

**INITIAL STUDY/
NEGATIVE DECLARATION**

for

**967 MABURY ROAD
HAZARDOUS WASTE TRANSFER STATION**

File No. CP17-056



**CITY OF SAN JOSÉ
CALIFORNIA**

May 10, 2018

NEGATIVE DECLARATION

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

NAME OF PROJECT: 967 Mabury Road Hazardous Waste Transfer Station

PROJECT FILE NUMBER: CP17-056

PROJECT DESCRIPTION: The project proposes to demolish an existing storage building and to construct a mobile loading ramp at existing industrial development in the HI Heavy Industry Zoning District on an approximately 3.2-gross acre site.

PROJECT LOCATION: Northeast corner of Mabury Road and Timothy Drive in San José at 967 Mabury Road

ASSESSORS PARCEL NO.: 254-39-012

COUNCIL DISTRICT: 4

APPLICANT CONTACT INFORMATION: Advanced Chemical Transport Inc. 1210 Elko Drive Sunnyvale, CA, 94089 (408) 548-5050

FINDING

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

NO MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- A. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- B. **AGRICULTURE AND FOREST RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- C. **AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- D. **BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- E. **CULTURAL RESOURCES** – The project will not have a significant impact on this resource,

therefore no mitigation is required.

- F. **GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- G. **GREENHOUSE GAS EMISSIONS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- H. **HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- I. **HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- J. **LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- K. **MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- L. **NOISE** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- M. **POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- N. **PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- O. **RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- P. **TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- Q. **UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- R. **MANDATORY FINDINGS OF SIGNIFICANCE**

The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Wednesday May 30, 2018** any person may:

1. Review the Draft Negative Declaration (ND) as an informational document only; or

2. Submit written comments regarding the information and analysis in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND.

Kieulan Pham
Environmental Project Manager

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

5/9/18

Date



Deputy

Circulation period: May, 10, 2018, and ends on May 30, 2018 at 5pm

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Chapter 1. Background Information

PROJECT DATA

1. **Project Title:** 967 Mabury Road Hazardous Waste Transfer Station
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 Owner/Proponent:** Advanced Chemical Transport, Inc. *Representative:* Gerry De Young, Ruth & Going, Inc., 2216 The Alameda, Santa Clara, CA 95050 (408) 982-5562
4. **Project Location:** The project is located on approximately 3.2 gross acres located at 967 Mabury Road in San José.

Assessor's Parcel Number: 254-39-012 City Council District: 4
5. **Project Summary:** Application for a Conditional Use Permit to allow reuse of an existing industrial site for a hazardous materials transfer station.
6. **Envision 2040 San José General Plan Designation:** *Heavy Industrial*
7. **Zoning Designation:** HI– Heavy Industrial
8. **Habitat Conservation Plan Designation:** Urban-Suburban, Area 4: Urban Development Equal to or Greater Than 2 Acres Covered
9. **Surrounding Land Uses:**
North: Industrial
South: Mabury Road, Highway 101
West: Timothy Drive, Industrial
East: Industrial

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Chapter 2. Project Description

PROJECT LOCATION

The project is proposed within the jurisdiction of San José, in Santa Clara County (refer to Figure 1). The site is located on Assessor's Parcel Number (APN) 254-39-012 (refer to Figure 2). The project lies on approximately 3.2 gross acres at 967 Mabury Road. The site currently consists of an existing 29,600 square foot industrial building with a shed, garage, driveways, and parking areas.

PROJECT DESCRIPTION

The proposed project is consistent with the existing HI - Heavy Industrial Zoning District. The project is the application for a Conditional Use Permit from the City of San Jose to reuse an existing industrial site for a hazardous waste transfer station operated by Advanced Chemical Transport, Inc. (also known as ACTenviro, the operating name of the company). The transfer station operations would consist of dispatching trucks to collect waste and transport it to the site for storage for a maximum of 10 days, before transporting it to an authorized disposal site. By definition, a hazardous waste transfer station cannot, under state and federal law, treat any hazardous waste onsite. Wastes at the transfer site would include all U.S. Department of Transportation approved containerized chemical waste, with the exception of radioactive materials and explosives. About 90-95% of materials brought to the site will be 55-gallon drums or smaller.

The site plan for the project is presented in Figure 4. The project does not propose any site improvements, with exception of installation of a mobile loading ramp adjacent to the existing building in the parking area of the site. The northerly metal garage (approximately 1,200 square feet) will be removed to provide for an onsite truck turning area and truck trailer staging. Minor interior renovation is proposed to the existing 29,600 square foot building, with no structural changes or exterior modifications. At this time, the project does anticipate any grading or ground disturbance.

The site is accessed by four driveways: one inbound only driveway on Mabury Road, two inbound only driveways on Timothy Drive, and one centrally-located full access driveway on Timothy Drive. The project proposes to make minor changes to the existing parking lot configuration to accommodate planned operations. No increase in parking is proposed.

The project site will house approximately 62 employees, with an overall company employment of approximately 120 staff. The non-office employees will consist of either truck transport drivers (e.g., box trucks and transfer trucks) or other employees that carry out their daily activities off-site at client locations throughout the Bay Area. The box truck drivers will pick up hazardous materials from various customer locations and transport the material back to the project site each day. The materials will be transferred to tractor trailers (i.e., transfer trucks) and ultimately be transported to appropriate off-site approved recycling facilities. The maximum amount of time the hazardous material will be held on the project site is no more than 10 days, as required by state and federal agencies.

Project operations will involve a total of 24 box trucks of various sizes. The box trucks will be deployed to customer locations to pick up materials daily on an as needed basis. It is estimated that 18 box trucks will be used each day on average. Most box trucks will be dispatched in the morning, before 8:00 AM, to perform service visits before returning in the afternoon or evening to end their day. The transfer station will operate a total of five tractor trailers. The transfer of on-site hazardous material to various approved recycling facilities will be infrequent. The tractor trailers will not leave the site on a daily-basis.

PROJECT SCHEDULE

Improvements to the interior of the main building will take approximately 30 days to complete. Removal of the existing garage and other site improvements will take approximately one week.

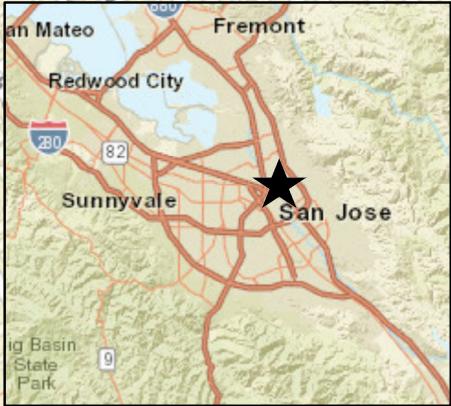
PROJECT OBJECTIVES

The objective of the project is to move the existing transfer station business to a location that is central to its clients/customers, and to provide room to expand its business over time.

PROJECT APPROVALS

The project will require the following approvals:

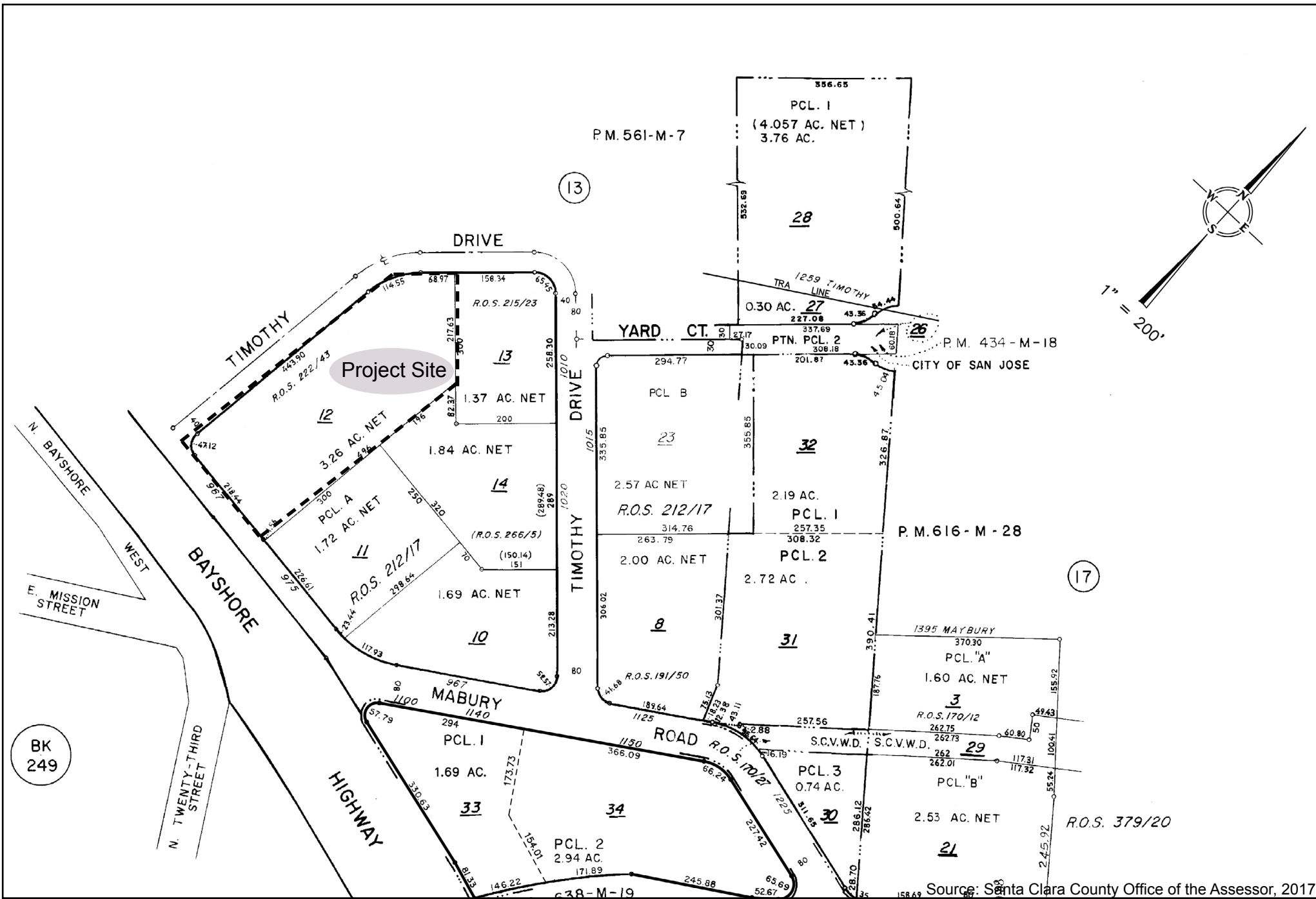
- Environmental Clearance
- Conditional Use Permit
- Demolition Permit
- Building Clearance
- Public Works Clearance



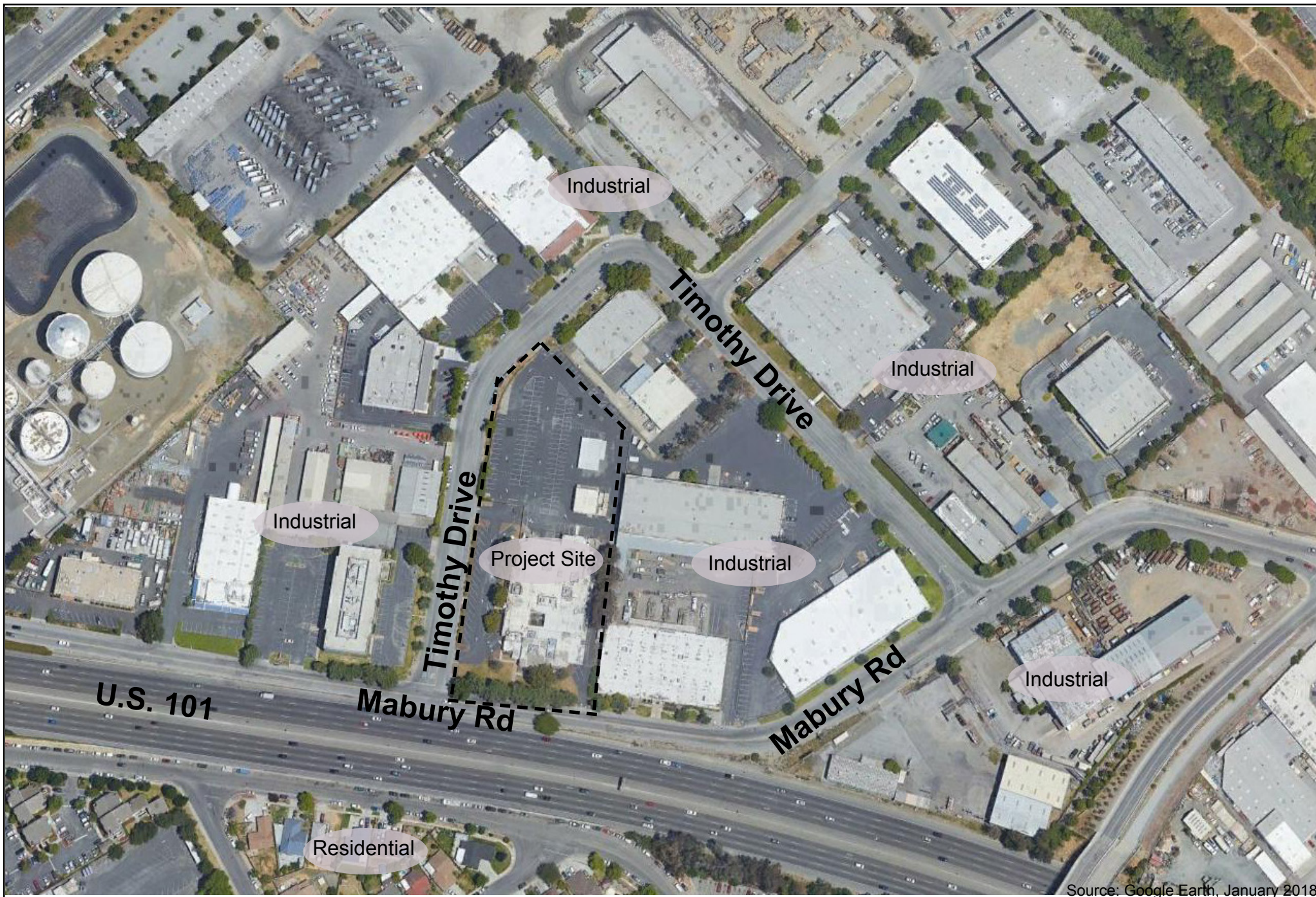
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Location Map

Figure
1



Source: Santa Clara County Office of the Assessor, 2017



Source: Google Earth, January 2018

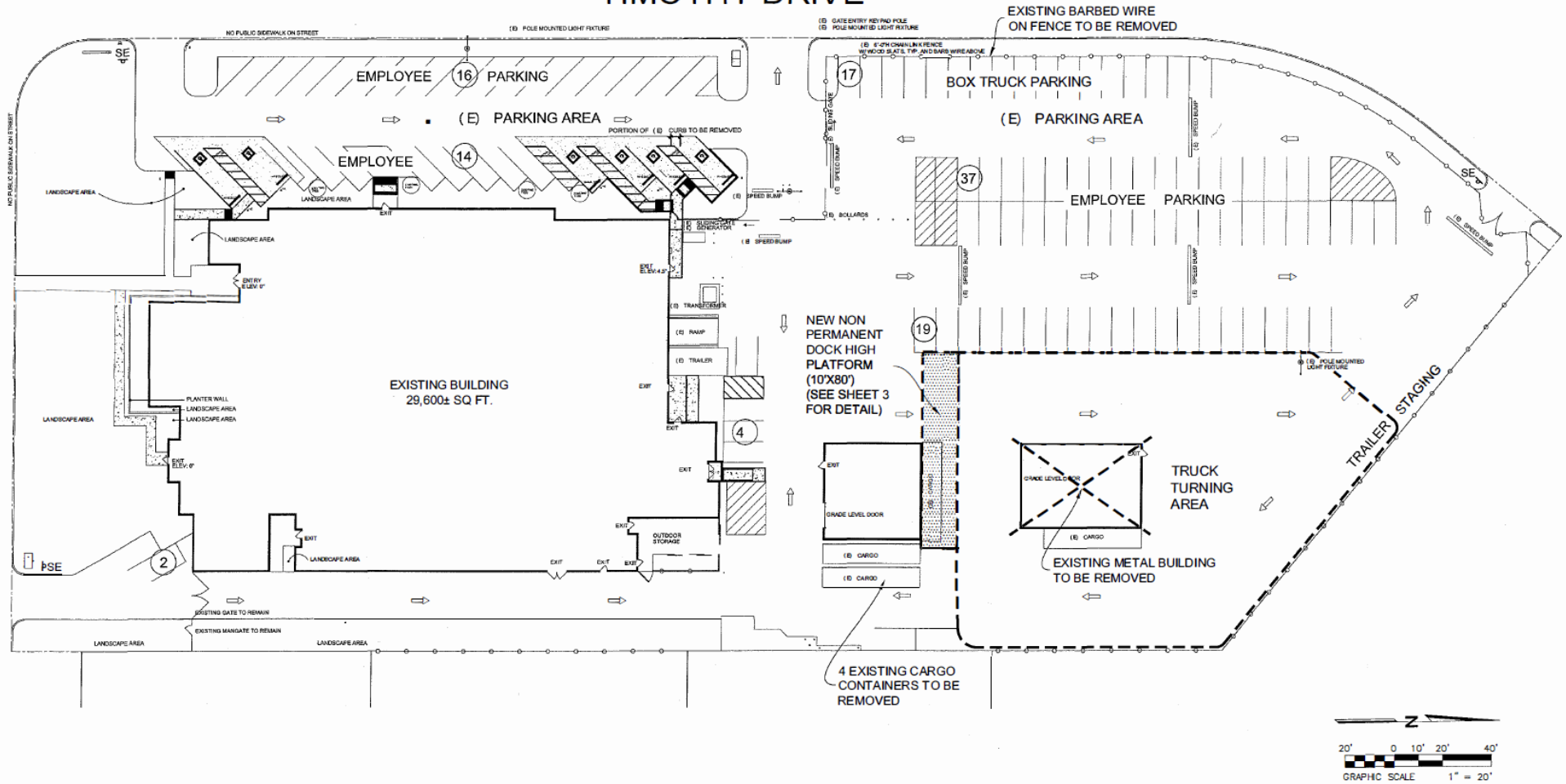
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Aerial Map

Figure
3

MABURY ROAD

TIMOTHY DRIVE



EXISTING SITE PLAN
(WITH PROPOSED MODIFICATIONS)

Source: ACTEnviro, April 2018

Title:
Site Plan

Figure
4



Photo 1: Side Building Elevation

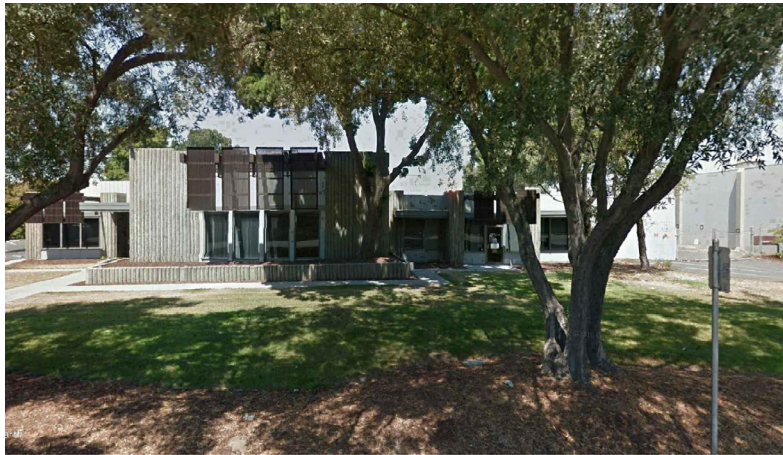


Photo 2: Front Building Elevation



Photo 3: Rear Building Elevation

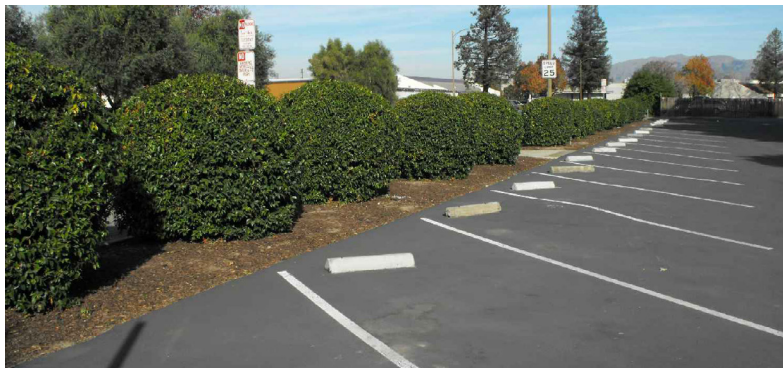


Photo 4: Timothy Drive Landscape Frontage

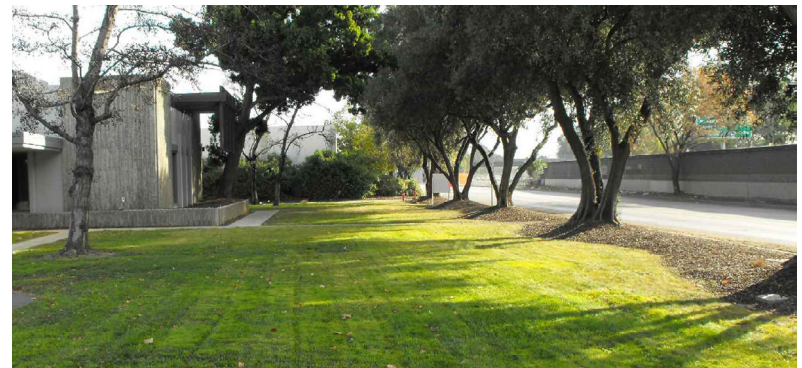


Photo 5: Mabury Frontage Landscape

Source: ACTEnviro

Title:

Site Photos

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Chapter 3. Environmental Evaluation

The Initial Study evaluates the following resource sections within Chapter 3. Environmental Setting and Impacts.: aesthetics, agricultural resources, air quality, biological resources, cultural/tribal resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, mineral resources, noise, population/housing, public services, recreation, transportation, and utilities and service systems. Sources used for analysis of environmental effects are cited in parenthesis after each discussion and are listed in Chapter 4. References.

EVALUATION OF ENVIRONMENTAL IMPACTS

The following describes how the proposed project's impacts to resource areas will be analyzed in this Initial Study in accordance with CEQA. Each resource section includes: 1) existing setting and applicable regulatory background, 2) CEQA impact checklist for the resource area, and 3) impact discussion in response to the questions in the checklist and mitigation where warranted. The impact discussion will identify the level of environmental effect from the proposed project. An explanation or discussion is required for all answers to the resource impact checklist as follows.

1. 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 environmental 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 based on the City's thresholds. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "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.
5. Supporting Information Sources: A source list will be attached, and other sources used or individuals contacted will be cited in the discussion.
6. The explanation of each issue will 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 significant.

ENVIRONMENTAL SETTING AND IMPACTS

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

A. AESTHETICS

Setting

The project site is located on a developed industrial site within an urbanized area of San José. The property is currently occupied by an industrial building, driveways, and parking areas. Vegetation is limited to ornamental landscaping and trees. Photographs of the property are presented in Figure 5, and an aerial of the project area is provided in Figure 3.

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 site is not located in near any scenic highways, nor is it located along any scenic corridors identified on the City's Scenic Corridors Diagram.¹

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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

¹ Envision San José 2040 General Plan, Chapter 4.

Explanation

- a) **Less Than Significant Impact.** The project site is located in an urbanized location in central San José. No significant exterior site improvements are proposed that would impact scenic vistas.
- b) **Less Than Significant Impact.** The project site is not located within any City or state-designated scenic routes and is not visible from any designated State Scenic Highway.
- c) **Less Than Significant Impact.** The project would not alter the existing visual character of the site and its immediate surroundings, since the only exterior improvements consist of removal of a storage shed and construction of a ramp.
- d) **Less Than Significant Impact.** The project does not propose any new sources of light or glare.

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

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 contract. The project area is identified as “Urban and Built-Up Land” on the Santa Clara County Important Farmlands Map.

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

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	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	4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	3, 4
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	8
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	1, 2, 3

Explanation

- a) **No Impact.** The project site is designated as “Urban and Built-Up Land” on the Important Farmlands Map for Santa Clara County and does not contain any prime farmland, unique farmland, or farmland of statewide importance.
- b) **No Impact.** The project site is a developed industrial property and is not zoned for agricultural use and does not contain lands under Williamson Act contract.
- c) **No Impact.** As stated under discussion a) and b), the project site is not utilized or designated for farmland or agricultural use. No other changes to the environment will occur from the project that will result in conversion of farmland to non-agricultural uses.
- d) **No Impact.** The project will not impact forest resources since the site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).
- e) **No Impact.** As per the discussion above, the proposed project will not involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland or agricultural land, since none are present on this developed property.

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

C. AIR QUALITY

Setting

The project is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), particulate matter (PM₁₀), sulfur dioxide (SO₂), and lead (Pb). Secondary criteria pollutants include ozone (O₃), and fine particulate matter.

The U.S. EPA administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and judged for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The U.S. EPA has classified the region as a nonattainment area for the 8-hour O₃ standard and the 24-hour PM_{2.5} standard. The Bay Area has met the CO standards for over a decade and is classified as an attainment area by the U.S. EPA. The U.S. EPA has deemed the region as attainment/unclassified for all other air pollutants, which include PM₁₀. At the State level, the Bay Area is considered nonattainment for ozone, PM₁₀ and PM_{2.5}.

The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards are attained and maintained in the Bay Area. As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José has considered the thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and PM_{2.5}. The BAAQMD screening levels are based on project size for air pollutant emissions.

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

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

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

The BAAQMD defines sensitive receptors as facilities where sensitive population groups are located, including residences, schools, childcare centers, convalescent homes, and medical facilities. Land uses such as schools and hospitals are considered to be more sensitive than the general public to poor air quality because of an increased susceptibility to respiratory distress within the populations associated with these uses. The project site is located in an industrial area with no sensitive receptors in the immediate vicinity. The nearest sensitive receptors are residences located 250 feet south of the project site across U.S. 101.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management 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, 3, 5
b) Violate any air quality standard or contribute to an existing or projected air quality violation?			X		1, 2, 5
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, 5
d) Expose sensitive receptors to substantial pollutant concentrations?			X		1, 2, 5
e) Create objectionable odors affecting a substantial number of people?			X		1, 2

Explanation

- a) **Less Than Significant Impact.** The proposed project will not change the existing General Plan designation of *Heavy Industrial*. Land uses anticipated under the 2040 General Plan have been analyzed in the Envision San José 2040 General Plan EIR and are consistent with local air quality plans. The proposed hazardous waste transfer station is an anticipated and permitted use under the General Plan land use designation and the City’s Zoning Code and, therefore, would not increase regional population growth or cause significant changes in vehicle travel beyond that previously analyzed in the 2040 General Plan.

- b) **Less Than Significant Impact.** The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts. The BAAQMD CEQA Guidelines include screening levels and thresholds for evaluating air quality impacts in the Bay Area. The BAAQMD screening levels are based on project size and thresholds of significance for air pollutant emissions. The applicable land use category from the BAAQMD’s screening criteria tables for the proposed project is “general heavy industry.” For operational impacts from criteria pollutants, the screening size is 1,899,000 square feet. For construction impacts, the screening size is 259,000 square feet. The proposed transfer station will reuse an existing 29,600 square foot industrial building, which is well below the BAAQMD screening size threshold. The project, therefore, will not have a significant impact related to criteria pollutants.

The project proposes the installation of a mobile loading ramp adjacent to the existing building in the parking area of the site, removal of a metal garage, and minor renovation to the existing building, with no structural changes or exterior modifications. Construction activities from these minor physical improvements would occur over a short-period of time (30 days for interior modifications and one week for exterior improvements) and would not result in any ground disturbance activities; therefore, the project will not generate substantial dust or equipment exhaust. As part of standard permit conditions the project would be required to comply with the following:

Standard Permit Condition:

- If there is soil or ground disturbance or construction debris, all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice daily.
- If there is soil or ground disturbance or construction debris, all haul trucks transporting soil, sand, and other loose material off-site shall be covered.
- If there is soil or ground disturbance or construction debris, 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.
- If there is soil or ground disturbance or construction debris, 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 five 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 operations.

- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- c) **Less Than Significant Impact.** See discussion b) above. The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard since the project is reuse of an existing industrial site and the size is below BAAQMD screening size thresholds.
- d) **Less Than Significant Impact.** Due to the project size, the operational emissions of criteria pollutants would be less-than-significant as described in b) above. The proposed minor improvements to the site will not result in substantial dust or equipment exhaust generation.
- e) **Less Than Significant Impact.** The reuse of the site by a hazardous materials transfer station will not create any substantial source of odor. All containers stored on the site will be sealed and no treatment is proposed or legally allowed at the proposed transfer station.

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

D. BIOLOGICAL RESOURCES

Setting

The project is located on a developed site within an urbanized area of San José. The property is currently occupied by an industrial building, driveways, and parking areas. Vegetation consists of ornamental landscaping and trees. Photographs of the property are presented in Figure 5.

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

The project site is located within the boundaries of the Santa Clara Valley Habitat 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 (USFWS), and California Department of Fish and Wildlife (CDFW). 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 located within the boundaries of the HCP and is designated Urban-Suburban, Area 4: Urban Development Equal to or Greater Than 2 Acres Covered.

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

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
4. BIOLOGICAL RESOURCES. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 2, 9

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X	1, 2, 9
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, 9
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, 9
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	1, 2, 8
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, 9, 10

Explanation

- a) **Less Than Significant Impact.** The project is reuse of an existing industrial property and does not propose the removal of any trees or other vegetation. Site improvements will include removal of the approximately 1,200 square-foot metal garage, installation of a mobile loading ramp, provision of an onsite truck turning area, and truck trailer staging area. Minor renovation is proposed to the existing 29,600 square foot building, with no structural changes or exterior modifications. These limited construction activities, which will not require ground disturbance or occur near any trees, will not significantly impact existing biological resources on the site.
- b) **No Impact.** Based on review of the Habitat Agency’s Geobrowser and observation of the site, the project site is developed with buildings, hardscapes, and ornamental landscaping and does not contain any sensitive natural communities and, therefore, will not result in a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFW or USFWS.
- c) **No Impact.** The project site is developed with buildings, hardscapes, and ornamental landscaping and does not contain any wetland resources; therefore, it will not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act.
- d) **No Impact.** See a) above. The project is reuse of an existing industrial property and does not propose the removal of any trees or other vegetation. Construction will not require ground disturbance or occur near any trees, and will not significantly impact existing biological resources, substantially interfere with the movement of any native resident or

migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

- e) **Less Than Significant Impact.** The project site is located within the boundaries of the Santa Clara Valley HCP in an area designated as Urban-Suburban, Area 4: Urban Development Equal to or Greater Than 2 Acres Covered. The project site is not identified as sensitive habitat for special status species. Therefore, the proposed project would not result in direct impacts to any of the HCP's covered species.

The project may be required to pay HCP fees for any new vehicle trips, used to purchase conversation land for the Bay checkerspot butterfly. As a part of the development permit approval, the project shall implement the following permit condition.

Standard Permit Condition:

- The project is subject to applicable Santa Clara Valley Habitat Conservation Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any building permits. The project applicant shall submit a Santa Clara Valley Habitat Conservation Plan Coverage Screening Form to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for review and will complete subsequent forms, reports, and/or studies as required.

Conclusion: The project would have a less-than-significant impact on biological resources with the standard permit condition incorporated.

E. CULTURAL RESOURCES

Setting

The project site has been disturbed by existing development and is covered by buildings and pavement. The property does not contain any known historic resources. No subsurface or archaeological resources have been identified the construction of the previous or existing development onsite.

California Assembly Bill (AB) 52 went into effect July 2015, and establishes a new category of CEQA resources for tribal cultural resources (Public Resources Code §21074). AB 52 is intended to provide a process and scope that clarifies California tribal government’s involvement in the CEQA process, including specific requirements and timing for lead agencies to consult with tribes on avoiding or mitigating impacts to tribal cultural resources. AB 52 creates a process for consultation with Native American Tribes in the CEQA process. Tribal governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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, 2
d) Disturb any human remains, including those interred outside of formal cemeteries?			X		1, 2
TRIBAL RESOURCES. Would the project:					
Cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
e) Listed or eligible for listing in the California Register of Historic Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X		1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
f) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X		1, 2

Explanation

- a) **No Impact.** The project site does not contain any structures and is not listed on the Historic Inventory List. No exterior renovations are proposed for to the existing industrial building with the exception of a mobile loading ramp adjacent to the building within the parking area. The project would not have a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.5.
- b) **Less Than Significant Impact.** Data from the 2040 General Plan Environmental Impact Report and associated City sources identified the site as archaeologically sensitive. The property, however, has been highly disturbed by previous industrial uses. The project is reuse of an existing industrial site and building for a hazardous waste transfer station and no ground disturbance is anticipated to occur; therefore, the project will not impact archaeological resources. If during construction and/or future development requires ground disturbance, the project will comply with standard permit conditions as outlined below.
- c) **Less Than Significant Impact.** The project is reuse of an existing industrial site and building for a hazardous waste transfer station and no ground disturbance is anticipated to occur; therefore, the project will not impact paleontological resources. If during construction and/or future development requires ground disturbance, the project will comply with standard permit conditions as outlined below.
- d) **Less Than Significant Impact.** The project is reuse of an existing industrial site and building for a hazardous waste transfer station and no ground disturbance is anticipated to occur; therefore, the project is not expected to encounter or disturb any human remains. If during construction and/or future development requires ground disturbance, the project will comply with standard permit conditions as outlined below.
- e) **Less Than Significant Impact.** Tribal cultural resources consider the value of a resource to tribal cultural tradition, heritage, and identity in order to establish potential mitigation, and to recognize that California Native American tribes have expertise concerning their tribal history and practices. The City of San José sent a notification letter to a list of Native American contacts provided by the NAHC in compliance with AB 52. At the time of preparation of this Initial Study, the City of San José had yet to receive any requests for notification from tribes. Because no project-specific tribal consultation requests were received, the project is located impacts to tribal resources are expected to be less-than-significant.

f) **Less Than Significant Impact.** See e) above.

Standard Permit Conditions

While it is not anticipated at this time, if future project activities result in ground disturbance, the project would have to comply with the following permit conditions for the protection of subsurface prehistoric, historic, and other archaeological resources during construction

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Director of Planning, Building and Code Enforcement will be notified, and a qualified archaeologist will examine the find. The archaeologist will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the archaeologist. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery would be submitted to the Director of Planning, Building and Code Enforcement and the Northwest Information Center.
- Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.
- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified immediately and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) within 24 hours of the identification. Once the NAHC identifies the most likely descendants (MLD), the descendants will make recommendations regarding proper burial (including the treatment of grave goods), which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.
- The archaeologist will recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. A report of findings documenting any data recovery will be submitted to the Director of Planning, Building and Code Enforcement and the Northwest Information Center.

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

F. GEOLOGY AND SOILS

Setting

The project property is an essentially flat lot with an elevation of approximately 85 feet above mean sea level. The project is fully developed with an industrial building, storage buildings, and pavement.

The project site is located within the seismically active San Francisco Bay Area. Significant earthquakes that occur in the Bay Area are generally associated with the San Andreas Fault system. Other active faults in the area are the Hayward Fault, the Calaveras Fault, and the Monte Vista-Shannon Fault. The project site is not mapped within an Alquist-Priolo Earthquake Fault Zone (California Geological Survey, 1982) or a Santa Clara County Fault Hazard Zone (Santa Clara County, 2012).

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
6. GEOLOGY AND SOILS. Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	1, 2
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) **No Impact.** The site is not located within an Alquist-Priolo Earthquake Fault Zone (California Geological Survey, 1982) or a Santa Clara County Fault Hazard Zone (Santa Clara County, 2012) and no known active faults cross the site. The risk of ground rupture within the site is considered low.
- aii) **Less Than Significant Impact.** The project site is located within the seismically active San Francisco Bay Area region. Due to its location in a seismically active region, the existing building would be subject to moderate to strong seismic ground shaking during the lifetime of the project in the event of a major earthquake on any of the region's active faults. The only improvements to the site are installation of a mobile loading ramp, removal of a metal garage, and minor interior renovations to the building. The project, therefore, will not increase seismic hazards compared to existing conditions.
- aiii) **Less Than Significant Impact.** The project site may be subject to strong ground shaking in the event of a major earthquake. See aii) above.
- aiv) **No Impact.** The project site has no appreciable vertical relief and is not be subject to landslides.
- b) **Less Than Significant Impact.** The project will not require grading or excavation and would not result an increase erosion or loss of topsoil from the site. A demolition permit will be required for removal of the existing garage and interior renovations. The project would not require ground disturbance activities or result in significant impacts to topsoil. While it is not anticipated at this time, if future project activities result in ground disturbance, the project would have to comply with the following permit conditions for the protection of subsurface prehistoric, historic, and other archaeological resources during construction

Standard Permit Conditions:

- All excavation and grading work will be scheduled in dry weather months or construction sites will be weatherized.
- Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.
- Ditches will be installed, if necessary, to divert runoff around excavations and graded areas.
- c) **No Impact.** The project site is located on a flat site and would not be exposed to substantial slope instability, erosion, or landslide-related hazards. See aii) above.
- d) **No Impact.** The only improvements to the site are installation of a mobile loading ramp, removal of a metal garage, and minor interior renovations to the building. The project, therefore, will not be subject to the effects of expansive soils compared to existing conditions.
- e) **No Impact.** The project does not include any septic systems.

Conclusion: The project would have a less-than-significant impact on geology and soils.

G. GREENHOUSE GAS EMISSIONS

Setting

Various gases in the Earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the Earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the Earth's surface. The Earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO₂), methane (CH₄), ozone (O₃), water vapor, nitrous oxide (N₂O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

Federally, the Environmental Protection Agency (EPA) authority to regulate emissions of greenhouse gases (GHGs). Statewide, California has adopted Senate Bill (SB) 32, amended in September 2016, that required the California Air Resources Board (CARB) established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and the Climate Change Scoping Plan identifying how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms, and other actions.

Regionally, the Bay Area has adopted the Plan Bay Area 2040. Consistent with the requirements of SB 375, Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and Bay Conservation and Development Commission (BCDC) to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) process. The SCS is referred to as Plan Bay Area.

Envision San José 2040 General Plan

The General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and standards for "qualified plans" as set forth by BAAQMD.

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy. The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy; land use and transportation; and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary

measures can be incorporated as mitigation measures for proposed projects, at the City’s discretion.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
7. GREENHOUSE GAS EMISSIONS. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3,5
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 3, 5

Explanation

- a) **Less Than Significant Impact.** As described above, projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City’s GHG Reduction Strategy, and considered to have a less-than-significant impact related to GHG emissions. The project is consistent with the site’s *Heavy Industrial* General Plan land use designation and, therefore GHG emissions from project operations have been anticipated and previously analyzed in the 2040 General Plan EIR. In addition, the proposed project is a reuse of an existing industrial site and would not substantially increase traffic trips as discussed in P. Transportation Section. The project would, therefore, have a less-than-significant impact related to GHG emissions.
- b) **Less Than Significant Impact.** The project is consistent with the site’s General Plan land use designation of Heavy Industrial. The project is reuse of an existing industrial site for a hazardous waste transfer station. The project, therefore, would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, since the proposed project will not substantially increase GHG emissions and is consistent with the City’s General Plan land use designation.

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

H. HAZARDS AND HAZARDOUS MATERIALS

Setting

A Phase I Assessment was prepared for the project site by AEI Consultants, Inc. (October 25, 2017) and is contained in Appendix A. The Phase I Assessment included a review of historical maps, search of regulatory database and agency files, a site inspection, and consultation with the project owner. The project site is bounded by Mabury Road and U.S. 101 to the south, a multi-tenant commercial building to the northwest, cannabis store to the northeast, a machine shop and sanitation facility to the east, and Timothy Drive and industrial/commercial uses to the west.

The purpose of a Phase I assessment is to identify any recognized environmental conditions (RECs). An REC 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 of the property. Controlled Recognized Environmental Condition (CREC) is defined by the ASTM Standard Practice E1527-13 as a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances minimis conditions and/or environmental considerations such as the presence of ACMs, LBP, radon, mold, and lead in drinking water, which can affect the liabilities and financial obligations of the client, the health and safety of site occupants, and the value and marketability of the subject property. The Phase I did not identify evidence of RECs or CRECs on the project site.

The project site was historically used for agricultural purposes until 1960. The site contains a 29,600 square foot industrial building that was occupied by computer accessory/disk manufacturing from 1967-1983. Most recently, the site was occupied by Quest Diagnostics for laboratory uses from 1984 – October 2016.

According to GeoTracker, the subject property has a closed Leaking Underground Storage Tank (LUST) case in relation to a release detected during removal of four USTs, associated with Control Data Corporation tenancy: 1) 200-gallons chemical waste, 2) 1,000-gallons waste naphtha, 3) 5,000-gallons waste liquids, and a 4) 10,000-gallon naphtha. The case was closed by the San Francisco Bay Regional Water Quality Control Board in 1997 and no further action was deemed necessary by the agency.

According to Envirostor, the subject property is a Tiered Permit site. The current status is Inactive - Needs Evaluation. A Tiered Permit indicates that the site uses hazardous materials; however, it is not indicative of a release, and does not represent a significant environmental concern.

The Phase I also identified the following de minimis conditions and/or environmental considerations such as the presence of ACMs, LBP, radon, mold, and lead:

- The site was historically used for agricultural purposes and soils could contain pesticides and related agricultural chemicals. However, the site is fully development and the project does not propose any grading or ground disturbance.

- Interior areas of the existing building were observed containing mold. The presence of the suspect mold identified may pose a health and safety concern to any subsequent occupants and/or construction workers during future renovation activities.
- Due to the age of the existing building, asbestos containing materials (ACMs) may be present. All observed suspect ACMs at the subject property were in good condition at the time of the site reconnaissance and are not expected to pose a health and safety concern to the occupants of the subject property at this time. However, building renovation or demolition activities could disturb these materials if present.
- Due to the age of the subject property building, there is a potential that lead-based paint (LBP) is present. All observed painted surfaces were in good condition and are not expected to pose a health and safety concern to the occupants of the subject property at this time.
- According to prior reports and regulatory file review, five monitoring wells were historically utilized as part of the now closed subject property LUST case. Review of SCVWD documentation indicates that wells 1 ,2, 4 and 5 have been destroyed, however, well 3 remains in "active" status. Well 3 appears to be located adjacent to the northwestern exterior of the main building and may have been paved over.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 2, 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

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	1, 2

Explanation

- a) **Less Than Significant Impact.** The proposed hazardous waste transfer station would involve the routine transport of hazardous materials. The transfer station operations would consist of dispatching trucks to collect waste and transport it to the site for storage for a maximum of 10 days, before transporting it to an authorized disposal site. By definition, a hazardous waste transfer station cannot, under state and federal law, treat any hazardous waste onsite. This is a highly regulated use that would not create a significant hazard to the public or the environment through the routine transport of hazardous materials.
- b) **Less Than Significant Impact.** The Phase I Assessment identified the presence of mold, asbestos, and lead-based paint in the existing building. Although not a CEQA issue, because the project proposes to reuse the existing building, the project applicant will retain a qualified expert to survey the building and provide recommendations for removal/remediation of these substances, where present, to be incorporated prior to and during building renovations in accordance with the following permit conditions.

Standard Permit Conditions

- In conformance with State and local laws, a visual inspection/pre-demolition survey and possible sampling shall be conducted prior to the demolition of on-site building to determine the presence of asbestos-containing materials and/or lead-based paint.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one percent asbestos are subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

In addition, the site contains a well that remains in "active" status. This well (well 3) appears to be located adjacent to the northwestern exterior of the main building. The Phase I Assessment recommends that the well be located and properly abandoned in accordance with applicable local and/or state guidelines.

- c) **Less Than Significant Impact.** The project site is not located within ¼ mile of a school.
- d) **Less Than Significant Impact.** The project site is identified on several databases, related to the former laboratory use by Quest Diagnostics. The Phase I concluded that the site does not contain any RECs related to the database results (refer to Appendix A).
- e) **No Impact.** The project site is not located within an airport land use plan and would not result in a safety hazard to airport operations.
- f) **No Impact.** The project site is not located within the vicinity of a private airstrip and would not result in a safety hazard to airstrip operations.
- g) **No Impact.** The proposed reuse of the site with a waste transfer station will not interfere with any adopted emergency or evacuation plans.
- h) **No Impact.** The project will not expose people or structures to risk from wildland fires as it is located in a highly urbanized area that is not prone to such events.

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

I. HYDROLOGY AND WATER QUALITY

Setting

The project property is an essentially flat lot with an elevation of approximately 85 feet above mean sea level. The project site was formerly used as a medical laboratory by Quest Diagnostics and is fully developed with buildings and pavement.

The project site does not contain any natural drainages or waterways. The nearest waterway is Coyote Creek, located about 1,500 feet northeast of the project site. The Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) indicate that the project site is located within Zone D. The project site is not located within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. The City does not have any floodplain restrictions for development in Zone D.

Regulatory Background

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

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

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

The City of San José is required to operate under a Municipal Stormwater NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. On October 14, 2009, the San Francisco Bay Regional Water Quality Control Board adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San José. The Municipal Regional Permit mandates the City of San José use its planning and development review authority to require that stormwater 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 is reuse of an existing developed site and would not create or replace impervious surfaces on the site. Therefore, the project will not be required to comply with the LID stormwater management requirements of Provision C.3 of the MRP.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
8. 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
g) Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	1, 2
h) Place within a 100-year flood-hazard area structures which would impede or redirect flood flows?			X		1, 2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1, 2
j) Inundation by seiche, tsunami, or mudflow?				X	1, 2

Explanation

- a) **Less Than Significant Impact.** The project is reuse of an existing industrial site and does not propose any grading or ground disturbance. The project, therefore, would not violate any water quality standards or waste discharge requirements. While it is not anticipated at this time, if future project activities result in ground disturbance, the project would have to comply with the standard permit conditions identified below.
- b) **Less Than Significant Impact.** The project is reuse of an existing industrial site and does not propose any grading or ground disturbance. The project, therefore, would not deplete or otherwise affect groundwater supplies. While it is not anticipated at this time, if future project activities result in ground disturbance, the project would have to comply with the standard permit conditions identified below.
- c) **Less Than Significant Impact.** The project is reuse of an existing industrial site and does not propose any grading or ground disturbance. Construction activities would be limited to removal of a 1,200 square foot garage, interior renovations of the existing 29,600 square foot building, and installation of a raised mobile loading ramp, which would generate minimal construction debris. The project, therefore, would not result in substantial effects on the drainage pattern of the site or erosion. While it is not anticipated at this time, if future project activities result in ground disturbance, the project would have to comply with the standard permit conditions identified below.
- d) **Less Than Significant Impact.** See discussion above. The project does not propose any new structures that would increase impervious surfaces onsite and, therefore, would not generate additional runoff compared to existing conditions. or substantially alter the existing drainage pattern of the site.
- e) **No Impact.** See discussion above. The project is reuse of an existing industrial site with no grading, ground disturbance, or additional impervious surfaces. The project, thus, would not contribute runoff that will exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff. While it is not anticipated at this time, if future project activities result in ground disturbance, the project would have to comply with the standard permit conditions identified below.
- f) **No Impact.** See discussion above. The project is reuse of an existing industrial site with no grading, ground disturbance, or additional impervious surfaces. The project, therefore, would not result in substantial effects on water quality. While it is not anticipated at this time, if

future project activities result in ground disturbance, the project would have to comply with the standard permit conditions identified below.

- g) **No Impact.** The project does not propose any residential development.
- h) **Less Than Significant Impact.** The project is located within Flood Zone D. The project site is not located within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. The City does not have any floodplain restrictions for development in Zone D. The proposed reuse of an existing industrial site would not introduce new structures that would impede or redirect flood flows.
- i) **No Impact.** The project is reuse of an existing industrial building and would not change conditions related to flooding from failure of a dam.
- j) **No Impact.** The project site is not located in an area subject to significant seiche, tsunami, or mudflow risk.

Standard Permit Conditions

While it is not anticipated at this time, if future project activities result in ground disturbance, the project would have to comply with the following permit conditions

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities would be suspended during periods of high winds.
- All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
- All trucks hauling soil, sand, and other loose materials would be covered and all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers).
- Vegetation in disturbed areas would be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system may also be installed at the request of the City.

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

J. LAND USE

Setting

The project site is located in an industrial area within the City of San José corporate limits. The site is surrounded by roadways and commercial and industrial uses. The property is designated *Heavy Industrial* in the City’s 2040 Envision San José 2040 General Plan. The project site is currently zoned HI – Heavy Industrial. The project proponent is applying for a Conditional Use Permit to allow reuse of the site for a hazardous waste transfer station. The site was previous occupied by Quest Diagnostics, which used the site for medical laboratories.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
9. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?			X		1, 2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		1, 3
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?			X		1

Explanation

- a) **Less Than Significant Impact.** The project is reuse of an existing industrial site, and would not physically divide an established community.
- b) **Less Than Significant Impact.** The project site is designated in the General Plan as *Heavy Industrial*. This category is intended for industrial users with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses. Office and research and development uses are discouraged under this designation in order to reserve development sites for traditional industrial activities, such as heavy and light manufacturing and warehousing. The *Heavy Industrial* designation is applied only to areas where heavy industrial uses presently predominate. The allowed density for this designation is a Floor Area Ratio (FAR) of up to 1.5 (1 to 3 stories in height). The proposed reuse of the existing industrial site with the transfer station is consistent with the General Plan’s *Heavy Industrial* designation. The proposed hazardous waste transfer station would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

- c) **Less Than Significant Impact.** The project site is located within the boundaries of the Santa Clara Valley HCP in an area designated as Urban-Suburban, Area 4: Urban Development Equal to or Greater Than 2 Acres Covered. The project site is not identified as sensitive habitat for special status species. Therefore, the proposed project would not result in direct impacts to any of the HCP's covered species.

The project may be required to pay HCP fees for any new vehicle trips, used to purchase conversion land for the Bay checkerspot butterfly. As a part of the development permit approval, the project shall implement the following permit condition.

Standard Permit Condition

- The project is subject to applicable Santa Clara Valley Habitat Conservation Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any building permits. The project applicant shall submit a Santa Clara Valley Habitat Conservation Plan Coverage Screening Form to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for review and will complete subsequent forms, reports, and/or studies as required.

Conclusion: The project would have a less-than-significant impact on land use and planning with implementation of standard permit conditions.

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), which was identified in the 2040 General Plan. The project site is located outside the Communications Hill area.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
10. MINERAL RESOURCES. Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	1, 2, 3
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X	1, 2, 3

Explanation

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

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




L. NOISE

Setting

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.

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 and the San José Municipal Code include the following criteria for land use compatibility and acceptable noise levels in the City:

EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS DBA)						
FROM GENERAL PLAN TABLE EC-1: Land Use Compatibility Guidelines for Community Noise in San José						
Land Use Category	Exterior DNL Value In Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arenas, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
 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-1.7 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.

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

Existing Noise Environment and Sensitive Receptors

The existing noise environment in the project area is traffic along U.S. 101, a majority 8-lane freeway located just south of the project site. The City’s General Plan EIR identified existing (2008) and future (2035) noise levels along U.S. 101 as over 75 dBA DNL (*Envision San José 2040 General Plan Comprehensive Update Environmental Noise Assessment*, Illingworth & Rodkin, Inc., December 7, 2010).

The proposed transfer station is not a noise-sensitive receptor. The site is not located near any sensitive receptors. The nearest sensitive receptors are residential uses located approximately 250 feet or more south of the project site across U.S. 101.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
11. NOISE. Would the project result in					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?			X		1, 2, 3
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X	1, 2, 3
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 2, 3
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 2, 3
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	1, 2
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	1, 2

Explanation

- a) **Less Than Significant Impact.** The project is reuse of an existing industrial site with a hazardous waste transfer station. The site has been occupied by industrial uses since the 1960's and was most recently used for medical labs until October 2016. The dominant noise source in the area is vehicular traffic on U.S. 101, a major freeway that lies just south of the project site. The nearest sensitive residential receptors are located about 250 feet south of the site across U.S. 101. The project is replacing the former industrial use on the site and would not substantially increase noise levels, due to the distance of the site from sensitive receptors and the high existing noise levels currently generated by U.S. 101 (75 dBA DNL or greater) that would mask an increases in noise from the project. The project, therefore, will not expose persons to or generation of noise levels in excess of any applicable standards.
- b) **No Impact.** The proposed industrial project is not sensitive to groundborne vibration, nor would it generate any source of groundborne vibration at nearby sensitive receptors. The nearest sensitive residential receptors are located about 250 feet south of the site across U.S. 101.
- c) **Less Than Significant Impact.** See a) above. The noise generated by reuse of the existing industrial site will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Noise will be generated on the site in the short-term during construction activities as described in d) below.

- d) **Less Than Significant Impact.** The project does not propose any site improvements, with exception of installation of a mobile loading ramp adjacent to the existing 29,600 square foot building, removal of a 1,200 square foot metal garage, and minor interior renovations to the existing 29,600 square foot building. Removal of the garage and construction of the ramp could temporarily elevate noise levels in the immediate project area. However, the nearest sensitive noise receptors are residential uses located at least 250 feet south of the site. This represents a less-than-significant impact.
- e), f) **No Impact** The project site is located about two miles southeast of the Mineta San José International Airport and is not within the vicinity of a private airstrip. The project is located outside the 65 dB noise contour established for the Mineta San José International Airport, which represents a less-than-significant noise impact on the site from flight operations.²

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

² Airport noise contours are a graphical representation of projected noise exposure levels associated with aircraft operations in areas adjacent to an airport.

M. POPULATION AND HOUSING

Setting

The population of the City of San José is approximately 1,025,350 (U.S. Census Bureau, 2016). The industrial use would not affect population and housing.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
12. POPULATION AND HOUSING. Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X		1, 2, 3
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2

Explanation

- a) **Less Than Significant Impact.** The transfer station will house approximately 62 employees, with an overall company employment of about 120. This does not represent substantial job growth in comparison to the anticipated growth in the City of 470,000 jobs by 2035 (since 2008). The site has historically been occupied by industrial uses since the 1960s.
- b) **No Impact.** The project is reuse of an existing industrial site and will not affect housing.
- c) **No Impact.** See b) above.

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

N. PUBLIC SERVICES

Setting

Fire Protection: Fire protection services are provided to the project site by the San José Fire Department (SJFD). The closest fire station to the project site is Station 34, located at 1634 Las Plumas Avenue about a mile east of the site.

Police Protection: Police protection services are provided to the project site by the San José Police Department (SJPD), headquartered at 201 West Mission Street. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:					
a) Fire protection?			X		1, 2
b) Police protection?			X		1, 2
c) Schools?				X	1, 2
d) Parks?				X	1, 2
e) Other public facilities?				X	1, 2

Explanation

- a) **Less Than Significant Impact.** The project is the conversion of an existing industrial site to a hazardous waste transfer station. The project applicant will consult with the San José Fire Department during final project design to assure appropriate fire safety measures are incorporated. The proposed hazardous waste transfer station use would not significantly impact fire protection services or require the construction of new or remodeled facilities.
- b) **Less Than Significant Impact.** The project is the conversion of an existing industrial site to a hazardous waste transfer station. The project applicant will consult with the San José Police Department during final project design to assure appropriate security measures are incorporated. The proposed hazardous waste transfer station use would not significantly impact police protection services or require the construction of new or remodeled facilities.
- c) **No Impact.** The proposed industrial use will have no adverse impacts on schools.

- d) **No Impact.** The proposed industrial use will not impact recreational services.
- e) **No Impact.** The proposed industrial use will not impact other public services, including library services.

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

O. RECREATION

Setting

The project is a self-storage development that will not affect park land and facilities in the community. The nearest park to the project site is Watson Park, about a mile south of the site. The City of San José has adopted the Parkland Dedication Ordinance and Park Impact Ordinance, which require residential developers to dedicate public park land or pay in-lieu fees (or both) to compensate for the increase in demand for neighborhood parks. The project is an industrial use and is not subject to the City’s Parkland Dedication and Park Impact Ordinances.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
14. RECREATION. Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	1, 2
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X	1, 2

Explanation

a), b) **No Impact.** The project is an industrial use without any residential or other type of commercial component proposed. No new permanent population would live or operate at the site. Therefore, the proposed transfer station will not 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, nor will it include public recreational facilities or require the construction or expansion of public recreational facilities.

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

P. TRANSPORTATION

Setting

The project site is located at 967 Mabury Road, at the intersection of Timothy Drive. Hexagon Transportation Consultants, Inc. prepared a trip generation and access study for the proposed hazardous waste transfer station, which was previously occupied by Quest Diagnostics. This traffic memo (April 26, 2018) is contained in Appendix B.

Regulatory Background

The City of San José does not require preparation of a comprehensive Transportation Impact Analysis (TIA), including intersection level of service, for projects that meet the exemption criteria identified in the City’s Level-of-Service Policy (Council Policy 5-3). One criterion states that industrial developments of 30,000 square feet (s.f.) or less are exempt from Council Policy 5-3. Since the project is proposing to reoccupy an existing approximately 29,600 square foot light industrial building, the project meets the exemption criterion. The reason the City typically does not require an intersection level of service analysis for “small” projects such as this is because once the project-generated peak hour trips are assigned to the roadway network, the trips disperse, and the number of new trips added to any intersection is effectively negligible.

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
15. TRANSPORTATION/TRAFFIC. Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X		1, 2, 7
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, 7
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, 7
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, 7
e) Result in inadequate emergency access?			X		1, 2
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X		1, 2

Explanation

- a) **Less Than Significant Impact.** The proposed transfer station has two components of business operation. The project site will house approximately 62 employees, with an overall company employment of about 120. The non-office employees will consist of either truck transport drivers (e.g., box trucks and transfer trucks) or other employees who carry out their daily activities off-site at client locations throughout the Bay Area. The box truck drivers will pick up hazardous materials from various customer locations and transport the material back to the project site each day. There will be no treatment of the hazardous material on the site. The material will be transferred to tractor trailers (i.e., transfer trucks), and the collected material will ultimately be transported to appropriate off-site, approved recycling facilities. The tractor trailers will not leave the site on a daily basis. The maximum amount of time the hazardous material will be held on the project site is 10 days.

The transfer station will have a total of 24 box trucks of various sizes. The box trucks will be deployed to customer locations to pick up materials daily on an as needed basis. It is estimated that 18 of the 24 box trucks will be used each day on average. Most box trucks will be dispatched in the morning, before 7:00 AM, to perform service visits before returning in the afternoon to end their day. Thus, most box trucks will be on the road twice each day: one outbound AM trip and one inbound PM trip. The morning departures for the 18 box trucks could occur at approximately the same time each day, while the return trips will likely be more staggered. Based on ACTenviro's description of truck operations, it is estimated that 10 percent of the box truck fleet will depart the project site during the AM peak hour of traffic, and 10 percent of the box truck fleet will return during the PM peak hour of traffic. The AM peak hour typically occurs between 7:00 AM and 9:00 AM and the PM peak hour typically occurs between 4:00 PM and 6:00 PM on a regular weekday.

On occasion, an individual box truck may be dispatched a second time on the same day. It is estimated that multiple trips will occur on a daily basis for approximately 25 percent of the box truck fleet. However, these additional daily trips will occur outside the AM and PM peak hours of traffic.

The project will operate a total of five tractor trailers. These transfer trucks will not leave the site on a daily-basis. The transfer of on-site hazardous material to various approved recycling facilities will be infrequent. Based on the description of operations provided, only 1 or 2 transfer trucks will leave the site on Mondays, Wednesdays and Fridays, and those trips will most likely occur outside the AM and PM peak hours of traffic. Thus, for trip generation purposes, it was estimated that transfer trucks will generate zero AM and PM peak hour trips.

The trip generation of the proposed hazardous waste transfer station was estimated using the Research & Development rates contained in the San José Traffic Impact Analysis Handbook, November 2009, as well as detailed information about the project's planned operation as supplied by the applicant. The trip credits for the previous use that occupied the 26,625 square foot industrial building were also estimated using the Research & Development rates. Based on ACTenviro's description of the planned station operations, additional truck trips were estimated.

Since the project will reoccupy the existing 29,625 square foot industrial building, the project will generate zero net trips associated with the building. The project is expected to generate some additional trips attributable to the box truck operations. Based on the description of truck operations provided by ACTenviro, the project is estimated to generate 45 daily truck trips, with 2 outbound truck trips occurring during the AM peak hour and 2 inbound truck trips occurring during the PM peak hour (see Table 1 below). Because the previous use was an industrial use, it is very likely that the former tenant operated trucks as well. For this reason, the traffic study concluded that the proposed project will not increase truck trips to and from the site beyond those generated by the previous tenant.

Land Use/ Vehicle Type	Size	Daily Rate	Daily Trips	AM Peak Hour			PM Peak Hour				
				Pk-Hr Rate	In	Out	Total	Pk-Hr Rate	In	Out	Total
Proposed Uses											
Research & Development ¹	29,625 SF	8.0	237	1.2	30	6	36	1.04	5	26	31
Box Trucks/Drivers ²	24 box trucks		45		0	2	2		2	0	2
<i>Project Subtotal:</i>			282		30	8	38		7	26	33
Previous Use											
Research & Development ³	29,625 SF	8.0	(237)	1.2	(30)	(6)	(36)	1.04	(5)	(26)	(31)
Net New Trips:			45		0	2	2		2	0	2
Notes: ¹ Trip generation estimates for the project are based on Research and Development rates contained in the San José Traffic Impact Analysis Handbook, November 2009. Rates are expressed in trips per 1,000 square feet. ² An average of 18 box trucks would be in use each day, with approximately 10% of box trucks departing the site during the AM peak hour and returning to the site during the PM peak hour. It is also estimated that 25% of box trucks would generate ACTenviro's 24 box trucks would be used each day on average. It is estimated that 80% of box truck drivers would depart the site during the AM peak hour and 50% of all box trucks would return to the site during the PM peak hour. It is also estimated that 25% of box trucks would generate multiple in/out trips on a typical day, but those trips would occur outside the AM and PM peak hours. ³ Trip generation estimates for the previous use are based on average rates contained in the in the San José Traffic Impact Analysis Handbook, November 2009. Rates are expressed in trips per 1,000 square feet.											

Although the project will not generate enough trips to exceed any traffic standards, the City has identified operational problems along the Oakland Road corridor at the US 101 interchange, which are due primarily to the capacity constraints of the interchange. As a result, the City has identified two key capital improvement projects: 1) modification of the U.S. 101/Oakland Road interchange, including improvements to the Oakland Road/Commercial Street intersection, and 2) construction of a new US 101/Mabury Road interchange. To fund these interchange improvements, the City has developed the US 101/Oakland/Mabury Transportation Development Policy (TDP).

As part of the Policy, a fee to fund the planned interchange improvements has been adopted. Any project that would add traffic to the US 101/Oakland Road interchange is required to participate in the TDP program. The fee for the US 101/Oakland/Mabury TDP is based on the number of PM peak hour vehicular trips that a project would add to the US 101/Oakland Road interchange. The TDP traffic impact fee currently is approximately \$35,000 per each new PM peak hour vehicle trip that would be added to the US 101/Oakland Road

interchange. The signalized intersections of Oakland Road/US 101 (South), Oakland Road/US 101 (North), and Oakland Road/Commercial Street make up the US 101/Oakland Road interchange.

Based on the PM peak hour trip generation estimates for the box trucks and the projected box truck travel routes, it is estimated that the proposed project will add 1 truck trip to the US 101/Oakland Road interchange during the PM peak hour. This assumes that half of the box trucks returning to the project site during the PM peak hour will utilize the interchange due to the project site's proximity to the interchange. However, since the previous tenant likely operated trucks as well, it is reasonable to conclude that the proposed project will not increase truck trips at the interchange beyond what the previous tenant generated. Therefore, it is anticipated at this time that the project will not be required to pay a US 101/Oakland/Mabury TDP traffic impact fee.

- b) **Less Than Significant Impact.** The project would not conflict with an applicable congestion management program, including but not limited to, level of service standards and travel demand measures. See discussion a) above.
- c) **No Impact.** The proposed transfer station will not result in any changes to air traffic patterns.
- d) **Less Than Significant Impact.** The project would not substantially increase hazards due to a design feature or incompatible uses. The traffic study included an evaluation of site access as presented below.

The site has four driveways: one inbound only driveway on Mabury Road, two inbound only driveways on Timothy Drive, and one centrally-located full access driveway on Timothy Drive. The project plans to make minor changes to the existing parking lot configuration in order to better serve the planned on-site operations (see Figure 1).

Employees (approximately 62 on-site each day) will utilize the southernmost driveway and middle driveway on Timothy Drive. The box trucks used in the collection of hazardous materials from various sites will utilize the middle driveway on Timothy Drive for ingress and egress. The box trucks will access the middle open area of the site and back into the proposed non-permanent dock high platform. The tractor trailer/transfer trucks will utilize the northernmost driveway on Timothy Drive for ingress and egress. The transfer trucks will back into the platform to receive the hazardous material from the box trucks. The material will be transferred by dolly across the platform to the tractor trailer trucks. The driveway on Mabury Road is not planned to be used except for access to the two existing parking spaces.

Although the width of the existing inbound/outbound sliding gates at the full access middle driveway are adequately wide to serve box trucks, the outbound gate does not line up well with the driveway. However, the existing 7-foot offset is not expected to create any significant operational issues for outbound box truck movements.

The site plan was reviewed for truck access by the method of truck turning-movement templates. Access at the northern driveway was reviewed for the truck type WB-50, which represents intermediate semitrailer trucks. Analysis using the appropriate truck turning template shows that the project driveway, drive aisle dimensions, and designated on-site truck turning area will be adequate to accommodate these truck types.

- e) **Less Than Significant Impact.** The project will provide adequate emergency access in accordance to the City's transportation policies.
- f) **Less Than Significant Impact.** The project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

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

Q. UTILITIES AND SERVICE SYSTEMS

Setting

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

- Wastewater Treatment: treatment and disposal provided by the San José – Santa Clara 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: Republic Services
- Natural Gas & Electricity: PG&E

Impacts and Mitigation

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		1, 2
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		1, 2
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		1, 2
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		1
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		1
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		1
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X		1

Explanation

- a) **Less Than Significant Impact.** The project will not exceed or impact wastewater treatment requirements of the applicable Regional Water Quality Control Board, since the proposed hazardous waste transfer station will not be required to obtain a permit to discharge wastewater. See also b) below.
- b) **Less Than Significant Impact.** The project is reuse of an existing industrial site with a hazardous waste transfer station. The site has been historically used for industrial uses since the 1960's; the most recent use was for medical labs until late 2016. The project site will accommodate approximately 62 employees, with an overall company employment of about 120. The non-office employees will consist of either truck transport drivers or other employees who carry out their daily activities off-site. No additional parking is proposed by the project. Based on this discussion, the reuse of the site is not expected to substantially increase water or wastewater demand, nor would it require or result in the construction of new water or wastewater treatment facilities or any expansion of existing facilities.
- c) **Less Than Significant Impact.** Construction activities would be limited to removal of a 1,200 square foot garage, interior renovations of the existing 29,600 square foot building, and installation of a raised mobile loading ramp. The project will not increase/replace any existing impervious surfaces on the site. The project, thus, is not anticipated to exceed the capacity of existing or planned storm water drainage systems.
- d) **Less Than Significant Impact.** See b) above. The proposed reuse of the industrial site will have sufficient water supplies available to serve the project.
- e) **Less Than Significant Impact.** See b) above. The project is reuse of an existing industrial site and would not impact wastewater treatment services.
- f) **Less Than Significant Impact.** See b) above. The project is reuse of an existing industrial site and would not cause the City to exceed the capacity of existing landfills.
- g) **Less Than Significant Impact.** 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 service systems.

R. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X		1-10
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		1-10
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			X		1-10

Explanation

- a) **Less Than Significant Impact.** The project is reuse of an existing industrial site with a hazardous waste transfer station. The site has been historically used for industrial uses since the 1960’s; the most recent use was for medical labs. The project site will accommodate approximately 62 employees, with an overall company employment of about 120. The non-office employees will consist of either truck transport drivers or other employees who carry out their daily activities off-site. No additional parking is proposed by the project.

Based on the above discussion and the analysis in this Initial Study, the proposed reuse of the existing industrial site 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) **Less Than Significant Impact.** See a) above. The project is reuse of an existing industrial site and will not result in significant cumulative impacts on the environment since it would not introduce a new use or increased environmental impacts, as described in this IS.
- c) **Less Than Significant Impact.** See a) above. The project is reuse of an existing industrial site and will not result environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

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

Chapter 4. References

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CHECKLIST SOURCES

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2. Project plan and site reconnaissance
3. Envision San José 2040 General Plan
4. 2014 Santa Clara County Important Farmlands Map
5. Bay Area Air Quality Management District's 2017 CEQA Guidelines
6. Phase I Assessment, 2017
7. Traffic Study, 2018
8. San José Zoning Ordinance
9. Santa Clara Valley Habitat Agency Geobrowser
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