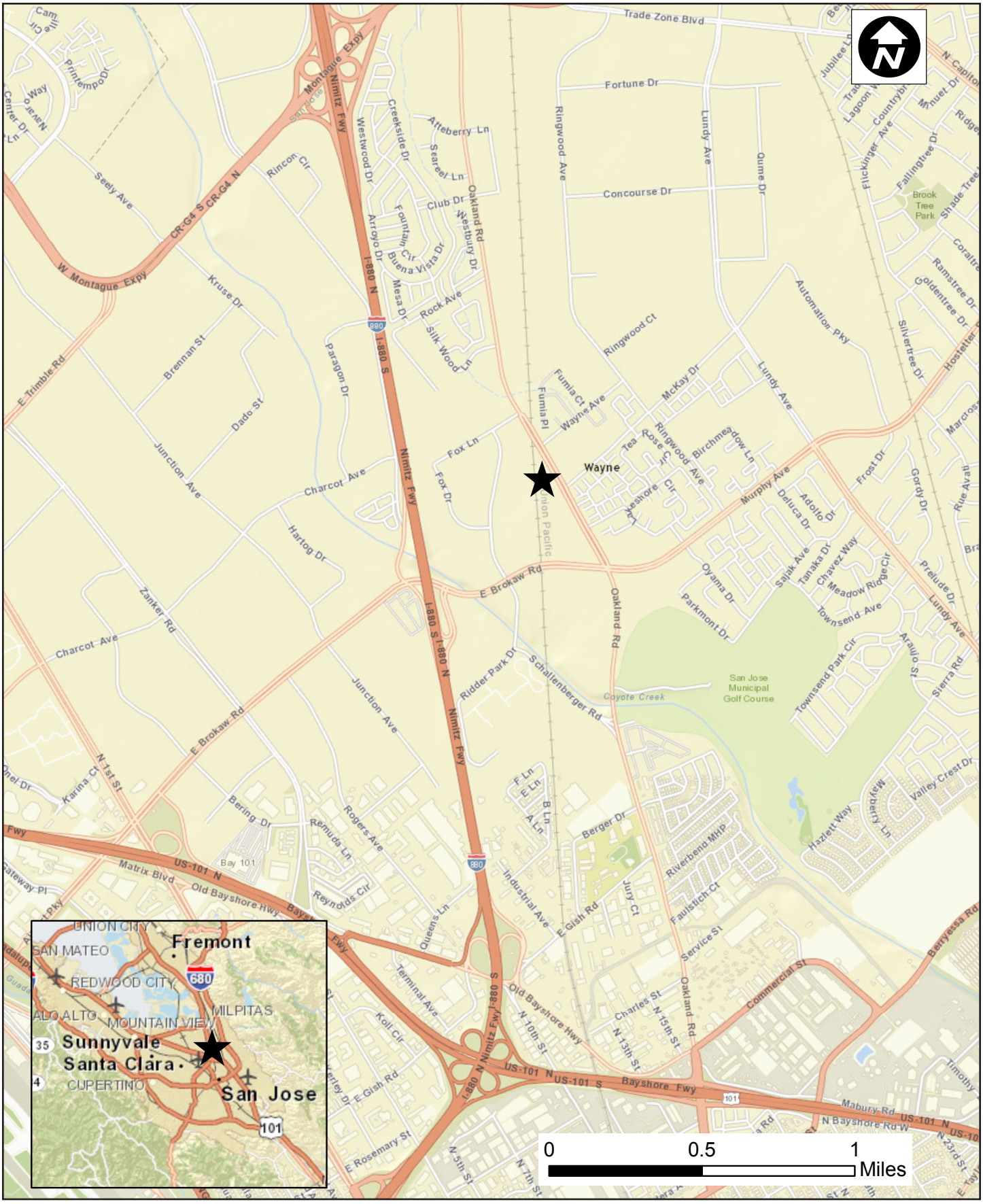
The objectives of the proposed project are listed below:

- Redevelop the former industrial facility and underutilized property into an economically productive use as a self-storage facility.
- Use land efficiently by constructing a self-storage building with 16 onsite parking spaces.
- Develop an approximately 75,000 square foot under-cover self-storage facility with individual storage units and on-site management office and caretaker's apartment.
- Create a quality architectural and landscape design to enhance the aesthetics and to be compatible with the nearby industrial park, commercial retail centers, and multi-family residential uses.
- Construct a self-storage facility that will facilitate business development and support business operations in the City of San José.
- Construct a self-storage facility that will satisfy the storage needs of nearby industrial park and commercial businesses, including document storage, inventory storage, and other types of storage.
- Construct a self-storage facility that will satisfy the storage needs of home-based businesses in nearby high-density residential and single-family neighborhoods.
- Provide personal storage opportunities for transient workers relocating to work at San José companies.
- Provide storage opportunities for the planned 27 million square feet of employment space and the planned 32,000 high-density residential units in North San José.

PROJECT APPROVALS

The project will require the following approvals:

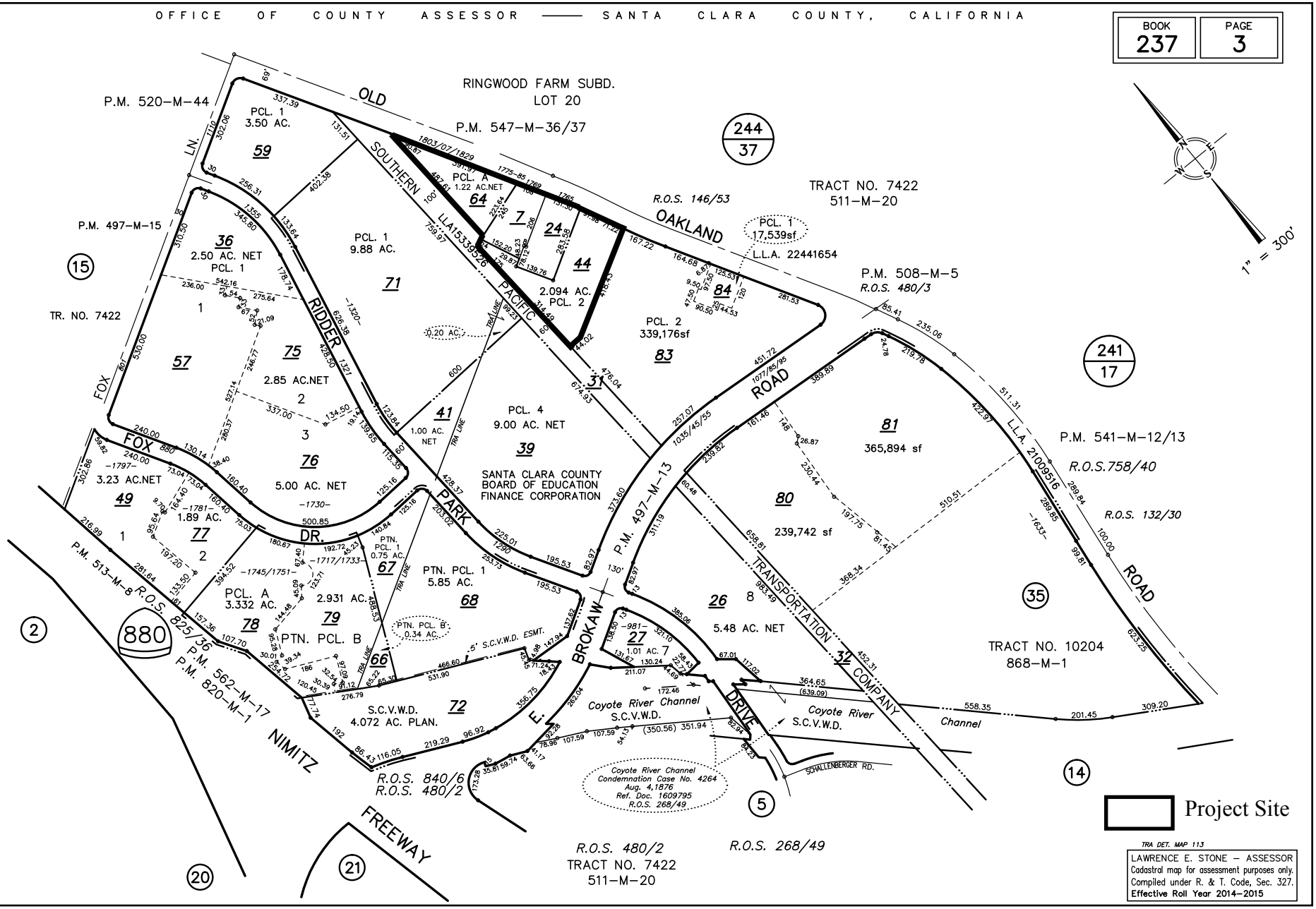
- City of San José – Environmental Clearance, IP (PD) Zoning, Planned Development Permit, Grading Permit, Building Permit, and Tree Removal Permit.



Location Map

Figure 1

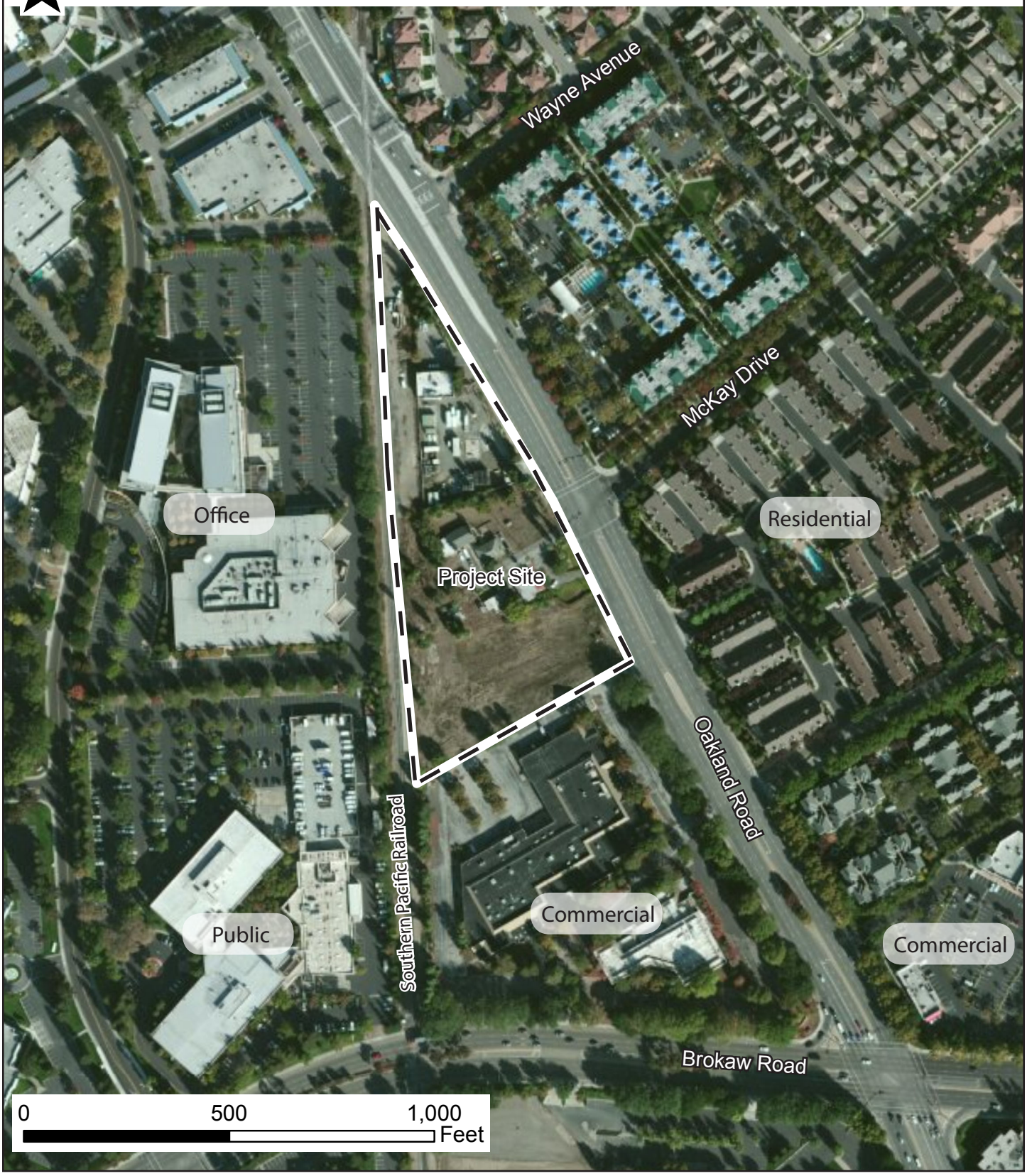
Oakland Road Self Storage
Initial Study



APN Map

Figure 2

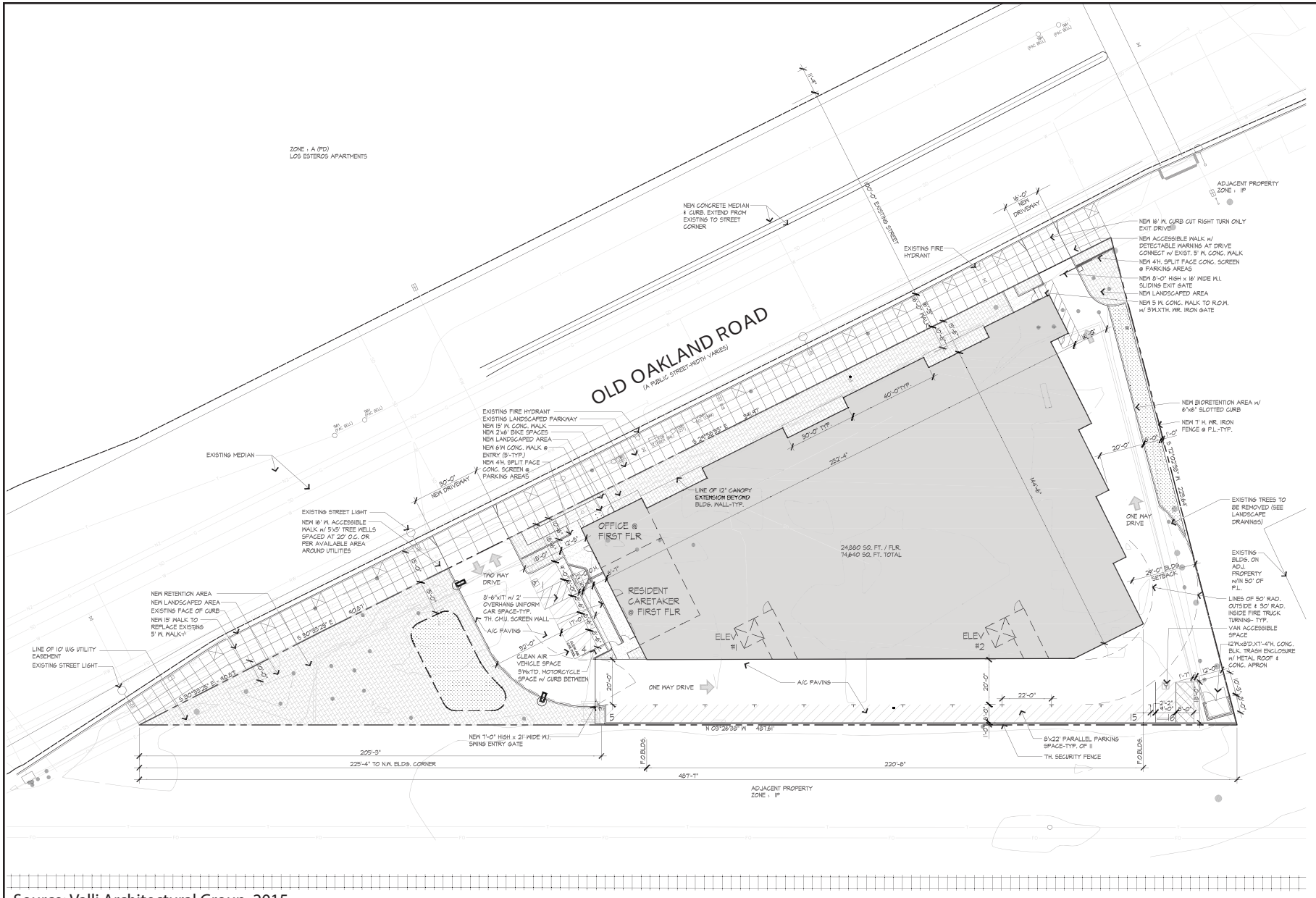
Oakland Road Self Storage
Initial Study



Aerial

Figure 3

Oakland Road Self Storage
Initial Study

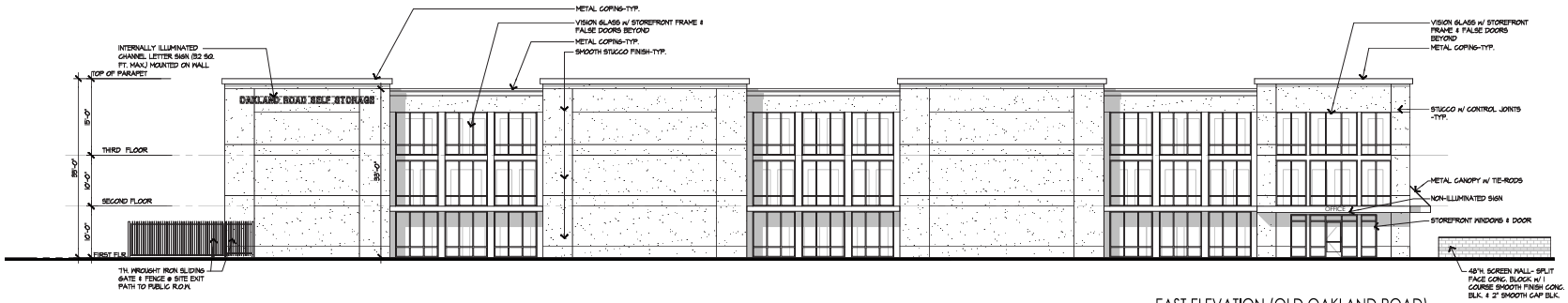


Source: Valli Architectural Group, 2015

Conceptual Site Plan

Oakland Road Self Storage
Initial Study

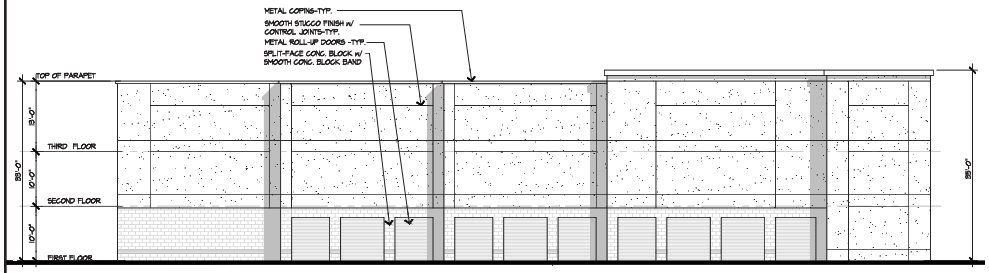
Figure
4



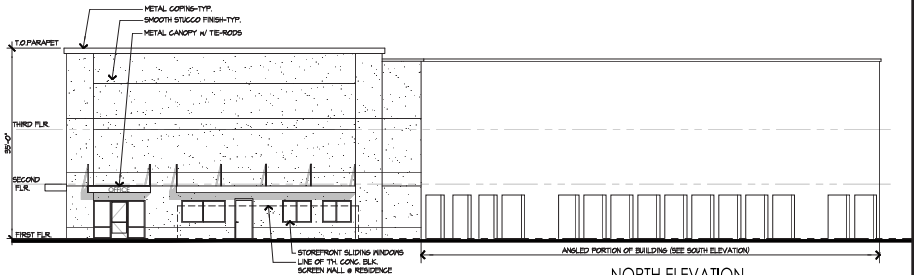
EAST ELEVATION (OLD OAKLAND ROAD)

MATERIALS & COLORS

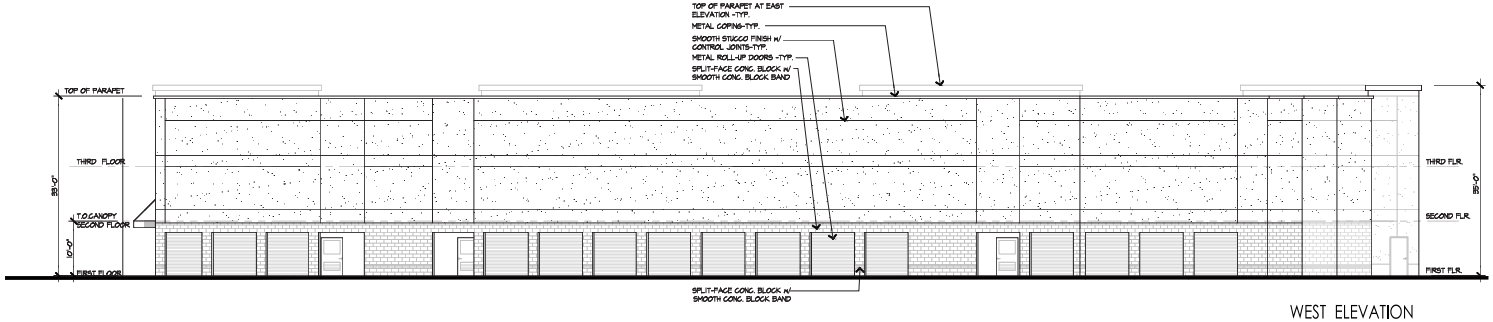
- T.P.O. ROOF
  CARLISLE OR EQ. ' WHITE ' COOL ROOF
- METAL PARAPET CAPS/CANOPIES
  MBCI 'WHITE'
- SPLIT FACE CMU
  'ANGELUS BLOCK OR EQ. ' GRANITE'
- DISPLAY ROLL-UP DOORS IN STOREFRONT
  JANUS 'ROYAL BLUE'
- PRECISION CMU
  ANGELUS BLOCK OR EQ. 'EBONY'
- SMOOTH STUCCO FINISH
  SHERWIN WILLIAMS 'TAN'
- METAL REVEALS
  (TO MATCH STUCCO)
- GLASS
  PPG OR EQ. 'AZURLITE' (BLUE) w/ KAWNEER STOREFRONT FRAME (WHITE)
- ALL LIGHT FIXTURES SHALL BE NON GLARE DOWNCAST TYPES WITH NO LIGHT SPILLING ONTO OTHER PROPERTIES



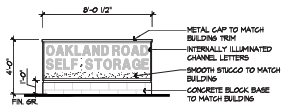
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



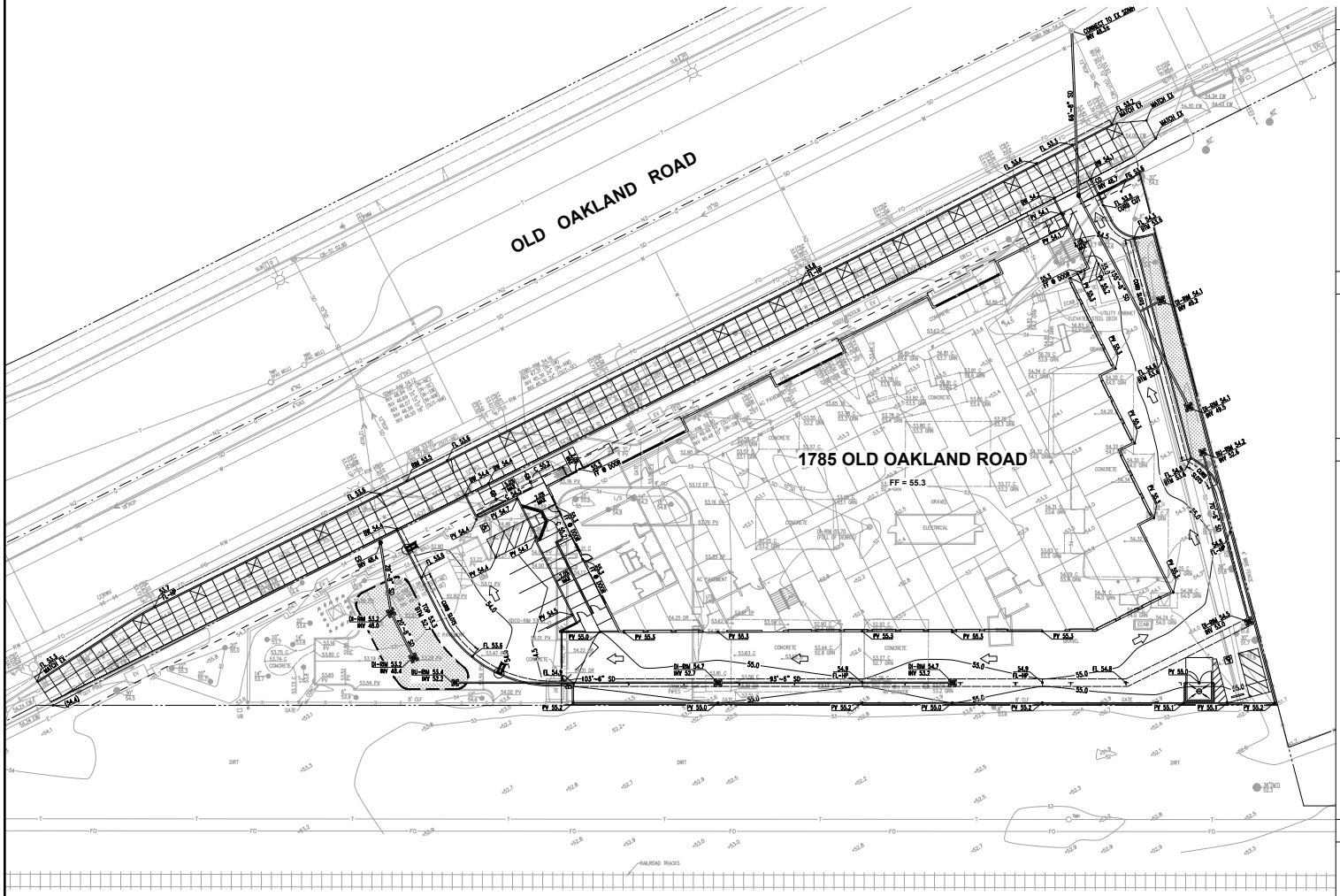
FREE STANDING SIGN SCALE: 1/4" = 1'-0"

Source: Valli Architectural Group, 2015

Elevations

Oakland Road Self Storage
Initial Study

Figure
5



GENERAL LEGEND

LINETYPE	ABBREVIATION	DESCRIPTION
	PL	PROPERTY LINE
		ADJACENT PROPERTY LINE
		MONUMENT LINE
		EXISTING EASEMENT
		BUILDING LINE
		NEW VERTICAL CURB
		NEW CURB & GUTTER
		NEW CONCRETE SIDEWALK
		GRADE BREAK / RIDGE LINE
15		CONTOUR
100.00		SPOT ELEVATION
(100.00)		EXISTING ELEVATION
		OVERLAND RELEASE

UTILITY LEGEND

LINETYPE/SYMBOL	ABBREVIATION	DESCRIPTION
	SD	STORM DRAIN
	DI	SQUARE INLET/OVERFLOW DRAIN
	BU	BUBBLE-UP DRAIN
	CO	CLEAN OUT TO GRADE
		PUBLIC TREE WELL
		BIORETENTION POND

ABBREVIATIONS

(PP)	PER PLAN	GB	GRADE BREAK
AC	ASPHALTIC CONCRETE	GLM	GAS LINE MARKER
ACP	ASBESTOS CEMENT PIPE	GRN	GROUND
AR	ARGON	GUY	GUY WIRE
BU	BUBBLE UP	GV	GAS VALVE
BTM	BOTTOM	HP	HIGH POINT
CAB	CABINET	I.P.	IRON PIPE
CATV	CABLE TELEVISION	INV	INVERT ELEVATION
CB	CATCH BASIN	L/S	LANDSCAPE
CLF	CHAIN LINK FENCE	LIP	LIP OF GUTTER
CO	CLEAN OUT TO GRADE	MAX	MAXIMUM
COMM	COMMUNICATION	MH	MANHOLE
CONC	CONCRETE	MON	MONUMENT
CSJ	CITY OF SAN JOSE	PV	PAVEMENT
DI	DROP INLET	RCP	REINFORCED CONCRETE PIPE
DICL	DUCTILE IRON CEMENT LINED	RIM	RIM ELEVATION
DR	DOOR	RWM	RECLAIMED WATER METER
EB	ELECTRIC BOX	RWV	RECLAIMED WATER VALVE
ECAB	ELECTRIC CABINET	SD	STORM DRAIN
ELEC	ELECTRICAL	SDCO	STORM DRAIN CLEAN OUT
EP	EDGE OF PAVEMENT	SDMH	STORM DRAIN MANHOLE
EV	ELECTRIC VAULT	SLB	STREET LIGHT BOX
EW	EDGE OF WALK	SSCO	SANITARY SEWER CLEAN OUT
EX	EXISTING	SSMH	SANITARY SEWER MANHOLE
FC	FACE OF CURB	TB	TELEPHONE BOX
FF	FINISH FLOOR	TC	TOP OF CURB
FG	FINISH GRADE	TCD	THRU CURB DRAIN
FL	FLOW LINE	TE	TRASH ENCLOSURE
FNC	FENCE	TELE	TELEPHONE
FND	FOUND	TSB	TRAFFIC SIGNAL BOX
FOB	FIBER OPTIC BOX	UB	UTILITY BOX
FOM	FIBER OPTIC MARKER	UTIL	UTILITY
FOMH	FIBER OPTIC MANHOLE	W/	WITH
		WB	WATER BOX

NOTES

THE BELOW INFORMATION WAS OBTAINED FROM THE CITY OF SAN JOSE PERMITTING WEB SITE AND FEMA.GOV. NO SOILS REPORT HAS BEEN PREPARED FOR THE PROJECT AT THIS TIME.

PROJECT SOIL TYPE: SILT LOAM
PROJECT GROUNDWATER DEPTH: 0-10 FEET
PROJECT 100-YEAR FLOOD ELEVATION: NONE DETERMINED

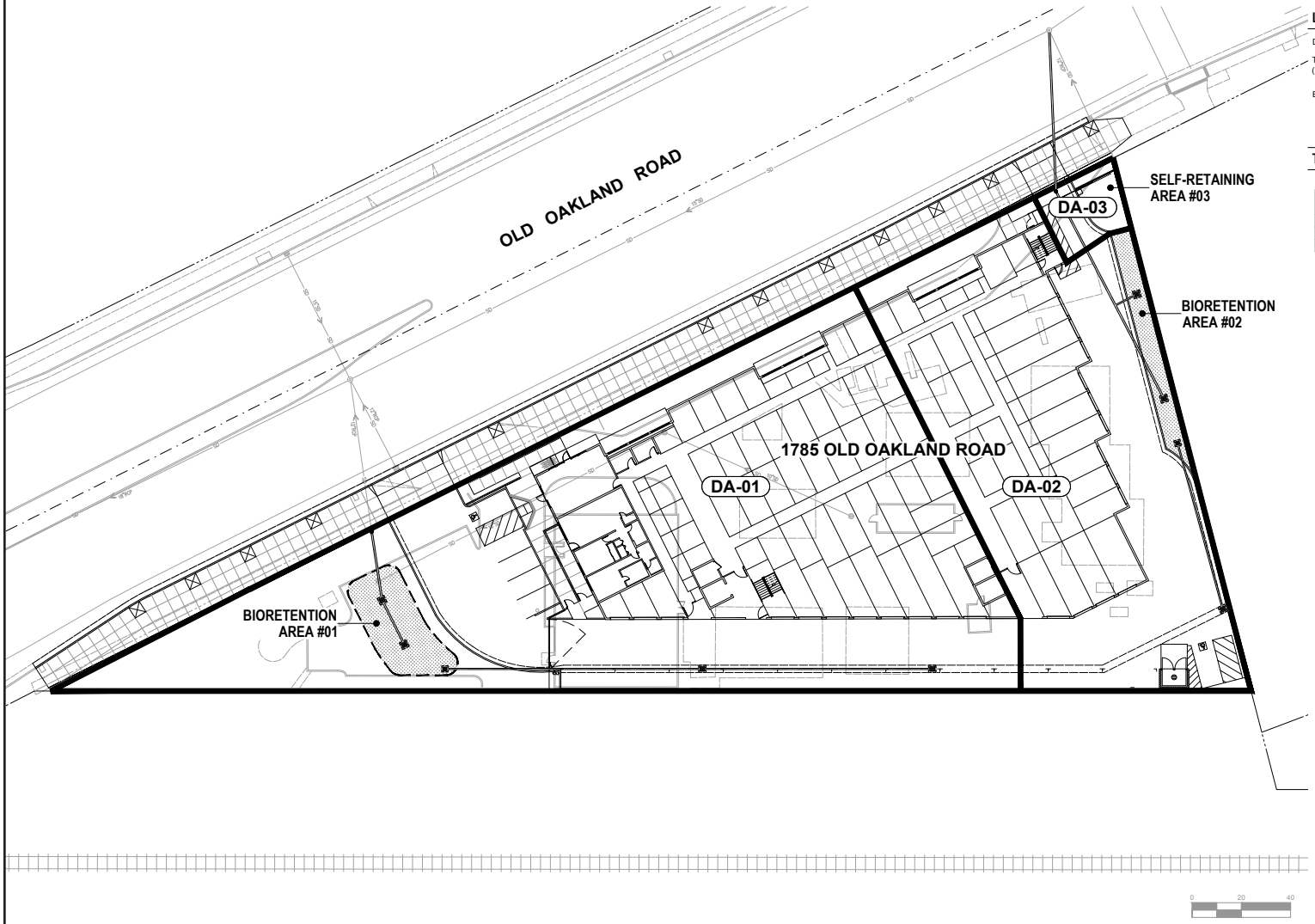
0 20 40

Source: nterra, 2015

Conceptual Grading/Drainage Plan

Oakland Road Self Storage
Initial Study

Figure
6



LEGEND

DRAINAGE MANAGEMENT AREA LIMITS

TREATMENT CONTROL MEASURE (BIORETENTION AREA)

BIORETENTION AREAS — DA-01

TREATMENT CONTROL SUMMARY TABLE

DMA #	DRAINAGE AREA (sf)	IMPERVIOUS AREA (sf)	TREATMENT REQIRED (sf)	TREATMENT PROVIDED (sf)	TREATMENT METHOD
DMA-01	33,443	25,282	1,011 (4% sf)	1,098 (4.3%)	BIOTREATMENT
DMA-02	18,599	17,145	686 (4% sf)	814 (4.7%)	BIOTREATMENT
DMA-03	924	491	246 (2:1 sf)	433	SELF-RETAINING

Source: nterra, 2015

Conceptual Stormwater Control Plan

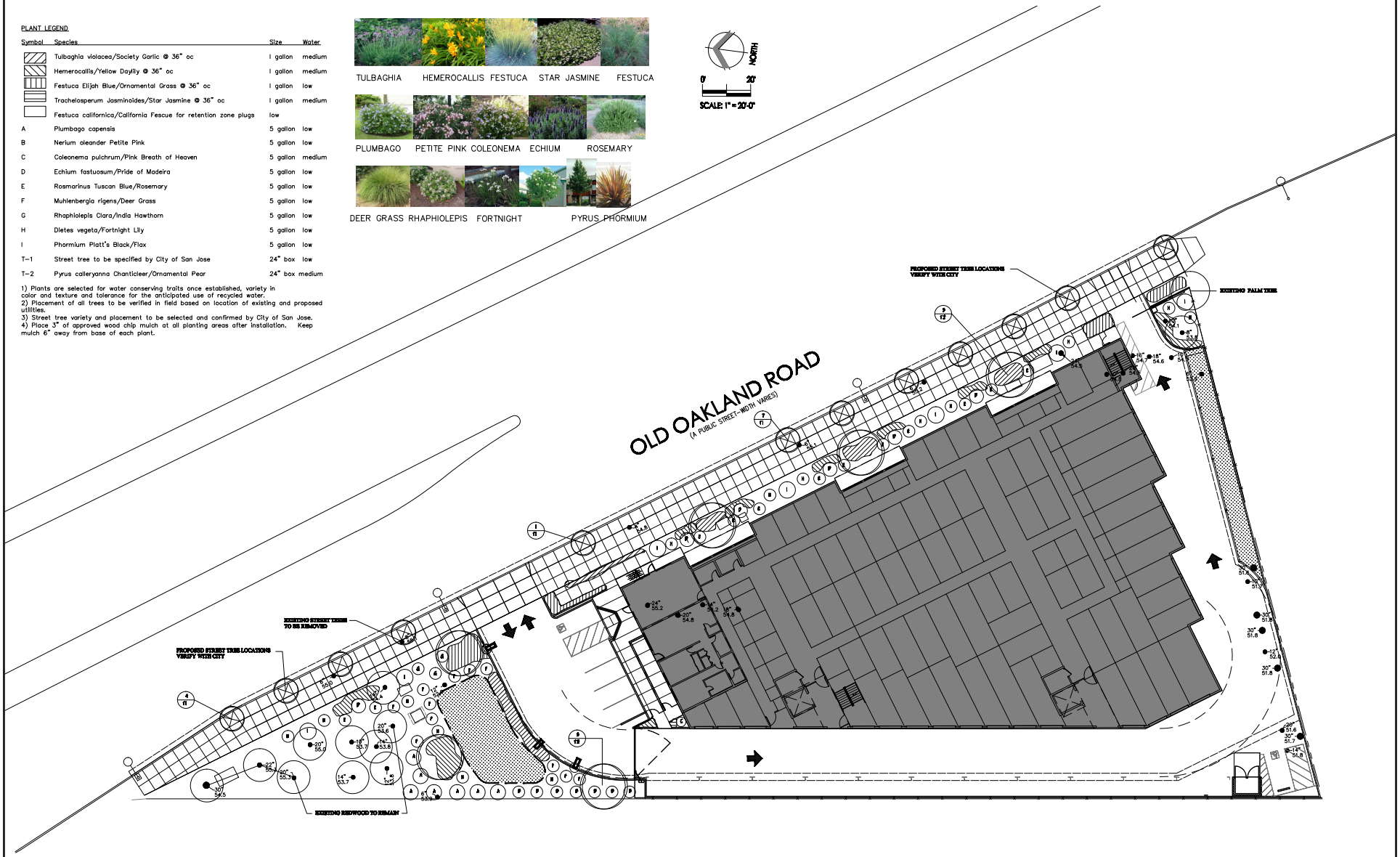
Oakland Road Self Storage
Initial Study

Figure
7

PLANT LEGEND

Symbol	Species	Size	Water
	Tulbaghia violacea/Society Garlic @ 36" oc	1 gallon	medium
	Hemerocallis/Yellow Daylily @ 36" oc	1 gallon	medium
	Festuca Elijah Blue/Ornamental Grass @ 36" oc	1 gallon	low
	Trachelosperum Jasminoides/Star Jasmine @ 36" oc	1 gallon	medium
	Festuca californica/California Fescue for retention zone plugs		low
A	Plumbago capensis	5 gallon	low
B	Nerium oleander Petite Pink	5 gallon	low
C	Coleonema pulchrum/Pink Breath of Heaven	5 gallon	medium
D	Echium fastuosum/Pride of Madeira	5 gallon	low
E	Rosmarinus Tuscan Blue/Rosemary	5 gallon	low
F	Muhlenbergia rigens/Deer Grass	5 gallon	low
G	Rhaphiolepis Clara/India Hawthorn	5 gallon	low
H	Dietes vegeta/Fortnight Lily	5 gallon	low
I	Phormium Platt's Black/Flax	5 gallon	low
T-1	Street tree to be specified by City of San Jose	24" box	low
T-2	Pyrus calleryanna Chanticleer/Ornamental Pear	24" box	medium

1) Plants are selected for water conserving traits once established, variety in color and texture and tolerance for the anticipated use of recycled water.
2) Placement of all trees to be verified in field based on location of existing and proposed utilities.
3) Street tree variety and placement to be selected and confirmed by City of San Jose.
4) Place 3" of approved wood chip mulch at all planting areas after installation. Keep mulch 6" away from base of each plant.



Source: W. Jeffrey Heid, 2015

Conceptual Landscape Plan

Oakland Road Self Storage
Initial Study

Figure
8

Photo 1. View of northern portion of site from Old Oakland Road.

Photo 2. View of southern portion of site from Old Old Oakland Road.

Site Photos

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Chapter 3. Environmental Evaluation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors identified below are 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.

☒ Aesthetics	☒ Agricultural Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Geology/Soils
☒ Greenhouse Gas Emissions	☒ Hazards/Hazardous Materials	☒ Hydrology/Water Quality
☒ Land Use/Planning	☒ Mineral Resources	☒ Noise
☒ Population/Housing	☒ Public Services	☒ Recreation
☒ Transportation/Traffic	☒ Utilities/Service Systems	☒ 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 were 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

The project site is located within an urbanized area of San José along Oakland Road north of Brokaw Road. Photos of the site are presented in Figure 9. The site was previous occupied by Praxair, Inc., a nitrogen generation facility. Remaining structures on the site include one vacant building, parking and paved areas, and fencing/walls along the site's perimeter. The site also contains landscaping and mature trees.

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.[2] In addition, the project is not located along any scenic corridors per the City's Scenic Corridors Diagram in the Envision San José 2040 General Plan.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact than Previously Considered Project	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

[2] State Scenic Highway program: http://www.dot.ca.gov/hq/LandArch/scenic/faq.htm

Explanation

a) **Same Impact as Previously Considered Project**. The project site is located in an urbanized portion of central San José. The proposed storage facility would replace an existing industrial building and would not block or otherwise adversely affect any scenic vistas.

b) **Same Impact as Previously Considered Project**. The project site is not located within any City or state-designated scenic routes.

c) **Same Impact as Previously Considered Project**. The project would alter the existing visual character of the site and its surroundings by replacing the existing single story industrial building with a new self-storage facility. The project is not expected to significantly degrade the existing visual character of the area, which is bordered by Oakland Road and apartments to the east, railroad tracks to the west, and a mix of office/industrial/residential uses to the north and south. Visual effects of the project would be minimized through 1) conformance with the North San José Design Guidelines, and 2) design review to ensure scale and mass are compatible with surrounding development. Development on this infill site will not degrade the existing visual character or quality of the site and its surroundings.

d) **Same Impact as Previously Considered Project**. Exterior lighting would be provided for the new storage facility in accordance with the City's Outdoor Lighting Policy (4-3) to ensure the project would not create a new substantial source of light. The project does not propose any major sources of glare.

Conclusion: The project would have a less-than-significant impact on aesthetics. The analysis in the NSJ FPEIR concluded that the aesthetic/visual impacts from future development would be less-than-significant. The proposed project would not result in any new or more significant aesthetic impacts than those addressed in the NSJ FPEIR.

B. AGRICULTURAL AND FORESTRY 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[3]. The project area is identified as "urban/built-up land" on the Santa Clara County Important Farmlands Map[4].

CEQA requires the evaluation of forest and timber resources where they are present. The project site is located in an urban area that has been historically used for agricultural, commercial, and residential uses. The site does not contain any forest land as defined in Public Resources Code section

[3] The Land Conservation (Williamson) act: http://www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx
[4] Santa Clara County Important Farmlands Map: http://redirect.conservation.ca.gov/dlrp/fmmp/product_page.asp

12220(g)[5], timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g)[6].

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
2. AGRICULTURAL AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X		3
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X		2
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

[5] Public Resources Code section 12220(g) http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=12001-13000&file=12220
[6] Government Code section 51104(g)[6]: http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=51001-52000&file=51100-51104

Explanation

a) **Same Impact as Previously Considered Project**. The project site is designated as urban land on the Important Farmlands Map for Santa Clara County and does not contain any prime farmland, unique farmland, or farmland of statewide importance. The project will not affect agricultural land.

b) **Same Impact as Previously Considered Project**. The project site is not zoned for agricultural use and does not contain lands under Williamson Act contract; therefore, no conflicts with agricultural uses will occur.

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

d) **Same Impact as Previously Considered Project**. The project will not impact forest resources since the site does not contain any forest land as defined in Public Resources Code Section 12220(g), timberland as defined by Public Resources Code Section 4526, or property zoned for Timberland Production as defined by Government Code Section 51104(g).

e) **Same Impact as Previously Considered Project**. As per the discussion above, the proposed project will not involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland or agricultural land, since none are present on this developed infill property.

Conclusion: The project would have a less-than-significant impact on agricultural and forestry resources. The analysis in the NSJ FPEIR concluded that the future development have no impact on farmland. The proposed project would not result in any new or more significant impacts on agricultural and forestry resources than those addressed in the NSJ FPEIR.

C. AIR QUALITY

Setting

The following discussion of air quality is based on an air quality assessment prepared for the project by Atmospheric Dynamics, Inc. (May 2015), contained in Appendix A.

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

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, 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 NOx)
- Particulate matter, primarily $PM_{2.5}$, as well as the precursors to secondary $PM_{2.5}$
- Toxic air contaminants
- Greenhouse gases

The BAAQMD monitors air quality conditions at more than 30 locations throughout the Bay Area. The closest monitoring station to the project is the San José (Central) station. Summarized air pollutant data for this station is provided in Table 1, which shows the highest air pollutant concentrations measured at this station for 2010-2014.

Table 1
Highest Measured Air Pollutant Concentrations (San José Central)

Pollutant	Average Time	Measured Air Pollutant Levels				
		2010	2011	2012	2013	2014
Ozone (O_3) ppb	1-Hour	126	98	101	93	89
	8-Hour	86	67	62	79	66
Carbon Monoxide (CO) ppm	1-Hour	2.8	2.5	2.6	3.1	2.4
	8-Hour	2.2	2.3	1.9	2.5	1.9
Nitrogen Dioxide (NO_2) ppb	1-Hour	64	61	67	59	58
	Annual	14	15	13	15	13
Sulfur Dioxide (SO_2) ppb	1-Hour	4.9	7.2	7.9	2.5	3
	24-Hour	1.8	2.4	2.8	1.4	0.9
Respirable Particulate Matter (PM_{10}) ug/m3	24-Hour	47	44	60	58	55
	Annual	19.5	19.2	18.8	22.3	19.9
Fine Particulate Matter ($PM_{2.5}$) ug/m3	24-Hour	41.5	50.5	38.4	57.7	60.4
	Annual	8.8	9.9	9.1	12.4	8.4

Notes: ppm = parts per million ug/m^3 = micrograms per cubic meter ND = data not available.
Source: BAAQMD Air Quality Summaries.

Sensitive Receptors

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. Sensitive receptors in the project area consist of multi-family residential uses (apartments/condominiums) to the east and southeast (across Oakland Road.), and single family residences to the south and northeast. Other sensitive receptors consist of a Head Start Center located approximately 1,300 feet to the southwest, the Orchard School District office complex located 1,300 feet to the northwest, and the Brooktree Elementary School (the nearest school) located about 6,900 feet to the northeast of the site. The caretaker's apartment at the proposed storage facility is also considered a sensitive receptor.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	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		1, 2, 4
b) Violate any air quality standard or contribute to an existing or projected air quality violation?				X		1, 2, 4
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		1, 2, 4
d) Expose sensitive receptors to substantial pollutant concentrations?				X		1, 2, 4
e) Create objectionable odors affecting a substantial number of people?				X		1, 2

Explanation

a) **Same Impact as Previously Considered Project**. The BAAQMD, with assistance from the Association of Bay Area Governments and Metropolitan Transportation Commission, implements specific plans to meet the applicable laws, regulations, and programs including the *Carbon Monoxide Maintenance Plan* (1994), the *2001 Ozone Attainment Plan*, and the *Bay Area 2010 Clean Air Plan*. In formulating compliance strategies, the BAAQMD relies on planned land uses established by local general plans. When a project proposes to change planned uses by requesting a general plan amendment, the project may depart from the assumptions used to formulate BAAQMD in such a way that the cumulative result of incremental changes may hamper or prevent the BAAQMD from achieving its goals. This is because land use patterns influence transportation needs, and motor vehicles are the primary source of air pollution. The proposed project would not conflict with implementation of control measures contained in the Bay Area 2010 Clean Air Plan since it does not propose any changes in use or long-term traffic conditions.

b) **Same Impact as Previously Considered Project**. Subsequent to the certification of the NSJ FPEIR, the BAAQMD updated their CEQA Guidelines, which provide recommendations for evaluating air pollution emissions. 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 2.

Table 2 BAAQMD Air Quality Significance Thresholds			
	Construction Thresholds	**Operational Thresholds**	
Pollutant	**Average Daily Emissions (lbs./day)**	**Average Daily Emissions (lbs./day)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82	82	15
$PM_{2.5}$	54	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
GHG (CO2e)	1,100 Metric Tons*	1,100 Metric Tons*	
Health Risks and Hazards for New Sources			
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 $\mu g/m^3$	0.3 $\mu g/m^3$	
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 $\mu g/m^3$		
Notes: ROG = reactive organic gases, NOx = nitrogen oxides, PM_{10} = course 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. * Proposed operational significance level. Source: BAAQMD, 2014.			

The nearest sensitive (residential) receptors are located approximately 70 feet south of the project boundary. The project could generate air pollutant emissions during operations and construction. A summary of these effects based on the results of the air quality analysis is provided below.

Operational Emissions

The operational emissions for the proposed self-storage facility (post-construction) would be associated solely with vehicular and residential-related emissions. The estimated daily operational emissions from the project are presented in Table 3.

Table 3 Estimated Operational Emissions						
Category	**ROG**	**NOx**	**PM_{10} (Exhaust plus Fugitives)**	**$PM_{2.5}$ (Exhaust plus Fugitives)**	**CO**	**SOx**
Lbs/day (normalized per 365 days/yr)						
Unmitigated	1.76	0.071	0.0054	0	0.06	0.00044
Mitigated	1.76	0.071	0.0054	0	0.06	0.00044
BAAQMD Thresholds	**54**	**54**	**82**	**54**	**na**	**na**
Exceed Threshold?	No	No	No	No	NA	NA

Carbon monoxide (CO) emissions from traffic generated by operation of the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below state and federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as attainment for the standard. The highest measured CO over any 8-hour averaging period during the last three years is less than or equal to 2.5 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. Intersections affected by the project operational traffic would have volumes less than the BAAQMD screening criteria and thus would not cause a violation of an ambient air quality standard or have a considerable contribution to violations of these standards.[7]

Based on the discussion above, operation of the project is not expected to exceed the significant operational thresholds, violate any air quality standard, contribute substantially to an existing/projected air quality violation, or expose sensitive receptors to substantial air pollutant levels.

Construction Emissions

During the construction phase of the project, emissions of air pollutants are expected to occur from demolition, excavation, grading, new building construction, paving, and application of architectural coatings. During demolition, excavation, grading, and some building construction activities, fugitive dust could be generated. Estimated emissions of air pollutants during the construction phase of the project were compared to the BAAQMD significance criteria, which include thresholds based on 1) total mass emissions on a pound per day basis and 2) health risk based on thresholds for diesel particulate matter and $PM_{2.5}$ (concentration threshold). Construction emissions were estimated for the project using CalEEMod (Version 2013.2.2).[8]

[7] For a land-use project type, the BAAQMD *CEQA Air Quality Guidelines* state that a proposed project would result in a less than significant impact to localized carbon monoxide concentrations if the project would not increase traffic at affected intersections to more than 44,000 vehicles per hour.

[8] CalEEMod is a statewide land use emissions computer model developed to provide a uniform platform to quantify potential criteria pollutant and greenhouse gas emissions.

Mass Emission Based Thresholds. Table 4 shows the estimated construction phase emissions, annualized emissions, and average daily emissions (computed by dividing the total annualized construction period emissions by the number of anticipated construction days). As shown in Table 4, none of the emission criteria pollutants would exceed the BAAQMD mass emission based significance levels during construction.

Table 4
Estimated Construction Period Emissions

Status	ROG	NOx	PM_{10} (Exhaust plus Fugitives)	$PM_{2.5}$ (Exhaust plus Fugitives)	CO	SOx
Tons per 4 Month Period						
Unmitigated	1.12	2.02	0.202	0.15	1.66	0.0026
Mitigated	0.93	1.42	0.12	0.085	1.57	0.0026
Lbs/day (Normalized per 4 Month Period)						
Unmitigated	9.61	17.34	1.73	1.29	14.25	0.022
Mitigated	7.98	12.19	1.03	0.43	13.48	0.022
BAAQMD Thresholds	**54**	**54**	**82**	**54**	**na**	**na**
Exceed Threshold?	No	No	No	No	na	na

Concentration Based Thresholds. In addition to the daily construction emission significance thresholds for combustion emissions, the BAAQMD has also established a concentration based significance threshold for $PM_{2.5}$ of 0.3 ug/m^3 (annual average) for all $PM_{2.5}$ emissions.

The U.S. EPA AERMOD dispersion model was used to predict concentrations of $PM_{2.5}$ at existing sensitive receptors in the vicinity of the project site. Based on the results of this modeling, the maximum annual $PM_{2.5}$ concentrations from project construction activities were calculated at 0.16 ug/m^3 for unmitigated exhaust and fugitive emissions. The fugitive dust $PM_{2.5}$ emissions do not exceed the BAAQMD $PM_{2.5}$ significance threshold level of 0.3 ug/m^3 and, therefore, represent a less-than-significant impact.

The project would expose existing sensitive receptors to fine particle pollutant concentrations generated during construction of the project as described above. Construction activities would generate dust and equipment exhaust on a temporary basis. The BAAQMD identifies best management practices for all projects to limit air quality impacts during construction. As a part of the development permit approval, the project proponent and/or contractor will implement the following measures, consistent with the findings of the NSJ FPEIR.

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. Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.

- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.

- Damp sweep daily, or more often if necessary, all paved construction areas and adjacent street of dust and debris.

- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.

- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.

- 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.

Health Risk Based Thresholds. Construction equipment and associated heavy-duty truck traffic also generates diesel exhaust (i.e., diesel particulate matter or DPM), which is a Toxic Air Contaminant (TAC). BAAQMD has developed screening tables for evaluating potential impacts from toxic air contaminants emitted at construction projects.[9] The screening tables are described by BAAQMD as "environmentally conservative interim guidance" and are

[9] *Screening Table for Air Toxics Evaluation During Construction*, BAAQMD, May 2010.

meant to be used to identify potentially significant impacts that should be modeled using refined techniques. These screening tables indicate that construction activities similar to this project could have significant impacts at the distances of nearby residences, with the primary impact being excess cancer risk. Since project construction activities would include demolition, excavation, grading and building construction that would last approximately ten months and would occur adjacent to neighboring residences, a more refined-level study of community risk assessment was conducted. Because the gross analysis indicated that impacts were possible, a refined analysis was conducted to evaluate whether impact would be significant, and if so, identify the project features or mitigation measures that would be necessary to avoid significant impacts in terms of community risk impacts to nearby sensitive receptors (e.g., nearby residences).

The closest sensitive receptors (residences) to the project site are located south and east of the project site. Much of the emissions would occur during the demolition and grading phases of construction, which would occur over a relatively brief duration. The closest residences to the project site would be exposed to construction emissions, but this brief exposure period would be substantially less than the exposure period typically assumed for health risk analysis, which is a 70-year exposure period. However, construction activity would be ongoing to some degree over a period of approximately ten months.

A screening health risk assessment analysis of the construction impacts from DPM and PM2.5 emissions to nearby existing residences was conducted. The risk assessment focused on modeling on-site diesel construction activity using construction period emissions obtained from the CalEEMod model. Construction of the project was assumed to occur over a ten month period. The CalEEMod model provided total $PM_{2.5}$ exhaust emissions (assumed to be diesel particulate matter) for the off-road construction equipment and for exhaust emissions from on-road vehicles (haul trucks, vendor trucks, and worker vehicles) of 0.121 tons for unmitigated emissions and 0.066 tons for mitigation emissions for the overall construction period. The on-road emissions are a result of worker travel and vendor deliveries during building construction. The default CalEEMod trip length was used to represent vehicle travel at or near the construction site.

The U.S. EPA AERMOD dispersion model was used to predict concentrations of DPM at existing sensitive receptors in the vicinity of the project site. The maximum-modeled DPM concentration occurred in the residential area immediately south of the project. Increased cancer risks were calculated using the modeled annual concentrations and BAAQMD recommended risk assessment methods for both a child and for adult exposure. Since the modeling was conducted under the conservative assumption that emissions occur over the entire year, the default BAAQMD exposure period of 350 days per year was used.

Results of this assessment indicate that, with project construction, the maximum incremental cancer risk at the maximally exposed individual (MEI) would occur at a distance of about 13 meters south from the edge of the area of disturbance. For unmitigated construction DPM emissions, these impacts would be a child incremental cancer risk of 8.6 in one million and an adult incremental cancer risk of 0.5 in one million. Based on these results, the project would have a less-than-significant impact with respect to community risk from construction activities.

Cumulative Effects

To assist in evaluating cumulative risks, as recommended by the BAAQMD, permitted stationary sources of TACs near the project site were identified using BAAQMD's Stationary Source Risk and Hazard Analysis Tool. This mapping tool uses Google Earth to identify the location of stationary sources and their estimated screening level cancer risk and hazard impacts on sensitive populations (i.e., the proposed caretaker's apartment). There are currently no existing stationary sources within 1,000 feet of the project site. The nearest major roadway where the BAAQMD has established screening level risk values is Highway 880, which is located 1,700 feet west of the project site. Highway risk values for this roadway are given for distances up to 1,000 feet from the roadway, while the link is approximately 1,700 feet from the project. The single link and its associated 1,000 foot risk values are presented in Table 5. In addition, there is one major roadway in the vicinity of the project site for which the BAAQMD has developed a screening method for assessing risk values. The Roadway Screening Analysis Calculator was used to calculate impacts from Oakland Road on the proposed on-site caretaker's apartment, which is located approximately 107 feet from the edge of the road. These screening values are also presented in Table 5.

Table 5
Roadway Risk Values (BAAQMD)

Hwy ID and Link	6 ft Values				20 ft Values			
	$PM_{2.5}$	Risk	Chronic HI	Acute HI	$PM_{2.5}$	Risk	Chronic HI	Acute HI
Hwy 880, Link 350	0.082	10.387	0.01	0.02	0.081	10.174	0.01	0.01
Oakland Road	0.165	8.24	-	-	-	-	-	-

The project site is located near the Union Pacific Railroad (UPRR) line used for freight service, which generates TAC and $PM_{2.5}$ emissions from diesel locomotives. There are four freight trains that use this rail line on a daily basis. Due to the proximity of the rail line to the proposed project, potential community risks to future residents at the proposed project (at the caretaker's apartment) from DPM emissions from diesel locomotive engines were evaluated.

DPM and $PM_{2.5}$ emissions from trains on the rail line were calculated using EPA emission factors for locomotives and CARB adjustment factors to account for fuels used in California. The BAAQMD significance threshold for cumulative cancer risk is 100 in a million and the cumulative hazard index greater than 10.0. Combining all source impacts with the proposed project results in a cumulative cancer risk of 13.43 in a million with the combined acute risk of less than 10.0. Thus, the cumulative impacts will be less-than-significant.

It is highly unlikely that the proposed self-storage use will emit toxic air contaminants or $PM_{2.5}$ in the operational phase that would impact the risk values at any of these sources, nor is it likely that the project or background emission sources will have a cumulatively significant effect on health related values such as cancer risk or hazard indices when combined in the immediate project area. Based on the above, the construction and background emission sources will have a less-than-significant impact with respect to cumulative community risk since the emissions would be below the BAAQMD thresholds.

The analysis in the NSJ FPEIR found that future cumulative development would result in significant unavoidable regional emissions of criteria air pollutants, and the City Council

adopted a statement of overriding considerations for this cumulative air quality impact. Mitigation was identified that required all employment-generating development projects to develop and implement a Transportation Demand Management (TDM) program. However, since the project would generate a maximum of five employees and one caretaker's apartment, the TDMs are not applicable. The NSJ FPEIR also called for implementation of transportation control measures consistent with the Clean Air Plan (CAP), such as improved bicycle/pedestrian facilities, improvement of arterial traffic management, and promotion of traffic calming measures that are generally not applicable to the proposed infill project.

c) **Same Impact as Previously Considered Project**. See discussion b) above. The project would 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 thresholds.

d) **Same Impact as Previously Considered Project**. Operation of the project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels, because no significant operational sources of pollutants are proposed onsite. Construction activities will result in localized emissions of dust and diesel exhaust that could temporarily impact adjacent land uses. Sensitive receptors are located adjacent to the project site to the south and southwest. Implementation of standard mitigation measures for construction period emissions identified in b) above will ensure that this impact is less-than-significant.

e) **Same Impact as Previously Considered Project**. During construction, the various diesel-powered vehicles and equipment in use onsite would create localized odors. These odors would be temporary and not likely to be noticeable for extended periods of time much beyond the project's site boundaries. Operation of the project is not anticipated to produce any offensive odors compared to existing operations; therefore, odor effects during project operations are considered a less-than-significant impact.

Conclusion: The project would have a less-than-significant impact on air quality with implementation of standard permit conditions. The analysis in the NSJ FPEIR found that future development would result in significant unavoidable regional emissions of criteria air pollutants; the City Council adopted a statement of overriding considerations for this cumulative air quality impact. Mitigation, in the form of transportation demand and control measures, was identified to help minimize this impact. However, since the project would generate only a maximum of five employees and one residence, the transportation demand and control measures are not applicable to the proposed infill project.

The NSJ FPEIR identified significant air quality impacts during construction and provided standard abatement measures per the BAAQMD as mitigation to reduce the impact to a less-than-significant level. The project will implement the latest BAAQMD best management practices during construction, consistent with the mitigation identified in the NSJ FPEIR. The proposed project would not result in any new or more significant air quality impacts than those addressed in the NSJ FPEIR.

D. BIOLOGICAL RESOURCES

Setting

The project site is located within an urbanized area of San José. The existing property contains existing structures and pavement with some landscaping and numerous trees. Due to the disturbed nature of the site, it has a relatively low habitat value. No sensitive status species or habitat were observed or are expected on the property.

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 HortScience (May 2015) and is contained in Appendix B. The results of the tree evaluation for the site are summarized in Table 6, which identifies each tree on the site by type, size, and condition. As shown in Table 6, the site contains 43 trees, 23 of which are ordinance-sized.

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.

Table 6
Results of Tree Survey

Tag No.	Scientific Name	Common Name	Size (diameter)	Condition[1]	Status
350	*Phoenix canariensis*	Canary Island Palm	**18**	**5**	**Remove**
351	*Sambucus nigra*	Common Elderberry	**29**	**4**	**Retain**
352	*Alnus cordata*	Italian alder	11	3	Remove
353	*Phoenix canariensis*	Canary Island Palm	**18**	**4**	**Remove**
354	*Phoenix canariensis*	Canary Island Palm	**48**	**5**	**Remove**
355	*Phoenix canariensis*	Canary Island Palm	**32**	**4**	**Remove**
356	*Phoenix canariensis*	Canary Island Palm	**48**	**5**	**Remove**
357	*Alnus cordata*	Italian Alder	8	3	Remove
358	*Phoenix canariensis*	Canary Island Palm	**30**	**4**	**Remove**
359	*Phoenix canariensis*	Canary Island Palm	**36**	**4**	**Remove**
360	*Alnus cordata*	Italian Alder	8	3	Remove
361	*Phoenix canariensis*	Canary Island Palm	**51**	**4**	**Remove**
362	*Phoenix canariensis*	Canary Island Palm	10	5	Remove
363	*Phoenix canariensis*	Canary Island Palm	**32**	**5**	**Retain**
364	*Sequoia sempervirens*	Coast Redwood	12	2	Remove
365	*Sequoia sempervirens*	Coast Redwood	10	2	Remove
366	*Sequoia sempervirens*	Coast Redwood	12	3	Remove
367	*Sequoia sempervirens*	Coast Redwood	**19**	**3**	**Remove**
368	*Sequoia sempervirens*	Coast Redwood	17	3	Remove
369	*Sequoia sempervirens*	Coast Redwood	**23**	**3**	**Remove**
370	*Sequoia sempervirens*	Coast Redwood	13	3	Remove

Table 6
Results of Tree Survey

Tag No.	Scientific Name	Common Name	Size (diameter)	Condition[1]	Status
371	*Sequoia sempervirens*	Coast Redwood	**24**	**3**	**Remove**
372	*Sequoia sempervirens*	Coast Redwood	**21**	**1**	**Remove**
373	*Sequoia sempervirens*	Coast Redwood	17	3	Remove
374	*Sequoia sempervirens*	Coast Redwood	**23**	**3**	**Remove**
375	*Sequoia sempervirens*	Coast Redwood	**26**	**2**	**Remove**
376	*Washingtonia robusta*	Mexican Fan Palm	**27**	**5**	**Retain**
377	*Sequoia sempervirens*	Coast Redwood	**21**	**3**	**Retain**
378	*Sequoia sempervirens*	Coast Redwood	**22**	**3**	**Retain**
379	*Sequoia sempervirens*	Coast Redwood	**23**	**3**	**Retain**
380	*Sequoia sempervirens*	Coast Redwood	**31**	**3**	**Retain**
381	*Phoenix canariensis*	Canary Island Palm	**18**	**5**	**Retain**
382	*Sequoia sempervirens*	Coast Redwood	**22**	**3**	**Retain**
383	*Sequoia sempervirens*	Coast Redwood	16	3	Retain
384	*Sequoia sempervirens*	Coast Redwood	11	3	Retain
385	*Sequoia sempervirens*	Coast Redwood	16	3	Retain
386	*Sequoia sempervirens*	Coast Redwood	13	3	Retain
387	*Platanus acerifolia*	London Plane	7	3	Retain
388	*Platanus acerifolia*	London Plane	11	4	Retain
389	*Platanus acerifolia*	London Plane	7	5	Remove
390	*Platanus acerifolia*	London Plane	6	5	Remove
391	*Platanus acerifolia*	London Plane	6	5	Remove
392	*Platanus acerifolia*	London Plane	8	5	Remove

[1]Condition based on scale of 1 – 5, where 1 = poor and 5 = excellent
Numbers correspond to tree locations provided in the arborist report in Appendix B.
Diameter was measured at two feet above existing grade.
A multi-trunk tree is considered a single tree and measurement of that tree includes the sum of the circumference of the tree at two feet above natural grade per Municipal Code Section 13.32.
Ordinance sized trees are shown in **bold**.
Source: HortScience, July 2015

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

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

Impacts and Mitigation

Thresholds per CEQA Guidelines Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
4. BIOLOGICAL RESOURCES. Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X		1, 2
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or 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
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
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

Explanation

a) **Same Impact as Previously Considered Project**. The project site and surrounding area consist of urban developed habitat with a low potential to support special status species. However, trees on and near the project site could provide nesting habitat for raptors (birds of prey) and other sensitive bird species. 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. Construction on the site during nesting season could result in the abandonment of active raptor nests and/or direct mortality to individual raptors. Such impacts could occur directly through tree removal or indirectly due to disturbance from project construction. Despite the developed nature of the site, there remains the potential for raptors to nest in these trees.

The NSJ FPEIR identified significant impacts to nesting birds and identified the following mitigation to avoid impacts.

- Nesting birds protected by the Migratory Bird Treaty Act and other regulations may be impacted by construction during the bird breeding season from February through August. Ideally, the clearing of vegetation and the initiation of construction would be done in the non-breeding season from September through January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. The survey area should encompass the project area and the areas within a 100 foot buffer. If active nests or behavior indicative of nests are encountered, those areas plus a 50 foot buffer for small songbirds and 250-foot buffer for larger birds (e.g. raptors) designated by the biologist in coordination with CA Dept. of Fish and Wildlife shall be avoided until the nests have been vacated. If the work areas are left unattended for more than one week following the initial surveys, additional surveys shall be completed.

As a part of the development permit approval, the proposed project will be required to conform to the following mitigation measure to avoid impacts to nesting birds, consistent with the mitigation identified in the NSJ FPEIR.

Mitigation Measure

BIO-1 If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive), pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the CDFW, designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Environmental Senior Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

b) **Same Impact as Previously Considered Project Impact.** The project site is highly disturbed and does not contain any sensitive natural communities or riparian habitat; therefore, the project will 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) **Same Impact as Previously Considered Project.** The project site is highly disturbed and does not contain any wetland resources; therefore, the project will not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act.

d) **Same Impact as Previously Considered Project**. With the possible exception of nesting birds and raptors addressed in a) above, the project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) **Same Impact as Previously Considered Project**. The site contains 43 trees, 23 of which are ordinance size. Construction of the project would result in the removal of 28 of the 43 existing trees on the site, including 14 that are ordinance size. A list of the trees on the project site is presented in Table 6. The City requires replacement of all removed trees in accordance with established tree replacement ratios set forth below.

The NSJ FPEIR found that tree removal would be a significant impact and identified the measure below to reduce this impact to a less-than-significant level.

- The project shall obtain a tree removal permit for any ordinance-size trees to be removed, and shall for all removed trees incorporate the City's standard tree replacement ratios in landscape plans and planting of street trees along the site's street frontage.

As a part of the development permit approval, the project will implement the standard permit conditions below, consistent with the mitigation in the NSJ FPEIR and in accordance with the City's tree removal permit. The project, therefore, will not conflict with any local policies or ordinances protecting biological resources.

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 Arborist, 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.

- The project shall implement measures during construction to protect all trees to be retained on or adjacent to the site, in accordance with the City's requirements and recommendations in the Arborist Report (see Appendix B).

Pre-construction Treatments

1. The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
2. Fence all trees to be retained to completely enclose the Tree Protection Zone prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
3. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

During Construction Treatments

1. No grading, construction, demolition or other work shall occur within the Tree Protection Zone. Any modifications must be approved and monitored by the consulting arborist.
2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.

3. Supplemental irrigation shall be applied as determined by the consulting arborist.
4. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the Tree Protection Zone.
6. Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
7. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

f) **New Less Than Significant Impact.** The project site is located within the boundaries of the Santa Clara Valley Habitat Plan (HCP) in an area designated as Urban Suburban. The HCP does not apply to urban projects that disturb less than two acres (unless it is near sensitive habitat such as a riparian corridor or wetland). No covered species are known or expected to occur within the project site. However, all major remaining populations of the Bay checkerspot butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution and subsequent nitrogen deposition, including the project area. As such indirect impacts to these species may occur as a result of air pollution that may result from vehicle transportation. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly has been correlated to the amount of new daily vehicle trips that a project is expected to generate. Fees collected under the HCP for new vehicle trips can be used to purchase conservation land for the Bay checkerspot butterfly. However, because the project site is less than two acres, nitrogen deposition fees will not be required for the proposed development.

Conclusion: The project would have a less-than-significant impact on biological resources with implementation of mitigation measures and standard permit conditions. The analysis in the NSJ FPEIR identified significant impacts to biological resources from 1) disturbance to nesting raptors and other birds and 2) loss of trees and presented mitigation to reduce these impacts to a less-than-significant level. This mitigation included preconstruction surveys for nesting birds and tree replacement. The proposed project would not result in any new or more significant impacts to biological resources than those addressed in the NSJ FPEIR.

E. CULTURAL RESOURCES

Setting

The project site has been disturbed by previous development. The project property contains an industrial building that was part of the former Praxair nitrogen generation facility that occupied the site since the early 1990s. The property does not contain any known cultural resources.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	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
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA 15064.5?				X		1, 2
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X		1
d) Disturb any human remains, including those interred outside of formal cemeteries?				X		1

Explanation

a) **Same Impact as Previously Considered Project**.. The project would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA 15064.5 since none are located on the project site.

b) **Same Impact as Previously Considered Project**. The site has been highly disturbed; however, it is possible that archaeological resources may be encountered during construction activities. The NSJ FPEIR addressed archaeological resources and called for the City of San José to include conditions of approval for development projects that address discovery of unexpected cultural resources during construction, including the following:

- In the event any significant cultural materials are encountered, all construction within a radius of 50 feet of the find would be halted, the Director of Planning, Building, and Code Enforcement would be notified, and a professional archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.

- If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner would determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he would notify the Native American Heritage Commission, would attempt to identify "most likely" descendants of the deceased.

- If the Director of Planning, Building, and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the

submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted.

As a part of the development permit approval, the project will conform to the following standards to avoid impacts associated with disturbance to buried archaeological resources during construction, consistent with the measures identified in the NSJ FPEIR.

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 Principal 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) **Same Impact as Previously Considered Project**. The project site has been disturbed by previous development and not known to contain any paleontological resources.

d) **Same Impact as Previously Considered Project**. Though unlikely, human remains may be encountered during construction activities. Standard measures are identified in b) to avoid impacts to human remains.

Conclusion: The project would have a less-than-significant impact on cultural resources. The analysis in the NSJ FPEIR concluded that the impacts to cultural resources from future development would be less-than-significant with mitigation. This mitigation called for evaluation of potential cultural resources on sensitive sites. The proposed project would not result in any new or more significant cultural resource impacts than those addressed in the NSJ FPEIR.

F. GEOLOGY AND SOILS

Setting

The following discussion is based on a geotechnical investigation prepared for the project by Romig Engineers, Inc. (July 2015), contained in Appendix C. The scope for this study included drilling of one exploratory boring and three cone penetration tests (CPTs) near the proposed building; lab testing of selected samples, and engineering analysis to develop design criteria. The exploratory boring was drilled to a depth of about 35 feet and the three CPTs to depths of about 50.5 feet.

The project site is located in the Santa Clara Valley, an alluvial basin between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. The Santa Clara Valley bedrock consists of Franciscan Complex and Cretaceous-age marine sediment. This bedrock is overlain by Santa Clara Formation sediments, which consist of a complex distribution of sand, silt, and clay lenses. The project site is generally flat with an elevation of approximately 53 feet (above mean sea level). The topography of the site and surrounding area gently slopes to the west-northwest toward Coyote Creek, located approximately ½ mile to the west.

Results of the exploratory boring and CPTs show 1.0 to 1.5 feet of fill on the project site consisting of dense silty/clayey sand underlain by firm to very stiff lean clay and sandy lean clay interbedded with thin lenses of firm to stiff silts to the maximum depths explored (about 50.5 feet).

The project is located within the San Francisco Bay Area, one of the most seismically active regions in the country. The Calaveras fault is located approximately 6.5 miles northeast of the site. The San Andreas and San Gregorio faults are located approximately 14 and 27 miles southwest of the site, respectively. The California Geological Survey has produced maps showing Alquist-Priolo Earthquake Fault Zones along faults that pose a potential surface faulting hazard. There are no Alquist-Priolo zones mapped in the vicinity of the project. In addition, the Santa Clara County Fault Rupture Hazard Zones map does not identify any fault hazard zones in the project area. The project is mapped in an area with liquefaction potential. Soil liquefaction occurs when saturated soils near the ground surface undergo a substantial loss of strength and can liquefy during seismic events.

The results of the geotechnical investigation indicate that the primary geotechnical concerns on the project site are 1) the presence of firm to stiff silt layers that are susceptible to liquefaction during strong seismic shaking, 2) the presence of 1.0 to 1.5 feet of surface fills across the property, and 3) the potential for severe ground shaking at the site during a major earthquake. Based on the liquefaction analysis, differential settlement of about 0.5-inch could occur.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	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 know earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?				X		1, 2
ii) Strong seismic ground shaking?				X		1, 2
iii) Seismic-related ground failure, including liquefaction?				X		1, 2
iv) Landslides?				X		1, 2
b) Result in substantial soil erosion or the loss of topsoil?				X		1, 2
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X		1, 2
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X		1, 2
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X		1, 2

Explanation

ai) **Same Impact as Previously Considered Project**. The site is not located within a State of California Earthquake Fault Hazard Zone and no known active faults cross the site. The risk of ground rupture within the subject site is considered low. The project is not mapped within an Alquist-Priolo Earthquake Fault Zone.

aii) **Same Impact as Previously Considered Project**. Due to its location in a seismically active region, the proposed self-storage facility could 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 could pose a risk to the proposed building and infrastructure. Seismic impacts will be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes for Seismic Zone 4.

aiii) **Same Impact as Previously Considered Project**. The results of the geotechnical investigation indicate that one of the primary geotechnical concerns on the project site is the presence of firm to stiff silt layers that are susceptible to liquefaction during strong seismic shaking. Based on the liquefaction analysis, differential settlement of about 0.5-inch could occur. To reduce the potential liquefaction settlement, the proposed building would be supported on reinforced concrete mat foundation with added reinforcing to provide a stiffer foundation more capable of tolerating differential soil movement in accordance with the geotechnical investigation recommendations. In addition, the undocumented surface fill, estimated to be up to about 1.5 feet thick, would be excavated and compacted to modern compaction standards.

The project will be designed and constructed in accordance with the geotechnical investigation for the project (Appendix B) as set forth in the standard permit condition below. This would reduce any potentially significant geotechnical impacts to a less-than-significant level.

Standard Permit Condition

- The project shall comply with the design recommendations contained in the final geotechnical investigation prepared for the project (Romig Engineers, Inc., July 2015). The geotechnical investigation will be reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance for the project.

aiv) **Same Impact as Previously Considered Project**. The project site has no appreciable vertical relief and will not be subject to landsliding.

b) **Same Impact as Previously Considered Project**. Development of the project will require demolition, pavement removal, and minor grading that could result in a temporary increase in erosion. This increase in erosion is expected to be relatively minor due to the small size and flatness of the site. The project will implement the standard measures identified in I. Hydrology and Water Quality of this Initial Study to reduce the erosion impact to a less-than-significant level.

c) **Same Impact as Previously Considered Project**. As described in aiii) above, the project is susceptible to liquefaction and differential settlement, which could damage proposed structures on the site. Impacts associated with these soil and geotechnical hazards would be minimized by applying engineering and construction techniques recommended in the geotechnical investigation for the project. This would limit potentially significant geotechnical impacts to a less-than-significant level.

d) **Same Impact as Previously Considered Project**. Results of the geotechnical investigation indicate that soils on the project site have a low potential for expansion.

e) **Same Impact as Previously Considered Project**. The project does not include any septic systems. The project would tie into the City's existing sanitary sewer system.

Conclusion: The project would have a less-than-significant impact on geology and soils with standard permit conditions. The NSJ FPEIR identified significant impacts from soil and seismic hazards that could be mitigated to a less-than-significant level with geotechnical evaluation and implementation of appropriate design recommendations. The project will incorporate the recommendations of the geotechnical investigation prepared for the proposed building consistent with the mitigation identified in the NSJ FPEIR. The proposed project would not result in any new or more significant geotechnical impacts than those addressed in the NSJ FPEIR.

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 (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	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, 4
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X			1, 4

Explanation

a) **New Less Than Significant Impact**. GHG emissions from the project were estimated as part of the air quality analysis and are summarized in Table 7 below. The BAAQMD takes a tiered approach in considering operational GHG emissions. Projects proposed in areas where a qualified Climate Action Plan has not been adopted are typically reviewed against a "bright-line" threshold of 1,100 metric tons (MT) of carbon dioxide equivalent per year (CO_2e/yr).

Based on the CalEEMod model output, the operational GHG (or CO_2e) emissions from the project are estimated to be 95.5 metric tons/yr of CO_2e emissions. These emissions are well below the BAAQMD threshold of 1,100 MT/yr and, therefore, represent a less-than-significant contribution to cumulative global GHG emissions.

Table 7
GHG Emissions from Project (in CO2e)

Operational Emissions	
Annualized Emissions	**MT/CO_2e/yr**
Unmitigated	95.5
Mitigated	95.5
BAAQMD Threshold	1,100 MT/CO_2e/yr*
Exceed Threshold?	No
*Proposed significance threshold for operational emissions.	
Construction Period Emissions	
Tons per Ten Month Period	**Metric Tons CO_2e**
Unmitigated	225.15
Mitigated	225.15

The BAAQMD does not establish significance thresholds for construction GHG emissions, but recommends that agencies quantify GHG emissions in their CEQA analyses. The CO_2e generated during construction of the project is presented Table 7. The GHG emissions from construction of the project were calculated to be 225.15 MT of CO_2e, anticipated to occur over ten months.

b) **New Less Than Significant Impact**. The project will 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 exceed the BAAQMD thresholds for GHG emissions.

Conclusion: Evaluation of GHG emissions was not required at the time that the NSJ FPEIR was prepared. Based on the new analysis, GHG emissions from the project (in CO_2e) are below the threshold of significance and would not conflict any applicable plans or policies. The project would have a new less-than-significant impact from GHG emissions.

H. HAZARDS AND HAZARDOUS MATERIALS

Setting

The project site is not located within an airport land use plan or within two miles of a public airport or private airstrip. The nearest school to the project site is the Brooktree Elementary School located more than a mile northeast of the site.

A Phase I Environmental Assessment was prepared for the project site in accordance with ASTM E-1527-13 by CB&I Environmental & Infrastructure, Inc. to determine the potential for hazardous materials contamination on the property (July 2014). This report is contained in Appendix D. The Phase I Assessment included the following: 1) review of local agency files, 2) examination of historic aerials and maps of the area, 3) regulatory database search, 4) interviews, 5) vapor encroachment screening, and 6) inspection of the site.

The project site was formerly occupied by Praxair, Inc., a nitrogen generation facility. The facility operated on the site from the early 1990s until 2008. The most recent operations at the facility were customer service and administrative functions. Earlier operations were associated with nitrogen generation, laboratory processes, and light welding. Praxair has moved all nitrogen generation equipment and material from the project site. The existing building is currently vacant. The project property is not associated with any reported hazardous releases or corrective actions according to databases searched.

One 50,000-gallon liquid nitrogen tank and one 900-gallon argon tank were formerly located on the site as part of the Praxair facility. The Phase I Assessment concluded that the mere presence of ASTs on the property does not represent a recognized environmental concern (REC) in connection with the property.[10]

A database search was conducted to identify recorded hazardous materials incidents in the project area. This review included federal, state, and/or local lists of known or suspected contamination sites; known generators/handlers of hazardous waste; known waste treatment, storage, and disposal facilities; and permitted underground storage tank sites. The Phase I Assessment concluded that none of the sites identified in the databases have impacted the project property (refer to Appendix D).

The project site is listed in the CA HAZNET and FINDS databases related to hazardous substances/waste transferred off site that were associated with former site operations (e.g., waste oil, lab wastes, inorganic/organic solids and liquids). Former activities at the site that may have been associated with these listings included the liquid nitrogen generation plant, transformer required for the operation of the plant, liquid argon storage, and/or light welding activities. The HAZNET listings were for the years 2000 through 2011. As indicated in the Phase I Assessment, the property is currently vacant, and all hazardous substances and wastes have been removed (CB&I Environmental & Infrastructure, 2014). Considering the vacant status of the site and lack of hazardous releases or

[10] A recognized environmental concern is defined as "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater or surface water at the property."

corrective actions reported per the databases searched, the Phase I Assessment concluded that the former uses did not adversely impact the soil, soil vapor, groundwater, or surface water of the site.

Review of historical and aerial photographs show that portions of the project site were used for orchard or other agricultural uses from the 1930s until the 1970s.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
8. 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, 6
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, 6
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, 6
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, 6
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

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
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) **Same Impact as Previously Considered Project**. The proposed storage facility uses would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. No storage of hazardous materials will be allowed within individual storage units, which is prohibited in the lease agreement. In addition, warning signs will be posted.

b) **New Less Than Significant Impact with Mitigation Incorporated**. The project site was formerly occupied by a nitrogen generation facility. All hazardous materials associated with the facility have been removed from the site. The Phase I Assessment did not reveal any evidence of RECs in connection with the site and no further environmental assessment was recommended.

Given the site's historic agricultural use from circa 1930s – 1970s, onsite soils may contain pesticide residuals that could be encountered during site disturbance and construction activities. Any hazardous materials encountered in excavated soil or groundwater during construction could result in a release to the environment, which could potentially expose construction workers to hazardous materials and chemical vapors. Contaminated soil or groundwater could also require disposal as a hazardous waste. Since pesticides are generally not visually observable, a soil test would be needed to determine if there are residual pesticides on the project property. Implementation of the following mitigation measure will reduce this impact to a less-than-significant level.

Mitigation Measure

HAZ-1 Prior to the issuance of grading permits for construction, the project proponent shall retain a qualified hazardous materials contractor to perform a soil investigation for the project site to characterize soil quality for residual pesticides. If residual pesticides are not detected and/or are found to be below screening levels for public health and the environment in accordance with Santa Clara County Department of Environmental Health (DEH) or the California Department of Toxic Substances Control (DTSC) requirements, no further mitigation is required. If residual pesticides are found and are above regulatory environmental screening levels for public health and the environment, the project proponent shall implement appropriate management procedures, such as removal and/or capping of the pesticide-contaminated soil and implementation of a Site Management Plan (SMP) under regulatory oversight from the Santa Clara County DEH or the DSTC. Copies of the environmental

investigations shall be submitted to the Department of Planning, Building and Code Enforcement (PBCE) and the Environmental Services Department (ESD).

The NSJ FPEIR identified mitigation requiring that construction be conducted in accordance with a site-specific health and safety plan prepared by a certified industrial hygienist for any site where contamination is identified. The plan should include provisions for monitoring exposure to construction workers and delineate procedures to be undertaken in the event that contamination is identified above action levels and identify emergency procedures and responsible personnel. Mitigation measure HAZ-1 above will be implemented as part of the project and is consistent with the mitigation identified in the NSJ FPEIR.

c) **Same Impact as Previously Considered Project**. The project is not located within ¼ mile of a school. The nearest school is the Brooktree Elementary School over a mile northeast of the project site. Note that any hazardous materials handling and disposal by the project during construction/demolition will be conducted in accordance with all legal requirements, thereby avoiding release of such materials into the environment.

d) **Same Impact as Previously Considered Project**. 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).[11]

e) **Same Impact as Previously Considered Project**. The project site is not located within an airport land use plan and the proposed retail uses will not affect aircraft safety.

f) **Same Impact as Previously Considered Project**. The project is not located within the vicinity of a private airstrip and the proposed retail uses will not affect aircraft safety.

g) **Same Impact as Previously Considered Project**. The proposed storage facility will not interfere with any emergency response or evacuation plans as it will be required to conform to all police and fire code requirements.

h) **Same Impact as Previously Considered Project**. The project will not expose people or structures to risk from wildland fires as it is located in an urban area that is not prone to such events.

Conclusion: The project would have a less-than-significant impact associated with hazards and hazardous materials with implementation of mitigation identified above. The analysis in the NSJ FPEIR concluded that future development in North San José could result in impacts related to hazards and hazardous materials from potential release of hazardous materials during construction activities. Mitigation, in the form of health and safety plans, was identified to reduce this impact to a less-than-significant level. The project will implement mitigation measure HAZ-1 for possible pesticide residual contamination, consistent with the mitigation identified in the NSJ FPEIR. The proposed project would not result in any new or more significant hazards impacts than those addressed in the NSJ FPEIR.

[11] Cortese List. http://www.calepa.ca.gov/sitecleanup/corteselist/SectionA.htm

I. HYDROLOGY AND WATER QUALITY

Setting

The site is located in a developed urban area. There are no waterways present on the project site or immediate vicinity. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is not located within the 100-year floodplain or any other flood hazard areas. The project site is generally flat with an elevation of approximately 50 feet (above mean sea level). The topography of the site and surrounding area gently slopes to the west-northwest toward Coyote Creek, located approximately ½ mile to the west.

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 will not require CGP coverage since it will disturb less than one acre of land.

All development projects, whether subject to the CGP or not, must 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 an Erosion Control Plan detailing BMPs that will prevent the discharge of storm water pollutants to the City Director of Public Works.

The City of San José is required to operate under a Municipal Stormwater National Pollution Discharge Elimination System (NPDES) Permit to discharge stormwater from the City's storm drain system to surface waters. The San Francisco Bay Regional Water Quality Control Board has 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 (NPDES Permit No. CAS612008) mandates that the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

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

The MRP requires regulated projects to include Low Impact Development (LID) practices, 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 project site currently contains 23,544 square feet of impervious surfaces. The project will create approximately 39,731 square feet of impervious area, creating about 16,187 square feet (30%) net new impervious surfaces. The project will also be required to comply with the LID stormwater management 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. 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. Based on its size and urban location, the project will not be required to comply with the hydromodification requirements of Provision C.3.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
9. HYDROLOGY AND WATER QUALITY. Would the project:						
a) Violate any water quality standards or waste discharge requirements?				X		1, 2
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

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
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, 7
h) Place within a 100-year flood-hazard area structures, which would impede or redirect flood flows?				X		1, 2, 7
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) **Same Impact as Previously Considered Project**. The proposed self-storage facility will not violate any water quality standards or waste discharge requirements as described in c) and e) below.

b) **Same Impact as Previously Considered Project**. The project will not deplete/otherwise affect groundwater recharge, since the project is not located within a groundwater recharge area. Based on the geotechnical investigation performed for the project, groundwater was not encountered up to a depth of 15 feet below ground surface.

c) **Same Impact as Previously Considered Project**. Construction of the project will require demolition, pavement removal, and 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 below to minimize erosion and water quality impacts. As a part of the development permit approval, the project will conform to the following standard 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, as applicable, 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. For additional information about the Erosion Control Plan, the NPDES Permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 535-3555.

- 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, and Stormwater Treatment 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) **New Less Than Significant Impact**. The project site currently contains 23,544 square feet of impervious surfaces. The project will create approximately 39,731 square feet of impervious area, creating about 16,187 square feet net new impervious surfaces. The project would increase the impervious area by 30% compared to existing conditions, thus increasing

storm runoff from the site. The project will implement a stormwater control plan to manage storm water runoff in accordance to City Council Policy 6-29, Post Construction Urban Runoff Management (refer to Figure 7). This plan includes directing runoff on the property into two bio-retention areas, one on the northern portion of the site and the other along the south boundary. A self-retaining area[12] is also proposed on the southeast corner of the site. Implementation of the proposed stormwater control plan in addition to the standard measures identified in c) above is consistent with NPDES Permit and City Policy requirements, and will reduce potential drainage/runoff impacts to a less-than-significant level.

e) **Same Impact as Previously Considered Project**. The project proposes to connect to the City's existing storm drainage system. With implementation of the proposed storwater control plan, the project is not expected to contribute runoff that will exceed the capacity of existing or planned storm water drainage systems or result in substantial additional sources of polluted runoff. See also c) above.

f) **Same Impact as Previously Considered Project**. Surface runoff from proposed development may contain urban pollutants. Runoff from driveways and parking areas could include oil, grease, and trace metals. 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 that treats runoff through two bio-retention areas. See also c) and d) above.

g) **Same Impact as Previously Considered Project**. The project is not located within a floodplain or flood hazard zone nor does it include any residential uses.

h) **Same Impact as Previously Considered Project**. The project site is not located within any flood hazard zones, thus it will not impede or redirect flood flows.

i) **Same Impact as Previously Considered Project**. The project is not located within a floodplain or flood hazard zone.

j) **Same Impact as Previously Considered Project**. 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 standard permit conditions. The project site is not located within the 100-year floodplain or other flood hazard zones. The analysis in the NSJ FPEIR concluded that the hydrology and water quality impacts from future development would be less-than-significant with mitigation consisting of flood protection measures and standard stormwater management/water quality protection measures. The project proposes to implement a site-specific stormwater management plan that includes bioretention. In addition, the project would incorporate standard water quality protection measures identified in the standard permit conditions above, consistent with the mitigation in the NSJ FPEIR. The proposed project would not result in any new or more significant hydrology or water quality impacts than those addressed in the NSJ FPEIR.

[12] Graded depressions with landscaping or pervious pavement designed to retain the first one inch of rainfall without runoff.

J. LAND USE

Setting

The project site is located within the City of San José. The project site is bounded by Oakland Road to the east, UPRR tracks to the west, and a mix of light industrial/residential/office uses to the north and south. The project site is currently vacant and was formerly occupied by Praxair, a nitrogen generation facility. Historically, the site was used as an orchard from circa 1930s until as late as the 1970s.

The project is the application for an Industrial Park (IP(PD)) Planned Development Zoning to allow the construction of a self-storage facility (ministorage) on the 1.2 acre infill site. The facility will consist of 468 self-storage units contained within an approximately 74,640 square-foot building. The facility will also include an office and a two-bedroom caretaker's apartment.

The project site is designated Industrial Park in the City's Envision San José 2040 General Plan and zoned A(PD). The project site is located within the New Edenvale Growth Area and the North San José Development Policy Area. The City of San José has developed several policy documents in order to guide development of the North San José area, which includes the North San José Area Development Policy, the North San José Traffic Impact Fee, and the North San José Area Design Guidelines.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
10. 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, 5
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?			X			1

Explanation

a) **Same Impact as Previously Considered Project**. The project is proposed on an infill site in an urban area that is currently occupied by former industrial structures. Surrounding uses include industrial, office, and residential development. The proposed project will not divide an established community.

b) **Same Impact as Previously Considered Project**. The project's consistency with the City's General Plan and the North San José Area Development Policy is discussed below.

San José Envision 2040 General Plan

The project site is designated Industrial Park in the City's General Plan. This is an industrial designation intended for a wide variety of industrial uses such as R&D, manufacturing, assembly, testing, and offices. This designation differs from the Light Industrial and Heavy Industrial designations in that uses are limited to those for which the functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Areas identified exclusively for Industrial Park uses may contain a limited number of supportive and compatible commercial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area. These commercial uses should typically be located within a larger industrial building to protect the character of the area and maintain land use compatibility. One primary difference between this use category and the "Light Industrial" category is that, through the Zoning Ordinance, performance and design standards are more stringently applied to Industrial Park uses.

Because it is bound by existing railroad tracks to the west and Oakland Road to the east, the project site consists of a small isolated triangle of Industrial Park designated land that is disconnected from the rest of the Industrial Park area to the west. General Plan conformance for the project is based on the allowance of all the uses identified within the IP Zoning District. In addition to the allowance of all IP uses, ministorage is being considered for this site because the narrow triangular shape of the site may not be conducive to office or R&D development.

North San José Area Development Policy

The project site is located within the boundaries of the North San José Area Development Policy (Policy). The Policy provides for the development of up to 32,000 new residential dwelling units and up to 26.7 million square feet of new industrial/office/R&D space beyond existing entitlements. Development within the Policy area must conform with specified provisions related to land use, traffic, infrastructure, and design.

Land Use. Given the site's size and location constraints, a traditional industrial park use is not practical. As described above, the proposed self-storage use project would support businesses in the Berryessa and North San José Industrial Parks as well as other nearby retail, office, and residential uses.

Traffic. The project will pay impact fees to fund transportation-related improvements needed to meet future traffic conditions in the North San José area. These traffic impact fees will be used to fund improvements identified as mitigation in the NSJ FPEIR.

Infrastructure. The project is consistent with the Policy's provisions for adequate infrastructure improvements, since the existing utility systems have adequate capacity to the serve the project.

Design. Final project design will adhere to the Policy's Industrial Design Guidelines related to area character, architecture, landscaping, service facilities, and other site design requirements.

Conclusion

The project will not conflict with any plans or policies adopted for the purpose of avoiding or mitigating an environmental effect, including those in the General Plan and NSJ Area Development Policy.

c) **New Less Than Significant Impact**. The project is located within the boundaries of the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan. Please refer to Section D. Biological Resources for full discussion.

Conclusion: The project would have a less-than-significant impact on land use. The analysis in the NSJ FPEIR concluded that the land use impacts from future development, which were related to compatibility of uses, would be less-than-significant. The proposed project would not result in any new or more significant land use impacts than those addressed in the NSJ FPEIR.

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	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
11. 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

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
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

Explanation

a), b) **Same Impact as Previously Considered Project**. 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. The analysis in the NSJ FPEIR concluded that there would be no impacts to mineral from future development. The proposed project would not result in any new or more significant mineral resource impacts than those addressed in the NSJ FPEIR.

L. NOISE

Setting

Noise is measured in decibels (dB), and is typically characterized using the A-weighted sound level or dBA. This scale gives greater weight to the frequencies to which the human ear is most sensitive. Ground vibration is generally correlated with the velocity of the ground, which is expressed in decibels or peak particle velocity (PPV). 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.

The proposed self-storage use is not considered a noise-sensitive receptor, although the caretaker's apartment is a residential use and considered a sensitive receptor. The residential uses near the project site are also considered sensitive receptors. The nearest residences are located 70 feet south of the site. Residential (apartment) uses are also located about 200 feet east of the site, east of Oakland Road.

The noise assessments conducted for the Envision San José 2040 General Plan measured noise levels in the Berryessa Planning Area where the project site is located. The noise assessments prepared for the 2040 General Plan identified the following noise levels for Oakland Road for the years 2008 and 2035, respectively: 70 dBA DNL and 74 dBA DNL at about 75 feet from the roadway.

San José General Plan

The City's Envision San José 2040 General Plan includes goals and policies pertaining to Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element). The General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for commercial uses. The Envision San José 2040 General Plan includes 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						

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

- 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 standards and guidelines for land uses in San José are described in the table above.

- 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 calls for mitigating 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.

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.

Noise Performance Standards	
Maximum Noise Level in Decibels at Property Line	
Uses adjacent to a property used or zoned for residential purposes	55
Uses adjacent to a property used or zoned for commercial purposes	60
Uses adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
12. 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		1, 2, 5
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X		1, 2
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X		1, 2
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X		1, 2, 5
e) For a project located within an airport land use plan or, where such a plan has not						1, 2

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		
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) **Same Impact as Previously Considered Project**. The primary source of noise at the project site is traffic traveling on Oakland Road. Noise would also be generated by rail operations on the adjacent UPRR tracks. The proposed storage facility is not considered a noise-sensitive receptor. The residential uses to the south and east of project site are considered sensitive receptors. The nearest sensitive receptors are residences located about 70 feet south of the site. The proposed caretaker's apartment is also considered a sensitive receptor.

Operations at the storage facility will generally be confined to the interior of the building. The relatively minor number of new vehicle trips generated by the proposed storage facility will not significantly increase noise levels on local roadways. In addition, noise from the delivery and removal of storage items will be relatively infrequent and will not significantly increase average daily noise levels in the area. Noise will be generated on the site in the short-term during construction activities as discussed in d) below.

The project includes a caretaker's apartment on the first floor of the storage facility. This unit may be exposed to noise levels that exceed the City's noise standards for residential uses for interior uses. No outdoor areas are proposed for the caretaker's apartment. The City's standard for interior noise levels in residences is 45 dBA DNL, which requires appropriate site and building design, building construction, and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. Implementation of the recommendations of a site-specific noise assessment prepared for the caretaker's apartment will assure that interior noise levels at this unit are reduced to a less-than-significant level, as set forth in the mitigation below.

Mitigation Measure

NOI-1 Prior to issuance of a building permit, the project sponsor shall prepare final design plans that incorporate building design and acoustical treatments to ensure compliance with State Building Codes and City noise standards. A project-specific acoustical analysis shall be prepared to insure that the design incorporates controls to reduce interior noise levels to 45 dBA DNL or lower within the caretaker's apartment. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for the residential caretaker's apartment. Special building construction techniques may be required that can include sound rated windows and doors, sound rated wall constructions and acoustical caulking.

b) **Same Impact as Previously Considered Project.** The project site may be subject to periodic groundborne vibration during train pass-bys on the adjacent UPRR line. Trains currently pass the site four times per day. The San José General Plan requires that new development within 100 feet of rail lines demonstrate that vibration levels not exceed the Federal Transit Administration (FTA) guidelines. The FTA criterion for groundborne vibration impacts is 80 VdB for infrequent events (less than 30 events per day).[13] The proposed caretaker's apartment is located within 100 feet of the UPRR tracks and would require a vibration study to determine the extent of vibration and identify measures to minimize any significant vibration impacts. Implementation of the recommendations of the vibration study prepared for the caretaker's apartment will assure that vibration levels at the unit are reduced to a less-than-significant level, as set forth in the mitigation measure below.

Mitigation Measure

NOI-2 The project's final design plans shall incorporate building design measures to ensure compliance with FTA criterion for groundborne vibration impacts of less than 80 VdB for infrequent events (less than 30 per day). A vibration study shall be prepared to determine vibration levels and provide controls to reduce vibration levels to meet the FTA criterion. The results of the vibration study, including any needed vibration control measures, shall be submitted to the City along with the building plans for review and approval prior to issuance of a building permit.

c) **Same Impact as Previously Considered Project.** Development of the proposed storage facility is not expected to result in permanent noise increases from operational sources, as described in a) above. Noise will be generated on the site in the short-term during construction activities as discussed in d) below.

d) **Same Impact as Previously Considered Project**. Construction of the project will temporarily elevate noise levels in the immediate project area from the use of construction equipment. Typical hourly average construction generated noise levels would range from about 77 to 89 dBA during busy construction periods, measured at a distance of 50 feet from the center of the construction site. These noise levels would have significant impact on the nearest sensitive uses (residences to the south). Implementation of standard noise abatement measures will reduce the construction impacts to a less-than-significant level. As a part of the development permit approval, the project will conform to the following mitigation measures.

Mitigation Measure

NOI-3 The following mitigation measure shall be included in all construction projects to reduce construction-related noise impacts to a less-than-significant level:

- The project sponsor shall limit construction hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan

[13] U.S. Department of Transportation, Federal Transit Administration, Transit Noise and Vibration Impact Assessment, May 2006, FTA-VA-90-1003-06.

and a finding by theDirector of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.

- Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.

e) **Same Impact as Previously Considered Project**. The project is not located within an airport land use plan.

f) **Same Impact as Previously Considered Project.** The project is not located near any private airstrips.

Conclusion: The project would have a less-than-significant impact on noise. The analysis in the NSJ FPEIR identified significant noise impacts from introduction of residential uses into noisy areas, increases in traffic noise, and construction noise. The traffic noise impact was considered unavoidable and the City Council adopted a statement of overriding considerations for the impact. The NSJ FPEIR also identified significant noise impacts during construction and provided standard abatement measures (construction noise plans) as mitigation to reduce the impact to a less-than-significant level. Noise abatement measures during construction are included in the mitigation measures and standard conditions of approval for the project, consistent with the mitigation in the NSJ FPEIR. The proposed project would not result in any new or more significant noise impacts than those addressed in the NSJ FPEIR.

M. POPULATION AND HOUSING

Setting

The proposed storage facility retail use will not affect population and housing. The project includes one two-bedroom caretaker's apartment.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
13. 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
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) **Same Impact as Previously Considered Project**. The project consists of construction of 468 self-storage units and one two-bedroom caretaker's apartment. These uses will not result in substantial population growth.

b) **Same Impact as Previously Considered Project**. The project would result in the demolition of an industrial building and pavement removal, and would not displace substantial numbers of existing housing, necessitating the construction of replacement housing.

c) **Same Impact as Previously Considered Project**. See b) above.

Conclusion: The project would have a less-than-significant impact on population and housing. The analysis in the NSJ FPEIR concluded that the population and housing impacts from future development would have no significant impact. The proposed project would not result in any new or more significant population and housing impacts than those addressed in the NSJ FPEIR.

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 stations to the project site are Station 5, located at 1380 N 10th Street and Station 23, located at 1771 Vía Cinco De Mayo. Both are within 1½ miles of the project site.

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

Parks: The nearest park to the project is Gran Paradiso Park, located at McKay Drive and Avenida Elisa about ¼ mile east of the project site.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
14. 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) **Same Impact as Previously Considered Project**. The project could result in an incremental increase in the demand for fire protection services. The project proponent will consult with the San José Fire Department during final project design to assure appropriate fire safety measures are incorporated. The proposed infill development would not significantly impact fire protection services or require the construction of new or remodeled fire department facilities.

b) **Same Impact as Previously Considered Project**. The project could result in an incremental increase in the demand for police protection services. The project proponent will consult with the San José Police Department during final project design to assure appropriate security measures are incorporated. The proposed infill development would not significantly impact police protection services or require the construction of new or remodeled facilities.

c) **Same Impact as Previously Considered Project**. The project is a self-storage facility that will not affect schools. The project proposes a caretaker's apartment, which represents a negligible increase in residential use in the area and related increase in student population (if any).

d) **Same Impact as Previously Considered Project**. The nearest park to the project is Gran Paradiso Park, located at McKay Drive and Avenida Elisa about ¼ mile east of the project site. The proposed self-storage facility would not significantly increase demands on park services.

e) **Same Impact as Previously Considered Project.** The project will not impact other public services, including library services.

Conclusion: The project would have a less-than-significant impact on public services. The analysis in the NSJ FPEIR concluded that the public service impacts from future development would be less-than-significant. The proposed project would not result in any new or more significant public service impacts than those addressed in the NSJ FPEIR.

O. RECREATION

Setting

There is one park within walking distance of the project site. Gran Paradiso Park, located at McKay Drive/Avenida Elisa about ¼ mile east of the project site. Because the project proposes an industrial use, it is not subject to the City of San José's adopted Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO).

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
15. 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) **Same Impact as Previously Considered Project**. The project consists of self-storage uses and would not increase demands on recreational facilities. The project is not subject to the City's Parkland Dedication or Park Impact ordinances.

Conclusion: The project would have a less-than-significant impact on recreation. The analysis in the NSJ FPEIR concluded that the impacts from future development on recreational services would be less-than-significant. The proposed project would not result in any new or more significant recreation impacts than those addressed in the NSJ FPEIR.

P. TRANSPORTATION

Setting

The project site is located at 1785 Oakland Road north of Brokaw Road. Oakland Road and Montague Expressway are the major arterial roads within the immediate vicinity of the project site. The intersection of Oakland Road and Brokaw Road is located approximately ½ mile south of the project site. Three major freeways provide regional project access to the project area: I-880, I-680/I-280, and US 101. The closest interchange to the project site is the I-880/Brokaw Rd interchange, located approximately ¾ mile west of the project site.

Bus service in the project area is provided by the Santa Clara Valley Transportation Authority (VTA). VTA bus routes 66 runs along Oakland Road in the project vicinity. The nearest VTA bus stop is located on Oakland Road at Wayne Avenue.

The City of San José's Council Policy 5-3 "Transportation Level of Service" acts as a guide to analyze and make determinations regarding the overall conformance of a proposed development with the City's various General Plan multi-modal transportation policies, which together seek to provide a safe, efficient, and environmentally sensitive transportation system for the movement of people and goods. It also establishes a threshold to determine environmental impacts and requires new developments to mitigate significant impacts.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
16. 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, 8
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, 8
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

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
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
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) **Same Impact as Previously Considered Project**. A trip generation study for the project was completed by Hexagon Transportation Consultants, Inc. (August 2015) to determine the number of trips that would be added to the US 101/Oakland Road interchange for purposes of assessing the project's impact fee in accordance with the City's US 101/Oakland/Mabury Transportation Development Policy (TDP). This trip generation analysis is contained in Appendix E.

The purpose of the US 101/Oakland/Mabury TDP is to provide additional needed freeway access capacity at the US 101/Oakland Road interchange in order to accommodate new mixed-use, commercial and residential development, and provide incentives for new industrial development in the areas of San José generally surrounding the interchange that otherwise would not be possible due to existing capacity constraints. The City Council's approval of the US 101/Oakland/Mabury TDP is to allow projects to develop and generate traffic congestion in excess of the City's Level of Service Policy standard for a temporary period of time prior to construction of the required transportation improvements. As part of the Policy, a fee to fund the planned interchange improvements is required.

Daily and peak-hour trip generation for the proposed project were based on trip rates published in the ITE Trip Generation Manual, 9th Edition for the self-storage use. The proposed project is expected to generate a total of 93 daily trips with seven trips (3 in and 4 out) during the AM peak hour and 11 trips (6 in and 5 out) during the PM peak hour.

The San José area has self-storage facilities similar to the project south of the project site. Trips generated by self-storage facilities south of US 101 would pass by at least four self-storage facilities before reaching the project site. It is expected that people would not travel out of their way (i.e., at least one mile in distance) to another self-storage facility without a clear advantage, such as substantially lower prices or better service. The project's pricing range and quality of service are assumed to be competitive with those of other self-storage facilities in the area. Therefore, it is expected that the project would generate most of its customers from the north, west, and east of the site, where there are no self-storage facilities. It is anticipated that few, if any, customers would come from the south.

During the AM and PM peak hours, it is assumed that no trips would be generated on US 101 south of the project site. All peak hour trips are assumed to use either US 101 north of I-880, I-880 north of the project site, Montague Expressway, Brokaw Road/Hostetter Road, or Oakland Road north of US 101.

Trips to/from US 101 north of I-880 have three potential routes to access the project site. The shortest route is taking the US 101/Brokaw Rd interchange and traveling on Brokaw Road for approximately two miles. However, the two miles of non-grade separated Brokaw Road may offset the time saved from using the shortest route. The fastest route, therefore, may be to use US 101 to I-880 and the I-880/Brokaw Road interchange. The third potential route is to use the US 101/Oakland Road interchange and travel on Oakland Road for approximately 1.5 miles. Compared to the shortest route, this route is 1.2 miles longer, and similar in its local road travel time. Compared to the fastest route, this route is similar in length but requires travelling on local roads for approximately one additional mile. Therefore, it is expected that trips to/from US 101 north of I-880 will use the I-880/Brokaw Road interchange.

Trips to/from I-880 north of the project site are expected to access the project site via the I-880/Brokaw Road interchange. This interchange is approximately ¾ mile west of the project site. This route is both the fastest and shortest route.

Local trips to/from Montague Expressway and Brokaw Road/Hostetter Road are expected to access the project site by turning onto their respective intersections with Oakland Road. Trips to/from Oakland Road north of US 101 are expected to stay on Oakland Road. The project site is located on the west side of Oakland Road, and there is a median on Oakland Road that prevents northbound left-turns into the project site. All vehicles on northbound Oakland Road are required to perform a U-turn at Fox Lane to access the project site. Based on the analysis above, no project-generated peak hour trips are expected to use the US 101/Oakland Road interchange.

The project is located within the North San José Area Development Policy and, therefore, subject to the Traffic Impact Fee. These fees will be used to fund construction of a series of transportation improvements identified in the NSJ FPEIR.

As described above, the project will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.

b) **Same Impact as Previously Considered Project**. See a) above. The project would not 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

c) **Same Impact as Previously Considered Project**. The project will not result in any changes to air traffic patterns.

d) **Same Impact as Previously Considered Project**. The proposed commercial use will not substantially increase traffic hazards due to a design feature (e.g., sharp curves or dangerous intersection) or incompatible uses (e.g., farm equipment on the roadway).

e) **Same Impact as Previously Considered Project**. The proposed project will not result in inadequate emergency access since it will be required to conform to all police and fire code requirements.

f) **Same Impact as Previously Considered Project**. 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 since it will generate very little transit, bicycle or pedestrian traffic.

Conclusion: The project would have a less-than-significant impact on transportation. The analysis in the NSJ FPEIR concluded that the traffic impacts from future development would be significant and unavoidable and the City Council adopted a statement of overriding considerations for the impact. The NSJ FPEIR identified a traffic impact fee to help fund transportation improvement projects. The project will be responsible for payment of the traffic impact fee. The proposed project would not result in any new or more significant traffic impacts than those addressed in the NSJ FPEIR.

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 Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City of San José
- Water Service: San Jose Water Company
- Storm Drainage: City of San José
- Solid Waste: Various
- Natural Gas & Electricity: PG&E

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
17. 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 or which could cause significant environmental effects?				X		1, 2

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
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) **Same Impact as Previously Considered Project**. The proposed self-storage facility will not exceed or impact wastewater treatment requirements of the applicable Regional Water Quality Control Board because it will utilize existing wastewater treatment services.

b) **Same Impact as Previously Considered Project**. The development of 74,640 square feet of self-storage uses and one caretaker's apartment on an infill site and would not substantially increase water demands and wastewater generation, nor would it require or result in the construction of new water or wastewater treatment facilities or any expansion of existing facilities.

c) **Same Impact as Previously Considered Project**. The project proposes to connect to the City's existing storm drainage system and will be designed to ensure that stormwater runoff will not exceed the capacity of existing or planned storm water drainage systems. A storm water control plan will be implemented as part of the proposed project (refer to Figure 7).

d) **Same Impact as Previously Considered Project**. See b) above. Sufficient water supplies are available to serve the project from existing entitlements and resources since it will result in a very minor incremental increase in the demand for water.

e) **Same Impact as Previously Considered Project**. See items a) and b) above. The project will not impact wastewater treatment services, since the project is replacing former industrial uses on the site and would generate minimal additional wastewater. Adequate capacity is available at the San José/Santa Clara RWF to serve the negligible wastewater generated by the proposed self-storage facility and caretaker's apartment.

f) **Same Impact as Previously Considered Project**. The proposed self-storage facility and caretaker's apartment will not generate substantial solid waste. The City determined that the increase in solid waste generated by full build out of the General Plan would not cause the City to exceed the capacity of existing landfills; the project is consistent with the development assumptions in the General Plan and, therefore, will have a less-than-significant impact on landfill capacity. In addition, the project proposes to recycle demolition debris during construction to the extent feasible.

g) **Same Impact as Previously Considered Project**. The project will comply with all federal, state, and local statutes and regulations related to solid waste.

Conclusion: The project would have a less-than-significant impact on utilities and services. The analysis in the NSJ FPEIR concluded that the utilities impacts from future development would be less-than-significant. The proposed project would not result in any new or more significant utilities impacts than those addressed in the NSJ FPEIR.

R. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as Previously Considered Project	Less Impact Than Previously Considered Project	Source(s)
18. 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
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
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				X		1, 2

Explanation

a) **Same Impact as Previously Considered Project**. The proposed infill project will not 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.

b) **Same Impact as Previously Considered Project**. Based on the analysis provided in this Initial Study, the proposed infill project will not significantly contribute to cumulative impacts since no development is proposed in the immediate project vicinity.

c) **Same Impact as Previously Considered Project.** Based on the analysis provided in this Initial Study, the proposed infill project will not result in environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Conclusion: The project would have a less-than-significant impact related to the CEQA mandatory standards of significance based on the results of this CEQA evaluation. The project will not result in any new or more substantial significant impacts than were previously identified in the NSJ FPEIR.

SUMMARY OF CONCLUSIONS PER CEQA GUIDELINES SECTIONS 15162 AND 15164

The proposed project is eligible for an EIR Addendum pursuant to CEQA Guidelines §15164, which states that "A lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 which call for the preparation of a subsequent EIR have occurred." Circumstances that would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance that would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

As described in this Addendum, the project would not result in new or more significant environmental impacts than those identified in the NSJ FPEIR. The project would not result in significant environmental effects or increase the severity of environmental impacts beyond those already identified in the NSJ FPEIR. Since certification of the NSJ FPEIR, conditions in project area have not changed such that implementation of the project would result in new significant environmental effects or substantially increase the severity of environmental effects already identified in the NSJ FPEIR. For these reasons, a supplemental or subsequent EIR is not required and an Addendum to the EIR has been prepared for the proposed project.

In summary, no new information of substantial importance has been identified in regard to the project or the project site such that the proposed development would result in: 1) significant environmental effects not identified in the NSJ FPEIR, or 2) more severe environmental effects than shown in the NSJ FPEIR, or 3) require mitigation measures that were previously determined not to be feasible or mitigation measures that are considerably different from those recommended in the NSJ FPEIR. This Addendum will not be circulated for public review, but will be attached to the NSJ FPEIR pursuant to CEQA Guidelines §15164(c).

Chapter 4. References

LEAD AGENCY

City of San José Department of Planning, Building and Code Enforcement
Harry Freitas, Director of Planning
Meenaxi R. Panakkal, AICP Senior Environmental Planner
Thai-Chau Le, Planner I

REPORT PREPARATION

Denise Duffy & Associates, Inc.
Environmental Consultant
Leianne Humble, Senior Planner
Matthew Kawashima, Assistant Planner
Robyn Simpson, Administration/Editing

PERSONS CONTACTED

Gregory Darvin, Atmospheric Dynamics
Robert Del Rio, Hexagon Transportation Consultants
Adam Hudson, Hudson Industrial Equities
Erik Schoennauer, The Schoennauer Company

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CHECKLIST SOURCES

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2. Project Plan and Site Review
3. Santa Clara Valley Important Farmlands Map
4. Air Quality Assessment, 2015
5. Envision San José 2040 General Plan
6. Phase I Assessment, 2014
7. FEMA Flood Map
8. Traffic Study, 2015